



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 8 April, 2009
at 6:30 pm**

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Mr Dan Henby, Assistant Minister of St Peter's Anglican Church Hornsby, will be opening the Meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

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

APOLOGIES

PRESENTATIONS

Certificate of Appreciation for Outstanding Service from the Hornsby Chinese Senior Group

Certificate of Appreciation in Recognition of Council's Support from The Wiseman's Ferry Sunshine Group Inc

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 a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

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 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").

If the non-pecuniary interest is significant, the Councillor must:

- a) remove the source of conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.*

OR

- b) have no involvement in the matter by absenting themselves from and not taking part in any debate or voting on the issue as if the provisions of Section 451(2) of the Act apply.*

If the non-pecuniary interest is non-significant, the Councillor must provide an explanation of why they consider that the interest does not require further action in the circumstances.

CONFIRMATION OF MINUTES

THAT the Minutes of the Ordinary Council Meeting held on 11 March, 2009 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

NOTICES OF MOTION

Page Number 1

Item 1 NOM2/09 COMMUTER PARKING IN EPPING

COUNCILLOR HUTCHENCE TO MOVE

THAT as a result of the State's cancellation of the North West Metro and North West Rail link projects, Council:

1. Express its concern at the impact on the Epping community of the ongoing demand for commuter parking in the area.

2. Call on the State Government to develop a commuter management strategy that adequately addresses the commuter needs of north western Sydney residents, yet allows the Epping community to go about its day-to-day business.
3. Encourage the local community to express its support for Council's action by the signing of a petition in support of this resolution.
4. Request the support of local members (Epping, Castle Hill, Hawkesbury and Hornsby as well as Parramatta and Ryde) in the making of combined representations to the Minister for Transport.
5. Request the support of neighbouring Councils (The Hills, Parramatta, Ryde) in the matter.

Page Number 2

Item 2 NOM3/09 COMPANION ANIMAL STRATEGY

COUNCILLOR MARTIN TO MOVE

THAT Council agree to the preparation of a Companion Animal Strategy. The Strategy is to include measures to encourage re-homing of animals including the development of a dedicated webpage and other actions to improve information about the availability of pets at Council's pound(s). A draft of the Strategy is to be reported to Council by June 2009.

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

Nil

CORPORATE AND COMMUNITY DIVISION**Page Number 3****Item 3 CC12/09 REVIEW OF POLICIES AND CODES - CORPORATE AND COMMUNITY DIVISION****RECOMMENDATION**

THAT

1. The contents of Executive Manager's Report No CC12/09 be received and noted.
2. Council adopt the proposed amendments to Corporate and Community Division Policies and Codes as outlined in Report No CC12/09 and its attachments.

Page Number 10**Item 4 CC20/09 LICENCE OF ROOM 2 EPPING CREATIVE CENTRE, DENCE PARK, STANLEY STREET EPPING TO COMPUTER PALS FOR SENIORS EPPING INC AND EPPING MODEL RAILWAY CLUB INC****RECOMMENDATION**

THAT

1. Council note the contents of Executive Manager's Report No CC20/09.
2. The proposed licences to Computer Pals for Seniors Epping Inc and the Epping Model Railway Club Inc be publicly advertised and submissions invited within a period of not less than 28 days.
3. A further report be provided to Council should submissions be received objecting to the licence proposal.
4. Subject to the outcome of recommendations 2 and 3, Council grant five year licences for use of Room 2 within Epping Creative Centre in accordance with Sections 46 and 47 of the Local Government Act 1993 (lease/licence of Community Land) on the following basis:

Computer Pals for Seniors - Epping Inc

- a) The licensee shall be permitted to use the room between 9.00am and 10.00 pm Monday to Thursday inclusive and 9.00 am to 5.00 pm each Friday, as a computer education/tuition facility for seniors.
- b) The licence fee shall be \$2,000 per annum exclusive of GST during the initial 12 months of tenure.
- c) The licence fee shall be subject to annual review in accordance with the movement in the Consumer Price Index.

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- d) The licensee shall be responsible for the payment of all costs associated with the telephone line rental and calls.
 - e) The licensee shall indemnify Council against all claims in respect of Public Liability to an amount not less than \$10 million, with such Policy to note Council as an interested party.
 - f) The licensees will bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
 - g) The licensees shall be responsible for, and bear all costs incurred in, the day to day maintenance and repairs of its own fixtures and fittings.
 - h) The licensees shall be responsible for all painting and decoration of the room.

Epping Model Railway Club Inc

- a) The licensee shall be permitted to use the room from 5.00 pm to 10.00 pm every Friday and from 9.00 am to 10.00 pm on Saturdays and Sundays for the purpose of conducting model railway activities.
- b) The licence fee shall be \$1,600 per annum exclusive of GST during the initial 12 months of tenure.
- c) The rental shall be subject to annual review in accordance with the movement in the Consumer Price Index.
- d) The licensees shall indemnify Council against all claims in respect of Public Liability to an amount not less than \$10 million, with such Policy to note Council as an interested party.
- e) The licensees will bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
- f) The licensees shall be responsible for, and bear all costs incurred in, the day to day maintenance and repairs of its own fixtures and fittings.
- g) The licensees shall be responsible for all painting and decoration of the room.

