

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 12 November, 2008
at 6:30 pm**

TABLE OF CONTENTS

AGENDA AND SUMMARY OF RECOMMENDATIONS**MAYORAL MINUTES****NOTICES OF MOTION****RESCISSION MOTIONS****MATTERS OF URGENCY****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS****GENERAL BUSINESS****General Manager's Division**

- Item 1 GM11/08 Allegation Of Breach Of Council's Code of Conduct..... 1
- Item 2 GM14/08 Review of Council's Code of Conduct..... 5

Corporate and Community Division

- Item 3 CC82/08 Quarterly Review - Operational Plan Associated with the Hornsby
Mall Strategic Management Plan 9
- Item 4 CC84/08 Tender No T12/2008: Debt Recovery Services 13
- Item 5 CC93/08 Document Access Applications 26 July - 25 September 2008 17
- Item 6 CC94/08 Declarations of Pecuniary Interest and Other Matters 22
- Item 7 CC95/08 Outstanding Council Resolutions..... 26
- Item 8 CC96/08 Community Safety Plan 28
- Item 9 CC97/08 Social Plan Report Card July 2008 - September 2008..... 33
- Item 10 CC98/08 September 2008 Investment and Borrowing Report..... 35
- Item 11 CC99/08 Approval to attend overseas conference - 12th Australasian
Congress on Genealogy & Heraldry in New Zealand from 16 to 20 January
2009 39
- Item 12 CC100/08 September 2008 Quarter Review of the 2008/09 Management
Plan and Budget..... 42
- Item 13 CC101/08 Presentation of the 2007/08 Audited Financial Statements to the
Public..... 46

Environment Division

- Item 14 EN36/08 Request to Rename a portion of Orchard Road Park, Beecroft to
Finch Park..... 49
- Item 15 EN37/08 Tree removal at 28 Larool Crescent, Thornleigh 53
- Item 16 EN38/08 Water Catchments Annual Water Quality, Estuary Management
and Catchment Remediation Performance Reports 2007/2008..... 56
- Item 17 EN39/08 Hornsby Shire Council Community Nursery Annual Report
2007/2008..... 63
- Item 18 EN40/08 2007/08 NSROC State of the Environment Report 66
- Item 19 EN41/08 Tree removal at 35 Currawong Avenue, Normanhurst 75

Item 20	EN42/08 Parks Capital Works 2008-2009 September Quarter Progress Report	78
Item 21	EN43/08 Fagan Park Entry Building Construction Tender T20/2008	80

Planning Division*Nil***Strategy Division**

Item 22	ST15/08 Strategic Human Resources Plan 2008-2012.....	85
Item 23	ST13/08 Utilisation of Consultants - July 2007 to June 2008	87

Works Division

Item 24	WK60/08 Extension of Licence for Coaching Rights, Hornsby Aquatic Centre	91
Item 25	WK61/08 Works Progress Report - September 2008 Quarter - Assets Branch	93
Item 26	WK62/08 Works Progress Report - September 2008 Quarterly - Traffic and Road Safety Branch.....	102
Item 27	WK63/08 Electricity Easement - Galston Recreation Reserve	106
Item 28	WK64/08 Works Progress Report - September 2008 Quarter - Design and Construction Branch.....	110
Item 29	WK65/08 Tender T12/2008: Plumbing Services	114
Item 30	WK66/08 Carpark Patrol Agreement - Cherrybrook Village Shopping Centre	118

SUPPLEMENTARY AGENDA**PUBLIC FORUM – NON AGENDA ITEMS****CONFIDENTIAL ITEMS**

- Item 31 CC92/08 Lease of Council Owned Commercial Premises Suite 1 Ground Floor 12-14 George Street Hornsby
- Item 32 GM15/08 Lease of Suite 2, 12-14 George Street Hornsby - Sydney Home Missions Society

MAYOR'S NOTES

- Item 33 MN2/08 Mayor's Notes from 1 to 30 September 2008 121

QUESTION OF WHICH NOTICE HAS BEEN GIVEN**QUESTIONS WITHOUT NOTICE**

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev David Godfrey, from Thornleigh Community Baptist Church, will be opening the Meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

"We recognise the traditional inhabitants of the land we are meeting on tonight, the Darug and Guringai Aboriginal people, and respect is paid to their elders and their heritage."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purpose of assisting in the accuracy of the Minutes. The recordings may be accessed by members of the public once the Minutes have been finalised and speakers are requested to ensure their comments are relevant to the issue at hand and refrain from making personal comments or criticisms."

APOLOGIES

PRESENTATIONS

DECLARATIONS OF INTEREST

Clause 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) requires that a councillor or a member of 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").

The Councillor or member of a Council committee 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.*
- (b) *at any time during which the Council or committee is voting on any question in relation to the matter.*

Clause 51A of Council's Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a conflict of interest or non 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. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

The Councillor or member of a Council committee who has a conflict of interest may still participate in the discussion and vote on the matter. In this regard particular note should be taken of Section 6.12 of Council's Code of Conduct.

CONFIRMATION OF MINUTES

THAT the Minutes of the Ordinary Council Meeting held on 8 October, 2008 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

NOTICES OF MOTION

RESCISSION MOTIONS

MATTERS OF URGENCY

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*

GENERAL MANAGER'S DIVISION**Page Number 1****Item 1 GM11/08 ALLEGATION OF BREACH OF COUNCIL'S CODE OF CONDUCT**

THAT

1. The contents of GM Report No. GM11/08 be received and noted.
2. As the Code of Conduct only applies to serving Councillors, Council determine that no good purpose would be served by pursuing this matter any further and accept that Council's resolution of 14 November 2007 is now implemented and finalised.

Page Number 5**Item 2 GM14/08 REVIEW OF COUNCIL'S CODE OF CONDUCT**

THAT:

1. Council adopt the Model Code of Conduct for Local Councils in New South Wales as amended by this Report.
2. A review of the Code occur prior to the end of April 2009 to determine if any additional supplementary provisions should be included to meet Council requirements.

CORPORATE AND COMMUNITY DIVISION**Page Number 9****Item 3 CC82/08 QUARTERLY REVIEW - OPERATIONAL PLAN ASSOCIATED WITH THE HORNSBY MALL STRATEGIC MANAGEMENT PLAN**

THAT the contents of Executive Manager's Report No. CC82/08 be received and noted.

Page Number 13**Item 4 CC84/08 TENDER NO T12/2008: DEBT RECOVERY SERVICES**

THAT Council accept the tender of Recoveries and Reconstruction (Aust) Pty Ltd for all work under Tender No T12/2008: Debt Recovery Services for a three year period with an option for Council to extend the contract for a further two years subject to performance.

Page Number 17**Item 5 CC93/08 DOCUMENT ACCESS APPLICATIONS 26 JULY - 25 SEPTEMBER 2008**

THAT the documents outlined in Attachment 2 to this Report remain exempt from release under Council's Document Access Policy.

Page Number 22**Item 6 CC94/08 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS**

THAT Council note that the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

Page Number 26**Item 7 CC95/08 OUTSTANDING COUNCIL RESOLUTIONS**

THAT the contents of Executive Manager's Report No CC95/08 be received and noted.

Page Number 28**Item 8 CC96/08 COMMUNITY SAFETY PLAN**

THAT:

1. The contents of Executive Manager's Report No CC96/08 be received and noted.
2. Subject to the allocation of a further \$15,000 in a quarterly review of the 2008/09 Budget, Council proceed with the development of a comprehensive Community Safety Plan as discussed in Report No CC96/08, with updates in respect of the Plan's development being provided on an ongoing basis to meetings of the Community, Cultural and Recreation Facilities Task Force.

Page Number 33**Item 9 CC97/08 SOCIAL PLAN REPORT CARD JULY 2008 - SEPTEMBER 2008**

THAT the Social Plan Report Card July 2008 - September 2008 be received and noted.

Page Number 35**Item 10 CC98/08 SEPTEMBER 2008 INVESTMENT AND BORROWING REPORT**

THAT the contents of Executive Manager's Report No CC98/08 be received and noted.

Page Number 39**Item 11 CC99/08 APPROVAL TO ATTEND OVERSEAS CONFERENCE - 12TH AUSTRALASIAN CONGRESS ON GENEALOGY & HERALDRY IN NEW ZEALAND FROM 16 TO 20 JANUARY 2009**

THAT Council approve the attendance of the Local Studies Coordinator at the 12th Australasian Congress on Genealogy & Heraldry in New Zealand from Friday 16 January to Tuesday 20 January 2009, and accept the reasonable cost incurred up to a total of \$2031.30

Page Number 42**Item 12 CC100/08 SEPTEMBER 2008 QUARTER REVIEW OF THE 2008/09 MANAGEMENT PLAN AND BUDGET**

THAT

1. The September 2008 Review of the Management Plan, including performance indicators be received and noted.
2. The September 2008 Budget Review be adopted.

Page Number 46**Item 13 CC101/08 PRESENTATION OF THE 2007/08 AUDITED FINANCIAL STATEMENTS TO THE PUBLIC**

THAT the General Purpose and Special Purpose Financial Reports (including the Auditor's Report) for the year ended 30 June 2008, as presented to the public on 12 November 2008, be adopted.

ENVIRONMENT DIVISION**Page Number 49****Item 14 EN36/08 REQUEST TO RENAME A PORTION OF ORCHARD ROAD PARK, BEECROFT TO FINCH PARK**

THAT Council retain the common name, "Orchard Road Park" for the parkland between Orchard Road, Beecroft and Roselea School.

Page Number 53**Item 15 EN37/08 TREE REMOVAL AT 28 LAROOOL CRESCENT, THORNLEIGH**

THAT: Council refuse consent to remove 1 x *Angophora costata* (Sydney Red Gum) located at the rear right side of 28 Larool Crescent, Thornleigh and permission be granted to crown thin the tree by 10% and remove all deadwood.

Page Number 56**Item 16 EN38/08 WATER CATCHMENTS ANNUAL WATER QUALITY, ESTUARY MANAGEMENT AND CATCHMENT REMEDIATION PERFORMANCE REPORTS 2007/2008**

THAT the contents of Executive Manager's report EN38/08 be received and noted.

Page Number 63**Item 17 EN39/08 HORNSBY SHIRE COUNCIL COMMUNITY NURSERY ANNUAL REPORT 2007/2008**

THAT: The contents of Executive Manager's Report EN39/08 be received and noted.

Page Number 66**Item 18 EN40/08 2007/08 NSROC STATE OF THE ENVIRONMENT REPORT**

THAT Council endorse the text in the DISCUSSION Section of this report for inclusion in the NSROC State of the Environment Report 2007/08.

Page Number 75**Item 19 EN41/08 TREE REMOVAL AT 35 CURRAWONG AVENUE, NORMANHURST**

THAT Council refuse consent to remove 1 x *Araucaria bidwillii* (Bunya Pine) located in the front yard of 35 Currawong Avenue Normanhurst and that the applicants adopt a maintenance schedule for the removal of juvenile fruit.

Page Number 78

**Item 20 EN42/08 PARKS CAPITAL WORKS 2008-2009 SEPTEMBER
QUARTER PROGRESS REPORT**

THAT:

1. The contents of Executive Manager's report EN42/08 be received and noted.

Page Number 80

**Item 21 EN43/08 FAGAN PARK ENTRY BUILDING CONSTRUCTION
TENDER T20/2008**

THAT Council accept the tender submitted by Avant Constructions Pty Ltd for Tender No. T20/2008 Fagan Park Entry Building Construction for the lump sum price as stated in the attached Confidential Memo (PL ENV Oct03/2008).

PLANNING DIVISION

Nil

STRATEGY DIVISION

Page Number 85

Item 22 ST15/08 STRATEGIC HUMAN RESOURCES PLAN 2008-2012

THAT the contents of Report ST15/08 be received and noted.

Page Number 87

**Item 23 ST13/08 UTILISATION OF CONSULTANTS - JULY 2007 TO
JUNE 2008**

THAT the contents of Report ST13/08 be received and noted.

WORKS DIVISION

Page Number 91

**Item 24 WK60/08 EXTENSION OF LICENCE FOR COACHING
RIGHTS, HORNSBY AQUATIC CENTRE**

THAT the licence for the professional coaching rights at Hornsby Aquatic Centre, currently held by Mr Harry Gallagher, be extended to 31 March 2009, in accordance with the terms contained in the report, and the General Manager be given authority to negotiate further monthly extensions as required pending finalisation of further arrangements.

Page Number 93

**Item 25 WK61/08 WORKS PROGRESS REPORT - SEPTEMBER 2008
QUARTER - ASSETS BRANCH**

THAT the contents of Executive Manager's Report No. WK61/08 be received and the progress of the 2008/09 Assets Branch Programmes be noted.

Page Number 102**Item 26 WK62/08 WORKS PROGRESS REPORT - SEPTEMBER 2008
QUARTERLY - TRAFFIC AND ROAD SAFETY BRANCH**

THAT Council endorse the activities undertaken by the Traffic and Road Safety Branch for the period 1 July 2008 to 30 September 2008.

Page Number 106**Item 27 WK63/08 ELECTRICITY EASEMENT - GALSTON
RECREATION RESERVE**

THAT

1. Council accept the request for Energy Australia to compulsorily acquire an easement by agreement through Galston Recreation Reserve as described in this report.
2. Council accept the offer of compensation from Energy Australia as described in this report.
3. Council apply to the Minister seeking that the proceeds received for compensation are allocated to the Reserve Trustees (R 81698) for general purposes.
4. The General Manager be provided with delegated authority to negotiate detailed terms of agreement consistent with this report.
5. The General Manager be authorised to execute any documents in relation to this matter deemed appropriate by Council's legal advisors.

Page Number 110**Item 28 WK64/08 WORKS PROGRESS REPORT - SEPTEMBER 2008
QUARTER - DESIGN AND CONSTRUCTION BRANCH**

THAT

1. The contents of Executive Manager's Report No. WK64/08 be received and noted.
2. Bayfield Road - Local Road Project – be deferred and part Bloodwood Road Arcadia Stage 2 (0.3km) be brought forward in its place.

Page Number 114**Item 29 WK65/08 TENDER T12/2008: PLUMBING SERVICES**

THAT Council accept the tenders for Tender No T21/2008: Plumbing Services, as follows:

Work category	First preference	Second preference
Parks (All plumbing works in parks and tennis courts except buildings)	T J Mathews Plumbing Services Pty Ltd	Dolphin Plumbing
Building (All plumbing works in buildings throughout the Shire including amenities buildings in parks and day to day maintenance works in aquatic centres)	Dolphin Plumbing	T J Mathews Plumbing Services Pty Ltd
Roads and drainage (All plumbing works associated with roads and drainage)	T J Mathews Plumbing Services	Dolphin Plumbing

construction and maintenance)	Pty Ltd	
-------------------------------	---------	--

Page Number 118**Item 30 WK66/08 CARPARK PATROL AGREEMENT -
CHERRYBROOK VILLAGE SHOPPING CENTRE**

THAT

1. Council approve the Carpark Patrol Agreement: Cherrybrook Village Shopping Centre between Hornsby Shire Council and BNY Trust Company of Australia Limited, and authorise the General Manager to sign this Agreement.
2. Council classify the Cherrybrook Village Shopping Centre carpark land as 'operational' land under Section 31 of the Local Government Act.

SUPPLEMENTARY AGENDA**PUBLIC FORUM – NON AGENDA ITEMS****CONFIDENTIAL ITEMS****Item 31 CC92/08 LEASE OF COUNCIL OWNED COMMERCIAL
PREMISES SUITE 1 GROUND FLOOR 12-14 GEORGE
STREET HORNSBY**

This report should be dealt with in confidential session, under s10A (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

**Item 32 GM15/08 LEASE OF SUITE 2, 12-14 GEORGE STREET
HORNSBY - SYDNEY HOME MISSIONS SOCIETY**

This report should be dealt with in confidential session, under s10A (c) (d) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

MAYOR'S NOTES**Page Number 121****Item 33 MN2/08 MAYOR'S NOTES FROM 1 TO 30 SEPTEMBER 2008**

QUESTION OF WHICH NOTICE HAS BEEN GIVEN

CONFIDENTIAL ITEMS

QUESTIONS WITHOUT NOTICE

1 ALLEGATION OF BREACH OF COUNCIL'S CODE OF CONDUCT

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council held on Wednesday 14 November 2007, Council considered the results of an investigation into an alleged breach of Council's Code of Conduct by Cr Isaac. Council resolved that Councillor Isaac accept counselling from the General Manager concerning the rules and regulations associated with Council's Code of Conduct and the Code of Meeting Practice.

At the Ordinary Meeting of Council held on 13 August 2008, Council considered a response to a Question With Notice submitted by Councillor Whitaker. Council resolved that a further invitation be extended to Councillor Isaac requiring him to conform to the resolution of Council of 14 November 2007, by 31 August 2008.

Cr Isaac attended the General Manager's office on 1 September 2008. Cr Isaac assured the General Manager that he had read and understood both the Code of Conduct and the Code of Meeting Practice, and that he would obey the law.

Cr Isaac was not re-elected at the recent Local Government Elections. As a consequence, no good purpose would be served by pursuing this matter further.

PURPOSE/OBJECTIVE

The purpose of this Report is to update Council in respect of the implementation of its resolution of 14 November 2007 and to enable Council to finalise this matter.

DISCUSSION

At the Ordinary Meeting of Council held on Wednesday 14 November 2007, Council considered General Manager's Report No. GM17/07, the purpose of which was to present to Council, the results of an investigation by Mr C Drury of DLA Phillips Fox Lawyers, into an alleged breach of Council's Code of Conduct by Cr Isaac. The Report was intended also to provide sufficient information to enable Council to make a judgement about the alleged breach and to determine what further action was appropriate.

The meeting of 14 November was addressed by Mr Clive Troy of Beecroft, Mr Neville Diamond of Asquith, Mr Joe Nagy of Wahroonga and Mr Peter Waite of Pennant Hills and subsequently Council resolved that:

1. General Manager's Report No. GM17/07 be received and noted.
2. The confidentiality in respect of Report No. GM 17/07 be removed and the Report be made publicly available
3. Councillor Isaac accept counselling from the General Manager concerning the rules and regulations associated with Council's Code of Conduct and the Code of Meeting Practice.

At the Ordinary Meeting of Council held on 13 August 2008, Council considered a response to a Question With Notice submitted by Councillor Whitaker (QWNHBG 04/08). This response outlined a brief chronology of events since the resolution of Council at its Ordinary Meeting held on 14 November 2007. The chronology follows:

- GM Letter dated 28 November 2007 (Document No.D00749507) to Cr Isaac informing him of the Council resolution and requesting a mutually agreed date for counselling.
- Letter from Cr Isaac dated 3 December 2007 (Doc No.D00753407) advising that he had contacted Ombudsman and will not respond until Ombudsman has investigated his submission.
- Letter dated 5 February 2008 (Document No.D00849151) forwarded to Cr Isaac asking whether he has received a response from the Ombudsman.
- Email from Cr Isaac dated 16 February 2008 (Document No.D00856323) – subsequently recalled.
- Letter dated 30 April 2008 requesting advice as to whether Cr Isaac has received any response from the Ombudsman.
- Further reminder letter dated 15 May 2008 requesting response.
- To date, no response has been received.

As a matter of urgency, Council gave formal consideration to the answers to the Question With Notice and resolved :

1. A further invitation be extended to Councillor Isaac requiring him to conform to the resolution of Council of 14 November 2007, by 31 August 2008. Such invitation should now include advice of the requirement of Section 440(5) of the Local Government Act for Councillors to comply with the provisions of Council's adopted Code of Conduct and that a failure to comply with an applicable requirement of a Code of Conduct can be "misbehaviour" as defined in Section 440F of the Local Government Act. Formal censure of a Councillor for misbehaviour may, if repeated over a period, lead to suspension from civic office.
2. If not resolved by 31 August 2008, a Conduct Review Committee be requested to investigate both the alleged breach of the Code of Conduct and Councillor Isaac's apparent refusal to comply with a resolution of Council.

By letter dated 18 August 2008, Cr Isaac was advised of Council's Resolution of 13 August 2008 and invited to make a suitable time prior to 31 August 2008 when counselling could be undertaken.

In response to that correspondence, Council received a letter dated 27 August 2008 from David Beattie Pty Ltd., Solicitor; copy attached. There is little value in discussing the accuracy or otherwise of the legal advice presented.

As the General Manager was in Tumut for the purposes of signing the Partnership Agreement with Tumut Shire Council on Thursday 28 and Friday 29 August 2008, arrangements were made for Cr Isaac to attend the General Manager's office at 8.30am on Monday, 1 September 2008.

Cr Isaac, accompanied by a Mr Ian Turner, attended the General Manager's office at 8.30am on Monday 1 September 2008. Notes of the meeting were taken by Mr Ian Turner and notes of the meeting were documented by the General Manager immediately following the meeting. The General Manager's notes are attached to this Report.

The General Manager forwarded to Cr Isaac, a copy of his notes. Cr Isaac has indicated by email dated 3 September 2008 that the General Manager's Notes do not match with Mr Ian Turner's Notes, which is the version that he agrees with. In response, the General Manager emailed Cr Isaac asking him to advise of any inaccuracies.

Regrettably Cr Isaac did not respond to the invitation to provide details of any inaccuracies which he considered were in the General Manager's Notes of the Meeting.

As outlined in the General Manager's Notes of the Meeting, Cr Isaac assured the General Manager that he had read and understood both the Code of Conduct and the Code of Meeting Practice.

Council's resolution of 14 November 2007 was interpreted to require the General Manager to ensure that Cr Isaac was fully aware of "the rules and regulations associated with Council's Code of Conduct and the Code of Meeting Practice"; the importance of abiding by such requirements to ensure the proper conduct of Council meetings; and a commitment to conform in future with those requirements.

Cr Isaac although not agreeing to conform with the requirements of these regulations, did indicate that he would obey the law and that was interpreted as a commitment to conform with the requirements of the Code of Conduct and the Code of Meeting Practice.

Once a person ceases to be an elected representative, he or she is no longer subject to Council's Code of Conduct. Under the circumstances, Council cannot require a response or further action from a person, nor exercise many of the options for breaches of the Code, subject to there being no breach of the law.

Cr Isaac was not elected as Mayor nor re-elected as a Councillor at the Local Government Elections held on 13 September 2008. As a consequence, no good purpose would be served by pursuing this matter further.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications

CONSULTATION

There has been no consultation in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

There is no triple bottom line in respect of this matter.

RESPONSIBLE OFFICER

The General Manager, Mr Robert Ball

RECOMMENDATION

THAT

1. The contents of GM Report No. GM11/08 be received and noted.
2. As the Code of Conduct only applies to serving Councillors, Council determine that no good purpose would be served by pursuing this matter any further and accept that Council's resolution of 14 November 2007 is now implemented and finalised.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Solicitor Response - Letter to Councillor Isaac of 18/8/2008
2. Notes of Meeting with Cr Isaac - 1 September 2008

File Reference: F2004/07038-02
Document Number: D00998547

2 REVIEW OF COUNCIL'S CODE OF CONDUCT

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council held on Wednesday 9 July 2008, Council adopted the revised Model Code of Conduct for Local Councils in NSW (Model Code) which took effect from 20 June 2008 as per an amendment to the Local Government (General) Regulation 2005. Council resolved to review the Code prior to the end of 2008 to determine if supplementary provisions should be included to meet Council requirements.

Section 440 of the Local Government Act (LGA) 1993 requires inter alia that Council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and are consistent with this section.

Consequently a revised Model Code is provided to Council for adoption in accordance with section 440 of the LGA. Council will be given the opportunity to further review the Code in 2009 after receiving proposed formal Code of Conduct training.

PURPOSE/OBJECTIVE

To present the Model Code of Conduct for Local Councils in New South Wales for Council's consideration and amendment where appropriate.

DISCUSSION

The Department of Local Government has issued the revised Model Code of Conduct which was adopted by Council in accordance with the LGA. The adopted code may also include provisions that supplement the model code.

A recommended Code of Conduct is attached to this report and incorporates provisions which were part of the Hornsby Shire Council Code based on the previous Model Code and were considered essential elements to a practical Code of Conduct for Councillors, staff, delegates, contractors and volunteers.

The Department of Local Government also supplied a detailed set of guidelines with the model code which included good practice suggestions on various sections of the model code. The following extracts are included in relation to Conflict of Interests to supplement Section 7 of the model code.

"Good practice suggestions

Lobbying

Councillors and council staff may be lobbied by a wide range of people, including individuals, organisations, companies and developers. As a general rule it is an essential element of the democratic system that any individual should be able to lobby the council or a councillor. However, particular considerations apply when councillors and council staff are dealing with statutory powers such as planning.

Councillors and council staff must consider evidence and arguments put by a wide range of organisations and individuals in order to perform their duties effectively. However, councillors should encourage lobbyists and applicants to put their views in writing to the general manager for evaluation by council staff and reporting to council of all the consequences of granting the request.

Appointments to other organisations

Councillors and council staff may be appointed or nominated by the council as a member of another body or organisation (for example, appointment to a regional organisation of councils). If so, they will be bound by the rules of conduct of both organisations.

Sponsorships

Council officials must never ask for or receive any personal benefits from a sponsorship arrangement. Sponsorships should not limit council's ability to carry out its range of functions fully and impartially or influence a council decision.

Caucus votes

Binding caucus votes on matters is inconsistent with the obligation of each councillor to consider the merits of the matter before them. Political group meetings must not be used to decide how councillors should vote on matters like development applications where there are specific statutory considerations for each decision-maker to consider.

Former Council officials

Councillors and council staff must be careful in your dealings with former council officials and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information. Former council officials must not use, or take advantage of confidential information obtained in the course of their official duties that may lead to gain or profit. At the end of their involvement with council, they must:

- *return all council property, documents or items (keys, mobile phones etc)*
- *not make public or otherwise use any confidential information gained as a consequence of your involvement with council.*

Staff political participation

Council staff must ensure that any participation in political activities does not conflict with their primary duty as an employee to serve the council of the day in a politically neutral manner."

A copy of the "Guidelines for the Model Code of Conduct for Local Councils in NSW" October 2008 can be accessed through the Department of Local Government's website <http://www.dlg.nsw.gov.au/>.

Further options for dealing with conflict of interests are set out within a NSW Ombudsman's publication "Fact Sheet No 3" which has been provided as an attachment to this report.

The amended Model Code is attached – deletions are marked out by strikethrough; additions are in bold and are underlined.

