

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 10 December, 2008
at 6:30 pm**

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

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

The Mayor to present the Executive Manager, Environment with the Local Government Award for Estuary Management Within New South Wales.

The Mayor to present the Executive Manager, Environment with the Award for Excellence in Stormwater Software Development 2008 – Water Sensitive Urban Design (WSUD) Tools.

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 12 November, 2008 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

NOTICES OF MOTION

Page Number 1

Item 1 NOM5/08 CAR SHARE SCHEME

COUNCILLOR MARTIN TO MOVE

THAT Council investigate methods whereby a car share scheme can be implemented in suitable areas of the Shire, and a report be prepared identifying the parameters of such a scheme, including potential operators, locations, parking and other issues, including any associated cost implications for Council, together with an implementation plan should Council resolve to proceed.

Page Number 2

Item 2 NOM6/08 MULTI-LEVEL CARPARK FOR HORNSBY

COUNCILLOR CHOPRA TO MOVE

THAT a report be prepared on Council's consideration of the provision of a multi-level car park in Hornsby.

This report should include the availability of suitable sites, any studies that have been undertaken on the financial viability of this proposal and any potential support that may be available from outside of council.

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 3

Item 3 GM12/08 CODE OF CONDUCT REVIEW PANEL

THAT

1. The applicants identified within this Report be endorsed for inclusion in a Panel for subsequent selection to a Conduct Review Committee or as a sole Reviewer as necessary and appropriate.
2. The appointment to the Panel be on an ongoing basis, subject to satisfactory performance.
3. The remuneration payable to Panel members be determined at the time of appointment.
4. The Regional Code of Conduct Tool Kit be adopted for use by all Conduct Review Committees/Sole Reviewers.

CORPORATE AND COMMUNITY DIVISION**Page Number 7****Item 4 CC104/08 VARIATION TO ACCESS DEED WITH OPTUS
MOBILE PTY LIMITED LOW IMPACT
TELECOMMUNICATIONS INSTALLATION AT
KANGAROO POINT BROOKLYN****THAT:**

1. The contents of Executive Manager's Report No CC104/08 be received and noted.
2. A Tripartite Access Deed be entered into with Optus Mobile Pty Limited and Vodafone Network Pty Ltd in respect of the low-impact telecommunication facility on Council owned community land at Kangaroo Point Brooklyn (located on Telstra's Monopole) on the following basis:
 - a) The Access Deed to commence from the date of the completion of the upgrading works.
 - b) The payment of a revised site administration fee of \$26,106.00 per annum (exclusive of GST) by Optus Mobile Pty Limited and Vodafone Network Pty Ltd.
 - c) The revised site administration fee to be indexed annually by 5% per annum.
 - d) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible to repair and maintain the site and infrastructure located on the land during their occupation.
 - e) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to, at the expiration of their occupation, arrange for the removal of all infrastructure placed upon the land at no cost to Council and yield up the land in a good and clean condition.
 - f) Throughout their occupation Optus Mobile Pty Limited and Vodafone Network Pty Ltd to maintain an appropriate Public Liability insurance policy with Council's interests noted thereon for a minimum indemnity amount of \$10,000,000.
 - g) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible in equal proportions for the payment of all operating costs incurred in respect of the structures and the area of land occupied including, electricity, gas, lighting, etc.
 - h) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible to carry out all upgrading works at no cost to Council.
 - i) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to bear all costs incurred in the formalisation of the new access deed arrangement.
 - j) The access deed to incorporate all relevant conditions contained within the existing access deed agreement with Optus Mobile Pty Limited.
3. Following the completion of a new tripartite access deed arrangement with Optus Mobile Pty Limited and Vodafone Network Pty Ltd, the existing access deed agreement with Optus Mobile Pty Limited be terminated.

Page Number 14

**Item 5 CC105/08 COMMUNITY CENTRES AND HALLS ANNUAL
GENERAL MEETINGS 2008**

THAT:

1. The contents of Executive Manager's Report No CC105/08 be received and noted.
2. Council express its appreciation and acknowledge the valuable services rendered by members of Section 377 Management Committees and Advisory Committees who give their time, energy and skills in the management of Council's Community Centres and Halls.

Page Number 19

**Item 6 CC106/08 OCTOBER 2008 INVESTMENT AND BORROWING
REPORT**

THAT the contents of Executive Manager's Report No CC106/08 be received and noted.

Page Number 23

Item 7 CC107/08 HOMELESSNESS IN HORNSBY SHIRE

THAT:

1. A report detailing the possible and appropriate responses by local government to the issue of homelessness be provided for Council's consideration once the Homelessness Task Force convened by Ms Judy Hopwood MP has reached agreement on a way forward.
2. Council be informed on the progress of the Homelessness Task Force through the inclusion of appropriate information in quarterly Social Plan Report Cards.

Page Number 26

**Item 8 CC108/08 DOCUMENT ACCESS APPLICATIONS 26
SEPTEMBER - 25 NOVEMBER 2008**

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

Page Number 32

**Item 9 CC111/08 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.

ENVIRONMENT DIVISION**Page Number 35****Item 10 EN44/08 PROPOSED DOMESTIC WASTE MANAGEMENT COLLECTION SERVICES TENDER - T25/2008**

THAT

1. Council endorse the proposed tender and actions as outlined within this report.
2. Council acknowledge and agree to Veolia's request for an early cessation of the current contract term.

Page Number 42**Item 11 EN47/08 ADOPTION OF THE LOWER HAWKESBURY ESTUARY MANAGEMENT PLAN**

THAT:

1. The Lower Hawkesbury Estuary Management Plan be adopted
2. Council establishes a Lower Estuary Management Committee to oversee the implementation of the Plan, and publically seek membership for such a committee.
3. Council determine the councillor representation on the Lower Hawkesbury Estuary Management Committee for the positions of Chairperson and Vice Chairperson.

Page Number 48**Item 12 EN52/08 COUNCIL ENDORSEMENT OF DRAFT RECOVERY PLAN FOR MELALEUCA DEANEI**

THAT Council advise the Department of Environment and Climate Change of its endorsement of the draft Recovery Plan for *Melaleuca deanei* for the purposes of public exhibition.

Page Number 51**Item 13 EN48/08 RURAL SPORTS FACILITY GALSTON: LICENSING AND TENURE ISSUES**

THAT

1. Council endorse the Noise Management Plan for the Rural Sports Facility, Galston.
2. Council exhibit a proposed annual fee of \$3,850 for the use of the Rural Sports Facility for up to and including 24 separate occasions in any one year.
3. In the advent there are no objections or there are objections that can be resolved to the mutual satisfaction of both parties adopt the fee proposal. Otherwise the submissions are to be reported to Council.
4. Notwithstanding recommendation 2, Council agree in-principle to the proposals from the Arcadia Pony Club and Galston Equestrian Club for fee relief.

-
5. Council endorse an exchange of letters with the Arcadia Pony Club to provide security for its proposed investment in facilities at the Rural Sports Facility, Galston, generally in the terms described in Executive Manager's Report No. 48/08.

Page Number 56**Item 14 EN49/08 DRAFT UNSTRUCTURED RECREATION
STRATEGY SUBMISSIONS FROM PUBLIC EXHIBITION**

THAT

1. Council adopt the attached Unstructured Recreation Strategy.
2. Council authorise further investigation into the development of mountain bike trails within the Hornsby local government area.
3. The results of the investigations arising from recommendation 2 are reported to Council for its consideration.

Page Number 62**Item 15 EN50/08 CATCHMENTS REMEDIATION RATE (CRR)
ANNUAL EXPENDITURE REPORT 2007/2008**

THAT the contents of Executive Manager's Report No. EN50/08 be received and noted.

Page Number 66**Item 16 EN51/08 DAWSON AVENUE, THORNLEIGH - DOG OFF-
LEASH, PLAYGROUND, PARKLAND AND STREETSCAPE
UPGRADE**

THAT Council endorse upgrading proposals, including the provision for a dog off-leash area, in the Dawson Avenue reserve.

PLANNING DIVISION*Nil***STRATEGY DIVISION****Page Number 72****Item 17 ST17/08 REVIEW OF DEVELOPMENT CONTRIBUTIONS
PLAN**

THAT Council:

1. Prepares separate Development Contributions Plans for residential development and commercial/industrial development.
2. Investigates a Section 94A Plan to apply to commercial and industrial development.
3. Investigates stand alone provisions in the Section 94A Plan for strategic centres including the Hornsby Town Centre.

WORKS DIVISION

Page Number 76

**Item 18 WK68/08 THIRD INTERNATIONAL CONFERENCE ON
URBAN TRANSPORTATION SYSTEMS**

THAT Council approve the attendance of the Manager Assets Branch at the Third International Conference on Urban Transportation Systems to be held on 16-19 March 2009 in Shanghai, China, and accept the reasonable costs incurred as outlined.

Page Number 79

**Item 19 WK69/08 BUILDING CAPITAL WORKS PROGRAM
2008/2009 - SEPTEMBER 2008 QUARTERLY REPORT**

THAT the contents of Executive Manager's Report No. WK69/08 be received and noted.

SUPPLEMENTARY AGENDA

PUBLIC FORUM – NON AGENDA ITEMS

MAYOR'S NOTES

Page Number 81

Item 20 MN3/08 MAYOR'S NOTES FROM 1 TO 31 OCTOBER 2008

QUESTION OF WHICH NOTICE HAS BEEN GIVEN

CONFIDENTIAL ITEMS

QUESTIONS WITHOUT NOTICE

1 CAR SHARE SCHEME

COUNCILLOR MARTIN TO MOVE

THAT Council investigate methods whereby a car share scheme can be implemented in suitable areas of the Shire, and a report be prepared identifying the parameters of such a scheme, including potential operators, locations, parking and other issues, including any associated cost implications for Council, together with an implementation plan should Council resolve to proceed.

Attachments:

There are no attachments for this report.

File Reference: F2008/00066

Document Number: D01046138

2 MULTI-LEVEL CARPARK FOR HORNSBY

COUNCILLOR CHOPRA TO MOVE

THAT a report be prepared on Council's consideration of the provision of a multi-level car park in Hornsby.

This report should include the availability of suitable sites, any studies that have been undertaken on the financial viability of this proposal and any potential support that may be available from outside of council.

Attachments:

There are no attachments for this report.

File Reference: F2008/00066

Document Number: D01047357

3 CODE OF CONDUCT REVIEW PANEL

EXECUTIVE SUMMARY

In June 2008 the Department of Local Government issued a revised Model Code of Conduct for NSW councils effective from 28 June 2008. The revised Code of Conduct includes an important change to the requirements for the composition of Conduct Review Committees. The revised Code states that now all members of a Conduct Review Committee shall be independent persons appointed by Council. Such persons are to be qualified and of high standing in the community.

The NSROC General Managers Advisory Committee (GMAC) resolved to adopt a regional approach to securing Code of Conduct committee members as this would assist in ensuring consistency in pursuing code of conduct matters across the region, provide a timelier and efficient manner in which to identify and contract panel members, and provide optimum flexibility for councils to chose panel members or sole reviewers as required.

Two General Managers were nominated to execute an Expression of Interest (EOI) process using defined evaluation criteria.

It was also agreed that a set of guidelines and protocols be developed for the uniform conduct of the Review Committees.

The Report recommends the appointment of all respondents to a Panel from which members of Conduct Review Committees/Sole Reviewers can be selected.

PURPOSE/OBJECTIVE

The purpose of the Report is to advise Council of the responses received in respect of an Expression of Interest called for members of Code of Conduct Review Committees and to enable Council to appoint a Panel to conform to the requirements of the Code of Conduct.

DISCUSSION

In June 2008 the Department of Local Government issued a revised Model Code of Conduct for NSW councils effective from 28 June 2008. As a result Council revised its Code of Conduct to reflect the Model Code and this was adopted on 12 November 2008.

Conduct Review Committees

The revised Code of Conduct includes an important change to the requirements for the composition of Conduct Review Committees that previously were comprised of the General Manager, the Mayor and at least one independent person. The revised Code states that now all members of a Conduct Review Committee shall be independent persons appointed by Council; such persons to be qualified and of high standing in the community. They need not be residents of the area and can act in the role for more than one Council. The appointment is for four years.

Section 12 of the Code details the complaint handling procedure for complaints received in respect of the Mayor, Councillors and the General Manager. These complaints, if determined by the General Manager (in the case of Councillors) or the Mayor (in the case of the General Manager) to meet the criteria provided in Section 13 of the Code, are to be reviewed as determined by the General Manager or Mayor by either a conduct review committee or a sole reviewer.

This has necessitated that Council advertise for members of its Conduct Review Committee/Sole Reviewer Panel.

The NSROC General Managers Advisory Committee (GMAC) resolved at its meeting held on 28th August to adopt a regional approach to securing new regional Code of Conduct committee members. This would assist in ensuring consistency in pursuing code of conduct matters across the region, provide a timelier and efficient manner in which to identify and contract panel members and provide optimum flexibility for councils to chose conduct committee members or sole reviewers as required.

The General Managers of Kuring-gai and Ryde were nominated to execute the EOI. It was also agreed that a set of guidelines and protocols be developed for the uniform conduct of the Review Committees.

- Expressions of Interest were advertised in the SMH on the 12th August and the North Shore Times and Northern District Times on the 13th August.
- Expressions of Interest closed on the 3rd September at 3.00 pm, and twelve responses were received.
- 3rd September - Documentation distributed to John McKee and Michael Whittaker.
- 10th September - Evaluation meeting held.

The following Evaluation Criteria was used to assess the EOI applicants:

- Understanding of local government, procedural fairness and ethical decision making.
- Independence and standing in the local community in relation to local Councils in the NSROC region.
- Ability to conduct investigations, review conduct matters and deliberate on these matters.
- Ability to prepare a report to Council on the Conduct Committee's findings and recommendations.
- Ability to provide the service at a high standard and at a reasonable rate.
- Ability to communicate effectively and work in partnership with officers of Council.
- Ability to provide flexibility and availability of time whenever the Committee is convened.
- Ability to travel throughout the NSROC region.

The results were as follows:

Applicant	Suitable/Not Suitable	Comments
Ian Ellis-Jones	Suitable	Met Criteria. *Unable to be used by LCC and KMC
Bronwyn Connolly	Suitable	Met Criteria

Kath Roach	Suitable	Met Criteria
Mitchell Morley	Suitable	Met Criteria
Christopher Shaw	Suitable	Met Criteria
Melissa Gibbs	Suitable	Met Criteria
Steven Blackadder	Suitable	Met Criteria
Ken Davidson	Suitable	Met Criteria
James Marshall	Suitable	Met Criteria *Location
Claire Brogan	Suitable	Met Criteria
Bernard Smith	Suitable	Met Criteria *Location
John Kleem	Suitable	Met Criteria

* Issue of concern but one which does not preclude the respondent from selection.

The curriculum vitae of respondents to the EOI are available for inspection on Council's file.

Regional Tool Kit

A Regional Tool Kit has been developed by Mr Ian Ellis-Jones for use by Panel Members which includes:-

- Summary of the Provisions of the Model Code of Conduct
- Conduct Review Committee Checklist
- Report to Council Template
- Minutes of Meeting Template
- Standard letter to person subject of the complaint Template
- Standard letter to person subject of the complaint at the Preliminary Stage Template.
- Standard letter to person subject of the complaint at the Enquiries Stage Template.
- Standard letter to the complainant at the Preliminary Stage Template
- Standard letter to the complainant Template

Copy of the Regional Tool Kit is attached to this Report.

BUDGET

There are no budgetary implications from the adoption of this Report.

POLICY

There are no policy implications from the adoption of this Report as the Report relates to the existing requirements of the adopted Code of Conduct.

CONSULTATION

There has been consultation with the General Managers from the NSROC Councils through the General Managers Advisory Committee.

TRIPLE BOTTOM LINE SUMMARY

No Triple Bottom Line assessment is required in respect of this matter.