Page Number 16

Item 5 CC22/09 DRAFT MANAGEMENT PLAN 2009/10 - 2011/12, INCORPORATING THE BUDGET 2009/10 AND FEES AND CHARGES 2009/10 - ADOPTION FOR PUBLIC EXHIBITION

RECOMMENDATION

THAT

1. Council adopt for public exhibition the draft Management Plan 2009/10 – 2011/12, including the draft Budget 2009/10 and the draft Fees and Charges 2009/10 (including the Revenue Policy).
2. Council adopt for public exhibition the rating information contained in the draft Management Plan 2009/10 – 2011/12, noting that, in the absence of an announcement from the Minister for Local Government, it is based on an estimated 3% rate pegging increase.
3. Council levy the Catchments Remediation Rate for 2009/10 on all rateable land in the Shire in accordance with ad valorem rates set out in the draft Management Plan 2009/10 – 2011/12.
4. Council levy the Hornsby Quarry Loan Rate for 2009/10 on all rateable land in the Shire.
5. Council adopt for public exhibition the assumed rates yield in percentage terms per rating category for 2009/10 as set out in the Management Plan 2009/10 – 2011/12.
6. The draft Management Plan 2009/10 – 2011/12 be placed on public exhibition from 13 April 2009 to 15 May 2009.
7. Following the public exhibition period and after consideration of all submissions, the draft Management Plan 2009/10 – 2011/12 be referred to Council for further consideration and adoption at the 10 June 2009 Ordinary Meeting.
8. Following the Finance and Strategy Task Force's completion of its review of services across the organisation, a report be prepared detailing recommendations from the Task Force for consideration by Council.

Page Number 23**Item 6 CC23/09 DRAFT DISABILITY DISCRIMINATION ACT
ACTION PLAN - FEEDBACK FROM PUBLIC EXHIBITION.****RECOMMENDATION**

THAT

1. Council adopt the Disability Discrimination Act Action Plan attached to Report No CC23/09.
2. The adopted Plan be referred to the responsible council officers for implementation.
3. Actions contained in the Plan be given due consideration in relation to the allocation of funding in future budgets.
4. The Plan be monitored and reviewed for currency on an annual basis.

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5. The Plan be submitted to the Australian Human Rights Commission such that it can be taken into consideration in the event of a disability discrimination complaint being lodged against Council.

Page Number 27**Item 7 CC24/09 SUB-LEASE OF COUNCIL OWNED PREMISES AT
11 CORONATION STREET, HORNSBY TO DRAZWOD
MARKETING PTY LTD****RECOMMENDATION**

THAT Council consent to the sub-lease of Council owned premises at 11 Coronation Street Hornsby from Snap Franchising Limited to Drazwod Marketing Pty Ltd for a term expiring on 30 July 2009 subject to:

1. The parties entering into an appropriate Deed of Consent to sub lease; and
2. The lessee to be responsible for the payment of all legal costs incurred in this matter.

Page Number 30**Item 8 CC25/09 FEBRUARY 2009 INVESTMENT AND BORROWING
REPORT****RECOMMENDATION**

THAT

1. The contents of Executive Manager's Report No CC25/09, including details of the review of Council's loan portfolio, be received and noted.
2. The draft Investment Strategy attached to Report No CC25/09, which was considered and endorsed by the Finance and Strategy Task Force at its March 2009 meeting, be adopted.

Page Number 34**Item 9 CC26/09 DOCUMENT ACCESS APPLICATIONS 26
JANUARY 2009 - 20 MARCH 2009****RECOMMENDATION**

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

Page Number 40**Item 10 CC27/09 OUTSTANDING COUNCIL RESOLUTIONS****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC27/09 be received and noted.

ENVIRONMENT DIVISION**Page Number 42**

**Item 11 EN8/09 TREE REMOVAL AT 43 CARCOOLA CRESCENT,
NORMANHURST**

RECOMMENDATION

THAT

1. Council refuse consent to remove 1 x *Cedrus deodara* (Deodar Cedar) located in the backyard of 43 Carcoola Crescent Normanhurst.

PLANNING DIVISION

Nil

STRATEGY DIVISION**Page Number 45**

**Item 12 ST3/09 COUNCILLORS STRATEGIC PLANNING
WEEKEND FEBRUARY 2009**

RECOMMENDATION

THAT

1. Council receive and note the contents of Executive Manager's report ST3/09
2. The action items in the attached Miller Group report be allocated by the General Manager to the relevant Divisions for initiation

Page Number 52

Item 13 ST4/09 DRAFT OUTDOOR DINING CODE

RECOMMENDATION

THAT

1. Council adopt the Draft Outdoor Dining Code, as attached.
2. Exempt and/or complying development criteria for outdoor dining be prepared for insertion in Council's new Comprehensive LEP.

Page Number 56

Item 14 ST5/09 LOCAL GOVERNMENT FILMING PROTOCOL

RECOMMENDATION

THAT

1. Council receive and note the report
2. Council receive and note the Local Government Filming Protocol, as attached

WORKS DIVISION

Page Number 59

**Item 15 WK12/09 TENDER T2/2009: PATCHING OF ROAD
PAVEMENTS IN FULL DEPTH ASPHALT**

RECOMMENDATION

THAT Council accept the tender of Tropic Asphalts Pty Ltd. for all work under Tender No. T2/2009: Patching of Road Pavements in Full Depth Asphalt.