The major variations include –

- the inclusion of Relevant Council Protocol at the end of each section
- the inclusion of a reference to Council's "Management of Alcohol and Other Drugs in the Workplace" determination in sections 6.10 and 6.11

- the inclusion of additional details regarding gifts and benefits in section 8.3
- the inclusion of additional details within section 9.7 (Inappropriate interactions)
- the inclusion of a reference to the State Records Act and Council's "Records Management" determination in section 9.12
- the inclusion of additional details on the use of Council resources in section 10.12
- the inclusion of a reference to Council's "Electronic Communications Security" determination in section 10.18
- the inclusion of section 12 regarding "Contact with Children and Young People Aged Under 18 Years"
- the inclusion of section 13 "Public Comment"
- the inclusion of section 14 "Support for Staff and Councillors"
- the inclusion of additional details regarding staff sanctions in section 15.6
- the inclusion of an Appendix outlining associated Legislation, Industry guidelines, Council approved statutory documents, Council policies, Council determinations and guidelines.

The Council is also required to resolve to appoint persons independent of council to comprise the members of conduct review committees and/or to act as sole conduct reviewers. The Northern Sydney Regional Organisation of Councils (NSROC) has called for submissions from interested persons to be listed on a panel for subsequent selection. It was considered by NSROC that the establishment of a NSROC Panel would create a beneficial consistency of interpretation and behavioural patterns across the region. The matter is to be considered by the NSROC Board at its meeting to be held on Thursday 13 November 2008. Following that meeting a recommendation will be submitted to Council for its consideration.

BUDGET

There are no budget implications arising from this Report.

POLICY

The Model Code of Conduct is a statutory required document and consequently any changes to the Model Code will effect a change to Council's Policy and Code Register.

CONSULTATION

The Manager Human Resources, the Team Leader Learning and Development, the Team Leader Human Resources Administration and the Team Leader Occupational Health and Safety were consulted in regard to this report.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this Report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

Mr Brian Thompson, Internal Auditor.

RECOMMENDATION

THAT:

1. Council adopt the Model Code of Conduct for Local Councils in New South Wales as amended by this Report.
2. A review of the Code occur prior to the end of April 2009 to determine if any additional supplementary provisions should be included to meet Council requirements.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Amended Code of Conduct
2. NSW Ombudsman - Fact Sheet 3

File Reference: F2004/07037
Document Number: D01036112

3 QUARTERLY REVIEW - OPERATIONAL PLAN ASSOCIATED WITH THE HORNSBY MALL STRATEGIC MANAGEMENT PLAN

EXECUTIVE SUMMARY

At the 12 December 2007 Ordinary Meeting Council adopted a 12 month Operational Plan in respect of various Key Actions contained within the Hornsby Mall Strategic Management Plan (HMSMP). Council requested that reports outlining the progress on the implementation of the Key Actions be provided for consideration on a quarterly basis.

A table has been prepared which outlines progress achieved in the implementation of the Key Actions for the quarter ending 31 August 2008. Comments regarding certain Key Actions are also provided in the DISCUSSION section of this Report.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide information and seek Council's endorsement in respect of progress, as at 31 August 2008, on the implementation of the Key Actions contained within the 12 month operational plan associated with the HMSMP.

DISCUSSION

At the 12 December 2007 Ordinary Meeting (see Report No CC113/07) Council, as the interim Hornsby Mall Leadership Group, adopted a further 12 month Operational Plan in respect of various Key Actions contained within the HMSMP. The Plan included a number of uncompleted Key Actions from the initial 12 month plan that, due to a variety of reasons, were still to be finalised. Council requested that reports outlining the progress on the implementation of the Key Actions be provided for consideration on a quarterly basis.

Attachment 1 to this Report provides a summary of the progress on implementation of the Key Actions. Detailed comments concerning the progress of certain Keys Actions are provided below:

Key Action 2.3 Events and Entertainment Program

At the June 2008 meeting of the Vibrant Hornsby Mall Task Group it was agreed to implement the 12 month event/entertainment activity plan as outlined in Attachment 2. The Task Group also agreed that should any other event or entertainment opportunities arise, every effort would be made to ensure they were incorporated into the Plan. In support of this undertaking, the Task Group, in partnership with the Hornsby and District Chamber of Commerce and Industry, conducted the inaugural "Winter Wonderland" promotion each Wednesday throughout August 2008 in the Mall. The promotion provided Hornsby Mall and local retailers the opportunity to promote their businesses using a winter theme. Roving and static entertainment, together with an ice sculpting display, also formed part of the promotion providing interest and activity for visitors to the Mall. Having regard to the success of this promotion, the Task Group will ensure that this activity is incorporated as an annual activity within the Plan.

Key Action 2.4 Small Business Joint Marketing Venture

At the June 2008 meeting of the Vibrant Hornsby Mall Task Group, a proposal to develop a “Mall Passport” to promote the Hornsby Mall and adjoining retailers was discussed. The proposal involves the development and distribution of a “passport” containing discount vouchers and promotions of products/services of Hornsby Mall retailers that visitors/users would be able to redeem when shopping in the Mall. A passport design is currently being developed and will be further considered by the Task Group at their November 2008 meeting.

Key Action 3.1 Hornsby Mall Ambassadors

Despite applicant interviews and a further recruitment process undertaken with the assistance of a local employment agency, difficulties have been experienced in locating four suitable applicants whose appointment would be necessary to implement the agreed Hornsby Mall Ambassador resourcing programme. Discussions with the principal of the local employment agency identified that whilst there had been a reasonable level of interest in respect of the Mall Ambassador positions, the combination of weekday and weekend shift rostering had adversely impacted on the attractiveness of the role. As a consequence, a revised resourcing proposal has now been developed for consideration by the General Manager.

Key Action 3.4 Monitoring

At a Mayoral meeting with the consultants who had proposed the development of a community safety plan on Council’s behalf, the consultants indicated that they would provide Council officers with further information concerning their involvement and experience in the development of plans for their other client councils. The information has not been forthcoming, and as a consequence, the Manager, Community Services has obtained quotations from three other consultants to prepare the Community Safety Plan. The three proposals will be submitted to the November 2008 Ordinary Meeting (see Report No CC96/08) for Council’s consideration and allocation of funding as necessary.

Key Action 3.6 Education Programs

At the June 2008 Hornsby Mall Safety Group meeting it was agreed that relevant Council officers would meet with the President of the Hornsby and District Chamber of Commerce and Industry to discuss and identify strategies that may assist in generating greater participation and awareness of the “Biz Safe” program amongst Hornsby Mall retailers. This meeting is planned to occur in November 2008 to identify appropriate strategies for implementation during the remainder of 2008 and 2009.

Key Action 4.5 Community Art

Following the adoption of Council’s Cultural Plan, Council officers are now developing a Public Art Policy that may incorporate the installation of community art in the Hornsby Mall. As the Policy is anticipated to be completed by the end of December 2008, Key Action 4.5 will be held in abeyance at this point in time.

Key Action 5.3 Business Development Program

Following the allocation of funding in Council’s 2008/09 Budget, Strategy Division officers have now commenced action to develop interdivisional work plans to assist in implementation of a Business Development Program which will incorporate businesses located within the Hornsby Mall.

Key Action 5.7 Integrating Hornsby Town Centre

Following the allocation of funding in the 2008/09 Budget, Strategy Division officers have now commenced action to develop appropriate work plans that will address this Key Action in line with Council's Economic Development Strategy 2007 - 2011.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

No Council policies are affected by this Report.

CONSULTATION

There has been consultation in the preparation of this Report with the Manager, Community Services Branch; Council's Community Development Officer Arts/Cultural Planning; and officers of the Strategy Division.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line (TBL) attempts to improve Council's decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's Strategic Themes.

A TBL assessment is not required for this quarterly progress report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Commercial Property, Mr Rod Drummond who can be contacted on 9847 6589.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC82/08 be received and noted.

ROD DRUMMOND
Manager - Commercial Property
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Hornsby Mall Strategic Management Plan Twelve Month Operational Plan Key Actions Quarterly Update as at 31 August 2008 (6 Pages)
2. Twelve Month Activity Plan for Hornsby Mall (1 Page)

File Reference: F2005/00923

Document Number: D01000757

4 TENDER NO T12/2008: DEBT RECOVERY SERVICES

EXECUTIVE SUMMARY

The processing of Tender No T12/2008: Debt Recovery Services, including an assessment of weighted and mandatory criteria which were required to be addressed in tenders, has recently been finalised.

Based on the assessment process, the recommendation is that Council accept the tender of Recoveries and Reconstruction (Aust) Pty Ltd for all work under Tender No T12/2008 for a three year period with an option for Council to extend the contract for a further two years subject to performance.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide a recommendation for the acceptance of a preferred tender in respect of Tender No T12/2008: Debt Recovery Services.

DISCUSSION

Tender No T12/2008: Debt Recovery Services was advertised in the Sydney Morning Herald and the North Shore Times with a closing date of 11 June 2008. The tender indicated Council's requirement for a suitably qualified and experienced debt recovery service provider to assist in the collection of outstanding rates and sundry debts. The tender contract is proposed to be for a period of three years with an option for Council to extend for a further two years subject to performance.

The provision of debt recovery services are cost neutral to Council as any applicable debt recovery costs are able to be charged against the debtor. This is allowable under Section 550 of the Local Government Act, Schedule 1 of the Civil Procedure Regulations 2005 and Schedule 2 of the Legal Profession Regulation 2005.

It is noted that Council manages rate payments for approximately 56,000 properties and issues approximately 13,000 invoices per annum for other types of debts including inspections, community hall hire, commercial waste services, reserves and park bookings, etc.

Responses to Tender No T12/2008 were received from Recoveries and Reconstruction (Aust) Pty Ltd; Outstanding Collections Pty Ltd; Integrity Debt Managements; Executive Collections; Charter Mercantile; Commercial Credit; and Legal Force. The Tender Evaluation team used mandatory and weighted criteria to assess the tenders.

The mandatory criteria were **Trading Terms** (i.e. payment by EFT and 30 days from invoice); **Invoices** (i.e. show all payment details); **Capability and Capacity** (i.e. the ability to provide services as required now and in the future); **Code of Conduct** (i.e. operating in accordance with Council's Code of Conduct); **Warranties and Insurances** (i.e. public liability insurance greater than \$20 million); **Reports** (i.e. debtors related reports); **Communication and Contact Details** (i.e. provide an account manager); **Service Provider**

Reviews (i.e. establish KPI's, timelines for reviews); **Validity of Tender** (i.e. the tender submitted is valid for 120 days); **Technical Advice** (i.e. no cost to provide technical advice as requested); **Cost Variation** (i.e. any changes to costs must be submitted in writing); and **Trade Practices Act** (i.e. compliance with the Act).

The weighted criteria and their weightings were as follows:

Commercial

- Schedule of costs (Weighting = 5)
- Prices for services provided outside normal service requirements (Weighting = 5)

Service Expectations

- Service Requirements (Weighting = 8)

Sustainability and Environment

- Environmental policy and environmental management systems (Weighting = 6)
- Labour (Weighting = 6)

Quality Management

- Accreditation (Weighting = 8)
- Superior service (Weighting = 8)
- Problem solving (Weighting = 8)

Understanding Our Requirements and Supplier Requirements (Weighting = 8)

Contingency Plans (Weighting = 8)

Company Profile (Weighting = 7)

References (Weighting = 5)

Local Government Experience (Weighting = 8)

Legal Advice and Support (Weighting 10)

Collection Methodology (Weighting = 10)

Requirements for Receiving Debtor Information (Weighting = 7)

Reporting Functionality (Weighting = 10)

Compliance with State and Federal Legislation (Weighting = 10)

Code of Ethics (Weighting = 10)

The tender responses were scored using a scoring methodology from 0 – 5, with 0 being unsatisfactory (fails to meet criteria) to 5 being excellent (fully satisfies the criteria). These scores were then multiplied by the relevant weightings to give a total final score.

Final supplier scores were as follows:

Supplier	Score	Ranking
----------	-------	---------

Recoveries and Reconstruction (Aust) Pty Ltd	2049	1
Outstanding Collections Pty Ltd	1859	2
Integrity Debt Management Pty Ltd	1836	3
Executive Collections Pty Ltd	1526	4
Charter Mercantile Pty Ltd	1524	5
Commercial Credit Pty Ltd	874	6
Legal Force Pty Ltd	717	7

Based on those scores, it is recommended that Council accept the tender of Recoveries and Reconstruction (Aust) Pty Ltd for all work under Tender No T12/2008: Debt Recovery Services for a three year period with an option for Council to extend the contract for a further two years subject to performance.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

The tender has been evaluated by the Tender Evaluation team comprising:

- Robyn McKenzie (Procurement Manager)
- Michael Crea (Team Leader Revenue)
- Jenny Quigley (Debtors Coordinator)

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line attempts to improve Council's decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's Strategic Theme. As such, the following Triple Bottom Line considerations apply to this Report.

Conserving our natural environment

The weighted criteria addressed sustainability criteria.

Maintaining sound corporate and financial management

The evaluation process considered the commercial arrangements for debt recovery services.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Financial Services - Mr. Glen Magus. He can be contacted on 9847 6635.

RECOMMENDATION

THAT Council accept the tender of Recoveries and Reconstruction (Aust) Pty Ltd for all work under Tender No T12/2008: Debt Recovery Services for a three year period with an option for Council to extend the contract for a further two years subject to performance.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00263
Document Number: D01002313

5 DOCUMENT ACCESS APPLICATIONS 26 JULY - 25 SEPTEMBER 2008

EXECUTIVE SUMMARY

At its Ordinary Meeting of 12 March 1997, Council adopted a Document Access Policy to facilitate access by members of the public to documents held by Council. The Policy was last amended at the Ordinary Meeting of 11 April 2007 and a copy of the current version is included as Attachment 1. The Policy is made having regard to Section 12 of the Local Government Act which requires that Council consider restrictions placed on access to information, and the reasons for such restrictions, within three months of the original request. This Report allows such consideration by Council and recommends that the relevant documents as outlined in Attachment 2 to this Report remain exempt from release under Council's Document Access Policy.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with the opportunity to review restrictions that have been placed on access to information under Council's Document Access Policy during the period 26 July to 25 September 2008 and to make the reasons for those restrictions publicly available.

DISCUSSION

Section 12A of the Local Government Act requires Council to review any restrictions of access to information on a quarterly basis as follows:-

- (1) *If the general manager or any other member of staff of a council decides that access to a document or other information held by the council should not be given to the public or councillor, the person concerned must provide the council with written reasons for the restriction.*
- (2) *The reasons must be publicly available.*
- (3) *The council must review any such restriction no later than three months after it is imposed.*
- (4) *The council must, at the request of any other person made after the expiry of a period of three months after that review (or of a period of three months after the most recent of any subsequent reviews), carry out a further review of the restriction.*
- (5) *The council must remove the restriction if, at any time:*
 - (a) *it finds that there are no grounds for the restriction, or*
 - (b) *access to the relevant document or other information is obtained under the Freedom of Information Act 1989.*

- (6) *A review is not required under this section if the restriction concerned has been removed."*

Applications Received 26 July to 25 September 2008

There were 186 applications processed under Council's Document Access Policy in the period 26 July to 25 September 2008. The time taken to process these 186 applications was 225 hours. An additional 66 applications were received but not finalised at the time of writing of this Report and these 66 applications will be included in the report for the next processing period.

The processing time service goal for Document Access Applications is determined as being less than the time allowed for a determination of an application under the Freedom of Information Act (currently 21 calendar days). The average processing time for applications received in the current reporting period was just over 24 calendar days. This is a reduction of four days in the processing time as shown in the previous reporting period.

Restricted Access

Following receipt of applications under the Document Access Policy, files are reviewed by the Information Access Officer or the Freedom of Information Officer, Administration Services Branch, to determine if any documents fall within any of the exceptions outlined in Paragraphs 3(a) - 3(k) of the Policy and if access should be restricted. Of the 186 applications processed in the period, 12 applications resulted in restricted access to Council files. In total, 49 documents from those restricted access files fell within the provisions of paragraphs 3(a) - 3(k) of the Document Access Policy.

Review of Access

A schedule of the 49 restricted access documents that fell within paragraphs 3(a) - 3(k) of the Document Access Policy is set out in Attachment 2. Specific explanation of those restrictions is provided for each application as part of the attached schedule, however, as an overall guide the following explanatory notes in respect of paragraphs 3(a) - 3(k) are also provided. In making a decision about whether documents should be released or restricted, regard is given to Section 12 of the Local Government Act, Council's Document Access Policy and the NSW FOI Manual issued by the Office of the NSW Ombudsman. Consideration is also given to the Privacy and Personal Information Protection Act 1998, the Health Records and Information Privacy Act 2002 and Council's Privacy Management Plan.

Contrary to the Public Interest (PI) - **Paragraph 3(a)** of the Document Access Policy states that a document is not to be released where access to the document would be contrary to the public interest. This is a difficult concept to define and each application must be judged on its merits taking into consideration Privacy and Freedom of Information guidelines and Council's Policy. No documents were considered to fall within this category during the reporting period.

Personnel Matters (PS) - In accordance with **Paragraph 3(b)** of the Document Access Policy, documents dealing with personnel matters concerning particular individuals are restricted from access. No documents were considered to fall within this category during the reporting period.

Personal Hardship (PH) - Where documents contain information about the personal hardship of a resident or ratepayer, the personal details are removed in accordance with **Paragraph 3(c)** of the Document Access Policy, and most of the requested documents are released. During the subject period, no documents were identified as containing information about the personal hardship of a resident or ratepayer.

Trade Secrets (TS) - Any part of a document that is deemed to be dealing with trade secrets remains restricted from access under **Paragraph 3(d)** of Council's Document Access Policy. No documents were considered to fall within this category during the reporting period.

Prejudice the maintenance of the Law (PL) - **Paragraph 3(e)** of the Document Access Policy states information should not be released that, if disclosed, would prejudice the maintenance of law. No documents were considered to fall within this category during the reporting period.

Security of Council (SC) - **Paragraph 3(f)** of the Document Access Policy restricts information containing matters affecting the security of Council, Councillors, Council staff or Council property. No documents were considered to fall within this category during the reporting period.

Breach of an Act (BA) - **Paragraph 3(g)** of the Document Access Policy states that no document should be released the disclosure of which would constitute an offence against an Act. During the reporting period, 30 documents were withheld in accordance with this Clause.

Plans and Specifications (RP) - Under **Paragraph 3(h)** of Council's Document Access Policy any plans or specifications showing residential parts of a building, other than its height and external configuration, are not to be released to the public. During the reporting period, seven documents were found to contain such information.

Commercial Privilege (CP) - **Paragraph 3(i)** restricts commercial information of a confidential nature which would, if disclosed, be likely to prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of the Council; or to reveal a trade secret. During the reporting period one document was judged as being subject to commercial privilege.

Commercial Advantage (CA) - **Paragraph 3(j)** restricts information of a commercial nature which would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. No documents were considered to fall within this category during the reporting period.

Legal Professional Privilege (PR) - **Paragraph 3(k)** of the Document Access Policy provides that a document is not to be released where any part of it contains advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. Such documents fall within one of three categories:

- (i) legal advice regarding any legal action in which Council is involved or is likely to be involved;
- (ii) any information that was brought into existence for the sole purpose of obtaining or giving legal advice; or
- (iii) advice on Council's prospects of winning a court case or other form of litigation.

During the reporting period, 11 documents were judged as being subject to legal professional privilege.

General Manager (GM) - Some applications are dealt with directly by the General Manager in accordance with **Section 12A of the Local Government Act - Restriction of Access to Information** mentioned at the beginning of this section of the Report. In these instances, the applications are registered under Council's Document Access Policy and responded to personally by the General Manager. No documents were dealt with directly by the General Manager during this reporting period.

The reasons for restricting access to the above documents under Council's Document Access Policy still stand, and as such the documents should remain exempt.

Freedom of Information Applications

During this reporting period, five new Freedom of Information (FOI) applications were received and a further three applications were carried over from the previous period giving a total of eight applications that were processed within the period. Of these eight applications, seven applications have been determined and there is one application that is being carried over to the next reporting period. In addition a further eight applications were the subject of Internal Review. All of these applications for Internal Review are being carried over to the next reporting period. The time spent processing FOI applications by Council staff during the reporting period was approximately 112 hours. It should be noted that six of the eight FOI applications, and seven of the eight applications for Internal Review were carried out on behalf of the same applicant.

Privacy and Personal Information Protection Act

One new application was received under the Privacy and Personal Information Protection Act (PPIPA) during the period.

BUDGET

The Local Government Act states that Council must allow inspection of documents at no charge and provide copies either free of charge or on payment of reasonable copying fees. To obtain an accurate representation of impact on resources, this Report includes graphical representation depicting the total number of applications, the number of restricted applications, the number of restricted documents, the number of file parts and electronic documents reviewed, and the number of staff hours involved in processing the applications. This graph is included as Attachment 3. These figures do not include any FOI or PPIPA applications.

In addition to the 337 hours invested in processing the 186 Document Access applications, and the above FOI applications, extra time was also spent carrying out various ad-hoc functions in relation to Document Access, Freedom of Information and Privacy matters, e.g. photocopying documents, explaining access to information and privacy issues to Council customers (both in person and over the telephone), attending training sessions and coordinating Pecuniary Interest Declaration returns for designated staff and Councillors. The time utilised on these other activities was approximately 194 hours.

POLICY

This Report deals with the requirements of Council's Document Access Policy. A copy of the Policy is included as Attachment 1.

CONSULTATION

There has been consultation with various Council staff in the determinations made in respect of the applications made under Council's Document Access Policy, the Freedom of Information Act and the Privacy and Personal Information Protection Act.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this Report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officers responsible for preparation of this Report are Council's Freedom of Information Officer - Stephen Waller, telephone 9847 6749, and the Manager, Administration Services Branch – Robyn Abicair, telephone 9847 6608.

RECOMMENDATION

THAT the documents outlined in Attachment 2 to this Report remain exempt from release under Council's Document Access Policy.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Document Access Policy
2. Schedule of Documents
3. Processing Volume for Document Access Applications, November 2007 - September 2008

File Reference: F2006/00479-02
Document Number: D01012642

6 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS

EXECUTIVE SUMMARY

Section 449 of the Local Government Act (the Act) details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Return/s by Councillors and Designated Persons. Section 450A(2) of the Act details the reporting requirements associated with the lodgement of such Returns. In accordance with those Sections of the Act, this Report provides information regarding the various Returns recently lodged with the General Manager. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Return/s lodged with the General Manager have been tabled in accordance with the Local Government Act.

PURPOSE/OBJECTIVE

The purpose of this Report is to table the Disclosure of Pecuniary Interests and Other Matters Returns lodged by Councillors/Designated Persons who have left, commenced with, or internally transferred to a relevant position within Council.

DISCUSSION

Section 449(1) of the Act requires a Councillor or Designated Person to complete and lodge with the General Manager a Disclosure of Pecuniary Interests and Other Matters Return within three months after becoming a Councillor or a Designated Person. Section 449(3) requires a Councillor or 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. Section 449(5) states that nothing prevents a Councillor or Designated Person from lodging more than one Return in any year.

Section 450A(2) of the Act requires that Returns lodged under Section 449 are to be tabled at a meeting of Council. Returns lodged under Sections 449(1) and 449(3) are to be tabled at the first meeting held after the last day for lodgement under those Sections; and Returns lodged for any other reason 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 (i.e. they are lodged under S449(3)). These Returns are tabled at the October Ordinary Meeting of Council in that year. (*N.B. Due to the Local Government elections held on 13 September 2008, the tabling of this year's Returns was held over to the 12 November Ordinary Meeting*);
- require newly elected Councillors or newly appointed Designated Persons to lodge Returns to the General Manager within three months of their election/appointment (i.e. they are lodged under S449(1)). These Returns are tabled at the next available Ordinary Meeting of Council; and

- 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 Ordinary Meeting of Council.

Returns lodged in accordance with Section 449(1) of the Local Government Act and Council's Procedures

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns in accordance with this section of the Act at the Ordinary Meeting held on 13 August 2008 - Report No CC72/08. Since that time, 11 additional Returns have been lodged with the General Manager and are now tabled as required by the Local Government Act. Details of these Returns are as follows:

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
07/08/2008	Community Relations Manager	New Employee
28/08/2008	Environmental Health & Building Surveyor	Resignation
10/09/2008	Councillor	End of Term
12/09/2008	Executive Manager Planning	New Employee
15/09/2008	Councillor	End of Term
17/09/2008	Development Assessment Officer	New Employee
23/09/2008	Development Assessment Officer	New Employee
23/09/2008	Cook – Westleigh Nursery & Preschool	Resignation
29/09/2008	Councillor	End of Term
08/10/2008	Development Assessment Officer	New Employee
14/10/2008	Administration Services Co- ordinator	Resignation

Returns lodged in accordance with Section 449(3) of the Local Government Act

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters under Section 449(3) at the Ordinary Meeting held on 10 October 2007. In preparation for the Report being tabled at tonight's Meeting, a list of Designated Persons was circulated to Executive Managers and Branch Managers for updating in June 2008. The updated list was forwarded to the Acting General Manager for approval on 9 July 2008. On 17 July 2008, additional information including Circular 05/24 from the Department of Local Government, and some helpful hints from the Local Government (General) Regulations regarding filling in the return, as well as the Pecuniary Interest Disclosure form itself, was distributed to Councillors/Designated Persons with a request that it be returned to the Administration Services Branch by 1 August 2008. Several subsequent reminders were communicated to Councillors/Designated Persons to ensure they were lodged in the required timeframe.

At the time of writing this Report, two Disclosures of Pecuniary Interest and Other Matters Returns have not been submitted to the Administration Services Branch in accordance with the above requirements. These two Returns are in respect of Designated Persons who are on extended leave from Council employment and have been unable to be contacted. Should their

Returns be received prior to Council's consideration of this Report, advice will be provided to Councillors in the form of a Late Items Memo.

All other Pecuniary Interest Declaration Returns lodged under Section 449(3) with the General Manager are now tabled as required by the Local Government Act. All Returns are held in a Register maintained by Council's Freedom of Information Officer.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

Consultation has occurred with those required to complete a Disclosure of Pecuniary Interests and Other Matters Return.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this Report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Council's Freedom of Information Officer – Stephen Waller who can be contacted on 9847 6749.

RECOMMENDATION

THAT Council note that the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00327

Document Number: D01014755

7 OUTSTANDING COUNCIL RESOLUTIONS

EXECUTIVE SUMMARY

Council's Policy dealing with Council Resolutions includes a clause which requires that a quarterly report be provided to Council detailing any resolution that had not been substantially implemented within two months of it being adopted and the reason/s why it had not been finalised. This Report includes an attachment which provides the necessary updates.

PURPOSE/OBJECTIVE

The purpose of this Report is to comply with Council's Policy by providing details in respect of any Council resolutions up until the end of May 2008 which remain outstanding. Subsequent reports will be provided on a quarterly basis and will progressively include further resolutions that have not been substantially implemented. Due to the recent local government elections, this Report was unable to be considered by Council during September and October as would normally be the case.