RESPONSIBLE OFFICER

The General Manager, Mr Robert Ball.

RECOMMENDATION

THAT

1. The applicants identified within this Report be endorsed for inclusion in a Panel for subsequent selection to a Conduct Review Committee or as a sole Reviewer as necessary and appropriate.
2. The appointment to the Panel be on an ongoing basis, subject to satisfactory performance.
3. The remuneration payable to Panel members be determined at the time of appointment.
4. The Regional Code of Conduct Tool Kit be adopted for use by all Conduct Review Committees/Sole Reviewers.

ROBERT BALL

General Manager

General Manager Division

Attachments:

1. Process Chart
2. NSROC Code of Conduct Tool Kit 2008 - Explanatory Notes
3. NSROC Regional Code of Conduct Review - Standard Forms

File Reference: F2004/07037

Document Number: D01047115

**4 VARIATION TO ACCESS DEED WITH OPTUS MOBILE PTY LIMITED
LOW IMPACT TELECOMMUNICATIONS INSTALLATION AT
KANGAROO POINT BROOKLYN**

EXECUTIVE SUMMARY

Following an initial application in late 2007, Optus Mobile Pty Limited (Optus Mobile) exercised its statutory powers in early 2008 to enter upon Council owned community land at Kangaroo Point Brooklyn in order to upgrade its existing panel antennas located on Telstra's monopole. This was to enable it to operate the new third generation (WCDMA) telecommunication technology in a shared arrangement with Vodafone Network Pty Ltd.

Optus Mobile has proposed that a new tripartite deed in respect of access to the monopole be executed by Council, Vodafone Network Pty Ltd and Optus Mobile Pty Limited. As the amount of compensation offered by Optus Mobile in their proposal is less than that requested by Council officers, two options are provided for Council's consideration.

Option 1 is that Council consider commencing legal action to achieve a higher level of compensation than that offered by Optus Mobile; and Option 2 is that Council accept the compensation offered by Optus Mobile and enter into a new access deed arrangement with Optus Mobile and Vodafone Network Pty Ltd. Based on the advice contained in this Report, it is recommended that Option 2 be adopted by Council.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide background information and submit a recommendation for Council's determination, having regard to the options available in respect of an access deed relating to a low impact telecommunications facility at Kangaroo Point Brooklyn.

DISCUSSION

Background

In late 2007, an application was received from J G Service Pty Ltd, property consultants acting on behalf of Optus Mobile, seeking Council's approval of proposed modifications in respect of Optus Mobile's access deed to use Telstra's monopole located on Community Land at Kangaroo Point, Brooklyn. It is noted that the payment to Council in respect of such access deed is currently \$21,106 per annum exclusive of GST.

The proposed modifications included the replacement of three existing panel antennas with three new "dual-band" antennas and the installation of a new 300 mm parabolic dish antenna. These modifications would enable Optus Mobile to operate new third generation (WCDMA) telecommunications technology. In addition, Council's approval was sought to allow Optus Mobile to grant a licence to Vodafone Network Pty Ltd to access and share the use of certain equipment located at the site.

Council officers responded to the application in January 2008 and outlined the basis upon which they would be prepared to make a recommendation to Council in respect of these matters. This included market advice suggesting the payment to Council in respect of the access deed of an additional \$22,500 per annum exclusive of GST.

On 19 February 2008, Optus Mobile notified Council that it was serving notice (under clause 17 of Schedule 3 of the Telecommunications Act 1997) of its intention to exercise its powers to enter upon the land at Kangaroo Point, Brooklyn to replace the existing panel antennas with three new WCDMA dual-band antennas. Following the relevant notice period, the replacement works were undertaken.

(N.B. Council officers believed that they had no grounds to justify the lodgement of an objection to the proposed upgrading work to the monopole because, in 2005, Council had approved the installation by Optus Mobile of the initial low-impact telecommunication facility on the monopole – Report No CC31/05.)

In April 2008, following various meetings and discussions between Council officers and the relevant parties, J G Service Pty Ltd proposed that a new tripartite deed in respect of access to the monopole (drafted in similar terms to other arrangements currently being negotiated by the carriers at other locations) be executed by Council, Vodafone Network Pty Ltd and Optus Mobile Pty Limited. J G Service Pty Ltd also indicated that while its client did not consider that the new arrangements warranted the payment of access fees greater than that currently paid to Council (i.e. \$21,106 exclusive of GST), they were prepared to pay an additional site administration fee of \$5,000 per annum exclusive of GST as a gesture of goodwill.

In an attempt to ensure reasonable conditions and compensation for Council in respect of this issue, officers sought legal advice concerning a revised access deed arrangement. Following receipt of such advice, J G Service Pty Ltd was advised in July 2008 that officers were prepared to make a recommendation to Council on the following basis:

- Optus Mobile Pty Limited and Vodafone Network Pty Ltd to enter into a tripartite access deed arrangement with Council from the date of completion of the upgrading work.
- The payment of an additional site administration fee of \$22,500.00 per annum (exclusive of GST) by Optus Mobile Pty Limited and Vodafone Network Pty Ltd.
- The site administration fee to be indexed annually by 5% per annum.
- Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible to repair and maintain the site and infrastructure located on the land during their occupation.
- Optus Mobile Pty Limited and Vodafone Network Pty Ltd, at the expiration of their occupation, arranging for the removal of all infrastructures placed upon the land at no cost to Council and yielding up the land in a good and clean condition.
- Throughout their occupation, Optus Mobile Pty Limited and Vodafone Network Pty Ltd to maintain an appropriate Public Liability insurance policy with Council's interests noted thereon for a minimum indemnity amount of \$10,000,000.

- Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible in equal proportions for the payment of all operating costs incurred in respect of the structures and the area of land occupied including electricity, gas, lighting, etc.
- Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible for carrying out all upgrading works at no cost to Council.
- Optus Mobile Pty Limited and Vodafone Network Pty Ltd to bear all costs incurred in the formalisation of the new access deed arrangement.

It should be noted that such a recommendation would have been in keeping with the terms and conditions approved by Council in respect of the initial access deed arrangement with Optus Mobile for the site at Kangaroo Point Brooklyn.

Despite protracted negotiations between Council officers and the relevant parties in respect of an access deed fee to be paid, J G Service Pty Ltd has recently advised that its client is unwilling to pay more than \$5,000 per annum exclusive of GST as an additional site administration fee to formalise the proposed tripartite access deed arrangement. As a consequence, this Report has been prepared for Council's consideration.

Legislative considerations in respect of Low Impact Telecommunication Facility Installations

The installation of telecommunication facilities by telecommunication companies (carriers) is governed primarily by the provisions of the Commonwealth Telecommunications Act 1997 (the Act) and the Telecommunications Code of Practice 1997. The Telecommunications (Low Impact Facilities) Determination 1997 lists the types of facilities defined as "low-impact". (*N.B. the facility at Kangaroo Point, Brooklyn fits the definition of a low impact telecommunications facility.*)

Under clause 6 of Schedule 3 of the Act a carrier is authorised, for the purposes connected with the supply of a carriage service, to enter on and occupy land for the purposes of installing and operating a low impact facility. A carrier authorised under the Act to enter land and install a low-impact facility is immune from some State and Territory laws, including town planning and environmental laws.

Where a carrier proposes to exercise the powers authorised under clause 6 above, the carrier must give written notice to the owner of the land and any occupier of its intention to enter on the land for the purpose of installing and operating a low impact facility. The notice is to be issued in accordance with the provisions of clause 17 of Schedule 3 of the Act and the requirements set out in the Telecommunications Code of Practice and must be given at least 10 business days before the carrier begins to engage in any installation activity.

The notice must also contain a statement to the effect that, if a person suffers financial loss or damage in relation to the property because of any action undertaken by the carrier, compensation may be payable under Clause 42 of Schedule 3 of the Act. This clause stipulates that where a person suffers financial loss or damage because of any action undertaken by a carrier in relation to any property owned or where a person has an interest, the person shall be paid by the carrier, such reasonable amount of compensation as is agreed between them, or failing agreement, as is determined by a court of competent jurisdiction.

Whilst the provisions of the Telecommunication Code of Practice enable an owner or occupier to object to the installation of a low impact facility on their land, the objection must

be made in writing to the carrier at least five days before the installation date set out in the notice. The reasons for an objection must relate to at least one of the following matters:

- the use of the land for the installation;
- the location of the low impact facility on the land;
- the dates when the carrier proposes to start the installation, engage in it, or stop the installation on the land;
- the likely effect of the installation on the land; and
- the carrier's proposal to minimise detriment and inconvenience and to do as little damage as practicable to the land.

If the objection cannot be resolved within the prescribed period, the objector can require the carrier to refer the matter to the Telecommunications Industry Ombudsman.

The provisions of the Local Government Act 1993 also creates difficulties in formalising the long term tenure of low-impact telecommunication facilities located on land classified as community land by way of a lease or licence. These difficulties relate to the need for an expressed authorisation of a lease/licence under a plan of management, the requirement to call tenders where a lease/licence is to be entered into with a party other than non-profit organisations for terms exceeding five years and the requirement for a proposed lease/licence to be consistent with the core objectives for the category of the land. To overcome these difficulties, advice has been previously sought from Council's solicitor who has indicated that it is not unusual for councils to enter into an access deed arrangement to formalise the commercial relationship with telecommunication carriers in respect of telecommunication facilities on community land.

Conclusion

Having regard to the non-acceptance by Optus Mobile Pty Ltd of the revised access deed arrangements proposed by Council, there are two options to consider in order to progress this matter. They are:

Option No. 1 - Commence legal action to seek a higher level of compensation than offered

As indicated earlier in this Report, where a person suffers financial loss or damage because of actions undertaken by a carrier in relation to property owned or occupied, that person shall be paid by the carrier, such reasonable amount of compensation as is agreed between them, or failing agreement, as is determined by a court of competent jurisdiction. With Optus Mobile indicating that it is not prepared to compensate Council on the basis above, it is now possible for Council to seek the requested financial compensation through the appropriate legal processes.

While no formal briefing of Council's legal representatives has occurred at this point in time in respect of instigating legal proceedings regarding this particular matter, advice has previously been received in respect of a similar situation that this option requires careful consideration prior to any decision to proceed. The advice previously provided by Council's legal representatives indicated that the costs of instigating legal proceedings are considerable and, potentially, the final cost to Council of the action could result in exceeding the amount of compensation determined as being appropriate by the court.

Further, there is a risk that a court could rule that the level of reasonable compensation payable to Council may be for an amount that is less than the amount offered by Optus Mobile. In view of the risks and costs associated with implementing legal action, Council officers are not supportive of this option.

Option 2 (Preferred Option) - Accept the compensation amount offered by Optus Mobile and enter into a new Access Deed arrangement with Optus Mobile and Vodafone Network Pty Ltd

As detailed above, the Commonwealth Telecommunications Act 1997 empowers licensed carriers with the authority to enter upon land and install and operate low-impact telecommunications facilities. It should be noted that in most instances a carrier will attempt to negotiate a suitable commercial arrangement in respect of access to, and occupation of, land with an owner prior to exercising its statutory powers of access.

However, once a carrier has exercised its statutory powers it is quite evident that the position of an owner in arriving at an acceptable level of compensation is compromised. Whilst an owner has the opportunity to seek relief for compensation by way of legal action, this option, as detailed above, possesses a certain element of risk. Although the offer made by Optus Mobile may not fully comply with Council's desired compensation requirements, Council officers consider that on balance, the offer would provide Council with an acceptable outcome. Council officers are of the opinion that Council's interests in this matter would not be unduly compromised if this option was implemented on the basis outlined in the RECOMMENDATION of this Report.

BUDGET

The implementation of Option 2 outlined above will provide Council with additional annual income of \$5,000 per annum.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

There has been consultation in the preparation of this Report with Wilshire Webb Staunton Beattie Lawyers and representatives of J G Services Pty Ltd.

TRIPLE BOTTOM LINE SUMMARY

This report has been prepared with triple bottom line (TBL) implications taken into consideration. The following is a brief summary of the TBL assessment.

Contributing to community development through sustainable facilities and services

The granting of a Tripartite Access Deed with Optus Mobile Pty Limited and Vodafone Network Pty Ltd on the basis outlined in the RECOMMENDATION of this Report will enable the provision of new third generation (WCDMA) telecommunication technology services to the community of Brooklyn and surrounding areas.

Maintaining sound corporate and financial management

The granting of a Tripartite Access Deed with Optus Mobile Pty Limited and Vodafone Network Pty Ltd will ensure that Council land is managed in an equitable and consistent manner that generally has regard to the principles of user pays.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Manager, Commercial Property Mr Rod Drummond, and the Manager, Administration Service Branch - Mrs Robyn Abicair - who can be contacted on 9847 6589 and 9847 6605 respectively.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC104/08 be received and noted.
2. A Tripartite Access Deed be entered into with Optus Mobile Pty Limited and Vodafone Network Pty Ltd in respect of the low-impact telecommunication facility on Council owned community land at Kangaroo Point Brooklyn (located on Telstra's Monopole) on the following basis:
 - a) The Access Deed to commence from the date of the completion of the upgrading works.
 - b) The payment of a revised site administration fee of \$26,106.00 per annum (exclusive of GST) by Optus Mobile Pty Limited and Vodafone Network Pty Ltd.
 - c) The revised site administration fee to be indexed annually by 5% per annum.
 - d) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible to repair and maintain the site and infrastructure located on the land during their occupation.
 - e) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to, at the expiration of their occupation, arrange for the removal of all infrastructure placed upon the land at no cost to Council and yield up the land in a good and clean condition.
 - f) Throughout their occupation Optus Mobile Pty Limited and Vodafone Network Pty Ltd to maintain an appropriate Public Liability insurance policy with Council's interests noted thereon for a minimum indemnity amount of \$10,000,000.
 - g) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible in equal proportions for the payment of all operating costs incurred in respect of the structures and the area of land occupied including, electricity, gas, lighting, etc.
 - h) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to be responsible to carry out all upgrading works at no cost to Council.
 - i) Optus Mobile Pty Limited and Vodafone Network Pty Ltd to bear all costs incurred in the formalisation of the new access deed arrangement.
 - j) The access deed to incorporate all relevant conditions contained within the existing access deed agreement with Optus Mobile Pty Limited.
3. Following the completion of a new tripartite access deed arrangement with Optus Mobile Pty Limited and Vodafone Network Pty Ltd, the existing access deed agreement with Optus Mobile Pty Limited be terminated.

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:

There are no attachments for this report.

File Reference: F2004/06658
Document Number: D01040558

5 COMMUNITY CENTRES AND HALLS ANNUAL GENERAL MEETINGS 2008

EXECUTIVE SUMMARY

Council's Community Centres and Halls network consists of 24 facilities throughout the Shire. The majority of the facilities in the network (14) are managed by Committees of Council appointed under Section 377 of the Local Government Act. Section 377(1) of the Act permits a Council, by resolution, to delegate to certain persons or bodies (including Committees) any of the functions of the Council, other than those functions specifically set out in Section 377(1). As such, the management of 14 community centres and halls has been delegated to a Committee or Committees by resolution of Council.

Section 377 Management Committees consist of interested community members who volunteer their time to the management, care and control of community facilities. Section 377 Committees have provided Council and the community with a valuable service for many years and provide an avenue for local residents to have input into the way in which facilities are administered, maintained and utilised.

The Community Centres and Halls Procedures Manual requires that Committees delegated authority by Council to manage community facilities hold an Annual General Meeting for the purposes of electing an Executive Committee and reporting on the financial position of the Centre. This Report seeks to inform Council of the outcome of these meetings.

PURPOSE/OBJECTIVE

The purpose of this Report is to inform Council of the outcome of the Annual General Meetings (AGM's) conducted by the 14 Section 377 Management Committees responsible for the care, control and management of facilities in Council's Community Centres and Halls network.