SUPPLEMENTARY AGENDA

PUBLIC FORUM – NON AGENDA ITEMS

MAYOR'S NOTES

Page Number 63

Item 16 MN3/09 MAYOR'S NOTES FROM 1 TO 28 FEBRUARY 2009

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

QUESTIONS WITHOUT NOTICE

1 COMMUTER PARKING IN EPPING

COUNCILLOR HUTCHENCE TO MOVE

THAT as a result of the State's cancellation of the North West Metro and North West Rail link projects, Council:

1. Express its concern at the impact on the Epping community of the ongoing demand for commuter parking in the area.
2. Call on the State Government to develop a commuter management strategy that adequately addresses the commuter needs of north western Sydney residents, yet allows the Epping community to go about its day-to-day business.
3. Encourage the local community to express its support for Council's action by the signing of a petition in support of this resolution.
4. Request the support of local members (Epping, Castle Hill, Hawkesbury and Hornsby as well as Parramatta and Ryde) in the making of combined representations to the Minister for Transport.
5. Request the support of neighbouring Councils (The Hills, Parramatta, Ryde) in the matter.

Attachments:

There are no attachments for this report.

File Reference: F2009/00174
Document Number: D01127098

2 COMPANION ANIMAL STRATEGY

COUNCILLOR MARTIN TO MOVE

THAT Council agree to the preparation of a Companion Animal Strategy. The Strategy is to include measures to encourage re-homing of animals including the development of a dedicated webpage and other actions to improve information about the availability of pets at Council's pound(s). A draft of the Strategy is to be reported to Council by June 2009.

Attachments:

There are no attachments for this report.

File Reference: F2009/00174

Document Number: D01127204

3 REVIEW OF POLICIES AND CODES - CORPORATE AND COMMUNITY DIVISION

EXECUTIVE SUMMARY

Council's Policy on the Adoption, Alteration and Review of Policies and Codes states that each Division of Council has a two month period in the first and third year of each term of Council for carrying out a review of all Policies and Codes under their control and recommending any proposed amendments to Council. In accordance with the Policy, a review of the Policies and Codes of the Corporate and Community Division has now occurred and is submitted for Council's consideration.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with the outcomes of the review conducted in relation to the Policies and Codes of the Corporate and Community Division (i.e. Administration Services, Financial Services, Information Systems, Library and Information Services and Community Services Branches) and to seek Council's approval of the proposed amendments.

DISCUSSION

The last full review of Policies and Codes pertaining to the Corporate and Community Division was conducted in April 2007 (Report No CC11/07) and a review is now due as part of the timetable agreed by ExCo.

Policies and Codes relevant to the Division are listed in the tables below, grouped by Branch. The "Review Status" column of the table indicates whether or not amendments are proposed by staff. Where amendments are proposed, they are shown on the attached copy of each Policy and Code, with deletions shown by ~~striketrough~~ and additions shown by underlining. Explanations in respect of the proposed amendments are provided below the table for each Branch. For the purposes of this Report, minor grammatical changes which do not alter the intent of the Policy or Code have not been treated as amendments requiring explanation.

Administration Services Branch Policies/Codes

Policy/Code	Review Status
Policy – Audio Recording of Council Meetings	No amendments proposed
Policy – Council Buildings – Use by Kindergartens	Amendments proposed
Policy – Council Resolutions	Amendments proposed
Policy – Councillors and Staff – Legal Assistance	No amendments proposed
Policy – Councillors and Staff – Provision of Information and Interaction Between	No amendments proposed
Policy – Councillors' Questions and Memos	Amendments proposed

Policy – Delegation of Authority – Grant Lease/Licence Agreements	No amendments proposed
Policy – Document Access	Amendments proposed
Policy – Freedom of Speech	No amendments proposed
Policy – Insurance Protection for Councillors Staff and Volunteers	No amendments proposed
Policy – Land – Lease/Licence by Council	Amendments proposed
Policy – Mayoral Interviews	No amendments proposed
Policy – Public Forum	Amendments proposed
Policy – Travel – Interstate and Overseas	Amendments proposed
Code – Hornsby Mall	No amendments proposed
Code – Hornsby Mall – Outdoor Seating	Amendments proposed
Statutory – Code – Code of Meeting Practice	Amendments proposed
Statutory – Code – Privacy Management Plan	To be the subject of a separate report
Statutory – Policy – Councillors – Expenses and Facilities	To be the subject of a separate report
Code – Lease Licence of Council Land and Buildings to Community Groups	Amendments proposed

Explanations of the amendments recommended by staff in respect of the above documents are shown below:

Policy – Council Buildings – Use by Kindergartens

A minor amendment has been proposed to reflect the current dollar rate per child per day which has been assessed in accordance with the Policy.

Policy - Council Resolutions

The Policy currently requires a regular report to be provided to Council regarding the status of outstanding Council resolutions. This has been the case since 2005, and was implemented at the request of the previous Council. It is considered that the review and treatment of outstanding Council resolutions can be handled administratively by ExCo with the retention of the opportunity for Executive Managers to submit a report to Council when considered necessary.

Policy – Councillors’ Questions and Memos

This Policy currently makes reference to Questions Without Notice and Questions of Which Notice Has Been Given as well other questions/requests made by Councillors. Questions Without Notice and Questions of Which Notice Has Been Given are appropriately considered in Council’s Code of Meeting Practice, and as such, it is unnecessary to include them in this Policy.

It is also noted that a Policy titled Councillors’ Questions and Requests of Staff, currently the responsibility of the General Manager’s Division, deals with the handling of Councillors questions/requests. It is appropriate, therefore, that the two Policies be combined. A copy of both the deleted Policy and the proposed amended Policy are attached

Policy – Document Access

An amendment has been recommended which increases the limit on the number of documents and hard copy files which may be considered to be an excessive demand on Council resources. This increase has been recommended by the relevant staff and is considered reasonable based on practical experience over the past few years.