DISCUSSION

In accordance with Council's Policy, each Division has carried out a review of any Council resolutions up until the end of May 2008 which remain outstanding. This has resulted in the attached spreadsheet being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

- Report Number and Name
- Outstanding Resolution
- Latest Status
- Comment

In preparing Outstanding Resolutions reports, the General Manager and Executive Managers give special consideration to any long outstanding resolutions and, where such resolutions exist, provide comments about whether further action may be unlikely or impractical. In these cases Council may wish to determine whether or not the item should be removed from further reporting in the Outstanding Resolutions Report.

BUDGET

Any budgetary implications are included in the relevant report or in the "Latest Status" column of the attached spreadsheet.

POLICY

This Report meets the requirements of Council's Policy dealing with Council Resolutions.

CONSULTATION

Each Division with outstanding resolutions has contributed to the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

Any Triple Bottom Line considerations are detailed in the relevant section of individual Reports.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Council Meetings Administrative Officer – Lauren Barrett who can be contacted on 9847 6836.

RECOMMENDATION

THAT the contents of Executive Manager's Report No CC95/08 be received and noted.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Resolutions - as at 31 May 2008

File Reference: F2005/00112
Document Number: D01015303

8 COMMUNITY SAFETY PLAN

EXECUTIVE SUMMARY

In Report No CC24/03, Council resolved to include community safety as an optional issue to be addressed in the Social Plan 2005 - 2010. An informal scoping paper on community safety was subsequently developed and it was noted in Report No CC101/05 that there were not sufficient staffing resources to develop and implement a comprehensive Community Safety Plan.

In 2008, Council considered Report No. CC06/08 which, amongst other things, discussed the installation of Closed Circuit Television (CCTV) in the Hornsby Mall through a funding/sponsorship proposal. It was noted in the Report that the production and adoption of a Community Safety Plan is a required step in the process to install CCTV in a public place.

As a result of this Report, Council allocated funds for the development of a basic Community Safety Plan by a security management consultant. As the consultants were unable to provide requested details relating to their previous experience, the Community, Cultural and Recreation Facilities Task Force supported officers' recommendations that further quotes be sought for the preparation of a Plan.

This Report proposes that, subject to the allocation of further funding of \$15,000 in a quarterly review of the 2008/09 Budget, a comprehensive Community Safety Plan be developed which will be of benefit to the community whether or not Council progresses with an assessment of CCTV in the Hornsby Mall.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with updated details, and an estimate of additional funds which would need to be allocated in a quarterly review of the 2008/09 Budget, if Council is to progress the development of a Community Safety Plan for the Shire. It also provides an update in respect of a funding/sponsorship proposal for the placement of CCTV in the Hornsby Mall.

DISCUSSION

Community Safety Plan

In February 2008, Council considered Report No CC06/08 (copy attached) and resolved that:

1. *The contents of Executive Manager's Report CC06/08 be received and noted.*
2. *Council proceed with the development of a Community Safety Plan and allocate appropriate funding in the March 2008 Quarter Budget Review or in the preparation of the 2008/09 Budget*
3. *When details of the proposed funding sponsorship proposal in respect of the supply of CCTV equipment for use in the Hornsby Mall are received, they be referred to the relevant Divisions for consideration of technical and other requirements.*

4. *A further report be prepared for Council's consideration when additional information in respect of either 2. and 3. above has been received and assessed.*

Following the Meeting, ongoing discussions were held with the security management consultant referred to in Report No CC06/08 and funds were allocated by Council for the preparation of a Plan. Unfortunately, the consultants were unable to provide details of relevant referees or examples of their previous productions of Community Safety Plans for local government clients. This was reported to the Community, Cultural and Recreation Facilities Task Force who supported officers' recommendations that further quotes be sought for the preparation of a Plan.

As the production costs of any type of planning document can vary depending upon the amount of research, stakeholder engagement and integration required from the Plan, three consultants with expertise in the production of Community Safety Plans and Crime Prevention Plans, as well as being conversant in the issues associated with the installation of CCTV, were asked to provide a "sliding scale" quote on the production of a Plan. Quotations were received from CHD Partners, Twisted Art and State Protection Security.

The quotations vary depending upon the depth and breadth of community and stakeholder consultation and also the variety of safety issues to be addressed. The details of the quotations are considered to be commercial in confidence and have been appropriately registered in Council's document management system by the Manager, Community Services

Whilst the genesis of the current attention on community safety has been driven by opportunities to install CCTV in the Hornsby Mall, the definition of community safety within a social planning context is broad and relates to both crime prevention and general community health and safety issues. Issues associated with community safety may include drug and alcohol issues, pedestrian and road safety as well as other personal safety issues. CCTV plays an important role in perceptions of community safety and can be used as part of a comprehensive strategy to promote safer communities.

In initially assessing the quotations from the three consultants, reference has been made to the Community Safety Discussion Paper that was produced by the Community Services Branch in 2003 as well as the issues that were raised by the community in the production of the Social Plans 2005 - 2010. Whilst the development of a basic Community Safety Plan referred to in Report No CC06/08 would be sufficient to meet the guidelines associated with the installation of CCTV, officers believe it is appropriate that Council now take the opportunity to consider the allocation of a further \$15,000 in a 2008/09 Budget Review to allow for the production of a more comprehensive plan which encompasses the definition of community safety provided above.

A commitment by Hornsby Shire Council to the development of a comprehensive Community Safety Plan would offer the following benefits:-

- Ensure that a number of effective strategies are developed to enhance health and safety in the Hornsby community;
- Provide a point of co-ordination for Council's current safety and security activities;
- Development of effective broad based partnerships focusing on the reduction of crime and enhancement of safety;
- Enhance the perception of a safe Hornsby community; and
- Achieve the safety related objectives detailed in Council's Social Plan 2005 - 2010.

The production of a comprehensive Community Safety Plan should link community identified issues with strategic responses from Council and various other stakeholders. The following community safety issues have been identified in the production of the Social Plan 2005 - 2010.

Issue	Group affected	Current response
Safety in public places, malls and playgrounds	Children and young people	Hornsby Mall Safety Committee (partial) Crime Prevention by Environmental Design
Fear of crime	Women and older people	Crime Prevention by Environmental Design
Homophobic violence and safe places programmes	Sexually diverse people	Gays and Lesbians @ Hornsby (Support Group)
Falls prevention and other "health" related safety	Older people	Over 50 Leisure and Learning Centres
Pedestrian safety	Children and families, people with a disability	Road Safety Officer
Drug and alcohol related issues	Various	Community Drug Action Team
Liquor licensing issues	Various	Liquor Accord
Safety on public transport	Young people and older people	Nil
General road safety – young people and older people	Young people and older people	Various community education programmes. Road Safety Officer
Domestic violence	Families	Hornsby Ku-ring-gai Domestic Violence Network

It is noted that community safety is an issue that is addressed or considered across the various Divisions of Council and is not the domain of one Branch. A Community Safety Plan will make clear the various roles that the Divisions of Council play in ensuring that the current levels of community safety are maintained and improved. By engaging in a planning process to address community safety, consideration will be given to current best practice such that new and more effective methods of enhancing community safety can be identified.

Update on Sponsorship Proposal for CCTV in the Hornsby Mall

At the October 2008 meeting of the Hornsby Mall Safety Group, advice was provided by the Security Manager of Westfield Hornsby that discussions were still being held with the potential sponsors of the CCTV equipment proposed for the Hornsby Mall and it was anticipated that a response from the potential sponsors should be tabled at the November 2008 meeting of the Group. Given that no update is available on this issue at the time of writing, it is proposed that a further report on the matter be submitted for Council's consideration once information becomes available and is assessed by the relevant Divisions.

Conclusion

As previously reported, the development of a Community Safety Plan is a key step that must be undertaken when considering the implementation of CCTV in public areas.

If a funding/sponsorship proposal for the placement of CCTV in the Hornsby Mall is forthcoming as has been promised for some time, Council's assessment of the proposal will need to have regard to an adopted Community Safety Plan. Also, as mentioned in previous reports on this matter, the assessment will need to carefully consider whether Council should become involved in an arrangement whereby it is effectively supporting cost shifting to Council from the State Government of some of the law and order responsibilities in the Hornsby CBD.

The development of a comprehensive Community Safety Plan as discussed in this Report will provide Council with a document which ensures that an integrated, multi-agency approach to crime prevention and community safety is developed and implemented for the benefit of existing and future residents of the whole of the Hornsby Shire i.e. it will benefit Council whether or not it progresses with an assessment of CCTV in the Hornsby Mall.

If Council decides to support and fund the development of a comprehensive Community Safety Plan, it is proposed that updates in respect of its development be provided on an ongoing basis to meetings of the Community, Cultural and Recreation Facilities Task Force.

BUDGET

If Council is supportive of the development of a comprehensive Community Safety Plan as discussed in this Report, additional funds of \$15,000 will need to be allocated in a quarterly review of the 2008/09 Budget. In this regard, Council's deficit budget position for 2008/09, as estimated at the end of the first quarter of 2008/09 (see Report No CC100/08 on this Meeting's agenda), will need to be considered.

POLICY

Whilst this Report does not have any direct policy implications, it is anticipated that a number of outcomes from producing a Community Safety Plan will be policy related. Council would be asked to consider these policy implications when it adopts a Community Safety Plan.

CONSULTATION

Consultation has occurred in the preparation of this Report with the Community, Cultural and Recreation Facilities Task Force; Mr Rod Drummond – Manager Commercial Property; Mr Kurt Henkel – Landscape Coordinator, Environment Division; Mr Lawrence Nagy – Manager Traffic and Road Safety Branch; Hornsby Mall Safety Group; and various community groups in the production of the Social Plan 2005 - 2010

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this Report does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officer responsible for the production of this Report is Mr David Johnston, Manager Community Services who can be contacted during office hours on 9847 6800.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC96/08 be received and noted.
2. Subject to the allocation of a further \$15,000 in a quarterly review of the 2008/09 Budget, Council proceed with the development of a comprehensive Community Safety Plan as discussed in Report No CC96/08, with updates in respect of the Plan's development being provided on an ongoing basis to meetings of the Community, Cultural and Recreation Facilities Task Force.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Report No CC06/08 - Status Report CCTV Proposal for Hornsby Mall

File Reference: F2004/06053
Document Number: D01028077

9 SOCIAL PLAN REPORT CARD JULY 2008 - SEPTEMBER 2008

EXECUTIVE SUMMARY

Throughout 2004, the seven chapters of Council's Social Plan 2005 - 2010 were progressively adopted by Council and in October 2004 a completed Social Plan was submitted to the NSW Department of Local Government as per the Social/Community Planning and Reporting Guidelines.

In December 2005, the first annual review of the Social Plan was presented to Council via Report No CC101/05. Since this review, Council has been provided with quarterly reports on the implementation of the Social Plan. An annual review of the Social Plan is completed each year.

The attached Social Plan/Community Services Quarterly Report Card constitutes the third quarter report for the 2008 calendar year and is designed to highlight the achievements of the Community Services Branch and outline the progressive implementation of the Social Plan.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with a third quarter update for the 2008 calendar year regarding the implementation of the Social Plan 2005 – 2010.

DISCUSSION

The Social Plan Report Card: July 2008 – September 2008 (a coloured version has been circulated to Councillors under separate cover) provides a summary of the implemented actions associated with the various chapters of Council's Social Plan 2005 - 2010. The Report Card and this Report do not seek to evaluate or review the Plans for currency or raise additional issues. The Social Plans are held to be current for the period through until June 2009 when a comprehensive annual review will again be undertaken.

The Social Plan Report Card seeks to provide Councillors and the community with a synopsis of the implementation of objectives of the chapters of the Social Plan over the described period.

BUDGET

There are no budget issues associated with this update. However, additional funds required for the implementation of the Social Plan over the next year will be sought in annual Council budget cycles.

POLICY

There are no major policy implications associated with this Report.

CONSULTATION

The following consultation has been undertaken in the preparation of this Report:

Internal

Community Development Officer - Access & Equity - Mr Malcolm Wallace
Community Development Officer - Children & Families and Access & Equity - Ms Jian Zhao
Community Development Officer - Arts/Culture - Ms Joanna Joyce
Coordinator - Over 55 Services - Ms Jayne Boardman
Youth Services Coordinator - Ms Sharon Mizzi
Community Centres and Halls Coordinator - Ms Samantha Colbert

External

Attorney General's Department regarding the Community Crime Prevention Grant

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

A Triple Bottom Line assessment is not required of this Report as it is a progress report on the implementation of the Social Plan.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Community Services Branch – Mr David Johnston who can be contacted on telephone 9847 6800. For further information please contact Council's Acting Coordinator, Social Planning and Policy - Ms Sue Downing, on 9847 6779, Monday to Friday 8.30 am to 5.00 pm.

RECOMMENDATION

THAT the Social Plan Report Card July 2008 - September 2008 be received and noted.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Social Plan Report Card

File Reference: F2004/06043
Document Number: D01029273

10 SEPTEMBER 2008 INVESTMENT AND BORROWING REPORT

EXECUTIVE SUMMARY

Council is provided with a monthly report summarising current general economic conditions which may have an impact on investment returns. The report includes a schedule detailing Council's investments and borrowings and also highlights the monthly and year to date performance of the investments. It should be noted investments are generally held for the medium to long term.

This Report indicates that the total investment income for the period ending 30 September 2008 is \$632,000 which compares to the year to date 2008/09 budgeted income of 544,000. Of the year to date 2008/09 investment income earned, 40% relates to Section 94 funds held by Council and is required to be allocated to those funds.

As occurred in October when Council last considered the Investment and Borrowing Report (see Report No CC80/08), updated information has been provided in respect of Council's Collateralised Debt Obligations (CDO) investments.

PURPOSE/OBJECTIVE

The purpose of this Report is to advise Council of funds invested in accordance with Section 625 of the Local Government Act and details as required by Clause 212(1) of the Local Government (General) Regulation 2005 and Council's Investment Policy and Strategy, most recently amended and adopted at the April 2007 Ordinary Meeting.

DISCUSSION

Council's Investment Performance - September 2008

- The Term Deposits achieved an annualised return of 7.92% for the month compared to the benchmark of 7.00%; and a financial year to date return of 7.92% compared to the benchmark of 7.17%.
- LGFS Fixed-Out Performance Cash fund achieved an annualised return for the month of 7.89% compared to the benchmark of 7.39%; and a financial year to date return of 8.42% compared to the benchmark of 7.92%. The fund is managed by the Local Government Financial Services organisation. The product is provided with capital protection and pays a fixed return of 0.5% above the average monthly Bank Bill Index rate.
- NSW T-Corp Long Term Growth Facility achieved a marked to market return of -38.64% for the month compared to the benchmark of -52.18% ; and a financial year to date return of -4.08% compared to the benchmark of -14.46%. This fund has a 70% allocation to growth assets. Short term performance is expected to be volatile and the investment should be viewed over the longer term.

- Direct investments in Collateralised Debt Obligations achieved an annualised return of 9.01% for the month compared to the benchmark of 7.37%. The financial year to date return at September is 9.12% compared to the benchmark of 7.90%.
- The Longreach Capital Protected - Property, Infrastructure and Utilities Fund pays a fixed coupon of 2.00% semi annually. The majority of returns for this investment are expected to come through growth, rather than income. Due to poor performance over recent months, the following Capital Protected Notes coupons (i.e. returns) have not been accrued - ANZ Averon, CBA Hedge Fund, Longreach I&U, Longreach Liquidity and Longreach Tri-sector.
- FRNs are bonds that have a variable coupon equal to a money market reference rate. This Floating Rate Note investment achieved an annualised return of 9.78% for the month compared to the benchmark of 7.37%; and a financial year to date return of 9.95% compared to the benchmark of 7.90%.
- For total investments, the annualised return for the month is 5.65% compared to the benchmark of 5.14%; and a year to date return after fees is 6.90% compared to the benchmark of 7.08%, a shortfall of 0.18%.

CDO Update

Based on financial events in September, a number of CDOs (i.e. PURE, ENDEAVOUR, QUARTZ and SCEPTRE) received a reduction in investment rating below the Ministerial Investment Order. Council's Investment Advisors - Grove Research & Advisory Services – have advised that all of Council's CDOs are paying their coupons and none has exceeded their credit support which would result in a loss of capital at maturity. Due to the current market volatility, it would not be practical to withdraw funds from these investments. Council officers are in close contact with Council's Investment Advisors Grove Research & Advisory Services who are continuously monitoring these events and providing ongoing advice.

Economic/Financial condition (extracted from Economic Outlook October 2008)

The global financial crisis has come to a head, materially damaging world growth prospects especially in the western world and hence, as a result of weaker export demand and foreign capital flows, that of the rest of the world too. The worst of the financial turmoil may be over, but the economic impact may be more enduring.

The Australian economy cannot avoid some degree of negative repercussion and is not immune to the global crisis of confidence. Motor vehicle sales, retail sales, dwelling approvals and credit growth remained depressed in the run up to the recent turmoil, while unemployment continued to slow and job vacancies fell. Consumer confidence was understandably shaken by the deepening global financial crisis. The Share index tumbled in October, wiping out the gains seen over the previous two months.

Monetary authorities and governments around the world have attempted to restore liquidity and confidence and to get money markets moving again. Countries such as US, UK and parts of Europe cannot now avoid a recession, but the Australian economy is in a strong position to weather the worst of the storm. Our economy has many factors in its favour; strong government finances, low unemployment, a considerable backlog of construction work, a lack of oversupply in property markets/housing and considerable momentum from the commodity boom, both in terms of driving investment and underpinning incomes.

In October, the Reserve Bank of Australia cut its interest rate by 100 basis points. This has given immediate relief to debt constrained households. The Australian Government also announced the economic stimulus package which includes a Christmas bonus to be paid to pensioners, carers and low income families. This will provide a short term boost to the struggling retail sector. The doubling/tripling in the first homeowners grant for established/newly erected buildings (effective immediately and running to June 2009) will provide additional incentive for first-home buyers. The Australian Government also announced that they will guarantee all deposits of Australian banks, local incorporated subsidiaries of foreign banks, building societies and credit unions for three years. This unprecedented measure was required to support confidence and minimise the risk of losing funds to overseas banking systems that have recently provided significant deposit and wholesale funding protection, in different forms by each Government.

Borrowings

In respect of borrowings, the weighted average interest rate payable on loans taken out from 1998 to 2008, based on the principal balances outstanding, is 6.55%. The loans taken out repay principal and interest over a 10 year period with a fixed interest rate. The Borrowings Schedule, as at 30 September 2008, is attached to this Report.

BUDGET

Total investment income for the quarter ended September 2008 was \$632,000. The budgeted income for this same period was \$544,000. Of the investment income, approximately 40% relates to Section 94 and is, therefore, restricted.

POLICY

All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation 2005 and Council's revised Investment Policy and Strategy. The Policy and Strategy were last revised by Council at the 11 April 2007 Ordinary Meeting.

Council's Investment Policy and Strategy is currently being reviewed by staff based on the release of a revised Ministerial Investment Order and will be finalised after consultation with Grove Research & Advisory Services (Council's independent investment adviser), prior to being submitted to Council for consideration and adoption

CONSULTATION

Initial investments and reallocation of funds are made where appropriate, after consultation with Council's financial investment adviser and fund managers.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this Report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

Council's Investment Strategy does recognise, however, the desirability of "ethical" or "socially responsible" investments and has invested in such products in the last year. These are referenced in the Investment Portfolio in Attachment 1.

Council will continue to review new products, subject to funds availability and asset allocation and credit quality parameters contained in the Strategy.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Financial Services - Glen Magus. He can be contacted on 9847 6635.

RECOMMENDATION

THAT the contents of Executive Manager's Report No CC98/08 be received and noted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. HSC Borrowings Schedule as at 30 Sep 2008
2. September 2008 Council Investment report

File Reference: F2004/06987
Document Number: D01029401

**11 APPROVAL TO ATTEND OVERSEAS CONFERENCE - 12TH
AUSTRALASIAN CONGRESS ON GENEALOGY & HERALDRY IN NEW
ZEALAND FROM 16 TO 20 JANUARY 2009**

EXECUTIVE SUMMARY

The Hornsby Library's Local Studies Coordinator has requested approval to attend the 12th Australasian Congress on Genealogy & Heraldry in New Zealand from 16 to 20 January 2009. The conference features well known international speakers from Australia, New Zealand, America, England, Ireland and Scotland. While family history conferences with an Australian focus are held locally, the opportunity to take a broader approach and learn from internationally respected family history specialists does not arise often. The next conference to be held by this group will take place in Adelaide in 2012. Attendance at such conferences is consistent with Council's commitment to staff and professional development, and is supported.

PURPOSE/OBJECTIVE

The purpose of this Report is to seek approval for the attendance of the Local Studies Coordinator at the 12th Australasian Congress on Genealogy & Heraldry in New Zealand from Friday 16 January to Tuesday 20 January 2009.

DISCUSSION

The Hornsby Shire Library and Information Service has invested in genealogy/family history resources for many years to meet the growing demand from library users. The Library holds a range of resources including books, microfilms, CD-ROMs and online resources, including a subscription to Ancestry.com. A wide range of websites are also available via the Council's website. A new microfilm/fiche reader/printer has been purchased, to meet demand. The Library also hosts regular talks presented by local studies staff and invited speakers.

Usage of these services is increasing, fuelled by interest in popular television programs focusing on family history such as Who Do You Think You Are? Average monthly usage includes 6,000 page views on Ancestry.com, 93 bookings for the microfilm/fiche reader printer, and 126 logons to genealogy/family history websites. In addition, attendances of up to 70 people have been recorded at local studies and family history presentations.

The growing interest in local and family history has also resulted in an increase in the number of clients served by local studies staff and in the number of questions they answer. Currently, staff use their specialist skills and knowledge to answer an average of 115 questions per month on family history.

Unlike most Australian based conferences, this conference has an international focus, and features presentations by recognised experts from Australia, New Zealand, America, England, Ireland and Scotland. This will be a rare opportunity to network with and learn from practitioners with whom the Local Studies Coordinator would not normally come into contact.

Topics covered in the conference include worldwide resources for family history researchers, developing oral history programs, recent developments in online research and copyright regulations. Details of the program can be found at <http://affhocongress2009.org>.

Both Council and the community will benefit from the Local Studies Coordinator's attendance at the conference. This is illustrated through the objectives for the travel. These include:

- To inform Council on the latest developments in family history research as they relate to the service provided by Hornsby Shire Library
- To increase the knowledge and skills of the Local Studies Coordinator in the area of family history research, through attendance at the conference and through networking with experts in the field from Australia and overseas
- To increase the knowledge of local community groups such as Hornsby Shire Council Family History Volunteers by passing on information gathered at the conference
- To continue to improve the genealogy service and the quality of information provided to Hornsby Library customers by ensuring that staff are fully trained in the use of the latest resources relating to family history research
- To further enhance the quality of the programs offered to the public by incorporating information acquired at the conference into local studies presentations and seminars

To achieve these objectives, upon the return of the Local Studies Coordinator, a further report will be prepared for Council and information sessions will be provided to Library staff, the Hornsby Shire Council Family History Volunteers and other interested community groups.

BUDGET

Item	Details	Cost	Source
Cost of Conference	Registration cost	\$445.00	Conference website
Airfare Sydney-Auckland return	Qantas	\$691.40- \$776.30	Government contract provider
Hotels/Motels	4 Nights – On site 4 Nights – Off Site	\$550.00 \$440.00 to \$550.00	Conference Website
Food	4 days excluding breakfast	\$160.00	
Sundries	Transport/taxis etc	\$100.00	
Total maximum approximate cost			\$2031.30

POLICY

This Report has been prepared in accordance with the requirements of Council's Policy on Interstate and Overseas Travel.

CONSULTATION

There was consultation in the preparation of this Report with the General Manager and the Human Resources Branch.

TRIPLE BOTTOM LINE SUMMARY

The social element of Council's Triple Bottom Line framework is supported by the Local Studies Coordinator's attendance at the conference. The benefits will contribute towards Hornsby Library's fulfilment of the goals which form part of the strategic theme - Working with the Community.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Library and Information Services – Ms Cheryl Etheridge. She can be contacted on 9847-6801.

RECOMMENDATION

THAT Council approve the attendance of the Local Studies Coordinator at the 12th Australasian Congress on Genealogy & Heraldry in New Zealand from Friday 16 January to Tuesday 20 January 2009, and accept the reasonable cost incurred up to a total of \$2031.30

EUGENIE WILSON
Acting Manager – Library & Information
Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/05991
Document Number: D01029560

12 SEPTEMBER 2008 QUARTER REVIEW OF THE 2008/09 MANAGEMENT PLAN AND BUDGET

EXECUTIVE SUMMARY

The General Manager is required to report to Council each quarter as to performance against Council's current Management Plan and Budget, including revised estimates of income and expenditure.

The Management Plan Quarterly Review documents for the first quarter of 2008 (July to September) are attached. One includes details on progress towards the achievement of corporate indicator targets and Divisional operational reports, while the other is a spreadsheet document with financial performance against Budget.

The utilisation of consultants, previously presented to Council as a separate report, is now incorporated into this Quarterly Review. In the period from July to September 2008, Council expended \$317,009 as payment to consultants covering 36 consultancy projects. This is a 1% favourable variance to budget for the period.

The 2008/09 Original Budget forecast a deficit at 30 June 2009 of \$94K. The September Review includes negative budget changes totalling \$216K, anticipating a budget deficit at 30 June 2009 of \$310K.

The Net Operating and Capital result after internal funding movements for the first quarter resulted in a favourable variance of \$718K compared to the first Quarter Budget. This variance for the first quarter has largely been the result of timing, expenditure not accrued or recognised when compared to Budget and phasing of the annual budget. Major Budget variances for each Division are provided under separate cover.

The recommendation is that Council adopt the September 2008 Budget Review and receive and note the Report.

PURPOSE/OBJECTIVE

The purpose of this Report is to enable Council to review its performance against the targets set in the Management Plan, and review actual and budgeted income and expenditure over the first quarter of the 2008/09 financial year.

DISCUSSION

On 11 June 2008, Council adopted its Management Plan 2008/09 - 2010/11 including the Budget for 2008/09 and Fees and Charges for 2008/09. The Management Plan sets out the manner in which Council intends to align its business goals in accordance with its intent of "Creating a Living Environment" and is divided into the following six strategic themes:

- Working with our community
- Conserving our natural environment

- Contributing to community development through sustainable facilities and services
- Fulfilling our community's vision in planning for the future of the Shire
- Supporting our diverse economy
- Maintaining sound corporate and financial management

In conjunction with these themes, corporate indicators and targets were identified and are included in the Quarterly Review document titled "Review of Performance Sept 08". Reporting performance against budget is in the document titled "Review of Budget Sept 08".