DISCUSSION

The community centres and halls currently managed by Section 377 Management Committees under the delegation of Council are:

- Beecroft Community Centre
- Cherrybrook Community Centre
- Cowan Community Centre
- Dangar Island Community Centre
- Mt Kuring-gai Community Centre
- Pennant Hills Community Centre
- Roselea Community Centre
- Thornleigh Community Centre
- Epping Community Centre
- Epping Creative Centre
- Galston Community Centre

- Glenorie Community Centre
- Gumnut Community Centre (Cherrybrook)
- West Epping Community Centre

Other community centres and halls in Council's network are fully managed by Council or are managed by Council with input from an advisory committee.

The main purpose of the Section 377 Management Committee Annual General Meetings is to elect a Management Committee for the ensuing 12 months and to present reports on the Community Centre's operational management to the community and Council. The *Procedures Manual For Community Centre and Hall Management Committees* along with the *Financial Manual for 377 and other Management Committees* and *OHS & Risk Management Manual* outline the reporting and procedural requirements relating to Community Centre Annual General Meetings. These procedures were recently revised and adopted in February 2008.

Overall, the majority of Community Centre Management Committees, with the support of Council staff, have improved their level of performance. This improvement is a result of the gradual implementation of the Community Centres and Halls Management Review (see Report No CC91/03) where Council resolved to support a management model of "*377 Management with Significantly Improved Performance*". A few Committees remain in a transition phase between the older models of management and the Council adopted form of management. These centres will be required to improve their communication with Council in order to comply with the resolutions associated with Report No CC91/03.

The following discussion provides an overview of the Community Centres and Halls Annual General Meetings and the financial position of the various Community Centres and Halls.

Annual General Meetings Report

AGM Dates and Venues

All Annual General Meetings for 2008, were held in the month of September, consistent with the requirement set in the Community Centres and Halls Procedures Manual and Council resolution at the November 2005 Ordinary Meeting (see Report No CC92/05).

All of the AGM's scheduled were held at the Community Centre or hall associated with the Committee, apart from Cherrybrook Community Centre Management Committee who held their Annual General Meeting at Pennant Hills Community Centre due to the closure of Cherrybrook for renovation works.

AGM Quorums and Committee Numbers

Council's *Procedures Manual for Community Centres and Halls* requires a quorum of seven for any Section 377 Management Committees – this may comprise Councillors, members of the community or user groups of the specified Centre. All Management Committee elected a minimum of seven persons to serve on the Committee.

Officer Elections, Multiple Committee Roles and Conflicts/Interests

Council's Procedures Manual for Community Centres and Halls calls for the election of the following Officer bearers:

- Chairperson
- Vice Chairperson (optional)
- Secretary
- Treasurer
- Booking Officer

Whilst the majority of Community Centre Management Committees were able to attract sufficient volunteers to meet the quorum requirements, a number of management committees found it difficult to elect executive positions. In each of these cases, another member of the Management Committee has agreed to either accept dual roles or act in the role until a suitable replacement is available.

As mentioned in Council Report No CC92/05, there is a consistent trend toward fewer individuals taking executive roles on voluntary boards. This has led to individuals holding multiple roles on Committees. The following Committees have one member filling the multiple Executive positions listed:

- Beecroft Community Centre - Treasurer and Booking Officer (voluntary)
- Cherrybrook Community Centre – Chairperson and Secretary (voluntary)
- Cowan Community Centre – Secretary and Treasurer (voluntary)
- Glenorie Community Centre – Secretary and Treasurer (voluntary)
- Mt Kuring-gai Community Centre - Treasurer and Booking Officer (voluntary)
- Thornleigh Community Centre – Secretary and Booking Officer (paid)
- Roselea Community Centre - Secretary and Booking Officer (paid)

The situation of paid Booking Officers holding multiple roles on Section 377 Committees was referred to Council in Report No CC92/05. In relation to this matter Council resolved that, *Council allow paid Booking Officers to be a part of a Committee if required to make up a quorum, granting restricted voting rights (if required).*

A newer trend to combat the lack on voluntary interest has emerged with two or more family members sitting on Committees to make up the numbers. Whilst this practice ensures that Committees have a quorum, it can reduce the original intent of the committee to provide diverse representation and increase the capacity for conflicts of interest.

The Community Services Branch is required to review the Community Centres and Halls Procedures and Finance Manual following 12 months of implementation. The issue of quorums will be addressed in this review.

Financial Position of Community Centres

The table below indicates the financial position of the Community Centres and Halls as reported at their AGM's. These results are not all audited but have been submitted to Council's Financial Services Branch.

CENTRE	INCOME	EXPENDITURE	CASH BALANCE
Beecroft	\$13,740	\$8,951	\$146,446
Cherrybrook	\$70,121	\$65,321	\$3,374
Cowan	\$1,785.00	\$7,304	\$2,731
Dangar Island	\$1,510	\$221	\$2,691
Epping	\$82,304	\$54,379	\$128,584
Epping Creative	\$14,522	\$11,072	\$14,522
Galston	\$26,700	\$27,467	\$28,115
Glenorie	\$3,138	\$1,084	\$25,112
Gumnut	\$17,988	\$23,843	\$70,682
Mt Kuring-gai	\$13,537	\$6,677	\$87,657
Pennant Hills	\$119,666	\$87,540	\$150,380
Roselea	\$68,665	\$39,788	\$145,872
Thornleigh	\$56,725	\$56,186	\$51,722
West Epping	\$18,159	\$8,117	\$83,830

It should be noted that generally the accumulation of surplus funds is a strategic management process employed by Community Centre Management Committees to ensure that major capital works for the community centre in question can be funded in a timely manner. This includes capital projects and/or improvements which would ordinarily be provided out of Council's Budget but are unable to be completed due to the limited funds available.

The majority of projects under consideration by the Community Centre Management Committees require Committees to develop funds over time in order to accumulate enough money to cover the costs of works. Such projects include the construction of car parking facilities at the Beecroft Community Centre, the extension of the building to provide an accessible entry ramp at Epping Community Centre, etc. The matter of accumulated funds was considered by Council in Report No CC26/08.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

Arcadia Community Centre Advisory Committee
 Beecroft Community Centre 377 Management Committee
 Cherrybrook Community Centre 377 Management Committee
 Cowan Community Centre 377 Management Committee
 Dangar Island Community Centre 377 Management Committee
 Epping Community Centre 377 Management Committee
 Epping Creative Centre 377 Management Committee
 Galston Community Centre 377 Management Committee
 Glenorie Community Centre 377 Management Committee
 Gumnut Community Centre 377 Management Committee
 Mt Kuring-gai Community Centre 377 Management Committee
 Pennant Hills Community Centre 377 Management Committee
 Roselea Community Centre 377 Management Committee

Thornleigh Community Centre 377 Management Committee
West Epping Community Centre 377 Management Committee

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 report on Council Community Committees that does not involve the adoption of a charter or the appointment of a new committee.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is Samantha Colbert – Co-ordinator Cultural and Community Facilities. She can be contacted on 9847 6548.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC105/08 be received and noted.
2. Council express its appreciation and acknowledge the valuable services rendered by members of Section 377 Management Committees and Advisory Committees who give their time, energy and skills in the management of Council's Community Centres and Halls.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06390
Document Number: D01048691

6 OCTOBER 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 31 October 2008 is \$731,000 which compares to the year to date 2008/09 budgeted income of \$737,000. Of the year to date 2008/09 investment income earned, 48% relates to Section 94 funds held by Council and is required to be allocated to those funds.

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 - October 2008

- The Term Deposits achieved an annualised return of 8.02% for the month compared to the benchmark of 6.00%; and a financial year to date return of 8.08% compared to the benchmark of 6.87%.
- LGFS Fixed-Out Performance Cash fund achieved an annualised return for the month of 9.27% compared to the benchmark of 8.77%; and a financial year to date return of 8.63% compared to the benchmark of 8.13%. The fund is managed by the Local Government Financial Services organisation. The product 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 -54.99% for the month compared to the benchmark of -61.91% ; and a financial year to date return of -20.73% compared to the benchmark of -30.23%. 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 7.28% for the month compared to the benchmark of 8.74%. The financial year to date return at October is 8.66% compared to the benchmark of 8.11%. The August 2008 Investment and Borrowing (Report No CC80/08) advised Council that Lehman Brothers was the arranger for the CDO - ENDEAVOUR. Whether, based on the bankruptcy of Lehman Brothers, there is to be an early termination of this product is being monitored by

Grove Research and Advisory Services (Council's independent investment advisor). They will advise Council when further information is available. As a consequence the coupon for the CDO – ENDEAVOUR will not be received.

- The Capital Guaranteed Notes achieved an annualised return of 0.26% for the month compared to the benchmark of 8.74%. The financial year to date at October is 1.94% compared to the benchmark of 8.11%. Due to poor performance over recent months the Capital Protected Notes coupons, with the exception of the Longreach PIU Fund, have not been accrued.
- 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 9.45% for the month compared to the benchmark of 8.74%; and a financial year to date return of 9.83% compared to the benchmark of 8.11%.
- For total investments, the annualised return for the month is 4.36% compared to the benchmark of 5.11%; and a year to date return after fees is 6.25% compared to the benchmark of 6.58%, a shortfall of 0.32%.

Economic/Financial condition

The current environment is characterised by extreme volatility as bad news piles on bad news. All assets classes have been affected by the credit squeeze and the slowing down of almost every economy in the world. As fear about recession turns to fear about a depression, central banks around the world continue to bail out their financial systems.

For investors there has been little respite. Equity and debt markets have taken a hammering. Property markets through listed vehicles have been pounded while direct property has not yet experienced the full impact of falling rents and falling capital values. In addition, redemptions by investors and unwinding of leverage have also impacted on the traditional non-correlated assets. Private equity, infrastructure, commodities and hedge funds have not had a smooth ride. The commodities and currency managers have been hit by extreme volatility. The Australian dollar witnessed heavy selling, falling dramatically on increased risk aversion, the worsening global economic outlook, sharp declines in commodity prices and the prospect of further rate cuts from the Reserve Bank.

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 31 October 2008, is attached to this Report.

BUDGET

Total investment income for the quarter ended October 2008 was \$731,000. The budgeted income for this same period was \$737,000. Of the investment income, approximately 48% relates to Section 94 and is, therefore, restricted. The December Quarterly Budget Review will reassess budgeted income from investments due to a declining cash rate and the poor performance of the Capital Guaranteed Notes.

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 the Federal Governments Bank Deposit Guarantee Scheme. An updated draft Investment Policy and Strategy will be finalised after consultation with Grove Research and Advisory Services, 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 CC106/08 be received and noted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. October 2008 Council Investment Report
2. HSC Borrowings Schedule as at 31 Oct 2008

File Reference: F2004/06987

Document Number: D01050992

7 HOMELESSNESS IN HORNSBY SHIRE

EXECUTIVE SUMMARY

During the second quarter of 2008, Council received a number of representations from members of the community as well as from the Member for Hornsby, Ms Judy Hopwood MP, regarding the issue of homelessness in Hornsby. As a result, Council considered a report on homelessness (Report No CC78/08) at the Ordinary Meeting held on 13 August 2008, and resolved in part that *a report exploring the possible and appropriate responses by local government to the issue of homelessness be provided for Council's consideration by December 2008.*

This Report seeks to update Council on the response to the issue of homelessness, including details about the establishment of a Homelessness Task Force. It proposes that a further report be prepared for Council's consideration once the Task Force has reached agreement on the way forward and recommends that Council receives updates through the inclusion of relevant information in quarterly Social Plan Report Cards.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council's resolution in respect of Report No CC78/08 and provide Council with an update on the progress that has been made investigating possible and appropriate responses by local government to the issue of homelessness.

DISCUSSION

In a media release dated 29 August 2008, the Member for Hornsby, Ms Judy Hopwood, revealed a plan to convene a Task Force to combat homelessness in the Hornsby area. In the media release, it was stated that:

A task force with representatives from charity organisations and Government service providers has been created to formulate a strategy to address the social concern of homelessness in the Hornsby area.

The task force members are a dual body from community organisations and Government; The Salvation Army, St Vincent de Paul Society, Our Lady of the Rosary Social Justice Group, Community Drug Action Team (CDAT), Department of Housing, Hornsby Shire Council, KuRingGai Local Area Command and Judy Hopwood MP, State Member for Hornsby.

The Auditor-General's report released earlier this year, titled 'Responding to Homelessness' identified advantages of Government and community agencies working together to achieve the best possible results for their community and clients.

The first meeting of the Task Force was held on 16 October 2008 and was attended by Council staff from the Community Services Branch. At this meeting, the Task Force discussed local issues and the services provided by the key stakeholders who were present.

Ms Hopwood has indicated that, at the next meeting of this local Task Force which is scheduled for 1 December 2008, she will make a presentation about current research on homelessness.

Report No CC78/08, which was considered by Council at the 13 August 2008 Meeting, contained the following statement:

It is noted that the Community Services Branch cannot provide services other than referral or advice without additional resources committed to the issue. This is because the Branch is currently working to capacity in providing services to other groups targeted through the social planning process and on facility development projects throughout the Shire.

Given that the Homelessness Task Force is still in its infancy, it is proposed that Council staff continue to attend the Task Force meetings with a view to being able to identify possible responses to homelessness that are appropriate from a local government perspective. Once a local approach has been developed by the Task Force, a further report will be prepared for Council's consideration.

BUDGET

There are no budget issues associated with this update. It is noted that should Council desire a greater commitment to the issue of homelessness beyond staff attendance at a Task Force meeting, further funding will need to be provided as Community Services Branch are currently fully committed to the implementation of Council's Social Plans. Alternatively, if further funding is not available, the priorities listed in the Social Plans 2005 - 2010 (and the staff allocated to responding to these priorities) could be shifted by Council to respond to the issue of homelessness.

POLICY

There are no major policy implications associated with this Report. Should a further commitment to supporting homeless people be desired, there is likely to be policy impacts in relation to how this can be achieved.

CONSULTATION

Internal

- Acting Coordinator, Social Planning and Policy – Ms Sue Downing
- Youth Services Coordinator - Ms Sharon Mizzi
- Research and Policy Development Officer, Corporate Strategy Division – Ms Kim Appleby

External

- Member for Hornsby – Ms Judy Hopwood MP
- Community and Government representatives in attendance at the Task Force meeting held on 16 October 2008.

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 an update on the issue of homelessness raised at the Ordinary Meeting of Council held on 13 August 2008.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Community Services Branch - David Johnston. He 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:

1. A report detailing the possible and appropriate responses by local government to the issue of homelessness be provided for Council's consideration once the Homelessness Task Force convened by Ms Judy Hopwood MP has reached agreement on a way forward.
2. Council be informed on the progress of the Homelessness Task Force through the inclusion of appropriate information in quarterly Social Plan Report Cards.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06043
Document Number: D01052014

**8 DOCUMENT ACCESS APPLICATIONS 26 SEPTEMBER - 25 NOVEMBER
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 September to 25 November 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 September to 25 November 2008

There were 184 applications processed under Council's Document Access Policy in the period 26 September to 25 November 2008. The time taken to process these 184 applications was 286 hours. An additional 35 applications were received but not finalised at the time of writing of this Report and these 35 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 20 calendar days.

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 184 applications processed in the period, 27 applications resulted in restricted access to Council files. In total, 108 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 108 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, 38 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, 37 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 six documents were 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, 27 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, six new Freedom of Information (FOI) applications were received and one further application was carried over from the previous period giving a total of seven applications that were processed within the period. Of these seven applications, five applications have been determined and two applications are being carried over to the next reporting period. In addition a further eight applications for Internal Review were carried over from the previous reporting period and three new applications for Internal Review were received. Of these 11 applications for Internal Review, five applications have been determined and three have been withdrawn by the applicant. The remaining three applications for Internal Review have been carried over to the next reporting period.