Policy – Land – Lease/Licence by Council

A minor amendment has been proposed to Policy Statement 2 to clearly define the type of Council Land that the Code for Lease/Licence of Council Owned Buildings and Land to Community Groups will apply to.

Policy – Public Forum

Minor wording changes have been proposed to clarify the Policy.

Policy – Travel – Interstate and Overseas

Amendments have been proposed to reflect recommendations provided by the Department of Local Government in respect of interstate and overseas travel by Councillors and staff. Reference in this Policy to Councillors is recommended for deletion as interstate and overseas travel by Councillors is appropriately included in the Councillors' Expenses and Facilities Policy.

Code – Hornsby Mall – Outdoor Seating

Minor amendments have been proposed to provide clarification to those affected and ensure consistency within the document. Also, an increase from \$10,000,000 to \$20,000,000 in respect of the minimum amount of indemnity of Council required by operators has been proposed - this reflects an industry benchmark which is based on successful court actions.

Statutory – Code – Code of Meeting Practice

The main amendments proposed provide for the inclusion of reference to the declaration of political donations and the distinction between *significant* and *less than significant* declarations of interests – this reflects updated requirements from the Department of Local Government and through legislation. The opportunity has also been taken to clarify clauses as required and to reflect current practice.

Statutory – Code – Privacy Management Plan

Council's Privacy Management Plan is based on a model Plan distributed by the Department of Local Government in 2001. As the model Plan is due for review, it is appropriate that Council not consider updates to its Plan until it can take into account relevant changes to the model Plan. As a consequence, it is recommended that a separate report be provided for Council's consideration when the model Code is distributed by the Department and reviewed by Council staff.

Policy – Councillors – Expenses and Facilities

The Councillors Expenses and Facilities Policy is based on guidelines distributed by the Department of Local Government in 2007. The Department has advised that it is reviewing the guidelines and will distribute details in the near future. It is appropriate that Council not consider updates to its Policy until it can take into account relevant changes to the Department's guidelines. As a consequence, it is recommended that a separate report be provided for Council's consideration when the guidelines are distributed by the Department and reviewed by Council staff.

Code – Lease Licence of Council Land and Buildings to Community Groups

Minor amendments have been proposed to provide clarification to those affected and ensure consistency within the document.

Financial Services Branch Policies/Codes

Policy/Code	Review Status
Policy – Corporate Attire – Indoor Staff	No amendments proposed
Policy – Investment of Surplus Funds	Amendments proposed
Policy – Land Property Sales – Use of Funds	No amendments proposed
Policy – Lease Financing	No amendments proposed
Policy – Loan Borrowings	Amendments proposed
Policy – Purchasing and Contracting Sustainability	Amendments proposed
Policy – Rates Relief – Hardship	No amendments proposed
Policy – Restricted Asset Account – Capital Projects – Debt Retirement	No amendments proposed
Policy – Restricted Asset Account – Land Acquisition	No amendments proposed
Policy – Restricted Asset Account – Parks Development	No amendments proposed
Policy – Restricted Asset Accounts - Internal	Amendments proposed
Policy - Tenders	Amendments proposed

Explanations of the amendments recommended by staff in respect of the above documents are shown below:

Policy – Investment of Surplus Funds

The proposed amendments reflect the requirements of the latest Ministerial Investment Order as well as Department of Local Government Circular No 08-48.

Policy – Loan Borrowings

Amendments have been recommended which reflect Department of Local Government guidelines and current business practice.

Policy – Purchasing and Contracting Sustainability

It is recommended that the Policy be retitled to Sustainable Procurement Policy. The Policy will provide a procurement framework that will advance the sustainable use of resources and assist in the reduction of impacts on the environment and human health. Sustainability is living and working in ways that meet and integrate existing environmental, economic and social needs without compromising the ability of future generations to meet their own needs.

The Policy has been developed in conjunction with the Sustainable Procurement Committee, consisting of staff from the Procurement team and the Environmental Health and Sustainability Team. There has also been communication with Penrith, North Sydney and Ryde Councils as well as Sustainable Choice (which is part of the Local Government and Shires Associations).

The updated Policy covers the three main areas of sustainability i.e. economic, social and environment. The Policy statement provides detail on all components of sustainability, not just recycled materials, and allows staff a “one stop” opportunity to generally understand and consider sustainability in their procurement decisions without having to access other documents or reports. The amended Policy will allow Council to eliminate unnecessary procurement; improve the environment; reduce its impact on the environment; and reduce its impact on human health.

The Policy demonstrates to the community that our procurement decisions may improve markets for environmentally friendly products, contribute progress towards sustainability, assist in achieving a carbon neutral future for the Shire and consider the principles of value for money over the life of the product.

Policy – Restricted Asset Accounts – Internal

Minor amendments are proposed including a requirement for a review of internally restricted assets as part of the June Quarterly Budget Review.

Policy – Tenders

Amendments are proposed to the policy whereby a tender for works or services which Council does not normally contract out, and the estimated cost exceeds \$1million will require two reports to Council – one at the commencement of the process where Council is advised that tenders are being invited and the other relating to a recommendation arising from the tender evaluation. Where the estimated costs are below \$1million, only one report will be required i.e. a recommendation arising from the tender evaluation.