In previous years, consultancies have been the subject of a separate quarterly report to Council, but in recognition of the contribution of consultancies in achieving Council's desired outcomes and to rationalise the number of reports presented to Council, a summary of utilisation of consultants compared to budget is included in this Review. In the period from July to September 2008, Council expended \$317,009 as payment to consultants covering 36 consultancy projects. This is a 1% favourable variance to budget for the period. The value of individual consultancy payments in the quarter ranged from \$330 (Parks and Landscapes) to \$37,856 (Hornsby Quarry Geotech Report/EOI). Of the 36 consultancies, 32 were less than \$15,000 and four were greater than \$15,000. Further information is included in the attached Review of Performance document.

This review includes the first quarter financial results for 2008/09, comparing actual expenditure and income for the first quarter against the Budget for the first quarter. The Net Operating and Capital result after internal funding movements at 30 September 2008 resulted in a favourable variance of \$718K compared to the September Quarter Budget. This variance has largely been the result of budget timing, accrued expenditure not recognised when compared to budget and phasing of the annual budget.

The 2008/09 Original Budget forecast a deficit at 30 June 2009 of \$94K. The September Review is requesting negative budget changes totalling \$216K. The amended Budget forecast at 30 June 2009 (Original Budget Deficit \$94K plus negative budget changes \$216K) is, therefore, a deficit of \$310K. Based on the amended Budget forecast of a deficit of \$310K, there will be a decrease in Council's Available Working Capital at year end. As this is not a satisfactory impact on Council's projected short term liquidity, the General Manager has asked each Division to review their expenditure on discretionary items in subsequent reviews, having regard to the provision of reasonable service levels and community expectations, in an attempt to move the 2008/09 Budget to surplus and improve Council's Available Working Capital.

Requests for Budget changes in this Report total \$216K, for which Council approval is sought. Budget changes which affect the net Budget position are included in the quarterly consolidated financial reports whilst contra Budget adjustments, subject to relevant criteria, are authorised by ExCo on a monthly basis as required.

The September Quarter Budget changes proposed are as follows:

- \$67K - Increased salaries expense and operating costs - (Arts Cultural Community Development Officer - refer Council Report No CC79/08) and Community Centres and Halls Booking Officer – refer Council Report No CC70/08).
- \$25K - Increased contract expenditure (new grass cutting contract)

- \$80K - Hornsby Pool Capital Improvement works
- \$35K – Increase in consultant expenditure (to complete Cadastre project)
- \$9K – Increase expenditure for pedestrian link through Chilworth Reserve – (refer to Report No PLN17/08)

BUDGET

This Report provides the first quarter review of the 2008/09 Budget.

POLICY

There are no specific policy implications in respect of this Report.

CONSULTATION

All Divisions and appropriate staff have had input into this review.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council's decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officers responsible for preparation of this Report are Julie Williams - Manager, Corporate Strategy and Glen Magus - Manager, Financial Services. They can be contacted on 9847-6790 and 9847-6635 respectively.

RECOMMENDATION

THAT

1. The September 2008 Review of the Management Plan, including performance indicators be received and noted.
2. The September 2008 Budget Review be adopted.

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Review of Performance Sept 08
2. Review of Budget Sept 08

File Reference: F2007/01487
Document Number: D01030866

ITEM 12

13 PRESENTATION OF THE 2007/08 AUDITED FINANCIAL STATEMENTS TO THE PUBLIC

EXECUTIVE SUMMARY

In accordance with Sections 413, 415, 416 and 417 of the Local Government Act, Council must prepare and have audited its General Purpose and Special Purpose Financial Reports within four months of the end of each financial year.

At the Ordinary Meeting held on 8 October 2008, Council received the 2007/08 Reports and resolved to refer them for audit. Council also delegated authority to the General Manager to fix the date at which the Financial Reports and Auditor's Report would be presented to the public. Following receipt of the Auditor's Report, the General Manager determined that such presentation would occur at the 12 November 2008 Ordinary Meeting.

Public notices have been placed in local newspapers and on Council's website in accordance with Section 418 of the Act. Hard copies of the Financial Reports and Auditor's Report have been available for viewing by members of the public at Council's Administration Centre and Branch Libraries since 27 October 2008. An electronic copy of the Financial Reports and Auditor's Report was also placed on Council's website on 27 October 2008.

Following formal presentation of the Financial and Auditor's reports "to the public" at the 12 November Meeting, members of the public, in accordance with Section 420 of the Local Government Act, have seven days, i.e. until 19 November 2008, to make submissions about the Reports.

PURPOSE/OBJECTIVE

The purpose of this Report is for Council's 2007/08 General Purpose and Special Purpose Financial Reports, including Auditor's Reports, to be presented to the public in accordance with Section 419(1) of the Local Government Act. Council's external auditor, Dennis Banicevic of PricewaterhouseCoopers, has indicated that he will be available to make a presentation on the Reports and Council's financial position at the Meeting.

DISCUSSION

In accordance with Sections 413, 415, 416 and 417 of the Local Government Act, Council must prepare and have audited its General Purpose and Special Purpose Financial Reports within four months of the end of each financial year.

At the Ordinary Meeting held on 8 October 2008, Council considered Report No CC89/08 and resolved that:

- 1. This Report and the Financial Reports distributed under separate cover be received, noted and referred for audit.*
- 2. The Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with these Reports.*

3. *The Reports be authorised for "presentation to the public" on receipt of the Auditors' Reports.*
4. *Council delegate to the General Manager the authority to fix the date at which the Reports are formally "presented to the public".*

Following that Meeting, the 2007/08 General Purpose and Special Purpose Financial Reports were signed and referred to PricewaterhouseCoopers. PricewaterhouseCoopers have subsequently issued an Audit Report on 16 October 2008 and identified no issues, other than minor presentation matters, which required changes to the Financial Reports.

Following receipt of the Auditor's Report, the General Manager authorised, in accordance with the above resolution, that presentation of the Reports to the public would occur at the 12 November 2008 Ordinary Meeting. As a result, public notices were placed in local newspapers and on Council's website in accordance with Section 418 of the Act.

Hard copies of the Financial Reports and Auditor's Report have been available for viewing by members of the public at Council's Administration Centre and Branch Libraries since 27 October 2008. An electronic copy of the Financial and Auditor's Reports were also placed on Council's website on 27 October 2008.

Following formal presentation of the Financial and Auditor's reports "to the public" at the 12 November Meeting, members of the public, in accordance with Section 420 of the Local Government Act have seven days, i.e. until 19 November 2008, to make submissions about the Reports. Such submissions must be in writing and must be referred by Council to the Auditor.

BUDGET

There are no budget implications arising from this Report.

POLICY

There are no policy implications arising from this Report other than recognition that Council's significant accounting policies are set out in Note 1 to the Financial Reports and, therefore, form part of Council's suite of policies.

CONSULTATION

Appropriate consultation has taken place with the External Auditor and the General Manager.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this Report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Financial Services - Mr Glen Magus. He can be contacted on 9847 6635.

RECOMMENDATION

THAT the General Purpose and Special Purpose Financial Reports (including the Auditor's Report) for the year ended 30 June 2008, as presented to the public on 12 November 2008, be adopted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. General Purpose Financial Report 2007/2008 (including Auditor's Report)
2. Special Schedules 2007/2008
3. Special Purpose Financial Report (including Auditor's Report)

File Reference: F2008/00340
Document Number: D01031657

14 REQUEST TO RENAME A PORTION OF ORCHARD ROAD PARK, BEECROFT TO FINCH PARK

EXECUTIVE SUMMARY

Council adopted a Notice of Motion at the Ordinary Meeting on 13 August 2008, calling for a report to be prepared in consultation with all relevant stakeholders to establish the facts prior to giving consideration to renaming Devlin's Creek parkland between Orchard Road, Beecroft and Roselea School as "Finch Park".

An examination of historical records has found that Bruce and Desmond Finch were not early pioneers of the area and were justly compensated for the land when it was transferred into Hornsby Shire Council's ownership. The parcel of land contributed by Bruce and Desmond Finch forms only part of the reserve known as Orchard Road Park. Renaming this portion of reserve does not meet Council's criteria for naming a reserve. It is recommended that the whole reserve (all four parcels) retain the informal name of Orchard Road Park.

PURPOSE/OBJECTIVE

The purpose of this report is to provide background information on this matter for a Council decision.

DISCUSSION

Background

Correspondence was received from Mr Wayne Finch, outlining his request to name a portion of a reserve known as Orchard Road Park, Beecroft "Finch Park" in memory of his father and uncle who once owned the land. Attachment 1 is a copy of the correspondence dated 18 June 2008. Attachment 2 is a copy of a map provided by Mr Wayne Finch, outlining the portion of land for renaming.

The letter from Mr Wayne Finch states that the land was worked by Desmond Finch and Bruce Finch from 1935 – 1965 until it was subdivided, with a portion donated to Council for public parkland.

Council's Coordinator Local Studies, Parks Asset Officer and Land Surveyor researched Council documents to ascertain the history of this land and its acquisition by council.

History of land

Orchard Road Park is made up of four parcels of land – 9x Norwood Avenue (Lot 6 DP 207548), 48 & 50x Orchard Road (Lot 2 DP 215840 & Lot 5 DP 234158) and 6x Marron Place (Lot 43 DP 31392). Attachment 3 shows the location of Orchard Road Park.

6x Marron Place (Lot 43 DP 31392) was created in the subdivision of three properties on Murray Farm Road (Lots 25, 27, and 29 of Murray's Farm Estate). These were owned by Silvio Rizzardo, Clara Stocqueler ("Crayford"), and William Thatcher ("Waratah") respectively. 6x Marron Place was dedicated as Public Garden and Recreation Space and Hornsby Shire Council paid ten shillings on 1 March 1961 to Lotmakers Pty Ltd.

48x Orchard Road (Lot 2 DP 215840) was created in the subdivision of Lot 28 of Murray's Farm Estate, also on North Rocks Road, but owned by the Tunks family.

9x Norwood Avenue (Lot 6 DP 207548) was created in the subdivision of the "Norwood" property on North Rocks Road, which also created Norwood Avenue. At this time the property (Lots 24 and 26 of Murray's Farm Estate) was owned by Bruce Alfred Finch and Desmond Cyrill Finch. Ownership was transferred on 7 November 1963 to Hornsby Shire Council pursuant to *Section 340A Local Government Act, 1919*.

Section 340A Local Government Act 1919 provided that parcels shown as 'public garden and recreation space' (and no others) could be conveyed or transferred to the council as public reserve.

Council subdivision records show that the Finance Committee resolved on 18 September 1961 "That the application of B.A. & D.C.P, Finch to subdivide Lots 24 & 26 North Rocks Road, Carlingford into 15 lots and Public Garden and Recreation Space be approved under the Seal of Council, it being noted that Council has agreed to pay to the subdivider on completion of the balance of this subdivision, the sum of 1200 pounds, being the value of the Public Garden and Recreation Space in excess of 10% of the total value of the whole area as assessed by the Valuer General."

Council records show that Bruce and Desmond Finch lodged an appeal with the Board of Subdivision Appeals on 14 March 1963 on the grounds that the total value of the whole area taken by the Council was worth 2400 pounds, not 1200 pounds and that it was unreasonable to impose a condition that this sum would not be paid until completion of the balance of the subdivision.

Council was advised on 10 January 1964 that Bruce and Desmond Finch would not be proceeding with the appeal and a cheque was issued by Council in the amount of 1,200 pounds for the land.

Bruce and Desmond Finch's period of ownership is less than that claimed by Wayne Finch in his recent correspondence, according to Council rate records. Bruce Finch purchased "Norwood" from the previous occupant, Jean Brady between 1941 and 1947, not in 1935 as Wayne Finch suggests. Since the subdivision occurred in 1963, Bruce and Desmond Finch owned the land in question for less than 20 years.

Naming Protocol

Under the *Generic Plan of Management for Community Land and Crown Reserves Planning District One 2004, 1.4 Reserve Naming and Dedications*, naming preference is given to geographical names (such as road and suburb), aboriginal names, historical names, or names of deceased persons who have made a major contribution to the reserve or early history of the reserve's locality.

Bruce and Desmond Finch were not early pioneers of the area and were justly compensated for the land when transferred into Hornsby Shire Council's ownership. The parcel of land contributed by Bruce and Desmond Finch forms only part of Orchard Road Park.

It would not appear to be sensible to name only a portion of this contiguous parkland and ignore the remainder. It would also not be reasonable to name the whole of the reserve "Finch Park". The Finch family owned only a portion of the land that makes up the reserve as it now

stands and therefore has no greater claim to the park being named in their honour than a number of other former landowners whose land also contributed to the current reserve.

During the period when the land was transferred, Council was purchasing small plots of land for parks throughout the Shire. If a parcel of open space has been purchased or conveyed as part of an approval process, it may not be a good precedent to name parcels of land after the person or developer who provided the land as part of that process. This is particularly so as this means of acquisition is commonplace as a condition of development consent.

Orchard Road is so named because it was the centre of an area of orchards established in the nineteenth century, many of which were still in existence at the time of their residential subdivision in the 1960s. It would seem appropriate that the park both commemorate the orcharding history of the area and reflect the name of the street in which it is situated, for the convenience of prospective park visitors to locate it. It is therefore recommended that the whole reserve (all four parcels) retain the informal name Orchard Road Park and that a portion of it not be renamed "Finch Park".

BUDGET

There are no budget implications for this report.

POLICY

The proposal to name the park "Finch Park" does not satisfy Council's policy for commemorative naming of parks, contained within Plans of Management for Community Land.

CONSULTATION

Council's Coordinator Local Studies, Parks Asset Officer and Land Surveyor provided information for this report. Mr Wayne Finch was contacted by telephone during the preparation of the report and the information that was discovered regarding the history of the land was outlined to him.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer is the Parks Assets Officer, Miss Julia Morton, who can be contacted on 9847 6934.

RECOMMENDATION

THAT Council retain the common name, "Orchard Road Park" for the parkland between Orchard Road, Becroft and Roselea School.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Correspondence dated 18 June 2008
2. Map outlining portion of land for renaming
3. Location of Orchard Road Park Included under separate cover

File Reference: F2004/08086
Document Number: D01002011

15 TREE REMOVAL AT 28 LAROOLO CRESCENT, THORNLEIGH

EXECUTIVE SUMMARY

This report recommends that Council refuse the application for consent to remove one (1) *Angophora costata* (Sydney Red Gum) located at the rear of the property 28 Larool Crescent, Thornleigh. The applicant has appealed previous decisions by the Parks and Landscape Team and requested that the matter be referred to an Ordinary Meeting of Council.

PURPOSE/OBJECTIVE

The owner of the property seeks Council approval to remove one (1) *Angophora costata* (Sydney Red Gum).

DISCUSSION

An initial application was lodged on 15 June 2007, requesting permission to remove the subject tree. Reasons for the request were falling branches as well as heightened fears about the tree's safety as a result of a neighbour's tree falling into their property. An inspection was undertaken by Council's Tree Management Officer, Mr Robert Woodward, who refused the application, finding the tree to be sound and healthy.

On 24 September 2007 the applicants requested a second inspection be undertaken on the tree. Additional reasons put forward for the removal of the tree were considerable shade caused by the tree as well as further mention of the tree that had earlier fallen from the neighbour's property. This inspection was carried out by Council's Tree Management Coordinator, Mr Dennis Hoye. Permission to remove the tree was again refused.

The applicants contacted the Mayor on 3 July 2008, requesting that he intervene on their behalf. In his response the Mayor recommended that they obtain a report from a qualified arborist to support their claims or elect to have the matter heard at an Ordinary Meeting of Council.

On 10 September 2008 the applicant requested that the matter be put to the next available meeting. No arborist report has been submitted by the applicant to support the removal of the tree.

The subject tree is an *Angophora costata* (Sydney Red Gum) approximately 20-22 metres in height, in good condition. The tree is located approximately 8 metres from the residence. There is no evidence of major branch loss. Sydney Red Gums are indigenous to the area, and this tree has grown in an area which can sustain a tree of this size. Excavation has been undertaken on the adjoining property approximately 4 metres from the trunk. This is estimated by the Council officer to have impacted on approximately 5% of the root plate.

Council's Tree Management Plan, Section 3.3 states in part: "approval will generally not be given for tree pruning or removal where there are unsubstantiated fears about tree health and condition, including the natural development of minor deadwood throughout the canopy of a tree or concerns relating to the natural growth habit of the tree in terms of height".

The canopy is typical of Sydney Red Gum; with small twig die-back and slightly thin foliage cover when compared to trees of *Eucalyptus* species. There is no sign of insect or fungal damage to the tree.

The tree on the adjoining property which failed, falling onto the subject property, appears to have grown as a co-dominant stem, from ground level, with a second tree of different species. The two trees were in effect growing from the same hole but, being of different species, could not form a strengthening trunk graft. This crowding would have severely inhibited root development of each tree. It was also growing in a restricted space which would have allowed minimal root growth, further decreasing its stability. Soil levels appear to have been altered, which may also have impacted on the root development. Root pruning may have been undertaken, as there is a small retaining wall located less than 1 metre from the trunk of the tree (see Attachment 1). While it is understandable that the owners of 28 Larool Crescent are very unsettled by the experience of a large tree falling into their property, the circumstances of the two trees are quite different and there is little reason to fear that the *Angophora* at 28 Larool Crescent is similarly dangerous.

There are no other large trees near the residence, and overshadowing of the dwelling is not considered a problem.

Reference is also made in the applicant's submission to Council that "*our tree and the associated distance limitations to the house complies with the determination of the LEC during a similar case in 2006*". This is a reference to evidence given to the Land and Environment Court on another tree in a case not related to this matter, involving the British Standard for trees in relation to construction.

The British Standard, BS.5837:2005, Trees in Relation to Construction- Recommendations, states:

"The British Standard sets out to assist those concerned with trees in relation to construction to form balanced judgements. It does not set out to put arguments for or against development, or for the removal or retention of trees."

It is considered that the British Standard has no application in the assessment of Tree Applications on established properties in Hornsby Shire. The Court, in the abovementioned case, made no ruling on the relevance or applicability of the British Standard in this regard.

Council officers have assessed this tree to be in good health, of very attractive appearance and worthy of preservation. In Council's assessment there is currently insufficient cause to justify removal. However, should the tree cause damage, for example as a result of a storm, Council could be liable, especially if this occurred in the near future following refusal of consent. This is always the situation which must be considered when assessing trees. Council's guidelines allow a tree to be removed in the case of safety concerns if there are signs that the tree is diseased, dying or dangerous. None of these signs were evident.

All tree assessments were made by visual external inspections- internal, underground or aerial investigations were not undertaken.

Tree details

Species: *Angophora costata*
Common Name: Sydney Red Gum
Height: 20-22 metres
Age Class: Mature

BUDGET

There are no budgetary implications arising from this decision.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

There is no requirement for consultation in this matter.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line attempts to improve decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer is Mr Dennis Hoyer, Tree Management Coordinator, Parks and Landscape, telephone 9847 6706, hours 9am to 5pm, Monday to Friday.

RECOMMENDATION

THAT: Council refuse consent to remove 1 x *Angophora costata* (Sydney Red Gum) located at the rear right side of 28 Larool Crescent, Thornleigh and permission be granted to crown thin the tree by 10% and remove all deadwood.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Failed tree from adjoining property

File Reference: TA/675/2007
Document Number: D01002779

**16 WATER CATCHMENTS ANNUAL WATER QUALITY, ESTUARY
MANAGEMENT AND CATCHMENT REMEDIATION PERFORMANCE
REPORTS 2007/2008**

EXECUTIVE SUMMARY

The 2007/08 annual reports for the water quality, estuary management and catchments remediation capital works programs are attached and provide an overview of program planning, operations, implementation and future goals. Once adopted by Council, these reports will be placed on council's website for public information.

Council's Estuary Management Program continued to undertake strategic, operational and capital works projects, including the development and assessment of planning instruments and controls, community education programs, research and monitoring programs and the construction and maintenance of facilities. The enduring challenge that remains for the Estuary Management Program is to achieve an integrated, balanced, responsible and ecologically sustainable use of estuarine resources into the future. The Lower Hawkesbury Estuary Management Plan, which is currently on public exhibition attempts to address this challenge. Specific programs undertaken during the year include the continued maintenance and upgrades of the Calabash Bay remote chlorophyll monitoring probe and the Kangaroo Point vessel pumpout facility, monitoring of QX disease in Sydney Rock oysters with local Broken Bay oyster farmers, and a community education program to protect seagrasses in the Lower Hawkesbury.

Regular water quality monitoring undertaken at fifty-five sites across the Shire indicated that the larger creeks well downstream of urban and rural areas conform to a majority of the water quality guideline values for much of the time. Variations to this did occur during the year, with some sites registering high levels of contamination, especially during wet weather and at sites just downstream of industrial or concentrated urban and rural developments. Algal blooms in Berowra Estuary have decreased significantly in recent years due to improved water management practices. However, the levels of nitrogen nutrients flowing to the estuary, particularly from the Sydney Water sewage treatment plants, still remain above recommended guidelines values.

Sixteen (16) Catchments Remediation Capital Works Program projects were completed at a total cost of \$957,000. These works involved the construction and/or installation of 11 sediment basins, four end-of-pipe gross pollutant traps, eight stream remediation projects, one bioremediation basin and six stormwater gardens.

The annual cost to Council to maintain its water quality control assets and adjacent landscaped areas was \$347,000. Overcoming the need to send recovered material to landfill and instead sort and reuse within the Shire would reduce this cost.

In relation to asset performance, data collected showed that 1236 cubic metres of sediment, litter and organic matter was removed from the Shire's drainage system and waterways. Furthermore, monitoring of two wetland sites during the 2007/2008 period confirmed that they were operating successfully to remove targeted contaminants (e.g., nutrients) from stormwater before it entered downstream waterways.

PURPOSE/OBJECTIVE

To adopt the 2007/2008 Annual Water Quality, Estuary Management and Catchment Remediation Capital Works Performance Reports.

DISCUSSION

This section outlines the major conclusions arising from each of the above programs.

Water Quality Monitoring Program Annual Report (2007/2008)

Hornsby Shire Council established a water quality monitoring program in 1994 to assess the impact of land use on waterways within the Shire through time and to monitor the performance of Council's Catchment Remediation Program. The data is utilised by Council staff for environmental assessments, catchment modelling, education programs, and is made available through the Annual Reports and council's web site to community and interested authorities.

During 2007/2008 55 sites were monitored. Most water sampling sites have been selected on the basis of different land use types, including urban, industrial, rural, bushland and estuarine, with the aim of assessing ecosystem health downstream of these land uses. Estuarine recreational swimming areas were tested during the summer season. Water was also tested to assess performance of catchment remediation devices, of water reuse projects and of devices to treat leachate at old landfill sites. The water quality was compared with reference sites (at undeveloped catchments in National Parks) and with guidelines set down in the National Water Quality Management Strategy and by the National Health and Medical Research Council.

Physical, Chemical and Bacterial Monitoring

At each site the physical-chemical measurements of temperature, conductivity, salinity, pH, dissolved oxygen and turbidity were recorded in-situ with a portable water quality analyser. General observations on appearance, odours, nuisance organisms, flows and weather were also recorded. Water samples were simultaneously collected for laboratory testing for suspended solids, bacteria and nutrients and other selected water parameters. In order to assure the integrity of the results obtained, all probe measurements and sample collections were carried out according to strict quality control procedures. Laboratory based testing was done by a laboratory accredited by National Association of Testing Authorities.

Biological Monitoring: Macroinvertebrates, Diatoms and Planktonic Algae

For the period 2002/2007 monitoring of the environmental health of selected freshwater sites in Hornsby Shire has been carried out by collection and identification of biological indicator species; namely macroinvertebrates and diatoms. The presence and abundance of various species, some very sensitive to pollution and others more tolerant, provide a good indication of decline or improvement in water quality over a longer time frame. Macroinvertebrate and diatom monitoring was suspended temporarily to allow for more detailed measurements of catchment characteristics (e.g., impervious surface areas) to should enable more thorough interpretation of existing data in 2008/2009.

Estuarine waters at Berowra Waters have been surveyed since 1997 for chlorophyll-a and algal (phytoplankton) species as part of Council's algal bloom investigations. During the 2007/2008 period samples were collected monthly at two sites in Berowra Waters. In addition, during the summer swimming season, algal monitoring was carried out Crosslands

and Brooklyn as part of Council's Recreational Water Quality Monitoring Program. Analysis of diversity and abundance of algae was carried out by a specialist laboratory.

Continuous monitoring of planktonic algal growths is undertaken in Berowra Waters for Council by Manly Hydraulics Laboratory. The solar powered sensor is moored near Calabash Bay and enables real-time monitoring of chlorophyll-a concentrations (reported separately in the 2007/2008 Estuary Management Report.)

Water Quality Findings

Creeks located in areas with the least disturbance, or furthest downstream from land developments, usually had water quality which satisfied the current environmental water quality guidelines. The two reference creeks, which are located within undeveloped catchments within National Parks, are classified as healthy according to guideline criteria; these sites provide a good baseline against which to compare other creeks in the Shire.

Overall the trends and ranges of contaminant levels at most creek sites were similar to the last few years. Creeks downstream of urban and rural areas only conform to water quality guideline values part of the time; they suffer from occasional moderate levels of contaminants during both wet or dry times, in particular elevated nutrient nitrogen and faecal bacteria. The highest concentrations of ammonia and faecal bacteria contamination were present in sampling sites downstream of industrial areas, particularly the Thornleigh industrial area draining into Larool Creek.

Bacterial contamination: Influence of animals (eg. pets, ducks, horses, stock) was noted at a few sites when sampling, which could explain elevated bacterial contamination in certain creeks. However, in general, failing sewerage infrastructure, occasional sewer overflows and septic seepages were considered to be the prime sources of faecal bacteria found in streams downstream of residential and industrial development. This problem remained despite ongoing auditing of septic systems by Council officers and quick response repairs by Sydney Water to community reports of sewer problems.

Nutrient contamination: The nutrients measurements of total nitrogen and oxidised nitrogen were regularly above Guideline values in all creeks draining urban and rural areas. Sources of nutrients, other than Sewage Treatment Plant (STP) outputs, in creeks below urban and rural areas were considered to be from fertilisers, manurers, eroding soils, animal faeces or sewerage/septic seepages. High nitrogen and phosphorus levels in some rural creeks continued to stand out as requiring attention. Residual nitrogen nutrient concentrations were relatively high in STP discharges (to Waitara and Calna Creeks), and in the receiving waters of Berowra Creek and Berowra Estuary. Notwithstanding the major improvement in nitrogen nutrient removal resulting from major STP upgrades earlier this decade, the levels of oxidised nitrogen remained well above ecosystem guideline values downstream of the STPs.