The time spent by Council staff on the processing of FOI applications during this reporting period was approximately 50 hours. It should be noted that six of the seven FOI applications, and 10 of the 11 applications for Internal Review were made by the same applicant. Of the 50 hours spent on FOI applications, 43 hours were spent on applications made by the same applicant. These figures do not include time spent by the previous Administration Coordinator, who has now left Council's employ, on processing another four internal review applications, three of which were lodged by 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 in addition to the one application that was carried over from the previous period. These two applications are ongoing and are being carried over to the next reporting period. A total of 13 hours was spent on the processing of these applications.

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 286 hours invested in processing the 184 Document Access applications, and 50 hours dedicated to processing FOI and Privacy 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 232 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

File Reference: F2006/00479-02
Document Number: D01055788

9 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;
- 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.

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns at the Ordinary Meeting held on 12 November 2008 - Report No CC94/08. Since that time, two 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
08/10/2008	Councillor	Elected to Council
17/10/2008	Administration and Waiting List Officer	New Employee

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: D01056841

10 PROPOSED DOMESTIC WASTE MANAGEMENT COLLECTION SERVICES TENDER - T25/2008

EXECUTIVE SUMMARY

In August 2002 Council commenced a contract with Veolia Environmental Solutions (formerly known as Collex) to provide waste services to all domestic households within the Shire for a period of seven years with a one year option to extend, at Council's discretion. Veolia has requested an early termination to the existing contract due to maintenance issues. This request is considered reasonable. A decision to call new tenders now means that Veolia will be able to finish their commitment in March or April 2010 rather than August 2010.

The new tender is for a period of seven years with an option to extend for a further three years at Council's discretion. The main reason for the lengthy period is to ensure that the cost of the very expensive vehicles can be recouped by the contractor.

The new tender will be calling for the continuation of the existing services to all domestic properties as well as continuing the existing commercial services. The tender will have ample scope to undertake trials and implement changes as industry opportunities arise from waste and recycling technology innovations.

E-waste collections, chemical collections, mulch days and other services including educational activities will continue outside the garbage collection contract.

This is a very sizable contract and one that requires extensive and thorough consideration by tenderers. Accordingly, a tender period of not less than four months is recommended, to ensure that all tenderers have ample time to understand the uniqueness of the Shire.

The major difference between this tender and the previous tender is the requirement to maintain the existing waste bins. The successful tenderer will be required to maintain the existing bins for the life of the contract. The existing bins are in good condition and it is expected that they will survive the next seven years.

PURPOSE/OBJECTIVE

The purpose of this report is to seek Council endorsement to call tenders early in 2009 for the provision of domestic waste management services for a contract period of seven years.

DISCUSSION

Background

In April 2002 Council accepted the tender of Veolia Environmental Solutions (formerly Collex, at the time of awarding the tender) for the provision of the domestic waste services to the Shire for a period of seven years, with an option for a further period of twelve months. During the period of this contract considerable changes were introduced, specifically the introduction of the three bin system to all areas of the Shire apart from the Berowra Waters river settlement.

The waste services have proven successful, with high resident acceptance and waste diversion rates. Since the introduction of the three bins the diversion rate of waste from landfill has risen to a consistent level of between 52% and 54%. This was a great jump from the previous system in place but has a long way to go to achieving the rate of 66% that is required by the Department of Environment and Climate Change (DECC). It is unlikely that Council will be in a position to achieve the desired diversion rate at a reasonable cost in the near future. It is likely that at some point during the term of the new contract period alternative options will become available as waste treatment technologies improve and become more readily available.

In March 2008 Council resolved to exercise its option to extend the Veolia contract for the additional year allowable under the contract. Shortly after, Veolia requested that consideration be given to calling tenders as soon as possible as they had concerns that their vehicles and equipment were starting to age and required more maintenance than anticipated. After seeking legal advice a draft amendment to the contract was prepared to allow for an early exit. The draft amendment has yet to be executed and is waiting on a more determinable date to cease the existing services.

The deterioration of the vehicles is becoming evident by an increase in minor malfunctions. A decision to call tenders now means that Veolia would be able to finish its commitment in March or April 2010 rather than August 2010.

The waste collection system recommended in the proposed tender has the scope to be amended during the life of the contract period to allow for adjustments to the services and to take advantage of any new waste processing options that may become available. It is anticipated that any changes would only be of a minor nature, such as alterations to the service frequency or disposal location changes. All changes would undergo a trial period prior to any recommendation to implement.

The tender does not include new waste bins. An assessment of the current bins indicates that they will last a further seven years but would, at the end of that period, need to be replaced. The existing containers are in good condition and in any event there are sufficient funds available in the existing waste reserve to replace bins if required.

Tender components

The draft tender is a large document due to the complex nature of the service and the desire to ensure that the services are provided strictly in line with the requirements. Services are provided to every resident in the Shire on a weekly basis; hence a strong compliant emphasis is included.

This tender requires the tenderers to provide a large number of heavy specifically built vehicles and is very labour intensive with an annual estimated budget in excess of six million dollars (\$6 million). For this reason a tender period of no less than seven years is recommended to allow contractors to recoup the investment over the working life of the asset. Any shorter period would increase the service costs substantially. A seven year term for domestic waste contracts is extremely common amongst councils due to the financial efficiencies that can be gained.

The tender will also include an optional price for a three year extension.

The tender document also places strong emphasis on the environment, safety and high service levels.

The services specified in the tender include the following:

Residential houses:

- Weekly residual waste via the existing 140 litre waste container
- Fortnightly recycling via the existing 240 litre waste container
- Fortnightly green waste via the existing 240 litre waste container
- Twice yearly scheduled clean up services.\

Medium density housing:

- Twice weekly residual waste collections via either the existing shared 140 or 240 litre residual waste containers
- Weekly recycling via the existing shared 240 litre recycling container
- Optional green waste collection service via the existing 240 litre container
- Monthly clean up service.

High Rise:

- Recycling and residual waste clearances as required. The services vary depending on the specific size and need of the residential complexes. In most cases multiple services are provided weekly.
- No clean up services provided.

Dangar Island:

- Twice weekly residual waste collection via the existing 70 litre container
- Weekly recycling via the existing 70 litre container
- Fortnightly green waste via bags or tied and bundled presentation
- Twice yearly clean ups

Berowra Waters:

- Residual waste is collected on multiple days per week from large skip type containers at a designated location
- Recycling is collected on multiple days per week from a designated area
- Green waste collection is provided annually via a drop off arrangement to a designated area.
- Clean up services are provided twice yearly via a drop off arrangement from a designated location

Commercial Waste Services:

- Commercial waste collection services are provided utilising a variety of containers and collection days
- Commercial paper recycling services are provided utilising a variety of containers and collection days
- Commercial co-mingled recycling services are being included in this tender on a trial basis and will be collected via 240 litre containers on a set day per week.

Bin maintenance:

- The tender requires all existing bins to be maintained.

Vehicles:

- All collection vehicles will be required to be Euro 4 standard or better
- Rear cameras are required for every vehicle
- Spill kits are required for every vehicle
- Communication systems in each vehicle including vehicle tracking systems
- Specific small vehicle(s) for difficult to access locations

Customer Service:

- Customer service will remain with Council as the face to face contact
- The tender requires that adequately trained staff are available during normal working hours to receive calls from Council staff
- A variety of reports are required

All other services currently provided including e-waste, chemical collections, mulch days, tours, shop front services and education programs will continue but will not be included in this tender. They are being omitted due to changing technologies, legislation and financial opportunities that may arise. There is also a strong desire to not complicate the tender more than necessary.

Tender process

Due to the size and complexity of the tender it is unlikely that a new contract will be able to commence within twelve months of calling tenders. The expected timeframe is shown in the following table.

Table 1: Proposed tender process timeframe

Tasks	Start Date	End Date	Comment
Report to Council	12/2008	12/2008	Report seeking council endorsement
Finalise tender document	9/2008	12/2008	This is a lengthy process to ensure every aspect is covered.
Finalise attachments to tender	11/ 2008	1/ 2009	Ensure that all service details are correct
Undertake bin assessment to ensure all bins in working order prior to tender	11/ 2008	12/ 2008	Physical inspection
Call tenders	2/ 2009	5/2009	4 months – includes one possibly two tenderers meetings (dates to be set)
Assess tenders	5/ 2009	6/ 2009	
Councillor briefing	6/2008		If required and will include presentations by short listed tenderers
Report to Council	6/ 2009		Recommendation on tenders
Commencement	3/ 2010		Allows 9 months to build vehicles

Due to the complexity of the tender and the variables involved, it is proposed to allow four months for the tender period. This will ensure that all tenderers have ample opportunity to fully understand and evaluate the uniqueness of the Shire. The extra time will ensure that all tenderers have ample time to provide an informed and accurate tender.

Assessment Process

The tender will be assessed by the following persons:

- The Manager, Waste Management will be responsible for the initial assessment to determine accuracy and compliance as well as making an initial assessment in line with the assessment criteria.
- Another senior waste officer will undertake reference checks without knowledge or input into the assessment process.
- A waste officer or manager from another NSROC council will be included as an observer.
- An external waste consultant will review the assessment document for compliance and correctness
- Council's solicitors will ensure all requirements are complied with.

Councillor Briefing

Prior to submitting a recommendation report councillors will be offered an opportunity to be briefed on the various tenders. This will include an opportunity for councillors to interview the short listed tenderers.

Final report to Council with Recommendation

On completion of the assessment and briefing session a report will be submitted to Council outlining the process undertaken, a full summary of the assessment plus a recommendation for Council to consider.

BUDGET

Currently there are no budget implications for the current financial year.

POLICY

The tender will be conducted in line with Council's Tendering Guidelines and Section 55 of The Local Government Act 1993.

CONSULTATION

This report was created in conjunction with advice received from members of the Waste Management Team, McGregor Environmental Services and Council's solicitors HWL Ebsworth, Lawyers, who are in the process of reviewing the draft tender document.

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.

Working with our community

The proposed tender provides for the continuation of the domestic waste services already provided to every household. From the performance of our residents to date, including low contamination and high participation, it is evident that the community has embraced these services.

Conserving our natural environment

The combination of services called for in the proposed tender are the same as those that have been in operation for the past six years. The diversion rates and recycling results play a large roll in preserving our natural environment as well as encouraging residents to participate in what is considered a user friendly waste collection process.

Contributing to community development through sustainable facilities and services

Continuing the existing and successful environmentally responsible waste management services allows residents to contribute to a better environment. High and contamination free diversion rates are evidence that the services are highly acceptable to residents and contribute to community development.

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

The proposed tender is structured in such a way that the services can expand in line with the growth of the Shire and community expectation. The proposed services are set up in such a way that quick and easy changes can be made to fall inline with changing technology and opportunities such as availability of new waste treatment technologies. In all cases any change implemented would be carried out over a trial collection period prior to implementing.

Supporting our diverse economy

While the proposed tender does not generate additional economic benefit by means of generating employment or wealth, it does have the capacity to maintain the current employment levels that exist from the provision of waste services to domestic households.

The current participation rates and attitudes of residents to reducing waste to landfill and responsible recycling has ensured that household waste management charges have only had minimal increases (less than CPI) over the preceding six years, despite escalating disposal and transport costs.

Maintaining sound corporate and financial management

It is expected that there will be an increase in the tender price for the services due to the need to provide new vehicles and equipment. This will be partially offset by the ability to retain the existing waste bins for a further seven years.

The efficiency of and resident participation in recycling and green waste collections has limited cost increases.

Other Sustainability Considerations

The waste services included in the tender have very few negative impacts. The most obvious is the transport issue. At the present time all waste is transferred by heavy vehicle to disposal or treatment facilities well away from the Shire boundaries. To mitigate this issue the tender does call for alternative prices for a number of different waste handling facilities. In addition the tender calls for environmentally efficient fuel and the inclusion of vehicles with a minimum of Euro 4 standard

RESPONSIBLE OFFICER

The responsible officer for this report is Rob Holliday – Manager, Waste Management Services Branch. He can be contacted between the hours of 8.30 am and 4.30 pm, Monday to Friday, on 9847 4816.

RECOMMENDATION

THAT

1. Council endorse the proposed tender and actions as outlined within this report.
2. Council acknowledge and agree to Veolia's request for an early cessation of the current contract term.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/09594
Document Number: D01040099

11 ADOPTION OF THE LOWER HAWKESBURY ESTUARY MANAGEMENT PLAN

EXECUTIVE SUMMARY

The purpose of the Lower Hawkesbury Estuary Management Plan (the Plan) is to fulfil the requirements of the *NSW Estuary Management Policy 1992* and the *NSW Coastal Policy 1997*. The Plan describes how the estuary will be managed, gives recommended solutions to management problems and details a schedule of actions for the implementation of these recommendations. It specifically identifies measures that will enhance and protect the various assets of the Lower Hawkesbury.

Once adopted, the Plan will be implemented through a combination of research, education, compliance, planning and capital works initiatives. Partnerships, both internal and external to Council, will be established to maximise involvement and contributions from key stakeholders (including government agencies, universities, and commercial/community representatives). The implementation of the Plan will be overseen by a newly established Lower Hawkesbury Estuary Management Committee which will consist of community, commercial and government representatives.

The Plan contains a list of recommended strategies that have been designed and prioritised within a risk management framework based on ensuring the long term sustainability of the estuary's assets. The Plan outlines the implementation process for the protection of these assets, which includes details on time frames, costs, responsibilities and other information relating to implementation of the strategies. This Plan also provides a mechanism for the future monitoring and evaluation of the success of the Plan's implementation, along with contingencies in the event that specific targets and/or overarching goals and objectives are not met.

Production of an estuary management plan qualifies Council for funding opportunities and 50/50 subsidy arrangements, with the principal funding agencies being the NSW Government and the Hawkesbury Nepean Catchment Management Authority. Additional funding will be sourced from universities, Natural Heritage Trust Funds, the NSW Maritime Authority Infrastructure Grants Program, Department of Primary Industries Recreational Fishing Trust, Private Sector, etc. Approximately \$8.9 million will be required to fully implement the Plan. Of this 50% will be spent on scientific investigations, education programs, planning and compliance (e.g. river keeper) and 50% is designated for capital works (such as stormwater improvements and foreshore infrastructure upgrades).

This Plan incorporates the Brooklyn Estuary Management Plan, and provides the next phase of strategic planning for the Berowra Creek Estuary Management Plan which was completed in 2008. Further, this plan provides an integrated approach to the management of the Lower Hawkesbury and incorporates all areas from Wisemans Ferry to Broken Bay, exclusive of Pittwater and Brisbane Water.

PURPOSE/OBJECTIVE

The purpose of this report is to:

- 1 Report to Council advising of submissions received and subsequent amendments made to the Draft Lower Hawkesbury Estuary Management Plan (as per Recommendations of Report EN30/08).
- 2 Present to Council the final Lower Hawkesbury Estuary Management Plan for adoption.
- 3 Recommend to Council that the Plan be adopted, noting the Plan incorporates the Brooklyn Estuary Management Plan.
- 4 To allow Council to proceed with establishing the Lower Hawkesbury Estuary Management Committee as per the terms of reference displayed publically as part of the exhibition period of the Lower Hawkesbury Estuary Management Plan.

DISCUSSION

In response to the 1992 Estuary Management Policy, Hornsby Shire Council has initiated an Estuary Management Program in partnership with state government agencies and the community. The Plan has also been prepared with consideration given to the Draft Coastal Zone Management Manual, and as such should satisfy the objectives for a Coastal Zone Management Plan under Part 4A of the Coastal Protection Act 1979. It is intended that once this plan is adopted by Hornsby Shire Council it will be presented to the NSW Government for gazettal.

The process of managing the Lower Hawkesbury Estuary, in accordance with this policy, was initiated by combining both the Berowra and Brooklyn Estuary Management Committees to form an Estuary Management Committee. This committee is responsible for the development and implementation of the draft Lower Hawkesbury Estuary Management Plan, in the interim period, until the Plan's adoption and public formation of the Lower Hawkesbury Estuary Management Committee.