Information Systems Branch Policies/Codes

Policy/Code	Review Status
Policy – Information Systems Technology	No amendments proposed

Community Services Branch Policies/Codes

Policy/Code	Review Status
Policy – Aboriginal Reconciliation Statement of Commitment	No amendments proposed
Policy – Access and Equity	Amendments proposed
Policy – Donations and Grants – Council Cash and Non-Cash	Amendments proposed
Policy – Services – Child Care Centre Operations	Amendments proposed
Policy – Services – Over 55	No amendments proposed
Policy – Youth Services	Amendments proposed

Explanations of the amendments recommended by staff in respect of the above documents are shown below:

Policy – Access and Equity

It is proposed that the title of the policy change from Access and Equity to Access and Inclusion. Some minor wording changes are also proposed.

Policy – Donations and Grants – Council Cash and Non-Cash

Minor wording changes are proposed.

Policy – Services – Child Care Centre Operations

Minor wording changes have been proposed to achieve consistency in the document and reflect updated legislation and new names of government ministries.

Policy – Youth Services

Minor wording changes are proposed.

Library and Information Services Branch Policies/Codes

Policy/Code	Review Status
Policy – Library and Information Services – Provision of Branches	No amendments proposed
Code – Library and Information Services	Amendments proposed
Code – Library and Information Services – Collection Development	Amendments proposed

Explanations of the amendments recommended by staff in respect of the above documents are shown below:

Code – Library and Information Services

Proposed amendments to the Code include an update to the conditions of use of library facilities which reflect current practice; an update to the conditions of use of computer equipment to reflect new content filtering on all public computers; together with details and requirements in respect of wireless internet hotspots, library exhibitions and displays in libraries.

Code – Library and Information Services – Collection Development

Minor changes have been proposed to the wording of the document to reflect current practice and ensure consistency.

BUDGET

There are no budgetary implications associated with the preparation of this Report.

POLICY

The contents of this Report concern the Policies and Codes of the Corporate and Community Division.

CONSULTATION

The Policies/Codes have been reviewed, and amendments proposed, by the Managers and relevant staff of the Administration Services Branch, Financial Services Branch, Information Systems Branch, Library and Information Services Branch and Community Services Branch.

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 the preparation of this Report are the Executive Manager, Corporate and Community Division - Gary Bensley; the Manager, Administration Services Branch - Robyn Abicair; the Manager, Financial Services Branch – Glen Magus; the Manager, Information Systems Branch - Craig Munns; the Manager Library and Information Services Branch – Cheryl Etheridge and the Manager, Community Services Branch – David Johnston. They can be contacted on 9847-6605, 9847-6608, 9847-6635, 9847-6983, 9847-6801 and 9847-6800 respectively.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC12/09 be received and noted.
2. Council adopt the proposed amendments to Corporate and Community Division Policies and Codes as outlined in Report No CC12/09 and its attachments.

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Administration Services Branch - Part 1
2. Administration Services Branch - Part 2
3. Financial Services Branch
4. Information Systems Branch
5. Community Services Branch
6. Library and Information Services Branch

File Reference: F2009/00064
Document Number: D01086633

**4 LICENCE OF ROOM 2 EPPING CREATIVE CENTRE, DENCE PARK,
STANLEY STREET EPPING TO COMPUTER PALS FOR SENIORS EPPING
INC AND EPPING MODEL RAILWAY CLUB INC**

EXECUTIVE SUMMARY

Computer Pals for Seniors Epping Inc (Epping Computer Pals) and Epping Model Railway Club Inc (Model Railway Club) have submitted applications seeking the formalisation of their respective occupations of Room 2 at the Epping Creative Centre. This request is in line with the provisions of Council's Code for the Lease/Licence of Council Owned Land and Buildings to Community Groups.

Following an assessment of the two applications, Council officers are of the opinion that Council's interests would not be adversely affected if the Epping Computer Pals and the Model Railway Club were each granted a five year licence of Room 2 within Epping Creative Centre on a shared use basis.

As such, this Report recommends the granting of respective five year licence agreements to Epping Computer Pals and the Model Railway Club.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with information and seek its endorsement with regards to the formalisation of the ongoing use and occupation of Room 2 at Epping Creative Centre by Epping Computer Pals and the Model Railway Club under respective five year licence agreements.

DISCUSSION

Epping Creative Centre is located within Dence Park, Epping and is currently managed on behalf of Council by the Epping Creative Centre Section 377 Management Committee. Dence Park is zoned Open Space A (Public Recreation – Local) in the 1994 Hornsby Shire Local Environment Plan and is classified as Community Land under the Local Government Act 1993. The Creative Centre building consists of a number of meeting rooms, offices and store rooms used by approximately 25 community related art and craft groups under short term hiring arrangements. The District 1 Generic Plan of Management expressly authorises the building's use as Epping Creative Centre.

Since 2000, Room 2 (comprising 60 square metres) of the Epping Creative Centre has predominately been used by the Epping Computer Pals and the Model Railway Club under a shared arrangement. Epping Computer Pals provide computer education/tuition to its members (approximately 200 seniors) through structured classes generally from 9.00am to 5.00pm Monday to Friday inclusive. The Model Railway Club uses the room from 5pm on Friday and all day on Saturdays and some Sundays catering to members of the community with an interest in the hobby of model railways.

As the Management Committee of Epping Creative Centre does not have the authority to grant a lease or licence in respect of the Centre, the Epping Computer Pals and the Model Railway Club have recently submitted applications to Council to formalise their ongoing use of Room 2 in line with the provisions of Council's Code for the Lease/Licence of Council Land and Buildings to Community Groups.