Estuarine Monitoring: Total nitrogen, oxidised nitrogen and chlorophyll-a were slightly elevated in the Berowra Creek estuary at Crosslands Reserve and Berowra Waters. Algal phytoplankton remain diverse and numerous in the estuary. However, problematic species were not detected at harmful concentrations, and problem algal blooms were not reported during the reporting period. Recreational water quality ranking was very good (low risk) at Brooklyn Baths but poor (moderate risk) at Crosslands. Generally swimming in urban estuaries is not recommended within 3 days after heavy rain due to increased likelihood of bacterial contamination in stormwater runoff from urban and rural areas, and from sewer system overflows. Monitoring to date has shown that water quality at Brooklyn Baths was not significantly affected by stormwater flows. On the other hand, preliminary indications were

that at Crosslands Reserve swimmers may be at increased health risk for up to 5 days after heavy rain.

Water quality improvement projects: Water quality monitoring supported Council's Catchments Remediation Capital Works Program and some projects developed under Council's Total Water Cycle Management Strategy. During this reporting year water testing showed that constructed wetlands at Clarinda Rd Hornsby and Cherrybrook Lakes reduced concentrations of nutrients (40 to 60%) and faecal coliform bacteria (60 to 70%) in urban stormwater runoff. Monitoring showed that, after treatment of back flush water at Council's aquatic centres, the treated water was of excellent quality for reuse. Bio-filter and wetland treatment facilities at the rehabilitated Foxglove landfill site successfully reduced nutrients concentrations in collected tip leachate, enabling the treated waters to be better used for irrigation. Stormwater harvesting facilities near sports fields and at Council's nursery were providing valuable irrigation water to save town water supplies; water quality monitoring showed that the collected waters were fit for purpose.

Estuary Management Annual Report (2007/2008)

The management of estuarine areas in NSW is undertaken in accordance with the New South Wales Government's (1992) Estuary Management Policy. In accordance with this policy, local government bodies facilitate Estuary Management Committees to oversee the development and implementation of Estuary Management Plans. These plans identify and prioritise management recommendations for individual estuaries, to achieve the integrated, balanced, responsible and ecologically sustainable use of NSW estuaries.

The Estuary Management Annual Report for 2007/2008, provides information on Hornsby Shire Council's Estuary Management Program. The majority of projects undertaken as part of this program are funded 50:50 by state and local government, with alternate grant funding sought as it becomes available.

During 2007/08 Hornsby Shire Council was responsible for implementing both the Berowra Creek (2000) and Brooklyn (2006) Estuary Management Plans (EMPs). Implementation of the Berowra Creek EMP (2000) was completed during this time and a review of the plan undertaken. For a more integrated approach to estuary management, recommendations from both of these plans will be incorporated into a Lower Hawkesbury Estuary Management Plan which will incorporate all the estuarine areas of the shire. This plan is currently in draft form and was on public exhibition at the time of writing of this report.

Council's Estuary Management Program is coordinated by the Water Catchments team, who are also responsible for water quality improvement and conservation, catchment remediation and total water cycle management. Various other divisions within Council undertake work that has an influence on estuarine health and amenity and the estuary management program works in partnership with these sections including the Bushland and Biodiversity, Environmental Sustainability and Health, and Waste Management teams, as well as the Planning and Works Divisions.

Collaboration with other local and state government bodies, universities, local industry and the community are important to the success of many estuary management projects. Of particular note are the partnerships that have been established with universities to address research and information requirements, including; Australian National University, Macquarie University, University of New South Wales, University of Sydney, and the University of Technology Sydney.

Projects undertaken as part of Council's Estuary Management Program during the 2007/2008 financial year include:

- Continued maintenance and upgrades to the Calabash Bay remote chlorophyll monitoring probe
- Continued maintenance and upgrades to the Kangaroo Point vessel pumpout facility
- Dangar Island Seagrass Protection and Education program
- Installation of a new fish cleaning table at Parsley Bay
- Monitoring of QX disease in Sydney Rock oysters
- Precommissioning monitoring of the Brooklyn and Dangar Island Sewerage Treatment Plant
- Removal of derelict boats from Sandbrook Inlet.

Catchment Remediation Capital Works Annual Performance Report (2008/2008)

This report aims to provide quantitative data and analysis of the relative performance of different water quality treatment measures, including gross pollutant devices, sediment basins, wetlands and bioremediation systems that have been constructed to improve stormwater quality in Hornsby Shire. The results of the report will be used by stormwater and catchment managers to provide a better insight into determining the type of structures that are suitable for specific sites. Furthermore, the data provides valuable information about the costs (both capital and maintenance), benefits and device optimisation which can aid in the formulation of strategies to improve catchment/landuse practices by both structural and non-structural means.

The principal objective of installing stormwater treatment measures is to improve the quality of stormwater by removing pollutants and in some instances retaining stormwater flows. In 2007/2008, 16 catchments remediation capital works projects were completed at a total cost of \$957,000. These works involved the construction and/or installation of 11 sediment basins, four end-of-pipe gross pollutant traps, eight stream remediation projects, one bioremediation basin and six stormwater gardens.

While these structural interventions provide treatment of pollutants, the Catchments Remediation Program also promotes and funds non-structural initiatives in the pursuit of improving stormwater quality. These include: monitoring, maintenance, street sweeping, environmental education, business auditing, compliance programs and pollution clean-ups.

The collection of performance data over the 2007/2008 financial year has allowed Council staff to examine the indicative maintenance costs and gross pollutant (sediment, litter and organic matter) removal from Council's 370+ water quality improvement devices. The results show that 1236 cubic metres of sediment, litter and organic matter was removed from the Shire's drainage system and waterways over an average 13 separate cleaning events.

The total cost to Council to maintain its water quality assets and adjacent landscaped areas was \$354,000. This cost included device inspections, cleaning and desilting, material processing for reuse, disposal of litter to landfill, asset maintenance and repair, landscape maintenance and weed control in and around assets and maintenance of leachate treatment and reuse facilities. The annual maintenance cost was more than previous years and is attributed to two one-off projects: 1) the remediation of the Mt Colah stockpiling site (\$87,000), and 2) dredging the Lakes of Cherrybrook (\$45,000), and the increased cost

incurred by having to send recovered material to landfill as opposed to sorting and reusing it within the Shire.

The report also provides information on costs, sizing and performance of wetland ponds constructed under the Catchments Remediation Program. In addition, Council has embarked on a program to remediate degraded creeks and former landfill sites and trial new and innovative stormwater infiltration, reuse and bioremediation systems. Of particular interest in the 2007/2008 period were the bioremediation basin and stormwater gardens constructed at Cheltenham and Berowra.

Overall, the findings of this report give stormwater managers a better insight into the cost-effectiveness and performance of water quality improvement structures and the management of life-cycle costs for individual stormwater quality assets. The performance of these devices allows Council staff to both refine and modify the design of future water quality control measures, and judge their appropriateness for proposed remediation sites based on catchment size and land use impact.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

The various annual reports will be placed on Council's website for public information.

TRIPLE BOTTOM LINE SUMMARY

Triple bottom line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon council's strategic themes.

As this report simply provides Council with information that does not propose any actions which require a sustainability assessment, no triple bottom line considerations apply.

RESPONSIBLE OFFICER

The responsible officer is Mr Ross McPherson, Manager, Water Catchments, telephone 9847 6708, hours 8:30 am to 5:00 pm, Monday to Friday.

RECOMMENDATION

THAT the contents of Executive Manager's report EN38/08 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Estuary Management Annual Report 2007/2008
2. Water Quality Monitoring Program Annual Report 2007/2008
3. The Catchments Remediation Rate Capital Works Program Annual Performance Report 2007/2008

File Reference: F2005/00829-02

Document Number: D01003149

**17 HORNSBY SHIRE COUNCIL COMMUNITY NURSERY ANNUAL REPORT
2007/2008**

EXECUTIVE SUMMARY

Council's Community Nursery was first established in 2000 to provide local indigenous plants for Council's Bushcare program and bushland restoration works across the Shire. It ensures local provenance and quality environmental standards in bushland restoration projects. The nursery holds plant giveaway/open community days for specific areas of the Shire throughout the year and promotes backyard biodiversity for residents and provides information on native plants and Hornsby's unique bushland. The nursery is run by one full time Nursery Co-ordinator and over 30 dedicated volunteers. Together they produced 32,397 native tubestock in the 2007/08 financial year.

The nursery establishment and upgrade of existing facilities in 2001 were funded mostly by grants and sponsorship. In June 2005 the nursery received accreditation through the Nursery and Garden Industry Accreditation Scheme (NGIAS) proving that the nursery is run at best practice. The Hornsby Community Nursery was the first government owned nursery in New South Wales NSW (NSW) to receive this accreditation and remains a benchmark in best environmental practice. This is achieved through many initiatives, including a full water recycling system capturing on site runoff rainfall, solar power, minimal waste production, recycling of materials and a low chemical reliance.

This commitment to environmental sustainability won the community nursery the prestigious Yates Nursery & Garden Industry Awards for the Environment Category for the State of NSW (2008). The nursery went on to be a finalist in the national competition where Hornsby Shire was the runner up for the National Yates Nursery & Garden Industry Award Environment Category.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of the operations and the achievements of the Hornsby Shire Community Nursery for the 2007/2008 financial year.

DISCUSSION

During the 2007/08 financial year, the Hornsby Shire Council Community Nursery provided a total of 32,397 native plants to enhance Hornsby's biodiversity and unique bushland environment. These plants were distributed through community programs such as the Bushcare Volunteer Program, Community Open Days, Rural Lands Incentives Program, Gardens for Wildlife, Citizenship Ceremonies, schools, community groups and a variety of environmental workshops, events and activities across the Shire including National Tree Day.

The nursery also provided provenance native stock to bushland restoration projects such as the bush regeneration program, Catchment Remediation Rate projects, Parks and Landscape projects (Fagan Park and Rural Sports Facility) and other areas that are run within Council's core business.

Awareness of the nursery facility across the broader Hornsby Shire community increased markedly in the past financial year. This is highlighted by the increase in the number of plants given out at the 'Community Nursery & Environmental Information Open Days' during this timeframe. Numbers this year were up 80% on the previous year with a total of 3,522 plants distributed to residents. Popular community events have also increased with 'National Tree Day' planting 49% more native plants than the previous year.

The volunteer hours were very impressive this year with 2,079 hours of volunteer work performed by a total of 31 volunteers. These volunteers work on Wednesdays and Saturdays throughout the year and also assist with workshops and running the Nursery Open days.

The nursery also continued to foster relationships with other councils and industry professionals including tours conducted for Leeton Shire Council, North Sydney Council, Fairfield Council, Sydney Harbour Federation Trust and an ongoing educational partnership with Northern Sydney Institute of TAFE Ryde College.

The attached annual report details plant sales and distribution. It also highlights the many events and environmental educational initiatives the nursery participated and hosted this year as well as the nursery facility improvements that were achieved this year.

BUDGET

The nursery operates on a recurring budget of \$16,000 (operational) per annum and aims to achieve an income of \$15,000 per annum to support the ongoing maintenance of the site and required resources. In 2007/2008 the nursery was able to exceed its target and achieve an income of approximately \$18,000.

POLICY

There are no policy implications from this report.

CONSULTATION

The Hornsby Shire Council Community Nursery Report was prepared by the Community Nursery Coordinator, Bushland and Biodiversity Team.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer for this report is Polly Thompson, Acting Manager, Bushland and Biodiversity Team, telephone 9847-6903, hours 8:30 am to 5:00 pm, Monday to Friday.

RECOMMENDATION

THAT: The contents of Executive Manager's Report EN39/08 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

- | | |
|--|-------------------------------|
| 1. Hornsby Shire Council Community Nursery Annual Report 2007/2008 | Included under separate cover |
|--|-------------------------------|

File Reference: F2004/06733
Document Number: D01003995

18 2007/08 NSROC STATE OF THE ENVIRONMENT REPORT

EXECUTIVE SUMMARY

The 2007/08 Northern Sydney Regional Organisation of Councils (NSROC) State of the Environment (SoE) Report provides the regional community with a greater understanding of the current state, pressures and responses to the environment. Working together regionally has already yielded benefits that include the sharing of ideas on sustainability reporting, the swapping of environmental practices and innovation in the region and the forging of stronger regional links. The biggest environmental issues facing the NSROC Region are climate change, population growth and increased urban development that is placing significant pressure on our waterways and bushland. Increased urban development is resulting in the loss of bushland vegetation, pollution, altered flow rates, sedimentation and the introduction of exotic species that all contribute to reduced ecosystem function and poor water quality. Another priority area facing all NSROC councils is reducing the communities' energy and water consumption. To tackle this issue councils have been working together on joint grant funded community projects and are sharing resources through ICLEI's Cities for Climate Protection Program.

Although the other six NSROC councils are no longer progressing with individual SoE Reports, Hornsby Council continues to produce a Shire-wide review to ensure local issues are addressed that are not covered at a regional level, such as onsite sewage management and illegal land modifications in our rural and river settlement areas. This information will be published in Council's Annual Report and Corporate Sustainability Report as we move towards a more integrated reporting system. The production of the local SoE report also ensures a direct link to key initiatives and indicators within the Council's Management Plan.

PURPOSE/OBJECTIVE

This report seeks Council's endorsement of the text provided in the DISCUSSION section for inclusion in the Northern Sydney Regional Organisation of Council's State of the Environment (NSROC SoE) Report 2007/08. Unfortunately a draft of the NSROC SoE Report 2007/08 will not be ready until after the NSROC Board meeting, which will take place on 13 November 2008. The NSROC SoE Report is due to the Minister for Local Government by 30 November 2008.

DISCUSSION

The Northern Sydney Regional Organisation of Councils comprises seven councils (Hornsby Shire, Hunters Hill, Ku-ring-gai, North Sydney, Lane Cove, City of Ryde, and Willoughby City) in the northern part of Sydney, which have voluntarily come together to address regional issues, work co-operatively for the benefit of the region and promote agreed regional positions and priorities. All of these councils work closely with their communities and state and federal counterparts to ensure that the environment is managed appropriately and in a sustainable manner, and that the benefits of the environment are recognised and protected.

Over the past 12 months the seven councils that make up NSROC have been working collaboratively to develop the regional SoE report. As a corporate reporting responsibility

under the *NSW Local Government Act 1993*, the regional SoE is an important tool for communicating the responsibility and necessity for environmental management amongst local councils and the community.

Findings of Hornsby Shire in comparison to other Municipalities in the Region

The NSROC SoE report demonstrates Hornsby Shire Council's outstanding environmental record. The report illustrates that Council has the largest number of pollution traps in place to help ensure clean waterways, and also saved the largest amount of greenhouse gases through the retrofitting of council buildings and parks and its successful residential recycling program.

Although Council has the highest percentage of greenhouse abatement for corporate emissions across the NSROC region and the only independently verified figures, there is still scope for increased community abatement opportunities. It is envisaged that the Sustainable Business and *earthwise* at home programs which target community energy consumption will result in an abatement of greenhouse emissions across the Shire in the coming years.

It is clear from the report that, while Hornsby Shire has the highest population and the greatest area of land to protect, it is still the leading council on environmental initiatives. The holistic approach to environmental management ensures Hornsby Shire maintains its reputation as the Bushland Shire whilst serving its vision of '*creating a living environment...*'.

Key Findings of the Hornsby Shire

Environmental Sustainability

Council has implemented many programs to ensure that it has its own house in order in terms of environmental performance. Thirty two programs have been implemented in progression to sustainable corporate governance such as: Green Procurement, Carbon Neutral Feasibility Study, Climate Change Adaptation Program, Triple Bottom Line decision making, Fleet Management Study, Business Energy Savings Program, Sustainable Total Water Cycle Management, waste minimisation and stage 2 of the Energy Performance Contract.

The aim of the **Hornsby Business Energy Savings Program** is to help Council meet its community reduction target of 5% by 2010. This Program intends to work with 200 businesses over an 18 month period to achieve a total greenhouse gas reduction of 3,000 tCO₂e annually.

Through an extensive Expression of Interest process, Council challenged the private sector to deliver a new approach to existing business engagement models, one that had more focus on business needs and actual implementation, rather than behavioural change and auditing. Council also wanted to improve interdivisional working relationships and identified the pressing need to focus on collaboration between the Environment and Economic Development Units of Council to address climate change and minimise the impacts our local businesses are having on the environment.

In the first two months alone 79 businesses joined the program. The program is on track to deliver a forecasted \$1.4m contribution of investment into the local economy and 3,000 tonnes CO₂e in the 1st year alone. Other outcomes of the program include:

- Improved energy efficiencies within the business sector
- Increased broad community participation in decision-making, actions and practices for a sustainable future

- Strengthened partnerships and learning between council and the wider business community towards sustainability
- Opportunities for local infrastructure investment and opportunities.

The “**earthwise at home – low carb living**” project was designed as an education program with rebates attached to assist residents to reduce their individual carbon and water footprints. The major activities of this program have been a 13 month workshop series and the provision of rebates to assist with the installation of three low-emission technologies: photovoltaics, solar hot water and insulation. Nineteen workshops were held around the Shire. Topics were directly linked to the rebates which were funded by the Low Emission Technology Abatement (LETA) program administered by the Department of Environment, Water, Heritage and the Arts (DEWHA).

One of the workshops, “Footprints and Rebates”, introduced participants to the concept of ecological foot-printing and the various ways in which they can reduce their negative impacts on the planet. It also provided residents with information on how this program worked and enabled residents to have a rebate allocated to them. Three technical workshops (Savings from Hot Water, Savings from Heating and Cooling and Demystifying Solar Power) were held regularly, all providing participants with access to information from specialists in their field. These workshops allowed participants to learn more about the low emission technologies and ask the guest speakers questions, assisting them in their journey to install the technology.

The jewel in the crown was the provision of financial assistance to 112 households to install insulation (\$500 x 50 households), solar hot water (\$750 x 52 households) or solar power (\$4,000 x 10 households). Participants had a detailed home assessment by a service provider as part of their rebate conditions which provided them with an action plan to make savings on their water and energy bills and involved a refit of lights and showerheads to energy saving ones.

Human Settlement

The challenges presented by sustainable planning include the balancing of conflicting land use issues. For example, in the provision of housing, council must have regard to the shire's environmental and community needs. Consideration needs to be given to issues such as appropriate urban form and design, conserving environmentally sensitive areas, accommodating population growth and catering for community desires. Additionally, recent years have shown a relatively weak local demand for commercial and industrial development and a high demand for residential housing. This has meant increased pressure to redevelop or rezone commercial and industrial land entirely for residential purposes, thereby sterilising future local employment opportunities.

Heritage

Council contains 829 heritage items and 5 heritage conservation areas. It also has 10 items listed on the State Heritage Register and 23 items listed on the Register of the National Estate. Old Man's Valley Cemetery was added to the State Heritage Register within the last year. Bar Island Aboriginal and European heritage conservation project has been completed. The Metropolitan Local Aboriginal Land Council undertook the Aboriginal site survey, and the path was upgraded to minimise erosion of the Aboriginal midden.

Waste

Hornsby Shire's population has increased by 0.57% over the past year. Total waste to landfill has reduced from 47.7% to 46.53% over the past 12 months. Although total waste to landfill

has increased slightly, comingled and green waste diverted from landfill has increased at a higher rate. Consequently waste to landfill per capita has increased slightly however recycling of comingled and particularly green waste has increased per capita. This has been achieved through a variety of strategies including:

- Regular free workshops on recycling, non-toxic solutions for a chemical free home, no-dig gardening composting and worm farming. Talks to community groups, such as Joeys, Gardening Clubs and TAFE upon request. Regular displays at Shopping Centres and Community Events.
- Recycling Tours to Kimbriki and Chullora to show residents how their green waste and co-mingled recycling is recycled and reused.
- Battery recycling trial in schools to be made ongoing by promoting a drop off centre at the Thornleigh depot.
- E Waste Recycling – 25 tonnes of computer equipment collected and diverted from landfill.
- Chemical Cleanouts by council and Department of Environment and Climate Change, which have processed 64 tonnes of toxic and hazardous materials.
- Unit Block Expo at Waitara.
- Eighteen Free Chipping Days.
- *drumMUSTER*, a program for rural business to get rid of empty chemical drums - the only metropolitan council to offer this service. Over 750 drums diverted from landfill.
- The establishment of a permanent drop-off facility at Thornleigh Waste Depot after a successful recycling trial of incandescent and compact fluorescent light bulbs.
- The purchase and fitting out of an Education Van. Signage will complete the project. The van will be used for displays, events and school visits.

During 2007/08 council adopted the Onsite Sewage Management Strategy and Greywater Reuse Policy. The Strategy outlines the requirement for routine inspections of onsite sewage management systems and lobbying of state government for the provision of sewer in unsewered areas. Work commenced in Brooklyn during 2007 and Dangar Island in early 2008. Progress to date has resulted in 82% of properties being connected at Brooklyn and 45% at Dangar Island. Environmental Officers have been involved with coordinating the sewer connections for the Brooklyn and Dangar Island Sewerage Scheme constructed by Sydney Water. This has involved inspections of septic systems and site visits to most of the 600 or so properties involved. Council is continuing to encourage the safe reuse of onsite wastewater in unsewered areas of the shire and minimising the impact on the potable water supply.

Water

Council has maintained its commitment to water consumption reduction and water quality improvement by successfully completing Milestones 1 to 5 of the Sydney Water Every Drop Counts Business Program for effective water management. The Milestones serve as a progressive benchmark as to how well local governments achieve their objectives and goals for water conservation and water quality management in the corporate and community sectors.

Hornsby Shire Council was one of the first Council's in NSW to achieve a 5 star rating accreditation for its water saving initiatives. Council has maintained last year's significant water consumption reductions of 21% in its own operations and 20% through initiatives for the community. Council is pleased to be working in partnership with ICLEI, Sydney Water

and the Department of Environment and Climate Change in developing water savings initiatives and sustainability programs.

The success of the water saving initiatives can be credited to council programs such as: Sustainable Total Water Cycle Management Strategy, Sustainable Water DCP, the Catchment Remediation Rate program, stormwater catchment management plans and environmental education.

An ongoing commitment to improve stormwater quality and to instigate water savings and water reuse for all council assets has led to initiatives such as: stormwater harvesting at Council's Nursery and parks, reverse osmosis to treat council's swimming pools' backwash water, gross pollutant and nutrient trapping, sediment and erosion control, and reduced herbicide, pesticide and fertiliser use.

Atmosphere

As of June 2008, council had further reduced its own greenhouse gas emissions by 29% and assisted the community to reduce its emissions by 4 % of 1995/96 emission levels (based on Milestone 1 Cities for Climate Protection baseline data). The "earthwise at home – low carb living" program assisted 112 households to install low emission technologies, reducing emissions by 407 tonnes per year (plus 155 tonnes from light bulb and shower head refits). Further reductions are highly likely due to behavioural changes as well with over 330 residents attending energy saving workshops.

Council commenced a project to review climate change adaptation. The project will help council decision makers understand and apply information provided on climate change scenarios to assess risks related to: resource management, land use planning, infrastructure and transport planning, local economic development, environmental management, community issues and emergency services.

Council in partnership with Manly Council was successful in securing an Accelerated Action Grant from the Department of the Environment and Water Resources. A component of the funding was to engage a consultant to undertake a feasibility study in achieving carbon neutrality for existing and future greenhouse gas emissions.

The success of council's Business Energy Savings Program will result in reducing greenhouse gas emissions within the business community and has identified new projects that will assist businesses. All improvements achieved help the community to progress towards sustainability and council in achieving its strategic intent of 'creating a living environment'.

Council has reduced its greenhouse gas emissions through:

- Purchase of 10% GreenPower for large sites and all streetlights
- Purchase of 6% GreenPower for all other sites
- 100% GreenPower for Council run community events
- Cogeneration system at Hornsby Central Library
- Increased collection, mulching and recycling of green waste
- Increasing the proportion of more fuel-efficient 4 cylinder vehicles in council's fleet
- Energy efficient office equipment
- Continuation of Stage 1 & Stage 2 Energy Performance Contract to reduce energy and water consumption.
- Investigation of renewable energy & energy efficient technologies for new & existing buildings/facilities

- Implementation of projects identified in the Energy Savings Action Plan
- Formation of Sustainable Procurement Committee and Policy.

Bushland & Biodiversity

Hornsby Shire Council is known as the Bushland Shire, and over 69% of the Shire is bush in the form of pockets of reserves and the Berowra Valley Regional Park. Council is committed to protecting and improving its local natural environment through its Biodiversity Strategy, on ground Bush Regeneration work and a large volunteer Bushcare program of 820 volunteers. Council also provides free native plants to residents twice a year and is working to encourage local nurseries to provide local native stock to residents for their gardens.

Council has managed its nursery site for over 10 years, at various levels of usage, and provided a range of plants for street trees, Bushcare and other projects. In 2000 the Bushland Team at Council took over part of the nursery grounds and transformed it into a Community Nursery, providing local native stock for a range of community projects. To finalise its potential as an educational facility and to run the nursery as per council's NCS best management standards the Nursery sought advice from the Nursery and Garden Industry Accreditation (NGIA) to accredit the nursery. Over three years the nursery has undergone improvements and in June 2005 has received accreditation through the Nursery and Garden Industry Accreditation Scheme (NGIAS) proving that the nursery is run at best practice and is environmentally sound. The Hornsby Community Nursery is the first and only government owned nursery in NSW to receive this accreditation

The nursery aims to showcase best practice operations across the wider community. This is achieved through many initiatives including a full water recycling system capturing onsite runoff rainfall, solar power, minimal waste production, recycling of materials and a low chemical reliance. To emphasise this commitment to environmental sustainability the nursery was awarded in the prestigious Yates Nursery & Garden Industry Awards the Environment Category Award for the State of NSW (2008).

Awareness of the nursery facility across the broader Hornsby Shire community has increased markedly in the past financial year. This is highlighted by the increase in the numbers of plants given out at the Community Nursery & Environmental Information Open Days during this timeframe. Numbers this year were up 80% on the previous year to a total of 3,522 plants distributed to residents.

Other popular community events have also increased considerably with National Tree Day planting 49% more plants than the previous year.

Soil Landscape

Managing the soil landscape in the shire is an important aspect of land use and development. Acid sulfate soil, land contamination and erosion continue to be a serious problem. To ensure that minimal damage occurs to the environment, council continues to manage the soil landscape through the development application process and onsite sewage management approval process.

In the shire, construction and land clearing represent the most common causes of soil erosion. Continued enforcement of development consent conditions pertaining to sediment and erosion control and ensuring best practice is adhered to on construction and development sites throughout the shire is undertaken on a regular basis.

However, illegal land clearing continues to be a major challenge. Illegal removal of

vegetation has negative impacts on soil and water quality and impacts on local biodiversity. Council continues to investigate illegal land clearing matters.