Management of the Lower Hawkesbury estuary to date has been disparate, with no lead organisation having the sole authority or responsibility for managing all issues required for effective management of estuarine assets. This situation is recognised within the NSW Government Estuary Management Manual (1992), which provides the direction for a co-ordinated approach for estuary management by providing the necessary framework for establishing estuary management plans for discrete sections of the estuary. In 2005 the Hawkesbury Nepean Catchment Management Authority finalised the "Kimmerikong Report" (Kimmerikong 2005), which identified the following problems with the current segmented management approach:

- Narrowly defined programs which focus on a single issue or local issue with an inability to address wider implications on the estuarine system
- Problems being treated in isolation rather than on a "whole of estuary" approach
- Limited resources not being used to maximum effect
- Highly sectoral management systems with inherent rigidity resulting in gaps in responsibilities and no management
- Insufficient coordination between and within organisations leading to inconsistencies in management regimes and outcomes

- Failure to understand complex estuarine dynamics
- Inability to effectively identify impacts from up-stream development or cumulative impacts and advocate for remedial action
- Duplication of effort and expenditure by organisations sharing responsibility for the same issue
- Inability to identify funding within organisations that support work on estuary wide issues.

In response to these issues, Hornsby Shire Council took the initiative to develop the Lower Hawkesbury Estuary Management Plan to provide an integrated whole of estuary approach. The Plan provides the strategic direction for future management of the estuary and its associated assets. The Plan recognises that the risks influencing the sustainability of estuarine assets are a direct consequence of the health of the catchments within which it lies. The Plan has therefore adopted a risk management approach to developing and prioritising potential future management actions and strategies. Treatment of risks to the estuarine assets is to be facilitated through the action plan detailed within the document. By treating risks at this scale, through implementation of the Plan, benefits to the Lower Hawkesbury are anticipated to include:

- all risks to estuarine assets will be considered and not limited to local areas
- institutional and commercial goals and aspirations for preservation of estuarine assets will be coordinated and integrated
- improved strategic goals and objectives which are based on a system wide understanding of the estuary
- more efficient and effective use of government resources in reducing risks
- increased opportunities to access and integrate funding and research opportunities
- better use of local and regional knowledge
- creation of opportunities for projects and community groups to address similar problems in different parts of the estuary.

BUDGET

The existing estuary budgets coupled with agency grants will enable the majority of the plan to be implemented. If the need arises phase ups during the annual budget formation process will be proposed.

POLICY

This Plan will provide a strategic direction for the implementation and management of Councils' Estuary Management Program for 10 years after the Plan's adoption.

CONSULTATION

This draft Lower Estuary Management Plan has been prepared by BMT WBM Oceanics Australia on behalf of Hornsby Shire Council and in consultation with the Brooklyn and Berowra Estuary Management Committee, government agencies and other key stakeholders.

The consultation for the development of the plan was principally coordinated by a series of workshops (November 2006, February 2007, March 2007). An information evening was held on the evening of the 25th September, 2008 to answer questions and concerns from community and government representatives. The Draft Lower Hawkesbury Estuary Management Plan was then publically exhibited from 11th August, 2008 until 10th October, 2008. Submissions on the Plan were received from:

- Hawkesbury Nepean Catchment Management Authority (D01046745)
- Ann Stewart, Gosford City Council (D01046408)
- Manager, Town Planning Services (D01011070)
- Manager, Environmental Health and Sustainability (Verbal)
- Diane Campbell, Coordinator, Biodiversity Planning and Management (D01046413)
- John Carrick, 29 Milsons Passage, Milsons Passage (D00991369)
- Cate Faehrmann, Nature Conservation Council, (D01031637)
- Katherine Daniell, Research Student ANU (D01031598)

All comments were considered and incorporated within the Plan presented to Council for adoption. Participants and key stakeholders and media were formally notified during this public exhibition as listed within Table-1.

Table-1 Formal notification list

Representation	Organisation
Community	Association for Berowra Creek Inc
Community	Australian Museum
Media	Berowra Bush Telegraph
Community	Boat Owners' Association
Hornsby Shire Council	Branch Manager - Assets
Hornsby Shire Council	Branch Manager - Town Planning Services
Commercial	Broken Bay Oysters
Media	Bushland Shire News
Commercial	Community Representative
Academic	CRES Australian National University
State Government	Crown Lands, Department of Lands
State Government	Department of Environment and Climate Change
State Government	Department of Environment and Conservation Metropolitan Branch
Commercial	Estuary Prawn Trawl Management Advisory Committee
Commercial	Fenwicks Marina
Media	Forgotten Valley Views
Media	Glenorie and District Gazette
Local Government	Gosford City Council
State Government	Hawkesbury Nepean Catchment Management Authority
Commercial	Hawkesbury River Marina
Community	Hawkesbury River Sailing Club Inc
Media	Hills Rural News
Community	HNC Foundation Inc
Community	Hornsby Aboriginal & Torres Strait Islander Consultative Committee
Media	Hornsby Advocate
Community	Kuringgai Hornsby Anglers Casting Club
Media	Living Heritage
Hornsby Shire Council	Manager - Bushland and Biodiversity
Hornsby Shire Council	Manager - Environmental Sustainability and Health
Hornsby Shire Council	Manager - Environmental Sustainability and Health
Community	Mooney Hawks Fishing Club
Community	Nature Conservation Council of NSW
State Government	NSW Department of Environment & Conservation National Parks & Wildlife Service
State Government	NSW Department of Environment and Conservation
State government	NSW Department of Primary Industries
State Government	NSW Department of Primary Industries, Fisheries
State government	NSW Farmers Association

Representation	Organisation
State Government	NSW Food Authority
State Government	NSW Maritime Authority
Community	NSW-Boating Industry Association
Community	OceanWatch Australia
Community	Recreational Fishing Association
Community	Sea Bees Boating Club
Community	SHURE- Save Hawkesbury River Unique River Environment
State Government	Sydney Water Corporation
Community	THREPS- The Hawkesbury River Environment Protection Society
Hornsby Shire Council	Water Catchments
Community	Windy Banks Fishing Club

TRIPLE BOTTOM LINE SUMMARY

Working with our community

Community consultation through workshop facilitation was undertaken during the development of the Plan. The development of the Plan was overseen by members of the Brooklyn and Berowra Estuary Management Committees. The Public exhibition period and media releases enabled a wider exposure to the community, seeking their input into the plans development and appraisal during the public exhibition period.

Conserving our natural environment

The NSW State Government introduced the draft Estuary Management Policy in 1992, which is aimed at managing the growing pressures on estuarine ecosystems. The primary goal of the policy is to encourage the integrated, balanced, responsible and ecologically sustainable use of the State's estuaries. This Plan was developed to fulfil the requirements of this policy.

Contributing to community development through sustainable facilities and services

Proposed actions within the Plan will enhance facilities and services including waste collection, access to and maintenance of public wharves, safe navigation and passive recreational areas. Community involvement is an essential component of integrated estuary management. The Plan has been designed to encourage and foster ongoing community participation including capacity building within the community.

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

The Plan will enhance both the existing built and natural environment by maintaining a balance between a sustainable estuarine habitat and a viable recreational, commercial and social resource. Individual strategies were developed to protect and enhance existing values of the estuary, and to address issues that have been identified through scientific assessments and consultation with the local community and relevant stakeholder organisations.

Supporting our diverse economy

The Plan supports our diverse economy by providing opportunity for a range of ecologically and commercially sustainable estuary based industries. Several strategies provide support for industry to help ensure their long term viability.

Maintaining sound corporate and financial management

At this stage there are no adverse impacts in terms of corporate and financial management. While a number of the suggested strategies do have financial implications it is anticipated

that most, if not all, of these costs will be accommodated within existing financial resources or through sourcing suitable external funding ventures.

Other Sustainability Considerations

International and local research on estuarine processes and management was utilised in the development of the Plan.

RESPONSIBLE OFFICER

The responsible officer is Mr Peter Coad, Team Leader - Estuary Management, telephone 9847 6766, hours 8.30 am to 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT:

1. The Lower Hawkesbury Estuary Management Plan be adopted
2. Council establishes a Lower Estuary Management Committee to oversee the implementation of the Plan, and publically seek membership for such a committee.
3. Council determine the councillor representation on the Lower Hawkesbury Estuary Management Committee for the positions of Chairperson and Vice Chairperson.

ROBERT STEPHENS

Executive Manager

Environment Division

Attachments:

1. Summary of comments received and considered
2. Lower Hawkesbury Estuary Management Plan Included under separate cover

File Reference: F2006/00723

Document Number: D01045205

12 COUNCIL ENDORSEMENT OF DRAFT RECOVERY PLAN FOR MELALEUCA DEANEI

EXECUTIVE SUMMARY

The Department of Environment and Climate Change has prepared a draft Recovery Plan for the endangered plant species *Melaleuca deanei* (Deane's Paperbark) and is seeking the formal endorsement of Council prior to its public exhibition.

PURPOSE/OBJECTIVE

The purpose of the report is for Council to agree to actions contained within the draft Recovery Plan for *Melaleuca deanei* prior to the draft Plan being placed on public exhibition.

DISCUSSION

The draft Recovery Plan has been prepared by the NSW Department of Environment and Climate Change to ensure the long term *in situ* survival of *Melaleuca deanei* under State and Commonwealth legislation, as the species has been listed as vulnerable under the NSW *Threatened Species Act 1995* and the Australian *Environment Protection and Biodiversity Conservation Act 1999*. The majority of sites where the plant occurs in the Hornsby Shire are within the Berowra Valley Regional Park, with one site occurring in bushland owned by the Department of Planning and managed by Council, one site on land owned by State Rail, several on Crown land and two on large private bushland properties.

The actions in the draft Plan that are currently the responsibility of Hornsby Council include:

Recovery Plan Action 1.1 '*Councils will review the classification of M. deanei sites and consider the reclassification of such land as community land where appropriate.*'

Council Response: There is no *Melaleuca deanei* site in the Hornsby Shire that is classified as community land. No action is required.

Recovery Plan Action 1.2 '*Councils and the Department of Planning (DoP) will ensure that all relevant Environmental Planning Instruments (prepared under Part 3 of the EP&A Act) are prepared, or reviewed, with reference to this Plan and any further advice from the DECC regarding this species.*'

Council Response: All *Melaleuca deanei* sites will be considered in any future planning studies and associated amending Local Environmental Plans and Development Control Plans as is already required by legislation.

Recovery Plan Action 1.3 '*All relevant consent and determining authorities will assess developments and activities with reference to this Plan, environmental impact assessment guidelines and any further advice from the DECC regarding the species. Assessments will be carried out under Part 4 & 5 of the EP&A Act. Environmental impact assessment guidelines are provided in Appendix 1 of this Plan.*'

Council Response: All *Melaleuca deanei* sites will be assessed as to their significance with reference to the Recovery Plan in any future development applications or activities occurring under Part 5 of the *EP&A Act 1979*, as is already required by legislation.

BUDGET

There are no budget implications due to exhibition of the draft Recovery Plan.

POLICY

There are no policy implications due to exhibition of the draft Recovery Plan as the actions outlined are already required by legislation.

CONSULTATION

Consultation has been undertaken with the Manager Town Planning Services in the preparation of this report.

TRIPLE BOTTOM LINE SUMMARY

Working with our community

The Department of Environment and Climate Change liaised with affected Councils and other stakeholders including state and federal government and several plant specialists in the preparation of the draft Plan. The broader community consultation will now occur through a public exhibition period seeking their input into the plan.

Conserving our natural environment

The Plan fulfils the State and Federal Governments' responsibilities to prepare a Recovery Plan in order to achieve conservation of the plant species in its natural environment.

Contributing to community development through sustainable facilities and services

The Plan will not adversely affect sustainable community development.

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

The Plan will enhance the natural environment by conserving populations of a vulnerable species.

Supporting our diverse economy

The Plan will not adversely affect supporting our diverse economy.

Maintaining sound corporate and financial management

The Plan will not adversely affect sound corporate and financial.

Other Sustainability Considerations

The Plan will not adversely affect other sustainability considerations.

RESPONSIBLE OFFICER

The responsible officer is Ms Diane Campbell – Coordinator Biodiversity Planning and Management, telephone 9847 6466.

RECOMMENDATION

THAT Council advise the Department of Environment and Climate Change of its endorsement of the draft Recovery Plan for *Melaleuca deanei* for the purposes of public exhibition.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Draft recovery plan for endangered species - *Melaleuca deanei*

File Reference: F2004/06275

Document Number: D01030826

13 RURAL SPORTS FACILITY GALSTON: LICENSING AND TENURE ISSUES

EXECUTIVE SUMMARY

The Rural Sports Facility (RFS) was opened by the Mayor on 16 November 2008. This report presents a Noise Management Plan for the RSF, seeks endorsement to a ground hire fee, canvasses proposals for fee relief from clubs wishing to use the facility, and presents a proposal to deal with concerns about the security of the investment in facilities at the RSF by one of the clubs.

The report recommends setting a standard fee of \$3,850 for use of the facility and recommends that applications for fee relief be favourably considered.

The Arcadia Pony Club (APC) is contributing approximately \$50,000 towards the cost of construction of a storage shed, day stalls and wash bay at the RSF. In the event of Council terminating the tenure of APC or its successors at the RSF, it is recommended that Council guarantees to pay the cost of relocating any of the structures funded by APC to another site if practicable; or fund replacement facilities at another site to an equivalent standard; or reimburse APC the value of the buildings as depreciated over an agreed period.

PURPOSE/OBJECTIVE

The purpose of the report is to obtain a Council decision on the terms of occupation of the RSF by the clubs that have expressed interest; to obtain endorsement for the Noise Management Plan; and for an exchange of letters to provide security for the investment in facilities to be made by one of the clubs.

DISCUSSION

Background

The RSF was officially opened by the Mayor on Sunday 16 November 2008. The opening was the culmination of several years' work, searching for a site suitable for staging rural sports, principally equestrian based sports. On several occasions substantial work went in to developing such a facility at a number of sites, but these all proved fruitless until the decision was taken in 2004 to acquire the properties at 18 and 20 Bayfield Road where the RSF now stands.

The project was developed through extensive dialogue and design input from prospective user groups. The development consent allows for equestrian and canine-based sports.

Two equestrian clubs have expressed interest in occupying the RSF. The Arcadia Pony Club (APC) will vacate a council-owned site that it has occupied for many years at Johnson Rd, Galston. The RSF is larger and of much better suited to the APC's purpose than Johnson Rd. The Galston Equestrian Club (GEC) is a newly-formed club that brings together adult riders engaged in several equestrian disciplines.

Both clubs have expressed interest in occupying the RSF on a regular basis commencing early in 2009. Attachment 1 contains a calendar that shows this pattern of use. It shows that

although most Sundays will be dominated by the combined use of the two clubs, sufficient vacant weekend dates will remain on the calendar for the viable occupation of the RSF by a third club, and for casual riders.

The RSF is designed to cater for canine activities and while there is, as yet, no canine club interested in taking up occupation of the RSF, the calendar allows timeslots for such a club to occupy the site in the future. Preliminary discussions with some canine clubs operating elsewhere give rise to confidence that as the reputation of the excellent facilities at the RSF spreads, at some point in the future a canine club will come forward to use it.

Noise Management Plan

Attachment 1 is a Noise Management Plan that was required to be formulated as a condition of Development Consent 53/2005. It sets out the monitoring and reporting regimes that are required in order to meet the consent conditions.

Fees and Charges

There is no determined fee in council's Fees and Charges Schedule (part of council's Management Plan 2008) for the use of the RSF. Council staff are not delegated to determine fees. In order to arrive at a reasonable fee for the RSF, council staff examined fees paid for similar facilities in other local government areas and also what sports clubs pay for sportsgrounds in Hornsby Shire.