The Code, adopted by Council in May 2007, provides a framework for the equitable, efficient and effective lease/licence of Council's property assets to community groups. The Code assists Council officers to assess community group applications for the use of Council land and buildings in a transparent manner, based on agreed eligibility criteria, and formulate appropriate lease/licence terms and conditions for the consideration and endorsement of Council.

Following the assessment of the applications received from Epping Computer Pals and the Model Railway Club (both of whom meet the eligibility criteria set out in the Code), officers are of the opinion that Council's interests would not be adversely affected if licences to use Room 2 of Epping Creative Centre were granted to Epping Computer Pals and the Model Railway Club on the following basis:

Computer Pals for Seniors Epping Inc

1. **Term of licence:** 5 years
2. **Time of Use:** 9.00am to 10.00 pm, Monday to Thursday inclusive and 9.00 am to 5.00 pm Fridays.
3. **Permitted Use:** Computer education/ tuition facility
4. **Licence Fee:** \$2,000.00 per annum + GST
5. **Licence Fee Review:** Annually by movement in the Consumer Price Index
6. **Operating Costs:** 100% of all telephone line rental and calls
7. **Insurance:** Public liability insurance, indemnity \$10 million
8. **Legal fees:** 50% of lease preparation costs
9. **Maintenance:** Licensees to be responsible for day to day maintenance, internal painting and decoration and repairs of its own fixtures and fittings

Epping Model Railway Club Inc

1. **Term of licence:** 5 years
2. **Time of Use:** Friday evenings from 5.00 pm to 10.00 pm, Saturdays and Sundays from 9.00 am to 10.00 pm
3. **Permitted Use:** Model railway activities
4. **Licence Fee:** \$1,600.00 per annum + GST
5. **Licence Fee Review:** Annually by movement in the Consumer Price Index

6. **Insurance:** Public liability insurance, indemnity \$10 million
7. **Legal fees:** 50% of lease preparation costs
8. **Maintenance:** Licensees to be responsible for day to day maintenance, internal painting and decoration and repairs of its own fixtures and fittings

Advice has recently been received from Computer Pals for Seniors - Epping Inc and Epping Model Railway Club Inc indicating their agreement to enter into respective licence arrangements on the above basis.

Having regard to the comments provided above, Council officers are of the opinion that Council's interests would not be adversely affected if Epping Computer Pals and the Model Railway Club were granted separate five year licences to continue to use Room 2 as outlined in the recommendation of this Report.

In line with the provisions of Section 47 of the Local Government Act 1993, any proposal to licence community land is required to be publicly notified for a period of not less than 28 days. In respect of a licence for a term of up to five years, Council must consider all submissions received prior to the granting of any licence. In accordance with these requirements, the leasing proposal will be advertised and a further report will be submitted to Council should any submissions be received.

BUDGET

The granting of five year licences to both the Epping Computer Pals and the Model Railway Club in respect of Room 2 at the Epping Creative Centre will realise a minimum income of \$3,600 per annum to the Epping Creative Centre Section 377 Management Committee.

POLICY

This Report has been prepared having consideration to the Code for the Lease/Licence of Council Land and Buildings to Community Groups.

CONSULTATION

There has been consultation with Epping Computer Pals and the Model Railway Club, representatives of the Epping Creative Centre Section 377 Management Committee and officers of Council's Commercial Property Section 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. The following Triple Bottom Line considerations apply to this Report:

Contributing to community development through sustainable facilities and services.

The granting of a licence to Epping Computer Pals in line with the Recommendation of this Report will provide an ongoing computer training facility for older residents of Hornsby Shire. The granting of a licence to the Model Railway Club will also ensure the ongoing provision of a model railway facility for the benefit of residents of Hornsby Shire.

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

The granting of licences to Epping Computer Pals and the Model Railway Club will promote the well-being of the Shire's growing ageing population as outlined in the Strategic Plan for Older People 2005-2010, by providing opportunities for the diverse range of people in the community to access training in computers and gain social interaction benefits.

Maintaining sound corporate and financial management.

The granting of licences as proposed in the Recommendation will provide a modest financial return to the Epping Creative Section 377 Management Committee to assist in the long term protection of this community asset.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are Ms Samantha Colbert, Co-ordinator Community and Cultural Facilities, and Mr David Johnston, Manager - Community Services Branch, who may be contacted on 9847-6548 and 9847-6800 respectively.

RECOMMENDATION**THAT:**

1. Council note the contents of Executive Manager's Report No CC20/09.
2. The proposed licences to Computer Pals for Seniors Epping Inc and the Epping Model Railway Club Inc be publicly advertised and submissions invited within a period of not less than 28 days.
3. A further report be provided to Council should submissions be received objecting to the licence proposal.
4. Subject to the outcome of recommendations 2 and 3, Council grant five year licences for use of Room 2 within Epping Creative Centre in accordance with Sections 46 and 47 of the Local Government Act 1993 (lease/licence of Community Land) on the following basis:

Computer Pals for Seniors - Epping Inc

- a) The licensee shall be permitted to use the room between 9.00am and 10.00 pm Monday to Thursday inclusive and 9.00 am to 5.00 pm each Friday, as a computer education/tuition facility for seniors.
- b) The licence fee shall be \$2,000 per annum exclusive of GST during the initial 12 months of tenure.

- c) The licence fee shall be subject to annual review in accordance with the movement in the Consumer Price Index.
- d) The licensee shall be responsible for the payment of all costs associated with the telephone line rental and calls.
- e) The licensee shall indemnify Council against all claims in respect of Public Liability to an amount not less than \$10 million, with such Policy to note Council as an interested party.
- f) The licensees will bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
- g) The licensees shall be responsible for, and bear all costs incurred in, the day to day maintenance and repairs of its own fixtures and fittings.
- h) The licensees shall be responsible for all painting and decoration of the room.