Noise

In today's society, noise levels are increasing and continuing to impinge on our work, recreation and personal lives. Tolerance to noise is subjective, depending on circumstances and individual sensitivity. Council aims to address noise issues and complaints on their merit, and attempts to resolve situations through ensuring that all reasonable and feasible measures to control the noise are considered.

Council has identified air-conditioning (AC) units as a noise issue which commonly causes a nuisance in residential areas. As they are often approved in concept as part of the BASIX assessment for new dwellings, their exact location was often not identified on plans. The units were then located in positions where they caused a nuisance to the adjoining residents. To try to reduce the incidence of ACs causing a nuisance planning developed a new condition of development consent for new dwelling houses requiring AC units to be located a minimum of 3 metres from the property boundary or alternatively the applicant is required to submit a report from an acoustic engineer confirming that the unit does not create noise greater than 5 dBA above background levels at night. It is envisaged that this condition will reduce the number of complaints about new AC units.

Integrated Reporting at Hornsby

The state of the environment within the Hornsby Shire is again being reported in Council's Annual Report & Corporate Sustainability Report. This Report has expanded on that of previous years to include information on our sustainable practices and is beginning to align our sustainability reporting with the Global Reporting Initiative (GRI) content and indicators. For further information regarding Council's Annual Report & Corporate Sustainability Report 2007/08 please refer to Council report ST14/08.

Next Steps

Following Council endorsement the above text will be submitted to NSROC for final production and submission to the NSW Department of Local Government by 30 November 2008.

BUDGET

Council's contribution to the 2007/08 NSROC State of the Environment Report has been prepared within the budget allocated to the Environmental Sustainability & Health Team.

POLICY

There are no policy implications contained in this report.

CONSULTATION

Consultation has been carried out with staff from all relevant sections across Council, the Northern Sydney Regional Organisation of Councils and relevant NSW State government authorities.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line attempts to improve Council decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

Working with our community

The Regional SoE Report will be produced in an easily digestible format and will be available to all residents, students and government agencies through Council's website. A summary version of Hornsby's contribution will also be included in Council's Annual Report. It is anticipated that this will be available in late 2008. Council's Sustainable Action Committee has been working with Council to improve community contributions to the SoE, reflecting community thoughts about Council's environmental goals and activities.

Conserving our natural environment

The SoE report illustrates the current state of the environment, pressures and highlights areas for response. The report identifies Council's major pressures and achievements with regards to greenhouse management, waste management, water management, soil management and bushland and biodiversity management. All areas of land, water, air, noise, human settlement, waste, heritage and biodiversity have been addressed in the report.

Contributing to community development through sustainable facilities and services

The SoE is a requirement of the *Local Government Act 1993*. As such Council is required to report on a minimum amount of information. The Regional SoE supports and reflects the aims of council's Management Plan. The SoE assists Council in having a holistic understanding of the cumulative affect of Council operations. Traditionally, the SoE has been used as both a reflective and planning tool within the Shire.

The SoE reports upon public participation in decision making (Sustainable Action Committee and other participatory committees), volunteering (Bushcare) as well as participation in Council environmental education programs. New approaches to integrating reporting will ensure that Council has an increasing role in ensuring the indicators and measures of success align with community concerns for the environment. Further the Regional SoE identifies actions that highlight Council's commitment to partnerships with bodies both within and impacting upon the Shire, such as local businesses and community groups as well as State and Commonwealth government agencies.

The SoE assists in identifying and assessing Council's response to the public use of amenity and open space. Through both Council's urban development and open space management, the Regional SoE highlighted issues faced with anticipated population growth upon the natural environment.

Fulfilling our community's vision in planning for the future of the Shire

The Regional SoE aims to understand negative impacts on the environment and build future actions to ensure a cleaner environment across multiple areas and issues. The indicators identified in this Regional SoE reflect the values of the community as identified through Hornsby's Community Sustainability Indicators Project and the values of the State as reflected in the *Local Government Act*. As such, actions stemming from Regional SoE findings aim to promote the well-being of the area's current and future population.

Supporting our diverse economy

The Regional SoE can assist businesses in the area identify niches of potential markets for environmental benefit and economic growth. While the Regional SoE will have no direct

impact on local employment, given its potential for businesses to identify niche markets through the needs identified in the Regional SoE, it may contribute to employment.

Maintaining sound corporate and financial management

The Regional SoE identifies many strategies, plans and actions required of Council. Each of these plans and actions will have its own associated financial implications such as cost saving and expenditure and ongoing life cycle costs, which will be identified in its plans/reports. The SoE does not have any direct impact upon Council assets.

Other Sustainability Considerations

The Regional SoE identifies that the planned rate of growth within the Shire and surrounding the Shire will place additional pressures upon an already fragile environment.

RESPONSIBLE OFFICER

The responsible officers are Angie Marlow, Sustainability Officer, telephone 9847 6882 and Julie Ryland, Manager Environmental Sustainability & Health Team, telephone 9847 6898, hours 8.30 am to 5.00 pm Monday to Friday.

RECOMMENDATION

THAT Council endorse the text in the DISCUSSION Section of this report for inclusion in the NSROC State of the Environment Report 2007/08.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06940
Document Number: D01016369

19 TREE REMOVAL AT 35 CURRAWONG AVENUE, NORMANHURST

EXECUTIVE SUMMARY

This report recommends that Council refuse the application for consent to remove an *Araucaria bidwillii* (Bunya Pine) located at the front of the property 35 Currawong Avenue, Normanhurst. The applicant has appealed previous decisions by staff acting under delegated authority and has requested that the matter be referred to an Ordinary Meeting of Council.

PURPOSE/OBJECTIVE

The owner of the property seeks Council approval to remove an *Araucaria bidwillii* (Bunya Pine).

DISCUSSION

An initial application was lodged on 14 July 2008, requesting permission to remove the subject tree. Reasons for the request were falling pine cones and the tree's proximity to an adjacent *Eucalyptus pilularis* and powerlines. An inspection was undertaken by Council's Tree Management Officer, Gideon Walker, who refused the application, finding the tree to be sound and healthy.

On 4 August 2008 the applicants requested a second inspection be undertaken on the tree, reiterating their concern that the falling pine cones posing a hazard to children walking to school and playing on the nature strip, dog owners, residents and visitors including the postman. The applicants also state that there is no evidence of poor health or structural instability. This inspection was carried out by Council's Tree Management Coordinator, Mr Dennis Hoye. Permission to remove the tree was again refused.

On 28 September the applicants requested that the matter be put to the next available meeting. No arborist report has been submitted by the applicant to support the removal of the tree.

The applicants contacted Councillor Chopra on 1 October 2008, requesting that he familiarise himself with the matter and that, in the applicants view, Council was not applying common sense in the matter.

The subject tree is a Bunya Pine approximately 17 metres in height, in good condition. There is no evidence of major branch loss. The tree is located in the front yard adjacent a common driveway and the nature strip. The tree is located one metre from the trunk of a taller *Eucalyptus pilularis*. The canopy of this and two other Eucalypts meet above the Bunya Pine. Although this has not affected the form of the Bunya Pine, the larger trees diminish the prominence of the Bunya Pine in the locality, as does the position of the property on low-lying land near the end of a cul-de-sac.

Council's Tree Management Plan, Section 3.3 states in part: "approval will generally not be given for tree pruning or removal where the tree is shedding leaves, fruit, bark, cones or twigs

and this is considered a natural process and where pruning the tree could potentially resolve the nuisance being experienced”.

The end of Currawong Avenue is a quiet cul-de-sac with approximately eleven houses past the subject tree. There is no pedestrian pathway linked to another street and no formed footpath on the nature strip. Pedestrian traffic is local and it is not considered a busy thoroughfare.

Bunya pines produce large heavy cones up to 30 centimetres in diameter and up to several kilograms in weight. There is no doubt that a falling cone could cause significant personal injury or property damage. A tree can produce several of these cones each year, ripening around mid-summer, and the cones are shed when ripe. The size of the crop of cones can vary from none to many, from year to year. The cones are borne near the top of the tree so they fall from a considerable height, and it is usually difficult to see the cones when looking at the tree from ground level to ascertain their presence.

On the other hand, a cone-bearing Bunya Pine is a large mature tree whose distinctive domed apex and lateral branch structure differs greatly from local native tree species. This contributes to the visual amenity of a suburban areas treescape.

If consent is granted for the removal of this specimen based on the reasons put forward by the applicant, the same reasoning would apply to any Bunya Pine within the Shire. A decision to allow the removal of this tree would effectively render all Bunya Pines in the Shire exempt from the Tree Preservation Order.

Council has the responsibility of maintaining several Bunya Pines located on Council parks and nature strips throughout the shire. The trees are inspected each year and the juvenile pine cones are removed in December. The maintenance of the removal of fruit of a Bunya Pine is similar to the maintenance of removal of major accessible deadwood in other mature tree species, with the exception that the removal of the cones is a seasonally recurring phenomenon.

The canopy is typical of a Bunya Pine. There is no sign of insect or fungal damage to the tree.

Council officers have assessed this tree to be in good health, of very attractive appearance and worthy of preservation. In Council’s assessment there is currently insufficient cause to justify removal. However, should the tree cause damage, for example as a result of a storm, Council could be liable, especially if this occurred in the near future following refusal of consent. This is always the situation which must be considered when assessing trees. Council’s guidelines allow a tree to be removed in the case of safety concerns if there are signs that the tree is diseased, dying or dangerous. None of these signs were evident.

All tree assessments were made by visual external inspections- internal, underground or aerial investigations were not undertaken.

Tree details

Species:	<i>Araucaria bidwillii</i>
Common Name:	Bunya Pine
Height:	17 metres
Age Class:	Mature

BUDGET

There are no budgetary implications arising from this decision.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

There is no requirement for consultation in this matter.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line attempts to improve decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer is Mr Gideon Walker, Tree Management Officer, Parks and Landscape, telephone 9847 6795, hours 9am to 5pm, Monday to Friday.

RECOMMENDATION

THAT Council refuse consent to remove 1 x *Araucaria bidwillii* (Bunya Pine) located in the front yard of 35 Currawong Avenue Normanhurst and that the applicants adopt a maintenance schedule for the removal of juvenile fruit.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. TA/760/2008 35 Currawong Avenue Normanhurst Photo 1, dated 131008
2. TA/760/2008 35 Currawong Avenue Normanhurst Photo 2, dated 131008
3. TA/760/2008 35 Currawong Avenue Normanhurst photo 3, Pine Cone

File Reference: TA/760/2008
Document Number: D01024874

20 PARKS CAPITAL WORKS 2008-2009 SEPTEMBER QUARTER PROGRESS REPORT

EXECUTIVE SUMMARY

The Parks Capital Works Program for 2008/2009 addresses works required to maintain park assets in a safe and enjoyable condition. It also includes a works program for improving the parks of Hornsby Shire with funding from development contributions levied under Section 94 of the Environmental Planning and Assessment Act (1979).

PURPOSE/OBJECTIVE

This report is to inform Council of the progress of the 2008/09 Parks Capital Works Program as at 30 September 2008.

DISCUSSION

Attachment 1 is a status report on projects listed for 2008/09.

As indicated in the attachment, the majority of projects assigned to the Parks and Landscape Team have been substantially progressed.

BUDGET

There are no budget implications arising from this report.

POLICY

There are no policy implications arising from this report.

CONSULTATION

No consultation was necessary for the preparation of this report.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon council's strategic themes.

As this report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer is Peter Kemp, Manager, Parks and Landscape, telephone 9847 6792, hours 9.00 am to 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's report EN42/08 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Parks Capital Progress Report 2008/09

File Reference: F2004/06971
Document Number: D01024877

21 FAGAN PARK ENTRY BUILDING CONSTRUCTION TENDER T20/2008

EXECUTIVE SUMMARY

The proposed contract for 'Fagan Park Entry Building Construction' is required for the provision of a new building with disabled toilet facilities and a permanent site for a commercial coffee cart to set up and provide light refreshments within an outdoor paved area. This building has been designed to complement the existing facilities at the park, including the adjacent recently opened regional playground, and will be situated at a focal point for setting out to the various parts of the park.

At the present time Council does not have the staff resources required to undertake this construction work and therefore tenders have been called in accordance with the Local Government Act. The construction referred to in the proposed contract is scheduled to commence in December 2008 and be completed by May 2009, weather permitting. Avant Constructions Pty Ltd. has been recommended for acceptance of this tender

PURPOSE/OBJECTIVE

This report provides a recommendation in relation to Tender No. T20/2008: 'Fagan Park Entry Building Construction'.

DISCUSSION

Council called Tender No. T20/2008: 'Fagan Park Entry Building Construction' in accordance with the requirements of Council's tendering procedures and the Local Government Act. Advertisements were placed in the Sydney Morning Herald on 23 and 30 September 2008 and the Hornsby Advocate on 25 September 2008. Tenders closed on 15 October 2008.

Tender No. T20/2008 is a Lump Sum tender comprising the construction of an entry building containing toilets, a store room, a large covered area, external paving and sandstone walls. A summary of all tenders received, together with full evaluation details, has been placed on file.

Tenders were received from the following nine (9) companies:

1. Academy Constructions Pty Ltd
2. Almar Constructions
3. Avant Constructions
4. Bilas Knight Pty Ltd
5. Bruton
6. Crossgrove
7. Jakin Constructions Pty Ltd
8. Keystone Constructions
9. Sullivans Constructions

The following criteria have been used for the evaluation of the tenders:

- Cost of works
- Past performance and experience with similar types of contracts
- Project program and resourcing details
- Labour and subcontract resources
- Quality assurance systems
- Occupational health and safety systems
- Current financial position and contractual commitments

Council sought and received a pre-tender estimate from the quantity surveyor Saxton Clarke Pty Ltd. prior to calling tenders. Following closing of tenders this estimate was subsequently reviewed and revised.

The priced bills of quantity rates for the works were evaluated along with the lump sum price of each tender and compared with the average price tendered and the revised estimate for the works. Other criteria were assessed on information submitted with each tender, information gained from the tenderers' nominated referees and additional information following interviews with selected tenderers.

The attached Confidential Memo ENV P&L Oct 03/2008 provides the lump sum price of each tender and a summary of the evaluation. Full details of the tender evaluation are on file.

Value for money considerations

In reviewing the tendered price for the works there was also exploration of whether Council could get better value for money on the cost of the building by going to an alternate design. Investigations focused on the supply and installation of a prefabricated building structure of similar form, in lieu of the specified building structure. In reviewing the costs of this approach against the two lowest tenderers, it appears that the cost may be similar to the lowest tender. However it would actually deliver a building that is less durable.

The results of the evaluation indicate that the tender from Avant Constructions Pty Ltd. would be the most advantageous to Council.

BUDGET

The 2008/09 management plan includes a capital budget allocation for Fagan Park of \$376,296 of section 94 funds (S94) and other grant funds, which is to cover the completion of the Stage 1 playground, the tendered works and other related works. Of these funds a total of \$232,959 has been spent to date on the completion of the Stage 1 playground and other servicing works at the site associated with the development of the entry building.

A phase up of previously budgeted unspent S94 funds of \$156,000 from the 2007/08 financial year will be sought in the December Quarter Review to cover the playground completion works.

The budget allocation for the tendered works was set on the basis of estimates provided by the Quantity Surveyor, Saxton Clarke Pty Ltd. A review of the costings of the works following receipt of the tenders has determined that in accepting the tender there will be a budget shortfall. A phase up of \$70,000 of S94 contributions is required to cover these costs. Funds are available from S94 developer contributions to cover this shortfall and these will be sought in the December Quarter Review.

POLICY

The construction of the entry building implements an action from the Fagan Park Plan of Management, council's key policy document for this site.

CONSULTATION

The tender has been evaluated in consultation with Council's Acting Building Assets Coordinator, Mr Percy Tavernese, and Mr Rolfe Chrystal, consultant architect on the project.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line attempts to improve Council decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

Working with our Community

The community was informed of the tender through advertising in the Sydney Morning Herald and the Advocate newspapers.

Conserving our natural environment

The processes on site are controlled by strict environmental measures including sediment and erosion minimisation, noise and pollution controls and protection of environmentally sensitive areas.

Contributing to community development through sustainable facilities and services

Both vehicular and pedestrian traffic controls are to be put in place prior to commencing works on any work site, to protect and guide the public around the works and to protect the workmen. It is a requirement under the contract that Occupational Health and Safety (OH&S) Systems are in place in order to comply with the OH&S Act and Regulations. The OH&S and Traffic Control systems have been checked as part of the tender evaluation. The Fagan Park Entry Building will provide amenities in a central and accessible location, close to the main park arrival point and the new adventure playground. It will also provide a facility where refreshments may be provided through the operation of a commercial coffee cart.

Fulfilling our community's vision in planning for the future of the Shire

The facility, once completed, will provide significant improvement to the Fagan Park visitor experience by providing toilet facilities and a covered outdoor area where refreshments can be served. The development of this facility is identified as a high priority in the Fagan Park Plan of Management and its development is a key component of the Fagan Park Entry Area Masterplan. Both of these documents were adopted by Council after extensive community surveys and consultations with stakeholders where it was recognised that the development of this facility is a high priority for Fagan Park.

Supporting our diverse economy

The building is expected to support an increase in visitation to Fagan Park by providing high standard amenities in association with the new adventure playground.

Maintaining sound corporate financial management

The entry building has been designed to be of minimal acceptable size, while providing a commercially viable site for the establishment of a small concession providing for refreshments. The decision to build a facility that will support the establishment of a coffee

cart follows Council undertaking a feasibility study that found a small concession of this scale should be commercially viable in this setting.

Other sustainability considerations

The building design has taken into account sustainable energy policies through an energy-efficient design.

Natural lighting is harnessed through roof sky lighting while ventilation relies on temperature differentials to circulate cool and warm air. Toilet cisterns are all fitted with low-flush devices. The septic wastewater system incorporates an absorption trench. The system relies on the natural processes of filtration and evapotranspiration to break down pollutant loads while returning water to ground.

All water being used on site, including that associated with the septic wastewater and stormwater runoff collected on the roof of the building, will be returned to natural drainage lines and groundwater on site through absorption trenches, management of stormwater and direction of overland flows. No water will leave the site via a piped stormwater system, representing a benefit to the parkland environs and ecosystems.

Materials used in the building construction represent low embodied-energy materials. The construction methodology incorporating hardwood structural elements involves screw joint fixings, enabling the easy re-use of timbers in the future.

Combined, these construction methodologies and design features represent significant energy and water saving benefits.

RESPONSIBLE OFFICER

For further information, please contact council's Landscape Coordinator, Kurt Henkel, telephone 9847 6887, hours 8.30am to 5pm, Monday to Friday.

RECOMMENDATION

THAT Council accept the tender submitted by Avant Constructions Pty Ltd for Tender No. T20/2008 Fagan Park Entry Building Construction for the lump sum price as stated in the attached Confidential Memo (PL ENV Oct03/2008).

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Memo summarising the findings of the Tender Evaluation - *This attachment should be dealt with in confidential session, under s10A (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

File Reference: F2008/00554
Document Number: D01025531

ITEM 21

22 STRATEGIC HUMAN RESOURCES PLAN 2008-2012

EXECUTIVE SUMMARY

For some time Council has been concerned at changes in labour market dynamics and the effect that might have on Council's workforce into the future. The 2007/08-2009/10 Management Plan recognised that concern and contained provisions to focus efforts in areas such as workforce planning and succession planning. Specifically, under the strategic theme of Maintaining Sound Corporate and Financial Management, the following strategic action was identified:

“Develop a Human Resources Strategic Plan that takes a longer term view of Council's future Workforce Needs.”

Development of a Strategic Human Resources Plan commenced in August 2007 and continued with significant stakeholder consultation and consideration until endorsement by Council's Executive Committee and the General Manager's approval in early September 2008.

The Plan is focused on improving various aspects of both Human Resource Management (e.g. recruitment, performance management, remuneration), as well as Human Processes (e.g. communication, leadership, group dynamics).

The Plan was launched to Council Staff by a series of presentations given by the General Manager and Manager, Human Resources in early November 2008.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of the launch of the 2008-2012 Strategic Human Resources Plan.

DISCUSSION

The background, approach and content of the Plan are contained in the attached document titled Strategic Human Resources Plan 2008 - 2012.

BUDGET

This report does not recommend any direct budget expenditure. Any expenditure implications arising from the Plan will be contained in recurrent budgets.

POLICY

No policy implications are associated with this report.

CONSULTATION

Development of the Plan included extensive consultation with all staff through an employee opinion survey, focus groups and one-on-one interviews.

TRIPLE BOTTOM LINE SUMMARY

In sustainability terms, the Plan will indirectly affect all three factors in the social, environmental and economic arenas.

Council's ability to have a motivated and competent workforce will impact on it being able to sustain its operations and achieve its social, environmental and economic outcomes into the foreseeable future.

RESPONSIBLE OFFICER

Jim Mitchell, Manager, Human Resources (Ph: 9847 6981)

RECOMMENDATION

THAT the contents of Report ST15/08 be received and noted.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Human Resources Strategic Plan 2008 - 2012

File Reference: F2008/00513
Document Number: D01007510

23 UTILISATION OF CONSULTANTS - JULY 2007 TO JUNE 2008

EXECUTIVE SUMMARY

This report is the final report for 2007/08 regarding utilisation of consultants, and is provided under Council's Policy 'Consultants - Engagement & Selection' which was last reviewed and amended on 11 April 2007 (see Report No.CC11/07).

The current report follows the format adopted for the final report for 2006/07.

The final result for 2007/08 was an expenditure of \$1.767M, being \$72K or 3.9% below budget.

There were no new consultancy contracts worth over \$50K notified in the June 08 quarter (and, in fact, none since December 2007). However, there were 25 new engagements under \$50K notified in the June 08 quarter to a total value of \$175K.

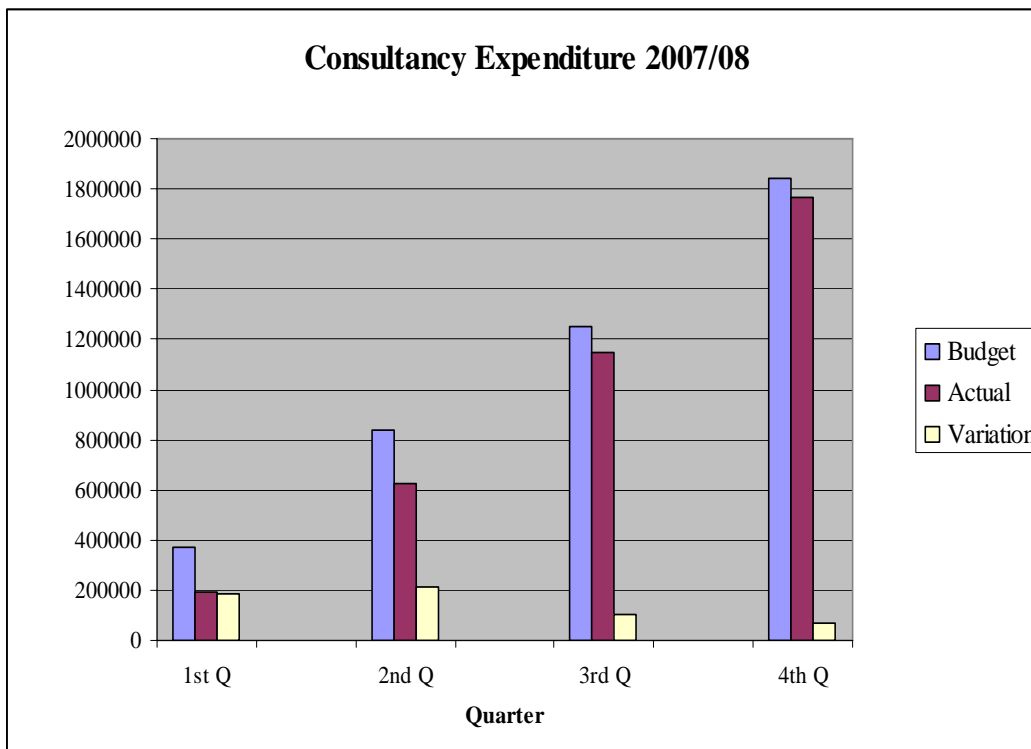
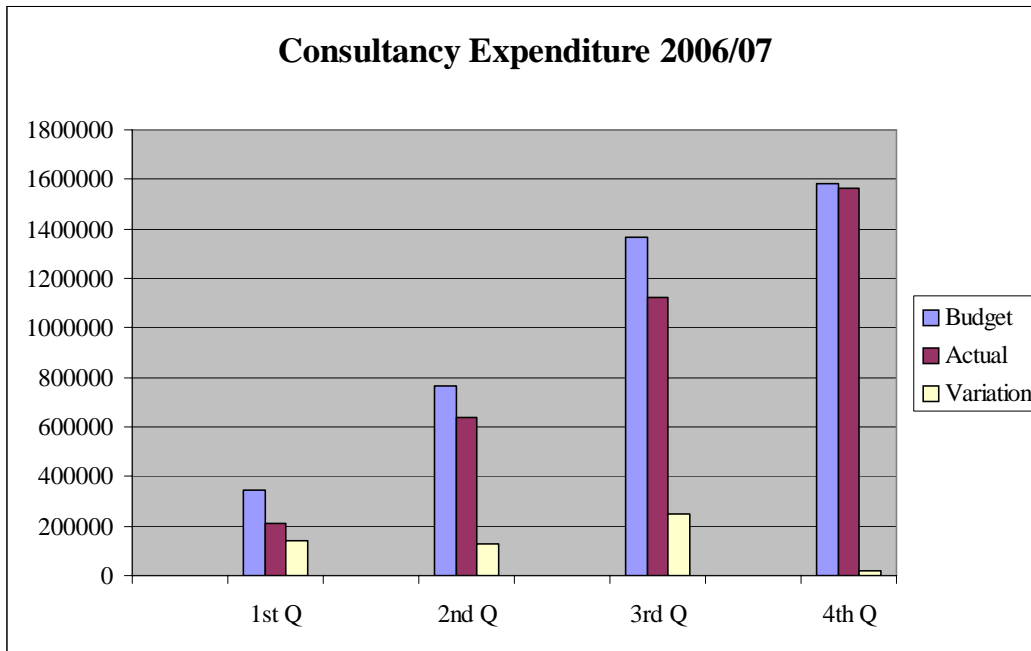
The recommendation is that Council receives and notes the report.

PURPOSE/OBJECTIVE

The purpose of this report is to keep Council informed of the utilisation of consultants in the achievement of Council's goals, directions and programmes.

DISCUSSION

During 2007/08 expenditure by Council on consultancy projects was 3.9% below the total budget provision of \$1.839M. The tables below show progressive quarterly results compared to the quarterly pattern of the previous year.