A fee of \$3,850 is proposed by council staff for up to and including 24 uses per annum. A 'use' and the method of calculation are explained in the email sent to the two clubs at attachment 2. Attachment 3 is a counter-proposal received from APC requesting a reduction in the fee for three years in consideration of the considerable investment into the infrastructure of the RSF that APC is about to make and because of the depletion of APC's funds as a result of the contribution. APC is proposing to pay \$2,718 per annum for 2009/2010/2011, a reduction of \$1082 per annum (not allowing for future CPI adjustments to the \$3,850 fee). Attachment 4 contains GEC's counter-proposal for a hire fee holiday for 2009 in consideration of GEC's fledgling status. GEC is comprised of various adult riders including disciplines such as parelli and also disabled riders. Unlike APC, these riders have had no local facility in recent times to allow the club to become established. However the signs are promising for the club's future.

In considering the two counter-proposals, regard has been given to council's Pricing Policy and this is discussed under the heading 'Policy' below.

In the case of GEC, it is relevant to consider its proposal for a fee holiday in the context of the history of sports clubs in the Shire. Many of the Shire's clubs are long-established, some for 100 years or so. There is reliable anecdotal evidence that in the early years, these clubs were not charged ground hire fees by council. Whilst it is true that the facilities in those early times may have been primitive compared to the standard at the RSF, nevertheless the fee relief would have been of assistance to the establishment of the clubs. In a similar way, the fee relief requested by both clubs will help to stimulate demand and provide a community benefit by allowing the APC to transfer operations to the RSF and the GEC to become established in sounder fashion than would otherwise be the case.

Security of tenure

APC is contributing approximately \$50,000 towards the cost of construction of a storage shed, day stalls and a wash bay at the RSF. This work comprises stage 2 of the construction of the RSF, and was always part of the development plans for the site. However Council funds did not extend to meet the cost of these facilities, which are considered essential to the

safe and convenient operation of the RSF. Both clubs will have access to these facilities. Because part of the funds are being provided as a sponsorship from the Bendigo Bank, the matter of security of tenure for the investment that is to be made by APC and the Bank has arisen.

One option would have been to enter into a long term licence with APC for the part of the RSF occupied by the storage shed and other facilities it will provide. This appears to be a complex arrangement whereby APC would be required to meet insurance and maintenance costs for these facilities, but would pay an annual licence fee as discussed above to Council that would cover maintenance on the remainder of the RSF. To enter into such a long term licence would also require an amendment to the Plan of Management for Community Land and Crown Reserves for District 6, as the Local Government Act requires that leases and licences for community land be expressly authorised by a plan of management. The Plan as it stands expressly authorises only annual or seasonal licences to sports clubs using the RSF and other sportsgrounds.

A long term licence would also incur expensive legal fees and a lengthy period for drafting.

It is proposed instead to allay the security of tenure concerns by entering into an exchange of letters with APC whereby Council guarantees that, in the event of council terminating the tenure of APC or its successors at the RSF, Council would pay the cost of relocating any of the structures funded by APC to another site if practicable, or fund replacement facilities at another site to an equivalent standard, or reimburse APC the value of the buildings as depreciated over an agreed period.

An exchange of letters is recommended to address the security of tenure concerns. Such an exchange of letters is not considered to constitute a lease, licence or other estate as defined in the Local Government Act. Therefore the relevant Plan of Management is not required to authorise such an exchange of letters and does not require amendment.

BUDGET

There are minor costs to the budget in agreeing to the counter-proposals on ground hire fees made by the two clubs. These costs can be absorbed for the periods mentioned in the counter-proposals.

POLICY

Council's Pricing Policy is contained within the Management Plan 2008. It is considered that the calculation of the proposed hire fee for the RSF is reasonable having regard to the Pricing Policy. The fee represents partial cost recovery for the cost of maintaining the RSF and this is consistent with the 'public good' intent of levying partial cost recovery fees to most users of council's sportsgrounds to stimulate user demand without imposing hardship.

The Revenue Policy, also contained in the Management Plan, recognises the principle of equity while at the same time recognising that the principle is not straightforward. The Pricing Policy makes allowance for consideration of hardship in the levying of a council fee. The counter-proposals on fees made by the two clubs are considered justified on hardship grounds, and, in the short term, will provide a community benefit by stimulating demand as provided for in the Pricing Policy.

CONSULTATION

The relevant sports clubs were consulted on several occasions in the preparation of the proposals in this report.

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 proposals are the culmination of discussions with the community sports clubs that will use the RSF.

Conserving our natural environment

The natural environment will not be affected by the proposals in this report. The development consent for the RSF provides conditions for environmental protection.

Contributing to community development through sustainable facilities and services

The proposals in this report are aimed at contributing to the development of community sports clubs operating at the RSF and the facilities that they will be using, while at the same time requiring those clubs to contribute towards Council's delivery of sustainable facilities and services.

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

The opening of the RSF has provided a fulfilment of the community's vision for the provision of a facility for rural-based sports.

Supporting our diverse economy

The proposals in this report will have minimal economic effect.

Maintaining sound corporate financial management

The proposals in this report will assist in maintaining sound corporate financial management.

RESPONSIBLE OFFICER

For further information, please contact council's Manager Parks and Landscape, Mr Peter Kemp, telephone 9847 6792, hours 8.30am to 5pm, Monday to Friday.

RECOMMENDATION

THAT

1. Council endorse the Noise Management Plan for the Rural Sports Facility, Galston.
2. Council exhibit a proposed annual fee of \$3,850 for the use of the Rural Sports Facility for up to and including 24 separate occasions in any one year.
3. In the advent there are no objections or there are objections that can be resolved to the mutual satisfaction of both parties adopt the fee proposal. Otherwise the submissions are to be reported to Council.
4. Notwithstanding recommendation 2, Council agree in-principle to the proposals from the Arcadia Pony Club and Galston Equestrian Club for fee relief.
5. Council endorse an exchange of letters with the Arcadia Pony Club to provide security for its proposed investment in facilities at the Rural Sports Facility, Galston, generally in the terms described in Executive Manager's Report No. 48/08.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Noise Management Plan
2. Proposed fees and charges email
3. Arcadia Pony Club counter proposal
4. Galston Equestrian Club ground fee waiver proposal

File Reference: F2004/09972-02
Document Number: D01049417

14 DRAFT UNSTRUCTURED RECREATION STRATEGY SUBMISSIONS FROM PUBLIC EXHIBITION

EXECUTIVE SUMMARY

To date Council has had no policy to respond to the community's needs for unstructured recreation. Unstructured recreation includes activities such as walking for exercise, exercising dogs, children's playgrounds, skateboarding, BMX and mountain bikes, and ball sports such as basketball undertaken away from a club environment. It excludes organised sport. Council supplies a range of facilities for most, but not all of these recreational pursuits, and the Unstructured Recreation Strategy (URS) sets out future policy directions for the provision of additional facilities. The URS is cognisant of asset management requirements and the limited availability of funds for capital development and maintenance.

Over 150 submissions were received during the public exhibition of the URS. All of the submissions called for more mountain bike facilities.

The URS as shown in Attachment 1 is presented for Council's adoption.

PURPOSE/OBJECTIVE

The main aim of the URS is to provide the basis for the management of existing facilities for the Hornsby community and the long term development of additional unstructured recreation facilities. The URS was recently placed on public exhibition, and the purpose of this report is to report on the comments received during the public exhibition and to recommend adoption of the strategy.

DISCUSSION

The Hornsby Leisure Strategic Plan (LSP), adopted by Council in November 2002, recommended a number of improvements in the future provision of recreation facilities. The Sports Facility Strategy, adopted in 2006, responded to the issues related to organised sport. The Unstructured Recreation Facility Strategy (URS) identifies policy directions for the provision of additional facilities for unstructured recreation and the management of existing facilities to maximise recreation opportunities.

The Melbourne consulting firm @ Leisure and the Parks and Landscape Team have produced the draft URS. The Bushland and Biodiversity Team and the Water Catchments Team have also assisted with the preparation of the URS.

Since Council first saw the draft URS a chapter on fishing was added as it was brought to Council's attention as this unstructured recreation activity was popular in the Shire.

The URS discusses the various types of unstructured recreation and recommends policy directions for the provision of each of the categories. The major categories include:

- BMX and mountain biking

- Walking for recreation
- Dog socialisation and exercise
- Skateboarding and in-line skating
- Horse riding trails
- Recreational fishing
- Playgrounds
- A range of other unstructured recreation undertaken for pleasure, away from the club competitive environment in social/family settings.

The URS concentrates on those activities mainly located in Council's parks and reserves, but some activities such as fishing, walking for recreation and horse riding, that require roadside paths and trails which may connect to parks, are also discussed.

Unstructured recreation has a higher community participation rate than competition sport, yet this has not been reflected in Council's expenditure and planning for recreation facilities.

The following is a summary of the high priority policy directions identified in the URS.

- Promote existing opportunities in the Shire to play unstructured sports and activities
- Strive to provide one specialised/mixed recreation park in each planning district that provides a play space, a kick-to-kick area, an off-leash dog exercise area, hard court for informal ball play as well as an accessible formed path circuit suitable for children's cycling and people with disabilities, with access to toilets
- Investigate the upgrading of Cherrybrook skate park
- Establish a hierarchy of dog off-leash areas across the Shire and identify locations for additional dog off-leash areas
- Prepare a basic guide to recreational fishing facilities in the Hornsby Shire and include contacts for fishing clubs
- Provide a hierarchy of trails across the Shire to suit a wide range of pedestrian and non-motorised wheeled activities: urban footpaths, equestrian and shared trails, bike trails in urban bushland, sealed circuit paths
- Provide a hierarchy of BMX facilities for a range of abilities and address the management of existing unauthorised BMX areas
- Facilitate mountain bike activities on a similar basis to BMX but give priority to providing foundation level skills, not elite level facilities or racing
- Investigate the provision of managed BMX and MTB facilities
- Build a maze at Fagan Park
- Prioritise the provision of playgrounds across the Shire; focus on provision of playgrounds in larger parks with regional, shire-wide or suburb wide catchments; no expansion of the number of playgrounds in small neighbourhood parks; removal of playgrounds that are no longer safe or functional; and replacement only where the park is of suitable size and prominence.

The URS was placed on public exhibition for a period of six weeks from 9th September to the 21st October 2008. Over 150 submissions were received relating to mountain bike trails. Submissions came from a wide demographic, including families, older riders, and singles.

Many submissions reflected the same recurring themes. These could be summarised as follows:

- Sales of bikes in Australia exceed car sales by a substantial number and this is creating and increasing demand for bicycle facilities. A well designed track would

meet the needs of young riders and the more experienced riders. It would provide a healthy outdoor activity for people of all ages and skill levels and would promote the Hornsby Shire within the bicycling community

- Due to the absence of existing single track/s in the area local riders have taken it upon themselves to create their own tracks – not desirable by local residents, Council or The Department of Environment and Climate Change. A properly planned and constructed network of single tracks would go a long way to solving this problem and ensure tracks are appropriately located.
- The current network of fire trails in the area is good for the more senior rider or serious athlete but not too enticing for the younger rider seeking a more thrilling ride. Single track riding offers this and will encourage the younger riders to get off the streets and onto tracks that will improve and enhance skills.
- Provision of such facilities would have the following benefits:
 - Improvement in exercise rates among the local population
 - Improvement in appreciation for the natural environment
 - Discouragement of the use and construction of illegal and environmentally unsustainable trails by the provision of an attractive alternative
 - Attraction of users from outside the area who spend and contribute to the local economy
- Offers of assistance with trail/track design, construction and maintenance.

An extract of selected submissions is detailed in Attachment 2.

Schedule 8 in the URS includes a table with a preliminary assessment of mountain bike trails. This will need to be reviewed in consultation with members from the newly formed Hornsby Shire Mountain Bike Alliance and any other interested parties. The review would entail a fuller examination of the constraints and opportunities of the various trail sites, a ranking process and a cost estimate for each site.

Council has no experience and hence little expertise in developing and managing these trails. Further information regarding track and trail management and construction will need to be sourced.

No other submissions were received on the URS.

BUDGET

Many of the recommendations in the URS have a financial impact on the budget for the Parks and Landscape Team, the Bushland and Biodiversity Team and the Water Catchments Team. Future reviews of the Parks 5 Year Capital Works Program and/or Section 94 Plans will take into account the policy directions contained within the URS. It is unlikely that there will be full implementation of all policy areas in the near future without the provision of additional funding to the three teams involved.

No detailed planning or cost estimates have been prepared for the facilities discussed in the URS. There will be opportunities to include some of these items in the Parks 5 Year Capital Works Plan in the future, but other projects may have to be deferred to subsequent years. Funding for some non-structured activities in parks such as skating, BMX, walking and cycling can be sourced from s94 contributions. The provision of other unstructured recreation facilities will be dependent upon submissions for budget phase ups or grant applications or a combination of both funding sources.

The development of new facilities will require funds for annual maintenance costs. This is typically 5% per annum of capital costs. These costs cannot be fully absorbed in the Environment Division's current budget. There may be some potential for some facilities, such as a BMX facility or mountain bike trails, to be managed by a community group or cycling club, and that has potential to reduce Council's costs. In fact, a submission has been received from the mountain bike community who have formed a group, the Hornsby Shire Mountain Bike Alliance, and they have offered assistance in this regard. Otherwise, consideration will need to be given to reducing the cost of current maintenance activities for open space facilities and this may require some tough decisions about current levels of service.

The Environment Division has produced an Asset Management Plan for Council assets under its control. An important aspect of asset management is that a portfolio of facilities should be matched to the current needs of the community. Where needs that have not been sufficiently met by the current supply of facilities are identified, there are usually also opportunities to phase down costs with some existing facilities that service the needs of only a small number of people and/or to dispose of land that is no longer providing for community recreation needs. Such measures could be an important potential source of funding for new facilities.

POLICY

The report is in accordance with policy directions set out in the Leisure Strategic Plan adopted by Council in 2002.

CONSULTATION

The draft URS has been developed with the joint oversight of the Parks and Landscape Team, the Bushland and Biodiversity Team and the Water Catchments Team. Consultation has been undertaken with the Hornsby Shire Sports Council and the Community, Cultural and Recreation Facilities Task Force considered a draft of the URS at its March 2008 meeting. The URS has also been provided to the Bushland Management Advisory Committee for its input.

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 URS identifies a strategy for the delivery of a range of additional recreation facilities for Hornsby Shire. It has been developed through building upon community surveys undertaken for the Leisure Strategic Plan. The URS promotes social equity by giving a high priority to the recreation needs of a full range of age groups and both genders.

Conserving our natural environment

Several of the recommended facility types would be situated within or close to bushland, bringing people to bushland for the purposes of recreation, and it is hoped this will promote community appreciation and understanding of bushland preservation. Some of these facilities, such as those for BMX and mountain biking, will need to be carefully designed to minimise potential environmental impacts.

Contributing to community development through sustainable facilities and services

The URS identifies a strategy for the delivery of a range of additional facilities that will improve opportunities for recreation activities across a broad spectrum. It seeks to address a shortfall and provide facilities where the areas of need are greatest.

The additional facilities support recommendations made in the Hornsby Leisure Strategic Plan and address an identified need in the community. Additional facilities will relieve the pressure on existing facilities and provide better access to facilities for the community.

The URS recommends that total life asset management costs are considered before embarking on any capital expenditure for these facilities.

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

The URS arose from the extensive community consultation and research that underlies the Hornsby Leisure Strategic Plan. The main aim of the URS is to prepare a strategic approach for the future provision of facilities for unstructured recreation so that the community's needs for a healthy lifestyle are better met.

Supporting our diverse economy

The provision of recreation facilities enhances the quality of life for a community and this is often a prime consideration for new businesses wishing to relocate. Development of new facilities involves capital investment and subsequent engagement of suppliers and contractors.

Maintaining sound corporate and financial management

The URS identifies policies, plans and actions for implementation by Council. Each will have its own associated financial implications. The URS does not identify the cost of providing the nominated solutions so further work will be required in the preparation of annual budgets to ensure that any facilities developed as a result of the policy directions in the URS do not lead to a situation of increased financial burden. Facilities will only be provided when sufficient capital and maintenance funds have been secured for the long term. This may mean some cost cutting within the Environment Division teams responsible for the delivery of unstructured recreation so that the cost of increasing facilities can be absorbed.