Epping Model Railway Club Inc

- a) The licensee shall be permitted to use the room from 5.00 pm to 10.00 pm every Friday and from 9.00 am to 10.00 pm on Saturdays and Sundays for the purpose of conducting model railway activities.
- b) The licence fee shall be \$1,600 per annum exclusive of GST during the initial 12 months of tenure.
- c) The rental shall be subject to annual review in accordance with the movement in the Consumer Price Index.
- d) The licensees shall indemnify Council against all claims in respect of Public Liability to an amount not less than \$10 million, with such Policy to note Council as an interested party.
- e) The licensees will bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
- f) The licensees shall be responsible for, and bear all costs incurred in, the day to day maintenance and repairs of its own fixtures and fittings.
- g) The licensees shall be responsible for all painting and decoration of the room.

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: F2005/00766

Document Number: D01103228

5 DRAFT MANAGEMENT PLAN 2009/10 - 2011/12, INCORPORATING THE BUDGET 2009/10 AND FEES AND CHARGES 2009/10 - ADOPTION FOR PUBLIC EXHIBITION

EXECUTIVE SUMMARY

The draft Management Plan 2009/10 – 2011/12 includes the draft Budget 2009/10, the draft rating structure 2009/10 and the draft Fees and Charges 2009/10.

Council's draft Management Plan sets out the manner in which Council intends to align its business goals with its intent of "*creating a living environment*" and informs readers of Council's significant activities for the coming year. It also contains a summary of the major issues facing Council, and Council's intended response to those issues.

Budget information is provided at the organisational level as well as at Division levels, in a format comparable to the statutory General Purpose Financial Reports. Supporting information includes Council's Revenue and Pricing Policies, an expanded Rating Statement and structure and borrowing information. Constraints in preparing the Budget are also identified.

The draft Management Plan 2009/10 – 2011/12 assumes a rate increase of 3%. This is less than the percentage increase required for financial sustainability particularly in light of the increasing costs of materials such as oil and bitumen and increased street lighting charges well above the rate pegging allowance. It is also below the expected increase in costs of major expenditure items and places considerable pressure on council's ability to maintain services at existing levels.

The draft 2009/10 Annual Budget provides for an estimated deficit of \$975,000. The Finance and Strategy Task Force is conducting a review of services during April and May 2009 with the aim to reduce this deficit.

Following Council's adoption of the draft Management Plan 2009/10 – 2011/12 and incorporated documents, the documents will be exhibited for comment from 13 April to 15 May 2009. The exhibition period allows members of the public, as well as Councillors and staff, to make submissions in respect of the contents of the draft documents.

At the conclusion of the public exhibition period, all submissions regarding the draft Management Plan will be referred to Council for further consideration and adoption of final documents. This is scheduled to occur at the Ordinary Meeting of Council on 10 June 2009.

PURPOSE/OBJECTIVE

The purpose of this Report is to present to Council for the adoption and public exhibition the draft Management Plan 2009/10 – 2011/12 which incorporates the draft Budget 2009/10 and draft Fees and Charges 2009/10.

DISCUSSION

Draft Management Plan and Budget

The draft 2009/10 – 2011/12 Management Plan includes the draft 2009/10 Budget, the draft 2009/10 Rating Structure and the draft 2009/10 Fees and Charges.

The draft Management Plan sets out the manner in which Council intends to align its business goals with its intent of "*creating a living environment*" and informs readers of Council's significant activities for the coming year. It also contains a summary of the major issues facing Council, and Council's intended response to those issues. The draft Plan documents the significant actions Council intends to undertake in the coming year. It identifies five strategic themes that are the framework for Council's wide range of activities. The themes are:

- Society and culture
- Human habitat
- Governance
- Ecology
- Economy

Each theme includes activities proposed to be undertaken and performance measures with targets to ensure progress is measured against the strategic themes. Council has endorsed incremental alignment with the Global Reporting Initiative (GRI), and this Management Plan incorporates the GRI principles and disclosures, including performance indicators which are also aligned to strategic themes.

Council staff commenced preparation of the 2009/10 Budget in December 2008 on receipt of ExCo approved Budget parameters.

To minimise some of the impacts of the constraints and considerations outlined later in this Report, and to avoid excessive demands which could not be met, the parameters approved by ExCo included:

- A nil increase to Divisional expenditure (net of direct labour). As a consequence, this means that those activities that do not have a direct labour component have had their allocations frozen at the same dollar amount for the past five budgets. This cannot continue without adversely impacting on service delivery.
- The use of Council staff where possible to undertake Section 94 Development Contributions projects and other funded projects.
- New projects to be included in phase-up requests rather than be included in the draft Budget.
- Direct salaries and wages to include an estimated 3.2% increase from November 2009 (Local Government Award related) and calculated on 50 pay weeks. The two week reduction represents organisational savings which occur as a result of the average delay in replacing staff members who retire/resign/etc and/or productivity improvements that are required.
- An anticipated rate increase of 3% - noting that the Minister for Local Government is yet to announce the rate pegging limit for 2009/10.

As part of cost control in the budget process, advice was provided to budget managers that no increase was able to be applied to operating budget material and contract expenditure. This was despite substantial price increases, particularly for construction materials. Any increase has been required to be offset by productivity improvements, service reductions or increased fees.