The budget provision for the year was \$253K above the provision for 2006/07 while actual expenditure was \$200K above the 2006/07 result.

Consultancy Engagements over \$50K

There were three new engagements worth over \$50K notified during the first half (July-December 2007), as follow:

Item	Project Name (Responsibility Centre)	Consultancy	Total Expenditure 2007/08 (\$)	Method of Engagement	Period of Work
1.	Lower Hawkesbury Estuary Management Plan (Water Catchments)	BMT WBM	29,500 (Total Value 80,000)	Tender	2007-2008
2.	Brooklyn-Dangar Island STP – Pre- commission Monitoring (Water Catchments)	Bioanalysis	35,000 (Total Value 55,000)	Tender	2007-2008
3.	Cherrybrook Child Care Centre (Design & Construction)	Denis Leech & Assoc.	63,000 (Total Value 157,000)	Tender	Dec 2007– June 2008

No new engagements over \$50K were notified in the second half (January-June 2008).

Consultancy Engagements under \$50K

One hundred and fifty seven (157) new consultancy engagements below \$50K in value were reported during 2007/08 as shown in the following table. These were distributed among nineteen (19) responsibility centres.

Responsibility Centre	No. of Engagements	Total Value (\$)
Council Management	4	39,000
Strategic Direction	4	38,000
Human Resources	2	51,000
Occupational Health & Safety	7	7,000
Development Contributions	3	65,200
Financial Services	1	36,000
Information Technology	8	80,100
Environmental Sustainability	6	87,200
Bushland & Biodiversity	3	18,000
Water Catchments	12	155,000
Parks & Landscape	17	87,200
Waste Management	4	48,900
Design & Construction	20	92,000
Engineering Services	6	38,000
Traffic, Road Safety & Parking	7	27,300
Property Development	5	55,300
Town Planning Services	10	163,700
Planning Executive	4	73,000
Development Assessment Services - Prescribed	34	81,600
TOTAL	157	1,243,500

The major reasons for use of consultants by Council were the acquisition of specialist skills not available in-house and/or the need for independent advice.

BUDGET

Current consultancy expenditure is within the budget provision and there are no budget implications arising from this report.

POLICY

No policy implications are associated with this report.

CONSULTATION

All responsibility centre managers were involved in the compilation of the base data for this report.

TRIPLE BOTTOM LINE

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency in social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

Julie Williams, Manager, Corporate Strategy (Ph: 9847 6790).

RECOMMENDATION

THAT the contents of Report ST13/08 be received and noted.

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06211
Document Number: D01001572

24 EXTENSION OF LICENCE FOR COACHING RIGHTS, HORNSBY AQUATIC CENTRE

EXECUTIVE SUMMARY

Council is requested to approve an extension of the licence for coaching rights at Hornsby Aquatic Centre to Easter 2009, with the option of quarterly extensions to Easter 2010.

PURPOSE/OBJECTIVE

The purpose of this report is to seek Council's approval to extend the licence, currently held by Mr Harry Gallagher, for the coaching rights at Hornsby Aquatic Centre following its planned expiry in December 2008.

BACKGROUND

At its meeting of 8 December 2004, Council resolved to award a licence for the professional coaching rights at the Hornsby Aquatic Centre to Mr Harry Gallagher for a two year period, with a two year option, in accordance with the terms of a licence agreement that was subsequently entered into by Mr Gallagher. The option was subsequently exercised and Mr Gallagher's licence is now due to expire in December 2008. Prior to the current licence, Mr Gallagher was first awarded the professional swim coaching rights at the Centre in 1999. Mr Gallagher has now requested an extension to his current licence, indicating his desire for an extension to Easter, (31 March 2009), or alternatively until Easter 2010, when he will have completed 65 years as a swim coach.

DISCUSSION

The Manager, Aquatic and Recreation Facilities, has advised that while Mr Gallagher continues to provide a satisfactory service, it would be his preference that Council review the coaching services currently provided at Hornsby Aquatic Centre, as part of the current Aquatic Centres' review, requested by Council in its Budget Management Planning deliberations. This service review is currently underway. Notwithstanding the outcome of this review, it would be preferable to implement any changes to the current arrangements at the conclusion of a swim season. On this basis, Mr Gallagher's request for an extension to 31 March 2009 is supported.

The current licence fee paid by Mr Gallagher is \$18,192 p.a. (incl GST) with entry fee of 65c per person. It is proposed that an increase in the licence fee be negotiated, not inconsistent with the escalation clauses in the current licence, for the period between December 2008 and 31 March 2009. Further, in the event that Council has not determined its future course of action in respect of the Hornsby Aquatic Centre, it is proposed that the licence be further extended for at the General Manager's discretion, on a monthly basis until the recommendations of any review are implemented.

It is further proposed that, as part of the service review, Council consider whether to provide swim coaching services through a Licensee, or provide the service in-house. This will be further reported on in due course in the service review.

BUDGET

There are no adverse budget implications associated with this report.

POLICY

There are no policy implications arising from this report.

CONSULTATION

This report has been prepared in consultation with the Manager, Aquatic and Recreation Facilities and following correspondence from the licensee, Mr Gallagher.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible associated with the report is Mr Maxwell Woodward, Executive Manager Works Division, available on telephone 9847 6665.

RECOMMENDATION

THAT the licence for the professional coaching rights at Hornsby Aquatic Centre, currently held by Mr Harry Gallagher, be extended to 31 March 2009, in accordance with the terms contained in the report, and the General Manager be given authority to negotiate further monthly extensions as required pending finalisation of further arrangements.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/09814
Document Number: D01006643

25 WORKS PROGRESS REPORT - SEPTEMBER 2008 QUARTER - ASSETS BRANCH

EXECUTIVE SUMMARY

This Assets Branch Works Progress Report for the September 2008 Quarter provides information to Council regarding the progress of the adopted 2008/09 Assets Branch Programs relating to works maintenance, road pavement and stormwater management in the Shire, and the implementation of asset management systems for sealed road pavement and drainage.

Key Performance Indicators (KPIs) for the various maintenance activities are included in the report and the progress of the various programs is presented in the Gantt charts attached to the report. The progress of the various activities are generally in accordance with the adopted programs for the 2008/09 Service Plan.

OBJECTIVE

This report provides information to Council on the progress of the adopted Assets Branch programmes relating to works maintenance, road pavement and stormwater management in the Shire, and the implementation of asset management systems for pavement and drainage.

The report covers work carried out by the Assets Branch of the Works Division for the first quarter of the 2008/09 Service Plan ending 30 September 2008. A summary of the works carried out to date is also provided.

WORKS MAINTENANCE

Works maintenance is divided into two districts (Northern District and Southern District) and includes:

- * Road shoulder and Unsealed Road
- * Drainage
- * Footpath and Footway
- * Roadside Furniture
- * Foreshore Facilities

Maintenance works of a routine nature are carried out by Council crews with either Council-owned plant or externally hired plant. Such works include: road shoulder and unsealed road regrading; stormwater drainage system checking and clearing of obstruction/repair of drainage structure; inspection of footpaths and repair/replacement of isolated sections of paths; inspection and repair/replacement of road signs and furniture; and inspection and minor repairs of foreshore facilities.

Upgrading works which are readily defined are generally carried out by Contractors. Such works include road shoulder upgrading, footpath reconstruction, and major repair/replacement of foreshore facilities. Other upgrading works such as construction of drainage pits and pipelines, lining of walls and floor of drainage channels, construction of short lengths of kerb and gutter are carried out by Council crews.

Civil assets maintained by the Works Division include:

- * 613km of sealed roads and footways
- * 376km of unsealed road shoulders
- * 36km of unsealed roads
- * 413km of footpaths
- * 18,331 drainage pits
- * 390km of drainage pipelines and channels
- * 6 public wharves
- * 5 pontoons
- * 1 tidal baths
- * 3 boat ramps
- * 1 loading dock
- * 8 sections - 815m of seawall

Works maintenance is undertaken in accordance with programmes adopted by Council and from work requests received. Progress of programmed activities for the Northern and Southern District Works Maintenance Programs are given in Gantt Charts A and B, respectively.

Road Shoulder and Unsealed Road

Road Shoulder Maintenance is carried out to ensure that unsealed road shoulders on roads with only a central sealed pavement are safe and serviceable. Activities carried out include:

- * On demand grass cutting and repair of damaged sections of grassed shoulders and swales;
- * Programmed routine regrading and repair of worn shoulders;
- * Programmed upgrading of shoulders to reduce/eliminate high frequency maintenance.

Unsealed Road Maintenance is carried out to ensure that unsealed roads are safe and serviceable. Activities carried out include:

- * Programmed routine repair/resheeting of all unsealed roads;
- * Programmed stabilisation/dust treatment of sections of unsealed roads to minimise/eliminate dust problem;
- * On demand repair of unsealed roads especially after heavy rainfall.

The Key Performance Indicator (KPI), stated as the average maintenance cost per km per year on unsealed roads, is \$11,900. The average maintenance cost per km at the end of the September quarter is \$2,940.

This activity relates to the Strategic Theme, *Contributing to community development through sustainable facilities and services*.

Drainage

Drainage maintenance is carried out to ensure that Council's drainage systems are effective in providing safety and enhance amenity to the community. Drainage maintenance comprises routine maintenance and minor upgrading of drainage structures.

Routine Maintenance comprises: programmed routine stormwater drainage system checking and clearing by Council crews on an area basis; and on demand drainage structure repair and lining of the side and floor of open drainage channels. The KPI for drainage maintenance, stated as the average maintenance cost per km per year of urban drainage maintenance, is \$3,600. The average maintenance cost per km at the end of the September quarter is \$770.

Minor Upgrading comprises programmed upgrading of drainage pits, construction of short sections of kerb and gutter, pipelines and new pits, and lining of walls and floors of open drainage channels.

Footpath and Footway

Footpath and footway maintenance is carried out to ensure that Council's footpath system provides safe and convenient access. Footpath maintenance comprises routine maintenance, footpath reconstruction and access ramp construction. Footway maintenance comprises programmed routine grass cutting, and programmed on demand reshaping of footway and repair of footway.

Routine Footpath Maintenance comprises programmed routine inspection and repair of isolated section/s of footpath, and programmed resheeting of segments of footpaths with asphaltic concrete to eliminate minor trip edges or concrete grinding to address moderate trip edges. The 413km footpath network is inspected at least once a year by Council crews or a contractor. During the September quarter, repairs to footpaths totalled 405 sq. metres. The KPI for footpath maintenance, stated as the average maintenance cost per km per year, is \$2,700. The average maintenance cost per km at the end of the September quarter is \$500. The Service Level stated as the number of reported trip and fall incidents on footpaths per 100km of <33 (less than 33) per year was 3 at the end of the September quarter.

Footpath Reconstruction comprises programmed reconstruction by contract for segments of various types of footpaths ranging from concrete slabs to asphalt, brick, tile and heritage slabs. The Service Level for this program is 2.0km of footpath reconstruction. During the September quarter, 8 sections of footpaths totalling 0.8km were reconstructed.

This activity relates to the Strategic Theme, *Contributing to community development through sustainable facilities and services*.

Roadside Furniture

Roadside furniture maintenance is carried out to ensure traffic safety and convenient movement of traffic. Roadside furniture maintenance comprises routine maintenance of street name and traffic signs, guide posts and safety fences.

Street Name and Traffic Signs routine maintenance comprises programmed installation of new advisory and directional signs, and on demand repair/replacement of street name and traffic signs. During the September quarter, 219 signs were maintained and 12 new signs were erected.

Guide Post and Safety Fences routine maintenance comprises programmed installation of new guide posts and safety fences and on demand repair/replacement of guide posts and safety fences. During the September quarter: 25 guide posts and 92 metres of safety fences were maintained, and 20 metres of new safety fences and 77 new guide post have been erected.

This activity relates to the Strategic Theme, *Contributing to community development through sustainable facilities and services.*

Foreshore Facilities

Foreshore facilities maintenance is carried out to ensure that public facilities are safe and serviceable. Foreshore facilities maintenance comprises routine maintenance and periodic upgrading/replacement of public wharves, pontoons, boat ramps, tidal baths, loading dock and seawalls.

Routine Maintenance comprises programmed routine inspection and minor repairs of public wharves, pontoons, boat ramps and tidal baths by Council crews and specialist contractors, and on demand minor repair works. During the September quarter, all 14 facilities have been inspected. Step, boat ramp and fish cleaning table pressure cleaning were also carried out at Parsley Bay, Berowra Waters and Kangaroo Point during the September 2008 quarter. Pest inspection and bait replacement at Brooklyn Baths were also undertaken in August and September 2008.

Upgrading/Replacement normally comprises programmed major repairs/upgrading on public wharves, periodic replacement of pontoons and periodic reconstruction of sea walls by contract. Two of the stainless steel ladders at the McKell Park tidal pool were rebuilt in September 2008 as well as the capping of 36 piles around the pool and the replacement of 16 decking boards.

This activity relates to the Strategic Theme, *Contributing to community development through sustainable facilities and services.*

PAVEMENT MANAGEMENT

Pavement Management is carried out Shire wide for the 613km sealed road network consisting of 1,521 roads. Pavement maintenance activities include:

- * Road Resurfacing
- * Preparation for Resurfacing
- * Pothole Repairs
- * Road Restorations, Hydrants and Carpark Maintenance

Progress of programmed activities for the Pavement Works Maintenance Program is given in Gantt Chart C.

There are two key performance indicators in the Principal Activity Service Plans for sealed roads:

- * The KPI for the sealed road network, stated as the percentage of road network rated in "Good/Very Poor" condition, are >68/<2 (greater than 68% / less than 2%). These percentages are forecast to decrease/increase in future years based on the current funding level. These percentages have remained relatively constant due to the Roads to Recovery Funding.
- * The KPI for sealed roads, stated as the average maintenance cost per km, is \$8,500 per year. The average maintenance cost per km at the end of the September quarter is \$1,390.

Road Resurfacing

Road resurfacing comprises programmed Reclamite surface treatment, and asphaltic concrete (AC) and flush seal resurfacing by contract. The programmed resurfacing is 183 roads totalling 308,000 square metres. The progress at the end of the September 2008 quarter, shown within brackets, was 8 roads totalling 12,735 m² and was as follows:

- * Asphaltic Concrete resurfacing 69 roads - 86,450 m² (7 roads - 7,994 m²)
- * Flush Seal resurfacing 34 roads - 70,100 m² (1 road - 4,741 m²)
- * Reclamite surface treatment 80 roads - 151,450 m² (0 road - 0 m²)

A list of roads proposed for resurfacing is identified by Council's Pavement Management System based on funding allocation and appropriate treatment options selected. The roads selected for inclusion in the program are then made following inspection by the Pavements Engineer. Approximately 5% of the road network is resurfaced/treated per year.

Preparation for Resurfacing

Preparation for resurfacing comprises programmed pavement repair by contract and crack sealing by Council crews. Pavement repair involves heavy patching of pavement using AC and pavement stabilisation with cement. On demand pavement repair involving heavy patching of pavement with AC is also carried out by contract as well as by Council crews depending on availability and extent of work required.

The programmed preparation works was 45 roads totalling 20,600 m². The progress at the end of the September 2008 quarter, shown within brackets, was 17 roads totalling 2,116 m² and was as follows:

- * Heavy Patching with AC 34 roads - 3,850 m² (17 roads - 2,116 m²)
- * Pavement Stab. with Cement 11 roads - 16,750 m² (0 roads - 0 m²)

Pothole Repairs

Pothole repair comprises programmed inspection and filling of potholes with AC on 12 patrol area basis by a Council crew with a Flocon truck. During the September 2008 quarter, 890 potholes were repaired in 134 roads and consumed approximately 36.1 tonnes of asphaltic concrete.

Road Restorations, Hydrants and Carpark Maintenance

This activity comprises programmed restoration of road openings by public utility authorities and plumbers in asphaltic concrete, raising of hydrants, and carpark maintenance involving some pavement and pothole repair by Council crew, line marking and resurfacing by contractors. During the September 2008 quarter, restorations were carried out on 27 roads totalling 125 m² and 5 services adjustments were carried out on 2 roads.

The activities above relate to the Strategic Themes, *Contributing to community development through sustainable facilities and services* and *Maintaining sound corporate and financial management*.

STORMWATER MANAGEMENT

Stormwater management major activities include:

- * General review of all completed Stormwater Catchment Management Plans (SCMPs).
- * Project management of minor stormwater drainage projects.
- * Review of Council's Urban Runoff Management Code.
- * Development of conceptual designs for Stormwater Drainage Improvement Programs.
- * Development of Floodplain Risk Management Plan.

The Service Level, stated as the cumulative percentage of 1,084 known properties subject to stormwater inundation benefiting from Improvement programme is 52.1%.

Progress of programmed activities for Stormwater Management is generally in accordance with the adopted programme given in Gantt Chart D. Minor drainage improvement/upgrading works was in progress in Woonona Avenue, Wahroonga during the September 2008 quarter. Cardno Lawson Treloar has been engaged as Consultant for the Broadscale Overland Flow Study for the urban areas of the Shire on 25 August 2008. This study is part of the Floodplain Risk Management Plan Development and will culminate with the preparation of Flood Planning Levels Map for the Shire.

Major Drainage improvement works will not be undertaken in 2008/09 as the allocated funding has been placed in a restricted asset account towards the Hornsby CBD Drainage Project Stage 1. Construction will commence only when sufficient funds have been accumulated and is currently scheduled for 2009/10.

This activity relates to the Strategic Themes *Contributing to community development through sustainable facilities and services* and *Maintaining sound corporate and financial management*.

ASSET MANAGEMENT SYSTEMS

Three asset management systems are currently being maintained/implemented:

- * Pavement Management System (PMS)
- * Drainage Asset Management System (DRAMS-PIPEPAK)
- * Footpath Management System (FMS)

The progress of programmed activities for the implementation of asset management systems is generally in accordance with the adopted programme given in Gantt Chart E.

Pavement Management System (PMS)

The Pavement Management System (PMS) Implementation Program consists of the following programmed activities for PMS Model refinement:

- * Investigation of pavement structure by staff from project investigations.
- * Collection of road condition and road roughness data by contract for the first 20% of the network for the Fifth Sweep.
- * Collection of subdivision road data using casual staff.
- * Traffic Counts by contract for 21 "typical" roads for refinement of traffic volume data.

Other PMS development activities include: preparation of valuation for AAS27 requirements; update of feedback system for data updating; preparation of Grants Commission report, and development of PMS-GIS interface to enable graphical access to PMS data. Collection of traffic, road condition and roughness data has been scheduled for the December 2008 quarter. Auditing of data collected and uploading to the PMS has been scheduled for the March 2009 quarter as well as the preparation of the draft Pavements Maintenance Programme for 2009/10. Site inspection of the proposed roads in the draft programme has been scheduled for the March/June 2009 quarter.

This activity relates to the Strategic Theme, *Maintaining sound corporate and financial management*.

Drainage Asset Management System (DRAMS-PIPEPAK)

The Drainage Asset Management System (DRAMS-PIPEPAK) Implementation Program consists of the collection of stormwater drainage asset data in respect of the location and condition of the pits and pipes in two phases. Phase 1 is in respect of location of pits and Phase 2 is in respect of pit and pipe condition. Phase 1 involving the location of 18,331 pits in Council's stormwater drainage system using a global positioning system (GPS) commenced in mid 1994 and was completed in June 2001. Phase 2 involving the collection of the pit and pipe condition commenced in mid 1995 and was completed in October 2002.

The DRAMS database was converted to the updated version named PIPEPAK by Council's IT personnel in February 2003.

PIPEPAK implementation activities include: GPS and condition data audit, update of feedback system for data updating; development of PIPEPAK model; formatting PIPEPAK for AAS27 requirements; and development of PIPEPAK-GIS interface for graphical access to PIPEPAK data. Investigation into the use of the Council's Online SAM (strategic asset management) package to replace PIPEPAK was undertaken during the March quarter.

This activity relates to the Strategic Theme, *Maintaining sound corporate and financial management*.

Footpath Management System (FMS)

The Footpath Management System (FMS) Implementation Program consists of the following programmed activities:

- * Collection of footpath condition data for the whole network.
- * Ongoing development of graphical access to FMS data.
- * Formulation of the Annual Footpath Maintenance and Reconstruction Programs.

The collection of footpath condition and inventory data by a contractor has been scheduled for the December 2008 and March 2009 quarters.

This activity relates to the Strategic Theme, *Maintaining sound corporate and financial management*.

BUDGET

There are no budget implications with the preparation of this report.

POLICY

There are no policy implications.

CONSULTATION

Consultation with the Environment and Planning Divisions was made in respect of Stormwater Management activities. Consultation with outside groups is not required with the other activities.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line (TBL) attempts to improve Council's decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's Strategic Theme.

A TBL assessment is not required for this progress report.

RESPONSIBLE OFFICER

The responsible officer is the Manager, Assets Branch, Mr Chon-Sin Chua, on telephone No. 9847 6677.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. WK61/08 be received and the progress of the 2008/09 Assets Branch Programmes be noted.

CHON-SIN CHUA
Acting Executive Manager
Works Division

Attachments:

1. Gantt Chart A - Northern District Works Maintenance Program - Progress as at 30 September 2008 (3 pages)
2. Gantt Chart B - 2007/08 Southern District Works Maintenance Program - Progress as at 30 September 2008 (2 pages)
3. Gantt Chart C - 2007/08 Pavement Works Maintenance Program - Progress as at 30 September 2008 (2 pages)
4. Gantt Chart D - 2007/08 Stormwater Management Program - Progress as at 30 September 2008 (2 pages)
5. Gantt Chart E - 2007/08 Asset Management System Implementation Program - Progress as at 30 September 2008 (2 pages)

File Reference: F2004/05959
Document Number: D01026632

26 WORKS PROGRESS REPORT - SEPTEMBER 2008 QUARTERLY - TRAFFIC AND ROAD SAFETY BRANCH

EXECUTIVE SUMMARY

This report provides Council with information on the works and activities undertaken by the Traffic and Road Safety Branch for the period 1 July 2008 to 30 September 2008. The report outlines the numerous and diverse projects undertaken by the Branch during the 2008/09 Annual Operating Program.

PURPOSE/OBJECTIVE

The objective of this report is to provide Council with an overview of the functions of the Traffic and Road Safety Branch during the period of review and to seek Council's endorsement of the activities undertaken.

DISCUSSION

The Traffic and Road Safety Branch comprises 18 staff, i.e. 1 x Senior Traffic Engineer, 1 x Transport Planner, 1 x Assistant Traffic Engineer, 1 Traffic Officer, 1 x Transport Officer, 1 x Road Safety Officer, 9 x Rangers, 1 x Ranger Coordinator, 1 x Branch Secretary, 1 x Administration Assistant and 1 x Manager. The areas of responsibility within the Branch are; Traffic and Transport *Planning*, Traffic *Engineering*, Traffic and Road Safety *Education* and Traffic and Car Parking *Enforcement*. The core activities undertaken within these areas of responsibility are:-

- * **Management and Administration**
- * **Traffic Management**
- * **Car Parking Management**
- * **Traffic and Road Safety Education**
- * **Traffic and Transport Planning**
- * **Bicycle and Pedestrian Facilities Planning**
- * **Development Assessment**

Management and Administration

The Traffic and Road Safety Branch has two responsibility centres within the Annual Operating Plan, Traffic and Road Safety and Traffic and Parking Enforcement and as such it is required to provide budget control, program reports through quarterly reviews, program development, annual reporting and human resource management.

Traffic Management

Council is the responsible Authority for the management of traffic on public streets within its proclaimed boundaries other than classified roads. However, on 27 March 1998 the Roads and Traffic Authority revoked Council's delegated powers to approve traffic facilities that prevent or restrict access of vehicles or pedestrians on public roads. **Council is now an applicant for the implementation of any restriction, e.g. road closures, turning**

restrictions, etc., on public roads and the application is determined by the Roads and Traffic Authority.

During the period under review 8 items were referred to the Local Traffic Committee for a recommendation as shown in Attachment 1. Throughout all of the above projects the community was consulted and where possible amendments made to address the community's needs or requests.

A funding submission to the Auslink federally funded traffic management program was completed during this period and is shown in Attachment 2.

Traffic and Transport Planning

As a Road Authority, proactive measures are required to ensure proposals comply with adopted standards, guidelines and best practice.

Current major projects include:

- * Copeland Road, Beecroft rail bridge replacement,
- * Normanhurst railway station upgrade
- * Hornsby Station Upgrade
- * North West Metro Link (formerly the North West Rail Link)
- * M2 – F3 Link
- * Hornsby CBD and Shire traffic models
- * Hornsby CBD section 94 review car parking strategy
- * Hornsby Shire Housing Strategy
- * Department of Planning Metropolitan North Subregion Strategy
- * Hornsby Shire Car Parking Strategy Working Paper.

The Branch is developing a travel demand model utilising activity chains (*e.g. Home-Work-Shopping-Home*) for different demographic sectors of the population. Activity chains are generally derived from household interview survey using different trip generating activities. During the period under review, the Transport Planning Unit also provided comments on Traffic and Transport Management Facilities relating to the current review of Council's Section 94 Contribution Plans and the North West Rail Link Environmental Assessment.

Development Assessment and Advice on Town Planning Issues

The Traffic and Road Safety Branch provides advice to the Planning Division on 'as needed' basis. During the period under review, traffic comments and impact assessments were made on 18 development applications as shown in Attachment 1.

Car Parking Management

In addition to patrolling on-street parking restrictions, Traffic Rangers are contracted to patrol private parking areas used by the public. The owners of Coles car park West Pennant Hills, McDonalds Waitara and The Module car park Beecroft have declined to continue with their contracts. Council staff are negotiating with the owners regarding a reduced parking patrol frequency for a proportionally reduced fee. 908 parking spaces in 13 car parking areas within the Shire are currently patrolled as shown in Attachment 1.

Car Parking Management activities carried out during the period under review include:-

- * 243 (40) patrols of schools to enforce parking regulations.
- * 32,000 (30,000) car parking spaces patrolled to enforce parking regulations.
- * 3,144 (2,441) infringement notices were issued.
- * 3(7) matters were defended in Hornsby Local Court.

(--) denotes activities from July to Sept 2007.

The use of electronic handheld devices for the issuing of traffic infringement notices commenced in June 2008. The devices allow improved data collection and transfer of data between the State Debt Recovery Office and Council.

There is currently 1 vacancy within the Traffic Ranger Team.

Bicycle, Pedestrian and Public Transport Facilities and Planning

The Transport Officer position is currently vacant however other staff have been involved in:

- Liaison with the RTA, Ryde Council and BikeNorth regarding the M2 Cycleway detour including the new bridge over Terry's Creek.
- Audit of all bus stops across the Shire in accordance with the requirements of the Disability Discrimination Act.