Other Sustainability Considerations

The URS seeks to integrate social, economic and environmental considerations.

RESPONSIBLE OFFICER

For further information, please contact council's Parks Asset Coordinator, telephone 9847-6896, hours 8.30am to 5pm, Monday to Friday.

RECOMMENDATION

THAT

1. Council adopt the attached Unstructured Recreation Strategy.
2. Council authorise further investigation into the development of mountain bike trails within the Hornsby local government area.
3. The results of the investigations arising from recommendation 2 are reported to Council for its consideration.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Recreation Facility Plan

File Reference: F2006/00981
Document Number: D01049443

15 CATCHMENTS REMEDIATION RATE (CRR) ANNUAL EXPENDITURE REPORT 2007/2008

EXECUTIVE SUMMARY

The revenue received for the Catchments Remediation Rate (CRR) in the 2007/2008 year was \$2,505,000 which included interest (\$9,000) generated from CRR investments and an external grant for the Kangaroo Point pump-out (\$25,000). A cost summary for the 2007/2008 year and the CRR Expenditure Review Panel's report are provided in Attachments 1 and 2 respectively. The balance of funds at 30 June 2008 was \$206,000, resulting primarily from \$344,000 being brought forward from previous years.

The Catchments Remediation Rate Expenditure Review Panel (the Panel) meets twice annually. At its meeting of 20 November 2008 the Panel noted that it had sighted and discussed the financial details of the 2007/2008 CRR expenditure and considered all reports acceptable and reasonable.

The Panel made a number of specific comments and observations (detailed below). It noted that asset maintenance and operating costs have risen considerably, due to associated disposal fees of gross pollutant traps (GPT) material given the inability to recycle the material without a screening and recycling facility. They were briefed on Council's possible options and supported the reinstatement of an approved recycling facility as soon as practicable.

PURPOSE/OBJECTIVE

The purpose of this report is to document the expenditure of CRR funds by Council from 1 July 2007 to 30 June 2008. The report also includes the findings of the external Expenditure Review Panel, as well as the subsequent progress on the assessment, investigation and completion of catchment remediation projects across the Shire.

DISCUSSION

Capital Remediation Projects

Approximately 50% of the 2007/2008 CRR budget was allocated for capital works projects across the Shire. These works included constructed wetlands, bioretention systems, sediment basins, stream stabilisation/remediation, gross pollutant traps and leachate control from former tip sites. In future years, it is expected that much of the expenditure will progressively transfer to fund the operation and maintenance of the installed facilities. Fifteen projects were completed in 2007/2008 financial year. These included:

- Construction of a large bioretention system, using filter media, porous piping and selected vegetation to cleanse stormwater (10596)
- Construction of 10 sediment basins
- Over 230 metres of creek enhancement and stabilisation works
- Installation of a bio-reactor to treat polluted landfill leachate (10086)
- Installation of four proprietary gross pollution devices

A full explanation of the account codes and project locations can be found in Attachment 3.

In addition:

- Ten projects from previous years had very minor expenditure due largely to the bulk acquisition of gross pollutant devices (GPDs) for a number of sites
- Two stormwater harvesting and reuse projects (10676 and 10678) delayed until early in 2008/2009
- Three projects (10593, 10591, 10595) were either deferred or withdrawn from the program due to planning considerations and re-prioritisation
- Five projects on the 2008/2009 works schedule had pre-construction work carried out

Council's Design and Construction Branch conducted all survey and a majority of design work for the capital works program in consultation with the Catchments Remediation Team Leader.

Non-capital Associated Expenditure

A component of the CRR budget for 2007/2008 supported various Environment Division operations which contribute to fulfilling obligations to improve water quality Shire-wide. Attachment 1 shows the specific expenditure breakdown for:

- pro-active maintenance of all stormwater improvement assets
- street sweeping
- community project support, e.g. Streamwatch and various committees
- implementation of a Geographic Information System (GIS)
- emergency response to spills
- water quality research and monitoring
- riparian restoration works
- salaries, wages, overheads and associated administrative costs for project management

CRR Expenditure Review Panel Report

On 20 November 2008, the CRR Expenditure Review Panel met to discuss the expenditure for the 2007/2008 financial year. The Panel noted that it had sighted and discussed the financial details of the CRR expenditure and considered all reports presented by council officers as acceptable and accountable. The Panel also included a number of specific comments and observations as follows:

- The general tight match of the \$2.6M expenditure to budget.
- There were a number of small unbudgeted items, including the purchase of proprietary GPDs (e.g., nets), that appeared to be opportunistic but appropriate use of funds.
- There was a substantial overrun on the Castle Howard Road, Cheltenham projects. The reasons given, the experimental nature of the design and a related poor estimation of the fill required, were considered unlikely to be a systemic risk to the program funds.
- That an update on the status of Council's invested fund and thus CRR invested funds be provided, in light of the capital losses on investments experienced by other Councils.
- That the Education Officer be requested to present to a future meeting to allow assessment of the value of the funding that CRR provides to this position.
- That the modelling undertaken by Council on the impact of rainwater tanks on stormwater management be presented at a future meeting.

- That the committee noted a large increase in Asset Maintenance and Monitoring expenditure (c. \$100k pa), related to the decommissioning of the Foxglove Oval, Mt Colah recycling site and the dredging of the Lakes of Cherrybrook. They noted that forecast operating costs have risen due to disposal costs given the inability to recycle the GPT and road sweeping materials without a screening and recycling facility. They were briefed on Council's possible options and supported action to reinstate a recycling facility as soon as practicable.

BUDGET

The relevant budget and incurred expenditure for the Catchments Remediation Rate (CRR) is shown in Attachment 1.

POLICY

There are no policy implications.

CONSULTATION

This Annual Report has been compiled by staff from the Environment Division's Water Catchments Branch and the Executive Unit. Advice from Council's Finance Branch was also sought and incorporated.

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 David Beharrell, Catchments Remediation Team Leader, Water Catchments, telephone 9847 6860, hours 8:30am to 5:00pm, Monday to Friday.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN50/08 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. CRR balance at June 30 2008
2. CRR non-capital expenditure at june 30 2008
3. CRR expenditure summary at June 30 2008
4. CRR Panel Report_Annual meeting November 2008

File Reference: F2005/00829-02

Document Number: D01051144

**16 DAWSON AVENUE, THORNLEIGH - DOG OFF-LEASH, PLAYGROUND,
PARKLAND AND STREETScape UPGRADE**

EXECUTIVE SUMMARY

It is proposed to develop a dog off-leash enclosed facility at the Dawson Avenue reserve in Thornleigh. As part of the proposal it is also intended to replace the existing playground with an improved facility, upgrade remaining open space areas and provide tree planting to the streetscape along Dawson Avenue.

Following a Council letter informing residents of the proposals, there has been some negative reaction towards the dog off-leash component of the proposals. However, from a local and district view, this represents the preferred location for such a facility.

PURPOSE/OBJECTIVE

The purpose of this Report is to notify Councillors of resident response to the consultation and to seek endorsement for proceeding with the proposal.

DISCUSSION

In Council's *Benchmark Park User Satisfaction Survey Program* conducted in 2007 it was found that walking the dog is the sixth most popular leisure activity in Hornsby and that Hornsby Shire has some of the highest dog ownership figures in New South Wales.

It is desirable to promote responsible pet ownership and provide facilities which specifically meet the needs of dog owners in safe, contained environments. The social, health, and dog behaviour benefits of these facilities are well documented and considered to extend to the greater community at large, who otherwise are sharing open space with dogs without choice and rely on only the responsible management of dogs by their owners or the protection of possible penalty enforcement. It is Council policy that dogs are not permitted off-leash in Council reserves unless there is a designated off-leash area.

Council's draft *Unstructured Recreation Strategy* (also being considered at this Meeting) makes recommendations for convenient access to a range of recreation opportunities across the Shire. Among these, the *Strategy* recommends the consideration of various locations for dog off-leash areas, including at the subject Dawson Avenue location.

Council currently maintains five (5) popular dog off-leash areas including Asquith, Berowra Heights, Cherrybrook, Hornsby Heights and Westleigh and an additional two (2) on sportsgrounds in Epping and North Epping. The *Unstructured Recreation Strategy* nominates another seven (7) potential settings across the Shire that could accommodate dog off-leash areas. In addition the *Strategy* recommends that some analysis be directed to exploring further opportunities within the suburbs of Hornsby, Waitara and Wahroonga. The Dawson Avenue reserve in Thornleigh has been selected as representing a good opportunity when analysed against other existing opportunities across the Shire.

The opportunity for accommodating dog off-leash areas is particularly limited in Thornleigh and other nearby open space due to availability and site constraints. It is noted that in respect of the Dawson Avenue site, however, this area is well-served for open space with the adjoining National Park bushland trails and Thornleigh Oval in the adjoining street.

On this basis, the Dawson Avenue Parkland represents a good opportunity for incorporation of a dog off-leash area, providing community benefit which does not exclude other benefits to be retained in the area, including retaining significant open space and providing an upgraded playground within the Dawson Avenue reserve.

Among the negative opinion in relation to this proposal, primary resident concerns relate to a fear of dogs, the loss of open space and anticipated increases in traffic. Also represented are fears of potential impacts on the existing quiet and bushland character of the park and on property values due to aesthetic impact and traffic generation in the street.

Additionally, some respondents have queried the necessity for this consultation, which had been defeated in the past (although in a different, non-fenced form) and feel that the provision is reasonably met with the Cherrybrook and Westleigh facilities not too far distant from the Thornleigh site. These other facilities are approximately 7km and 3.5km away by road respectively and operate at near-capacity.

There is little evidence that dog-owners travel more than a couple of kilometres to a designated off-leash area and it is more likely that, denied convenient access to an authorised off-leash area, dogs will be allowed to go off-leash at unauthorised locations. This brings potential risks to and conflicts with other park users and is not consistent with best-practice bushland management.

There is a need to manage demand at existing off-leash facilities and provide equity to all dog owners by providing a good distribution of facilities around the suburbs of the Shire. It is desirable to meet the needs of this local area by providing a facility within walking distance of most of the Thornleigh residential catchment. Part of this consideration also relates to the nature of this locality being physically restricted for ease of pedestrian and vehicular movement to other areas by Pennant Hills Road, The Comenarra Parkway and the encircling National Park.

Concerns relating to any potential impacts on indigenous landscape within the park and adjoining National Park will be limited, with the back fence line being proposed to sit approximately twelve and a half (12.5) metres inside the park boundary. Run-off will be managed to reduce any impacts on areas external to the enclosure and Council will maintain weeds and ongoing maintenance of the facility as required. The proposal will be accompanied by the removal of noxious weedy undergrowth in the Dawson Avenue parkland (See Bushland Advice attached).

In summary, the benefits that this facility will provide include:

- Helping to meet unstructured recreation needs in Thornleigh
- Provision of an alternative to the unauthorised walking of dogs in the adjacent Lane Cove River National Park and on the nearby Thornleigh Oval
- The off-leash area will assist in the protection of wildlife in adjacent bushland areas
- The off-leash area will provide a safe and controlled venue for users, also ensuring that park users outside of the area are not open to unwanted attention from dogs.

It is noted that opportunities have been determined to be limited for facilities such as this and that the Dawson Avenue site remains preferable to a number of other sites that have been evaluated with this purpose in mind. Other sites within Thornleigh include:

- Thornleigh Oval (following experience at Epping Oval it is considered undesirable to locate off-leash areas on sportsgrounds)
- Brickpit Park (the only available space is earmarked for a golf driving range)
- Headen Park (insufficient space outside of the sportsground)
- Janet Avenue reserve (insufficient space)
- Alinta Street reserve (steep bushland site)
- Eddy Avenue reserve (insufficient cleared area)
- Fiona Street reserve (insufficient space)
- Kenley Park, Normanhurst (remnant endangered ecological community)
- Pine and Myrtle Street reserve, Normanhurst (insufficient cleared area)

For the stated reasons, none of these parks is considered a suitable alternative site to Dawson Avenue reserve for a dog off-leash area.

BUDGET

Council has experience of the high-wear nature of existing dog off-leash areas and it is proposed to do additional supplementary works at this facility to ensure greater durability. This will involve providing larger hardstand areas, water run-off management and specific ground improvement works to provide greater resilience to turf areas.

The total budgetary allocation, derived from General Funds, is \$200,000. This amount, given ground works to the dog exercise area and significant facilities provision including park furniture, playground, streetscape plantings and boundary railing, hardstand areas and ground preparation works is considered to be a reasonable allocation. All undertakings are anticipated to be met within budget, however priority will be to achieve best standards in terms of finishes within the off-leash enclosure, ensuring low ongoing maintenance costs are required into the future.

POLICY

The draft *Unstructured Recreation Strategy* provides a policy direction that Council should:

“Provide several facilities for unstructured recreation clustered together in one main specialty / mixed recreation park in each planning district or, where this is not possible, in separate spaces” (p.19).

In the Dawson Avenue location, the nearby contiguous Thornleigh Oval and remaining open space in Dawson Avenue achieve this objective. It is acknowledged that opportunity is limited in other areas within Thornleigh but that this locality is fortunate in having these facilities, as well as the National Park encircling them, to meet a range of recreation opportunities in close proximity and in the vicinity of a large neighbourhood.

The Dawson Avenue site has also been nominated in respect of Selection Criteria and Policy Directions recommended in the draft *Unstructured Recreation Strategy*. In particular this includes that the site:

- is away from vehicular traffic
- is suitable to be fenced
- does not require shared use with a sportsground
- provides a relatively large area where dogs can run
- provides a good chance of meeting other dogs
- has access to a water supply
- can provide some shade and rough area, i.e. not just mown grass
- contains some relatively flat space

CONSULTATION

As part of a consultation process, a letter was sent to residents of approximately 150 homes in the neighbourhood surrounding the Dawson Avenue Parkland, including:

- all residents of Orchard Street, Handley, Clifford, Ferguson and Dawson Avenues
- approximately half of the residents of Thornleigh, Station and Bellevue Streets (east of Wood Street)
- a few residents of The Comenara Parkway and Wood Street.

There has been reaction in the negative towards the dog off-leash proposal with 11 out of the 16 submissions received so far being opposed. Feedback in relation to streetscape and other parkland and playground upgrade proposals is very positive.

Submissions have been received for no less than three weeks and represent a range of views within the locality. The consultation period was extended until Friday November 21st after notification from residents of the late arrival and / or non-receipt of letters. A Summary of Submissions, including a map of the consultation letter distribution area, is attached to this Report.

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

The community has been informed of the proposals and invited to make submissions. A response to the submissions received will be provided on the outcomes of this Ordinary Meeting of Council.

Conserving our natural environment

Advice has been provided by the Bushland and Biodiversity Team to support the contention that this development will have negligible impact on surrounding bushland areas and may provide the benefit of reducing the current level of dog access to the park and bushland areas.

Removal of noxious weeds, ongoing maintenance and incorporation of native plantings into the design proposal will provide an improved outcome for the adjacent National Park. A 12.5 metre buffer will be retained on the portion of Dawson Avenue Parkland between the off-leash area and the National Park. This area will be weeded and regenerated.

Contributing to community development through sustainable facilities and services

The proposed development will deliver a facility that serves an area where provision of low level recreational opportunity is required to accommodate different users and uses.

Particulars of the design will deliver a more durable surface for dog off-leash activities while weed removal and native planting works will enhance environmental features of the site.

The creation of a new off-leash facility including improved playground and other parkland upgrades will provide a venue for increased social interaction in Thornleigh.

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

The proposed improvements will provide facilities that complement adjacent open space areas nearby while enhancing the variety of opportunity, including formal sports, playground and bushwalking activities.

Supporting our diverse economy

The creation of a new off-leash facility including improved playground and other parkland upgrades will provide a venue for increased social interaction and networking opportunities in the area.