BUDGET

There are no budget implications intended in this report.

POLICY

There are no policy implications.

CONSULTATION

There is ongoing extensive consultation with the community and other stakeholders during the course of the traffic facility and bicycle program implementation.

TRIPLE BOTTOM LINE

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer for this report is the Manager Traffic and Road Safety Mr Lawrence Nagy telephone 9847 6524.

RECOMMENDATION

THAT Council endorse the activities undertaken by the Traffic and Road Safety Branch for the period 1 July 2008 to 30 September 2008.

CHON-SIN CHUA
Acting Executive Manager
Works Division

Attachments:

1. Traffic and Road Safety Branch Activities
2. Auslink Blackspot Grant Application

File Reference: F2004/05959
Document Number: D01027091

27 ELECTRICITY EASEMENT - GALSTON RECREATION RESERVE

EXECUTIVE SUMMARY

Council has been contacted by Energy Australia requesting to compulsorily acquire an easement for electricity purposes through Galston Recreation Reserve by agreement. The reserve is crown land with Council appointed as Reserve Trustees.

Council have obtained two independent valuation reports to determine the level of compensation due to the trustees for the acquisition of the easement. The reports determined compensatory values of \$35 000 and \$50 000. Energy Australia obtained an independent valuation report, determining a value of \$41 420 for compensation. Council staff have negotiated an agreement in principle with Energy Australia for compensation of \$50 000 to Council for the easement plus reasonable valuation and legal costs.

Council will seek a recommendation from the Minister for Lands that the funds received for compensation will be allocated to the trust for use within the reserve. A final determination of the project to receive the funds will be made by the trust.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with sufficient information in order that Council is able to adopt the most appropriate resolution. Specifically this report seeks the concurrence of Council to:

1. Accept the request by Energy Australia to compulsorily acquire an Easement for Electricity Purposes through Galston Recreation Reserve by agreement.
2. Agree to \$50,000 compensation, plus reasonable valuation and legal fees, from Energy Australia for the creation of this easement.
3. Seek to apply the net proceeds of the compensation to the Reserve Trust for Galston Recreation Reserve (R 81698 and D500223) for the general purposes of that trust.

DISCUSSION

Galston Recreation Reserve is located on Crown land at 412x Galston Road, Galston. The reserve encompasses Galston Pool, Hayes Parks and bushland. Portions 197 and 181 in Deposited Plan 752048 were Dedicated for Public Recreation and Showground in government gazette 17/3/1971. Portions 7017 and 216 were Reserved from Sale for Public Recreation and Preservation for Native Flora and Fauna government gazette 7/8/1959. All four allotments were gazetted as part of Galston Recreation Reserve on 12/6/1987 with Council appointed as Reserve Trustees (R81698 and D500223).

In June 2008 Council was contacted by Energy Australia seeking to compulsorily acquire an Easement for Electricity Purposes through Galston Recreation Reserve. Energy Australia is currently constructing a new substation at 393 Galston Road and intends to install 132 000 volt cables between this substation and TransGrid's existing Sydney North Substation. The location and conditions of the easement are to be in accordance with the diagram and

easement memorandum as attached (Attachment 1). This easement will generally follow an existing easement for transmission line and an existing fire trail through the reserve.

In consultation with Energy Australia, Council agreed to obtain two Valuation Reports to determine an appropriate level of compensation due for the acquisition of the easement. The two reports commissioned by Council, by Jones Lang LaSalle and BEM Property, concluded that compensation was due to Council in the amount of \$35 000 and \$50 000 respectively (Attachments 2 and 3). A separate report commissioned by Energy Australia (PRP Valuers and Consultants) determined a compensatory value of \$41 420 (Attachment 4). Council recommended to Energy Australia that an appropriate compensatory value for the easement would be \$50 000.

On 13th October 2008 Council received a letter of offer for compensation from Bartier Perry Solicitors, acting on behalf of Energy Australia. Energy Australia has offered to compensate Council in the amount of \$50 000 plus reasonable legal and valuation costs incurred in this matter (Attachment 5).

It is intended to apply to the Department of Lands to enable Council, as Reserve Trustees, to retain the funds received for compensation. Discussions are currently being undertaken with the Bushland and Biodiversity Team and the Parks and Landscapes Team of the Environment Division to identify suitable projects for the funds to be allocated towards. If funds are to be granted to the Reserve Trustees the final decision on the allocation of funds will be determined by the Trust, in effect being the Executive Manager Environment Division.

BUDGET

There are no budgetary expenses associated with this matter. Energy Australia has agreed to reimburse Council of any reasonable legal and valuation costs incurred in this matter. The application of the net proceeds of the compensation to the Reserve is to be directed to the Minister for Lands, as set out in Section 106 of the Crown Lands Act 1989. The Minister may recommend:

(3) In the absence of a direction, the compensation or the proceeds shall be applied for the general purposes of the reserve trust and may be invested or applied by the trust accordingly.

In this matter it is considered appropriate to seek that the proceeds for compensation be applied to the trust for the general purposes of that trust.

POLICY

No policy issues are attached to this report.

CONSULTATION

This report has been prepared in consultation with Manager Property Development, Peter Thompson, Acting Manager Bushland and Biodiversity, Polly Thompson and Manager Parks and Landscapes, Peter Kemp.

TRIPLE BOTTOM LINE SUMMARY1. Working with our community.

The stakeholders involved in this matter include the Crown (land owner), Council (Reserve Trustee) the public (users of the reserve) and Energy Australia (proponents). The Crown has been notified of the request to acquire the easement. Energy Australia and Council have openly negotiated to determine an appropriate level of compensation. The public will benefit from the compensation proceeds being allocated for the upgrading of facilities in the reserve.

2. Conserving our natural environment.

The reserve contains a mix of recreational facilities and natural areas. The location of the easement is predominantly through the natural areas however the works will occur along an existing fire trail. There will only be limited and short-term impacts upon local biodiversity during construction. The proceeds from compensation may be utilised in the natural areas of the reserve.

3. Contributing to community development through sustainable facilities and services.

Impacts upon the amenity of the reserve will be short-term, limited to the construction period. Upon completion of works the site will be returned to its original condition. Funds from the compensation proceeds will be used to improve the existing facilities in the reserve.

4. Fulfilling our community's vision in planning for the future of the Shire.

The provision of this new easement will occur within an existing easement for transmission lines and be constructed along an existing fire trail. Funds from the compensation proceeds will be allocated to projects contained within the Plan of Management for the reserve.

5. Supporting our diverse economy.

The proposal will improve the provision of electricity services within the Shire at limited expense. The public will benefit from the provision of these improved services and from the funds received for compensation to be utilised in the reserve.

6. Maintaining sound corporate and financial management.

Council will be providing access through the reserve to a utility provider that has existing access rights over the majority of the proposed easement. The terms of the proposed easement do not implicate Council in any additional future costs for maintenance over the easement. Council is being awarded a significant financial benefit for providing this easement.

7. Other sustainability considerations.

Council has undertaken a transparent negotiation process seeking compensation for the acquisition of the easement with three independent valuation reports being commissioned by the parties. The negative impacts of this proposal will be limited to the construction period. These short-term impacts will be minimised due to the cable trenches being excavated along an existing fire trail.

RESPONSIBLE OFFICER

This report has been prepared by Mark Hood in consultation with Council's Manager Property Development, Mr Peter Thompson. Additional information can be obtained prior to the Ordinary Meeting on 9847 6526.

RECOMMENDATION

THAT

1. Council accept the request for Energy Australia to compulsorily acquire an easement by agreement through Galston Recreation Reserve as described in this report.
2. Council accept the offer of compensation from Energy Australia as described in this report.
3. Council apply to the Minister seeking that the proceeds received for compensation are allocated to the Reserve Trustees (R 81698) for general purposes.
4. The General Manager be provided with delegated authority to negotiate detailed terms of agreement consistent with this report.
5. The General Manager be authorised to execute any documents in relation to this matter deemed appropriate by Council's legal advisors.

CHON-SIN CHUA

Acting Executive Manager
Works Division**Attachments:**

1. Comments - compulsory acquisition - easement for electricity purposes over Crown Land - 393 Galston Road - Hornsby
2. Report and Assessment of Compensation - Easement for Proposed Underground 132kV Cable - Property known as Lot 197 and Lot 216 in Deposited Plan 752048 - Galston Road Galston
3. Valuation report - electricity easement - Galston Road - Galston - Tax Invoice
4. EnergyAustralia Valuation - Lots 197 and 216 in DP 752048 - Galston Recreation Reserve - Galston
5. Notification of offer - EnergyAustralia proposed acquisition of Easement within Galston Park

File Reference: F2008/00350

Document Number: D01028146

28 WORKS PROGRESS REPORT - SEPTEMBER 2008 QUARTER - DESIGN AND CONSTRUCTION BRANCH

EXECUTIVE SUMMARY

This is a report on the progress of works which are carried out by the Design and Construction Branch of the Works Division for the first quarter of 2008/2009. Overall, projects were undertaken in accordance with the timing and budgets shown in the previously adopted program.

It is recommended that the sealing of Bayfield Road Arcadia be deferred and that the sealing of part Bloodwood Road Arcadia Stage 2 (0.3km) be brought forward in its place.

PURPOSE/OBJECTIVE

The purpose of this report is to provide information as to the progress of the various 2008/2009 Improvement Programs (Civil Works), and other works undertaken by the Design and Construction Branch.

DISCUSSION

Improvement Program

Construction works are carried out under Council's various Improvement Programs namely: Local Roads, Footpaths, Stormwater Drainage, Traffic facilities and Special Projects. In addition to this, the Design and Construction Branch is involved in other works such as Catchment Remediation projects for the Water Catchments Team of the Environment Division and civil works such as car park construction for the Parks and Landscape Team.

The Gantt charts for the programs listed above, together with comments in the right hand column as to the status of each project, are attached.

Any changes in the timing of construction for any project from the adopted program, is shown on the Gantt charts by shading the construction period shown on the previously adopted program.

Significant Impacts

The Design and Construction Branch has a number of staff vacancies in the Design Team. These staff vacancies have impacted on preconstruction activities for the 2008/2009 Program. Some additional temporary resources are being sought with a view of catching up on programs and consultants engaged for some local road designs. Progress in this regard will be monitored and further reported in the future.

Bayfield Road, Arcadia in the Local Road Improvement Program is recommended for deferral as the current proposal to temporarily close the unsealed section of Bayfield Road at the northern end was not supported by the Roads and Traffic Authority (RTA). Some

concern regarding the closure was also expressed by residents in the area. Part of a previous resolution of Council (Report WK52/00 12 July 2000) was that:

- “2. Council agree, in principle, to the upgrading of the unsealed section of Bayfield Road and the changing in the road hierarchy of Bayfield Road from local road to regional road and Arcadia Road from regional road to local road.
3. Council submit to the RTA the proposed change to the road hierarchy and request assistance under the Regional Roads Grants to upgrade Bayfield Road.”

After approaching the RTA at that time, they advised they would not consider the change in status. It is also noted that the estimated costs of carrying out the widening of Bayfield Road and realignment of the intersections at each end of the unsealed position was in the order of \$900,000 in the year 2000. This cost would have significantly increased since that time and it is considered that such cost could not be justified at this point in time.

At this stage it is recommended to maintain this unsealed portion of the roadway and defer the current proposal. It is also recommended that the Bloodwood Road Arcadia Stage 2(A) project listed for construction in 2009/10 be brought forward in place of Bayfield Road.

Tenders / Contracts

There were two Tenders/Quotations called during the September quarter:

1. Plumbing Services
2. Quotation for the Development of a Design & Construct Tender for the Proposed Berowra Aquatic Centre.

Other current contracts include:

1. Construction and Reconstruction of Vehicular Crossings and Footpaths
2. Sprayed Bituminous Surfacing
3. Greenway Park Community Centre Upgrade and Construction of Childcare Centre
4. Construction of Hornsby Ku-ring-gai District Rural Fire Centre and Emergency Facility
5. Design and Construction of Public Pontoon Kangaroo Point Brooklyn
6. Construction of Underground Tanks Greenway Park Cherrybrook
7. Supply and Lay Asphaltic Concrete
8. Construction of Civil Engineering and Infrastructure Works for the Rural Sports Facility, Galston
9. Architectural Services for Development of a Fire Control District Office - Berowra Waters Toll Gates Site
10. Patching of Road Pavements with full Depth Asphalt
11. Pavement Marking (NSROC)
12. Supply of Metal Drainage Grates, Access Covers and Litter Traps
13. Minor Asphalt Works
14. Stabilisation of Road Pavements
15. Grass Cutting of Roadsides
16. Electrical Services
17. Material testing and site investigation
18. Supply and Delivery of Precast Concrete Products
19. Supply and Delivery of Road Materials
20. Supply and Delivery of Concrete
21. Concrete Form and Finish

22. Reconstruction of Carpark, Foxglove Oval (quotations)
23. Construction of Galston Skate Park
24. Cherrybrook Community Childcare Facility – Consultant to Finalise Plans and Documentation

Vehicular Crossing Construction

The Design and Construction Branch is also responsible for issuing plans and specifications and supervising vehicular crossing construction. Property owners have the choice of using a contractor from Council's Authorised Contractors List, or pay Council to construct vehicular crossings on their behalf. There are currently 45 Authorised Contractors, including one new contractor authorised during the quarter.

During the September quarter 76 plans and specifications were issued and 4 crossings were constructed by Council's contractors.

BUDGET

There are no budget implications.

POLICY

There are no policy implications.

CONSULTATION

This report has been developed in consultation with the respective program managers in the Works and Environment Divisions.

TRIPLE BOTTOM LINE SUMMARY

A triple bottom line checklist is not required for this type of report.

RESPONSIBLE OFFICER

The responsible officer is the Manager, Design & Construction, Mr Rob Rajca who can be contacted on telephone 9847 6675 between 8.30am - 5.00pm, Monday to Friday.

RECOMMENDATION

THAT

1. The contents of Executive Manager's Report No. WK64/08 be received and noted.
2. Bayfield Road - Local Road Project – be deferred and part Bloodwood Road Arcadia Stage 2 (0.3km) be brought forward in its place.

CHON-SIN CHUA
Acting Executive Manager
Works Division

Attachments:

1. Gantt Charts

File Reference: F2004/05959
Document Number: D01034409

29 TENDER T12/2008: PLUMBING SERVICES

EXECUTIVE SUMMARY

The proposed contract "Plumbing Services" is required to service Council's plumbing requirements for construction and maintenance of buildings, parks and roads and drainage facilities. The specialised plumbing works in aquatic centres etc. are not covered by this Contract.

Council does not have licensed trade-persons required for this work and therefore open tenders have recently been called from contractors in accordance with the Local Government Act. The proposed contract will be for 24 months duration with an option to extend the contract for a further 12 months period. The tenders from Dolphin Plumbing and T J Matthews Plumbing Services Pty Ltd have been recommended for acceptance by Council.

PURPOSE/OBJECTIVE

This report provides a recommendation to Council for the acceptance of Tender No.T21/2008: Plumbing Services.

DISCUSSION

Tender No. T21/2008 – Plumbing Services is a Schedule of Rates tender. A summary of tenders received, together with full evaluation details are on file (Trim folder F2008/00506). With the exception of information given in this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Fifteen (15) tenders were received for Tender No. T21/2008 from the following companies:

- Brads on Tap Plumbing Services
- BDC Plumbing Pty Ltd
- Clear Flow Plumbing Services
- Cornish Property Services Pty Ltd
- Dolphin Plumbing
- H2O Irrigation
- Mistral Plumbing
- North Shore Plumbing
- MT Plumbing
- Thomas & Coffey Ltd
- T J Mathews Plumbing Services Pty Ltd
- Prime Pumps Pty Ltd
- SNG Plumbing & Irrigation Services
- Sweeney's Plumbing Services Pty Ltd
- Waitara Plumbing

The tenders were evaluated based on the stipulated criteria, namely:-

- Cost of service (Cost of service to the Principal based on tendered rates, estimated quantities including travel time and site evaluation)
- Past performance and experience in similar type of works
- Plant and equipment resources
- Labour and sub-contract resources
- Occupational health and safety systems
- Sustainability

The tendered Schedule of Rates were evaluated for each tender by applying them to estimated annual quantities for the main items of work that would normally be expected for the proposed contract. The other criteria were assessed based on information submitted with each tender, information gained from the tenderers' nominated referees and past performance with previous Hornsby Shire Council works where applicable.

The work under this contract can be grouped under three categories, namely,

1. Parks (All plumbing works in parks and tennis courts except buildings)
2. Buildings (All plumbing works in buildings throughout the Shire including amenities buildings in parks and day to day maintenance works in aquatic centres)
3. Roads and drainage (All plumbing works associated with roads and drainage construction and maintenance)

Confidential Memo WD D&C48/2008, that has been separately distributed, contains information regarding the evaluated value of work of each tender and summary of evaluation. Full details of the tender evaluation are on file and are confidential.

It is considered that the work available under this contract will require the engagement of two contractors. The results of the evaluation indicate that the most advantageous tenders are from Dolphin Plumbing and T J Mathews Plumbing Services Pty Ltd.

The total estimated work under this contract is in the order of \$250,000 per annum.

The table shown in the recommendation provides preferences for engaging each company for various works. This table is based on past performance and experience and expertise in the type of work.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

The tenders received have been evaluated in conjunction with the main users of the proposed contract.

TRIPLE BOTTOM LINE SUMMARY**Working with our Community**

The community was informed of the tender through advertising in the Sydney Morning Herald and the Advocate newspapers.

Conserving our natural environment

Under the Plumbing Services Contract, the Contractors will be advised to minimise water usage by installing water efficient plumbing systems and increase usage of recycled water. The Contractors will be encouraged to make recommendations to minimise Council's water consumption.

Contributing to community development through sustainable facilities and services

It is a requirement under the contract that Occupational Health and Safety (OH&S) Systems are in place in order to comply with the OH&S Act and Regulations. The OH&S systems have been checked as part of the tender evaluation.

Fulfilling our community's vision in planning for the future of the Shire

Proper maintenance of plumbing systems will have a positive effect on conserving and enhancing Council's assets such as parks, gardens, buildings and other amenities. It will also provide confidence and safety to residents and the general public who use these assets to fulfil their needs.

Supporting our diverse economy

The proper maintenance of the plumbing services will encourage the residents and the general public to use the amenities in the Shire and this in turn has a positive effect on the local economy and businesses.

Maintaining sound corporate financial management

Installation of cost effective and water efficient plumbing systems and proper maintenance of these installations will help maintain sound financial management of these assets.

Other sustainability considerations

The Environment Policy of all the tenderers were taken into consideration in the evaluation of tenders received.

RESPONSIBLE OFFICER

For further information, please contact the Engineer Construction, Mr Wimal Dasanayake, on telephone no. 9847 6673.

RECOMMENDATION

THAT Council accept the tenders for Tender No T21/2008: Plumbing Services, as follows:

Work category	First preference	Second preference
Parks (All plumbing works in parks and tennis courts except buildings)	T J Mathews Plumbing Services Pty Ltd	Dolphin Plumbing
Building (All plumbing works in buildings throughout the Shire including amenities buildings in parks and day to day maintenance works in aquatic centres)	Dolphin Plumbing	T J Mathews Plumbing Services Pty Ltd
Roads and drainage (All plumbing works associated with roads and drainage construction and maintenance)	T J Mathews Plumbing Services Pty Ltd	Dolphin Plumbing

CHON-SIN CHUA
Acting Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment to WK65/08, located in the Confidential Section of Business Paper Confidential Memo WD D&C48/08 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under s10A (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

File Reference: F2008/00506
Document Number: D01035306

30 CARPARK PATROL AGREEMENT - CHERRYBROOK VILLAGE SHOPPING CENTRE

EXECUTIVE SUMMARY

The owners of Cherrybrook Village Shopping Centre, BNY Trust Company of Australia Limited, have requested Council to patrol and police the car park, including issuing parking infringements notices. Council is currently patrolling three privately owned car parks and charges full cost for the enforcement of privately owned car parks. Parking provisions are enforced under Section 650 of the Local Government Act and sign posting will be in accordance with Australian Road Rules requirements.

The patrol will cover 363 3-hour car parking spaces in the Village car park. It is proposed that this car park will be patrolled twice for three times per week, except on Saturdays, Sundays and Public Holidays.

To enable Council to patrol and police the car park it is necessary to classify the land as operational land under Section 31 of the Local Government Act.

PURPOSE

This report seeks a formal resolution of Council to classify the carpark area as operational land under Section 31 of the Local Government Act, and to enter into an agreement between Council and BNY Trust Company of Australia Limited in respect of providing for the patrolling of the Cherrybrook Village Shopping Centre car parking area fronting Shepherds Drive, Cherrybrook.

BACKGROUND/INTRODUCTION

Council, at its meeting of 11 December 1996 considered Executive Managers Report WK 111/96 regarding the patrol and management of privately owned car parks on a fee for service basis.

Since that report Council has resolved to enter into car park management agreements to enforce carparks at Pennant Hills Market Place, Coles Thompsons Corner, and McDonalds Waitara, and Beecroft Village car park, the Module carpark and Revell's car park in Beecroft. Currently the agreements with McDonalds Waitara, Coles Thompsons Corner and the Module have lapsed at the request of the owners.

The owners of Cherrybrook Village Shopping Centre, BNY Trust Company of Australia Limited, have approached Council requesting that Council enter into an agreement to patrol the car parking within the development due to problems with bus commuters using the City Bus services parking all day in the centre.

DISCUSSION

Council's solicitor, Home Wilkinson Lowry, have prepared the attached draft car park management agreement, the terms and conditions being accepted by BNY Trust Company of Australia Limited.

The carpark patrol agreement provides for Council to patrol and police the car park for its operation as a "free car park". As such, parking provisions can be enforced under Section 650 of the Local Government Act.

Effective enforcement results in a small number of breaches of the time limit imposed and thus very few infringements are issued in the private car parks which Council patrols regularly. Council therefore charges full cost for the enforcement of privately owned car parks.

The fee for the management of private car parks is listed in Council's Fees and Charges and is currently \$205.00 per car space per annum. This fee assumes two patrols per week day, the first patrol being to "mark up" and the second patrol to issue any infringements for vehicles overstaying the 3-hour parking limit. In accordance with the request of the owner, it is proposed that this car park will be patrolled twice for three times per week, except on Saturdays, Sundays and Public Holidays for a pro rata fee of \$123.00 per car space per annum. The patrol will cover 363 public car parking spaces in the Village car park and exclude staff parking areas

"Public Land" under the Local Government Act means "any land vested in or under the control of the Council". According to this definition Council is required to classify the subject land even though it does not own it, as it will have control of the subject land by virtue of its status as a free parking area. By classifying the carpark land as 'operational' Council will avoid the need to prepare a plan of management.

BUDGET

The carpark patrol agreement provides for all costs incurred by Council to be paid for by BNY Trust Company of Australian Limited, including solicitor's fees. BNY Trust will be responsible for the installation and maintenance of signposting and linemarking to Council's requirements.

POLICY

There are no policy implications in this report.

CONSULTATION

Consultation has occurred between Council Officers, Mirvac Real Estate Services, BNY Trust Company of Australia Limited, and their legal representatives.

TRIPLE BOTTOM LINE

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

A Triple Bottom Line Assessment is not applicable as this proposal involves an agreement to police parking regulations on an existing development.

RESPONSIBLE OFFICER

This report was prepared by Council's Consulting Traffic Engineer, Traffic and Road Safety, Mr John Jenkins, telephone 9847 6616.

RECOMMENDATION

THAT

1. Council approve the Carpark Patrol Agreement: Cherrybrook Village Shopping Centre between Hornsby Shire Council and BNY Trust Company of Australia Limited, and authorise the General Manager to sign this Agreement.
2. Council classify the Cherrybrook Village Shopping Centre carpark land as 'operational' land under Section 31 of the Local Government Act.

CHON-SIN CHUA
Acting Executive Manager
Works Division

Attachments:

1. Carpark Patrol Agreement: Cherrybrook Village Shopping Centre

File Reference: F2007/00748
Document Number: D01037116

33 MAYOR'S NOTES FROM 1 TO 30 SEPTEMBER 2008

Monday 1 September – The Mayor presented the Trophy at the Northern Suburbs District Women's Bowling Association's Hornsby Shire Trophy Day at Pennant Hills Bowling Club.

Thursday 4 September – The Mayor launched the Hornsby Children's Court Support Scheme at Hornsby Court House.

Friday 5 September – The Mayor and Mrs Berman attended the Sydney Spirit Vs. Japan's Toyota Alvarik game at The Brickpit, Thornleigh.

Friday 5 September – The Mayor hosted the RFS Mayoral Dinner at Hornsby RSL Club.

Tuesday 9 September – The Mayor attended the Hornsby Chamber of Commerce Networking Event at St Leo's Catholic College, Wahroonga.

Tuesday 9 September – The Mayor attended Pennant Hills High School Duke of Edinburgh Awards Ceremony at the School.

Friday 12 September – The Mayor attended the official opening of Inala's new Community Group Home "Kyra" at Cherrybrook.

Thursday 18 September – The Mayor attended Beecroft Rotary Club's Spring Luncheon for Local Retirees and Senior Citizens at Pennant Hills Golf Club.

Friday 19 September – The Mayor attended the opening of the Hornsby Art Society Art Award and presentation to Mrs Nan Horne of Life Membership to the Society, at Hornsby Art Gallery.

Friday 19 September – The Mayor and Mrs Berman attended the Lions Club of Hornsby celebration of the 50th Anniversary of Charter at Hornsby RSL Club.

Saturday 20 September – The Mayor attended the 2008 Korea Thanksgiving Festival at Darling Harbour.

Sunday 21 September – The Mayor attended the Hornsby Shire Country and Garden Fair at Fagan Park.

Monday 22 September – The Mayor attended the Pennant Hills Neighbour Aid AGM at Pennant Hills.

Tuesday 23 September – The Mayor and Mrs Berman attended the Hornsby and Upper North Shore Advocate 2008 True Local Business Awards Dinner at Asquith Leagues Club.

Friday 26 September – The Mayor attended Loreto Normanhurst's Year 12 Awards Ceremony at the School.

Saturday 27 September – The Mayor attended the family picnic and barbeque at Fagan Park to celebrate 10 years of operation of Sarah’s Place Long Day Care Centre.

Saturday 27 September – The Deputy Mayor, on behalf of the Mayor, presented the Trophy to the winning team of the Hornsby Shire Cup at Hornsby Bowling Club.

Saturday 27 September – The Mayor and Mrs Berman attended The Hills Dance Factory Debutante Ball at Springfield House, Dural.

Please note that 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.

File Reference: F2004/07053

Document Number: D01026398