Maintaining sound corporate financial management

Proposals have been developed in consultation with Council's asset managers and are consistent with long-term goals of developing attractive, durable facilities that require a minimum of ongoing maintenance. Issues of sustainability and durability are addressed through design proposals and will inform detailed design development.

Other sustainability considerations

Recycled rubber surfacing is proposed to be used in playground areas.

RESPONSIBLE OFFICER

The responsible officer is James Frawley, Landscape Architect / Project Manager, telephone 9847 6854, hours 9.00 am to 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT Council endorse upgrading proposals, including the provision for a dog off-leash area, in the Dawson Avenue reserve.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Record of submissions - Dawson Avenue
2. Bushland advice - Dawson Avenue
3. Concept Plan

File Reference: F2004/07885

Document Number: D01051400

17 REVIEW OF DEVELOPMENT CONTRIBUTIONS PLAN

EXECUTIVE SUMMARY

Council has a long standing policy to review its Development Contribution Plan annually to ensure the assumptions underlying the Plan are sound and relevant. The current Plan came into effect in November 2007. A number of factors have also arisen which necessitate the review, such as the changes to the legislation, the review of population projections and challenges/questions by applicants to aspects of the Plan. It is recommended that Council resolve to review the current Plan to:

- Prepare separate Development Contributions Plans for residential development and commercial/industrial development;
- Investigate a Section 94A Plan to apply to commercial and industrial development; and
- Investigate stand alone provisions in the Section 94A Plan for strategic centres including the Hornsby Town Centre.

PURPOSE/OBJECTIVE

The purpose of this report is to seek Council's agreement to review the Hornsby Shire Council Development Contributions Plan 2007.

DISCUSSION

The current Plan came into effect in November 2007. Council has a standing policy to review the Plan on an annual basis to ensure that the assumptions underlying the Plan are still relevant.

The need to review the Plan has also arisen because of five factors, namely:

1. The review of population projections following the release of the 2006 Census data
2. A number of challenges to aspects of the Plan
3. The potential for the Minister to call in the Plan for remaking
4. The implications of the State Government's housing and employment targets
5. Reduced revenue projections

1. Review of Population Projections

Following the release of the 2006 Census data, *id.consulting* has undertaken a review of the population projections in consultation with the Planning Division. The review indicates that the projections in the current Plan significantly over-estimate the projected growth between 2007 and 2011. Under the current Plan, the population was expected to grow by 6,196 over the plan period, based on the 2001 census data and occupancy ratios. The revised projections, based on 2006 census data, indicate that the population is likely to grow by only 1,919. The difference largely reflects the continuing slow down in development activity and declining occupancy ratios.

2. Legal Challenges

A number of applicants in the Mt Ku-ring-gai industrial area have challenged/questioned the scope, nexus and employment density aspects of the Plan particularly in relation to social services and civic improvements. Council's legal advice is that, *inter alia*, there are parts (challenged by the applicants) that could be vulnerable to legal challenges to have contributions decreased or struck out. It would be difficult, based on case law, to be definite on how the Court would deal with the challenges, nevertheless, it suggests that Council take the opportunity of reviewing the Plan now.

The challenges highlight the difficulty of developing a contributions framework for employment generating development in established areas particularly in the case of the Shire where most of the employment is either dispersed or occurs outside established centres (health, education and home-based). It is difficult to estimate with any degree of certainty where the growth is likely to occur in the short term, particularly in the current economic environment. For this reason it is suggested that Council investigates the merits of applying a Section 94A Plan (or equivalent) to commercial and industrial development.

3. Legislative Changes

There are three proposed changes to the legislation of importance to the current Plan. Firstly, under the transitional arrangements, the current Plan will be automatically repealed on 31 March 2010. There is also a provision which enables the Minister to call in a Plan for remaking by 31 March 2009. While a new Plan will be necessary by 2010, it is important that any potentially vulnerable aspects of the current Plan be addressed to firewall the Plan against any Ministerial action after 31 March 2009.

Secondly, the new framework appears to focus on a localised setting and collection of contributions. For Council this means a return to planning districts which were abandoned under the current Plan because of the failure to collect sufficient funds to provide services and facilities in a timely way. Furthermore, while the new framework will allow levying for district facilities, it requires that there must be a "direct link" between the development and facility. The definitions of a district facility and a direct link will be clarified when the Department of Planning publishes its best practice notes for the preparation of Contributions Plans.

Thirdly, the new framework limits the range of facilities and services for which contributions may be levied. It is suggested that a thorough review of the program of works for which contributions are levied, particularly for commercial and industrial development, be undertaken in order to firewall the Plan against the Minister's transitional powers.

4. Housing and Employment Targets

The draft sub-regional strategy has set targets of 11,000 new dwellings and 9,000 jobs for the Shire to the year 2031. Council may wish to consider, either as part of the short term or long term review, preparing a Contributions Plan for the targets with five year priorities (action plans). Such an approach would also be consistent with the long term planning framework proposed in community plans.

5. Reduced Revenue

There is a significant down turn in development activity and revenue. The current revenue trends indicate that Council is unlikely to collect more than \$10 million over the Plan period i.e. to 2011. Even taking into account the current balance of \$14 million (most of which is already committed), there would be a shortfall of \$15 million to \$20 million between revenue and identified works.

To address these challenges, the Executive Committee considered and recommended that the review of the plan should involve:

- Preparing separate Development Contributions Plans for residential development and commercial/industrial development;
- Investigating a Section 94A (flat rate levy) Plan to apply to commercial and industrial development; and
- Investigating stand alone provisions for the Hornsby Town Centre and other strategic centres.

In limiting the current Plan to residential development, the Executive Committee considered that challenges to aspects of the Plan have been in relation to industrial development and the nexus argument in the Plan is stronger for residential development than commercial/industrial development.

The advantages of a Section 94A Plan for commercial/industrial development are that the nexus test is less stringent and there is greater flexibility in the administration of the contributions. The extent of the benefits and disadvantages will be explored as part of the review and preparation of the new Plan.

The need for stand alone provisions for the Hornsby Town Centre and other strategic centres recognises their status and specific service demands. It also recognises the challenge of funding and providing in a timely way services and facilities for an expected or targeted employment growth of 3,000 jobs in the centre to the year 2031.

BUDGET

The cost of the review will be met from existing resources and therefore this proposal does not have budgetary implications.

POLICY

The review implements Council's standing policy and ensures that Council's development contributions framework is legislatively strong, equitable and soundly based.

CONSULTATION

A project team, comprising representatives from all Divisions, has been established to coordinate input and oversee the review. The draft plans will be exhibited for public comment and may include community information sessions.

TRIPLE BOTTOM LINE SUMMARY

Section 94 planning contributes to community development by providing funding for sustainable community services and facilities. Through bushland improvement programs, it also contributes to conserving the Shire's natural environment. Section 94 planning and management contributes to Council's goal of maintaining sound financial management.

RESPONSIBLE OFFICER

The responsible officer for this report is Julie Williams, Manager Corporate Strategy, who may be contacted on 9847 6790.

RECOMMENDATION

THAT Council:

1. Prepares separate Development Contributions Plans for residential development and commercial/industrial development.
2. Investigates a Section 94A Plan to apply to commercial and industrial development.
3. Investigates stand alone provisions in the Section 94A Plan for strategic centres including the Hornsby Town Centre.

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06499
Document Number: D01051338

18 THIRD INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION SYSTEMS

EXECUTIVE SUMMARY

The “Third International Conference on Urban Transportation Systems” has been organised by the American Society of Civil Engineers’ Transportation and Development Institute in association with the China Academy of Transportation Sciences. The conference is to be held in Shanghai, China from 16-19 March 2009. The Manager Assets has requested approval to attend this conference.

Attendance at this Conference by the Manager, Assets Branch as continuing professional development will allow him to keep abreast of transportation matters and interact with the public transportation community across the globe. His attendance of this Conference will also be beneficial to Council by his contribution to Hornsby Shire’s transportation strategy, design and maintenance issues.

Council’s approval for the Manager, Assets Branch to attend this Conference and to accept the reasonable costs incurred as outlined is recommended.

INTRODUCTION

Continuing Professional Development is an important and essential component of the personal development of Council's staff. It is crucial that our staff have an understanding of local government and public sector issues and that we enhance the capacity of our managers to achieve the objectives of Council's policies and priorities. It is also seen as an avenue for achieving success in today's competitive environment and, in Hornsby's case, maintaining us as a highly respected performer in local government. The value of learning and training is well known and is acknowledged in our Managers' Employment Contracts as deserving of Council's support.

PURPOSE/OBJECTIVE

The purpose of this report is to obtain Council's approval for the Manager, Assets Branch’s attendance at the “Third International Conference on Urban Transportation Systems (ICUTS2009)”.

DISCUSSION

ICUTS2009 has been organised by the Public Transportation Committee of ASCE’s (American Society of Civil Engineers) Transportation and Development Institute in association with the China Academy of Transportation Sciences. The conference is to be held in Shanghai, China from 16-19 March 2009 and will have four parallel tracks consisting of the following topics:

- Infrastructure and Design
- Operations and Maintenance Planning
- Environment and Finance, and

- Modelling and Traffic Operations

The Conference program will include tours of selected mass transit facilities in Shanghai.

The Manager Assets has a Master of Engineering Science Degree majoring in Transport Engineering. The attendance of this Conference will allow him to continue his professional development as well as to keep abreast of transportation matters and interact with the public transportation community across the globe. His attendance at this Conference will be beneficial to Council by his contribution on Hornsby Shire's transportation strategy, design and maintenance issues.

BUDGET

With the floating and somewhat variable Australian and US dollars, it is not possible to accurately determine the budget implications. The estimated cost based upon A\$1.00=US\$0.65 is unlikely to exceed \$A5,000. It is proposed that the reasonable cost of attendance at the conference be met by Council in accordance with its obligations under the terms of the Manager's contract of employment. Funds are available in the relevant staff development budget for attendance at the conference.

POLICY

There are no policy implications with the adoption of this report. The manager's attendance at conferences of this nature is envisaged by specific provision for personal development in his contract of employment.

CONSULTATION

Consultation was undertaken with the Executive Manager, Works Division in 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 briefly shown above the conference presentations will contribute to the following Triple Bottom Line considerations.

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, and

Other Sustainability Considerations.

RESPONSIBLE OFFICER

The responsible officer for this report is Mr Chon-Sin Chua, Manager Assets Branch.

RECOMMENDATION

THAT Council approve the attendance of the Manager Assets Branch at the Third International Conference on Urban Transportation Systems to be held on 16-19 March 2009 in Shanghai, China, and accept the reasonable costs incurred as outlined.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2007/01020
Document Number: D01055136

19 BUILDING CAPITAL WORKS PROGRAM 2008/2009 - SEPTEMBER 2008 QUARTERLY REPORT

EXECUTIVE SUMMARY

Council's Management Plan 2008/2009 provides a list of proposed Capital Works for 2008/2009. This report provides Councillors with progress information for Building Capital Works projects for the period 1 July 2008 to 30 September 2008.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council on the progress on the 2008/2009 Building Capital Works Program undertaken by the Building Services Team of the Engineering Services Branch.

DISCUSSION

The Building Services Team forms part of the Engineering Services Branch of the Works Division and operates from Council's Thornleigh Depot.

The Building Services Team is responsible for providing an asset management service that ensures all of Council's buildings are maintained in a safe and functional condition and conforming to relevant statutory requirements. The Team provides maintenance and construction services to asset building users in meeting the objectives of their various activities.

Building maintenance is provided under Responsibility Centre 5431 and consists of proactive and reactive maintenance. Proactive maintenance is programmed work based on the required level of service renovation cycle agreed with the relevant Responsibility Centre Manager. Reactive maintenance includes vandalism, graffiti and faulty asset components.

Building Capital renewals, upgrades, improvements and new works are provided under Responsibility Centre 5431.

Upgrades typically include new kitchens, air conditioning, curtains, carpeting. Improvement works include the provision of such items as pergolas, sun shades, disable access. New works include the provision of new buildings and major extensions.

Council employs a small team of painters and carpenters capable of providing a diversity of building tasks. All plumbing, electrical, roofing and tiling activities are undertaken by tradesmen. Architectural services are provided by contracted professionals.

The attached Gantt Chart displays the completed projects included in the 2008/2009 Building Capital Works Program during the period 1 July 2008 to 30 September 2008.

BUDGET

The budgetary considerations of this report are shown in Council's Management Plan for 2008/2009.

POLICY

There are no policy implications.

CONSULTATION

Consultation has been carried out with the following:

Peter Kemp - Manager, Parks and Landscape Team
Rod Drummond - Commercial Property Manager
Samantha Colbert - Community Centre & Halls Co-ordinator

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 preparation of this report is the Engineering Services Manager, Peter Powell, on 9847 4803.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. WK69/08 be received and noted.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Building Capital Works for 2008-2009 September 08 Report

File Reference: F2004/05958
Document Number: D01057634

20 MAYOR'S NOTES FROM 1 TO 31 OCTOBER 2008

Friday 10 October – The Mayor attended Woodlands Retirement Village Cocktail Party to celebrate 25 years of operation, at Cherrybrook.

Friday 10 October – The Mayor attended Pennant Hills Australian Football Club's 38th Annual Presentation Evening at The Epping Club, Epping.

Saturday 11 October – The Mayor attended the Opening Ceremony of the 2008 World Peace Cup International Chinese Painting and Calligraphy Exhibition at the Chinese Cultural Centre, Chatswood.

Saturday 11 October – Councillor Smart, on behalf of the Mayor, attended the Berowra Rugby League Football Club Senior Presentation Evening at Berowra Tavern.

Sunday 12 October – The Mayor attended the Triple H Community Radio Station Open Day BBQ and Training Information Session at Hornsby.

Tuesday 14 October – The Mayor and Executive Manager Planning Division attended Epping Chamber of Commerce Annual General Meeting and lunch at the Epping Club.

Tuesday 14 October – The Mayor and Executive Manager Planning Division attended the Hills Rural Business Chamber Meeting at the Galston Club.

Friday 17 October – The Mayor attended the Easy Care Gardening Annual General Meeting and morning tea at Turramurra.

Saturday 18 October – The Mayor officiated at the Opening Ceremony of Hornsby Kuring-gai Relay for Life at Rofe Park.

Saturday 18 October – The Deputy Mayor, on behalf of the Mayor, and Mrs Evans attended The Sounds of Spring Concert to raise funds for the Ian Ramage Memorial Fund at St John's Uniting Church, Wahroonga.

Sunday 19 October – The Mayor participated in The San Hospital Fun Run at Wahroonga.

Sunday 19 October – The Mayor attended the Hindu Council of Australia Indian Festival of Lights Deepavali Fair at Sydney Olympic Park.

Monday 20 October – The Mayor attended the opening of the Northern Sydney Office of Northcott Disability Services at Hornsby.

Monday 20 October – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Monday 20 October – The Mayor, Councillor Browne, Councillor Hutchence and Councillor Martin attended the Beecroft-Cheltenham Civic Trust Briefing Session at Cheltenham.

Thursday 23 October – The Mayor and Mrs Berman attended the Friends of Redfield Drinks at Redfield College.

Friday 24 October – The Mayor and Mrs Berman officially opened the Northern Districts Lapidary Club Biennial Exhibition at Beecroft.

Saturday 25 October – The Mayor attended Beecroft Primary School's Multicultural Fair at Beecroft.

Saturday 25 October to Wednesday 29 October – The Mayor, Deputy Mayor, Councillor McMurdo, Councillor Russell, Councillor Browne, Councillor Hutchence and Councillor Martin attended the LGA Conference in Broken Hill.

Monday 27 October – Councillor Mills, on behalf of the Mayor, attended the Pennant Hills District Civic Trust Meeting at Pennant Hills.

Thursday 30 October – The General Manager, on behalf of the Mayor, officially opened the new Officeworks store at Hornsby.

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.

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