An informal Councillor workshop was held on Thursday 26 March 2009 to review the format and intent of the draft Management Plan and to review the draft 2009/10 Budget details. Councillors assessed the financial position taking into account service delivery commitments, the priorities determined at a strategic planning weekend held in February 2009 and the Strategic Financial Plan Issues Paper. Councillors also noted significant unfunded capital programmes in excess of the phase-ups referred to above e.g. Hornsby Aquatic Centre, Brickpit Sports Stadium, Hornsby Quarry and associated lands, open space provision, replacement bridge over George Street and drainage enhancement.

The current draft Management Plan and Budget for 2009/10, shows a substantial deficit estimated to be \$975,000. This amount is subject to review by the Finance and Strategy Task Force. The main issues impacting upon the draft 2009/10 Budget, a number of which are strongly influenced by factors over which Council has little or no control, are:

- An increase in street lighting charges - \$256,000
- A decrease in investment income - \$786,000 (impact on General Fund)
- An increase in superannuation charges - \$1,050,000
- Award increases to salaries and wages - \$1,046,000
- A decrease in development application income - \$1,000,000
- An estimated rate pegging allowance of 3% - (\$1,537,000)
- An increase in asset sales – (\$210,000)

The Minister for Local Government has not as yet determined the rate pegging increase for 2009/10. Within the current draft budget, Council has anticipated a rate pegging increase to be approved by the Minister to the extent of 3%. Any divergence from this figure, will consequently either negatively or positively impact upon the estimated deficit.

The lack of an announcement by the Minister for Local Government of the approved rate pegging increase has frustrated the completion of the draft Budget. Additionally, Council, through the Finance and Strategy Task Force, is proposing a comprehensive review of all services provided by Council. It would be preferable for this service review to be completed prior to there being further reductions in budget expenditure on what might be perceived as an ad hoc basis.

It has to be appreciated that with the productivity improvements achieved in recent years, and the tightening economic conditions within which prior budgets have been developed, any further expenditure cuts will lead to substantive and noticeable cuts in services. It is better that any cuts in services be undertaken in a rational and logical manner.

Under the circumstances, it is proposed that the Council place on public exhibition, the draft Budget with an anticipated deficit of \$975,000. Any substantive change to the budget following the announcement of an approved rate pegging increase and/or the service review may require a further round of public advertisements.

A number of the important components/projects associated with the preparation of the 2009/10 Budget are detailed below:

Alignment of statutory and budget results

The draft Budget includes depreciation which, although a non cash item, is included in the statutory result presented to Council in September each year and, therefore, assists in aligning the Budget result with the statutory result. The categories of income and expenditure and the Budget format are closely aligned with the statutory Operating Statement in the annual General Purpose Financial Reports and will enable users of the information to more easily compare the documents. A budgeted Income Statement and Statement of Cash-flows in accordance with statutory reporting requirements has been included in the 2009/10 draft Management Plan document. It should be noted that grant income recognised in the General Purpose Financial Reports in accordance with Australian Accounting Standards, may not necessarily match its associated expenditure obligations in the same year.

Corporate cost distribution

The draft Budget continues the philosophy of distributing corporate overhead costs (e.g. Financial Services, Records Management, Fleet, Information Technology, Telephones, Human Resources, etc) across Council's functional areas. The methodology used for distributing costs is being refined where appropriate to reflect levels of usage, keeping in mind the need for simplicity and transparency. This distribution assists in determining the full cost of services provided. A full review of the process including cost drivers was completed in March 2006 and has been applied since the 2006/07 Budget.

Employee Expenses

Employee expenses includes items such as salaries and wages, superannuation, allowances, retirement and resignation payments, workers compensation premiums, training, fringe benefits tax, uniforms, conferences, employee amenities and employee travel. The major factors contributing to increases in employee costs compared to the 2008/09 Budget are:

- Local Government (State) Award increases related to salaries and wages - \$1.046 million
- Changes to State Government regulations in respect of the provision of child care services. These changes will require additional staff in the provision of care for the 0-2 year old age group - estimated at \$800K. Fees and charges for childcare will need to rise to cover these cost increases
- Provision for an increased employer contribution to the Local Government Superannuation Defined Benefit Scheme - \$1.05 million

Fees and Charges

Fees have been reviewed and increased by CPI or having regard to market conditions and the appropriate cost recovery level. Opportunities to recover administrative and overhead costs in respect of business activities have also been investigated. Where applicable, the final price includes GST which does not contribute revenue to Council but is forwarded to the Federal Government.

Loans

The Budget includes loan proceeds of \$2 million which is the same amount as in 2008/09. Prior to 2007/08, Council had an annual loan programme of \$1 million. For each \$1 million borrowed, Council is required to apply approximately \$135,000 from future year's budgets towards debt servicing. The estimated debt servicing requirement is based on Council taking out a loan for a 10 year period and making equal principal and interest repayments over the term of the loan.

\$1 million of the loan proceeds for 2009/10 is proposed to be used to fund the Local Road Improvement Programme. Council's policy on loan borrowings allows for loan funds to be utilised for funding capital projects where intergenerational equity is provided to ratepayers e.g. libraries, roads, flood mitigation projects etc. The Local Road Improvement Programme meets this objective.

The additional \$1 million of loan borrowings for 2009/10 is proposed to be used to upgrade specific infrastructure assets. Infrastructure replacements and upgrades were recommended in the Independent Inquiry into the Financial Sustainability of NSW Local Government published in 2006 (the Allan Report).

Councillors, at an informal workshop on Thursday 26 March, were given a preliminary draft Management Plan 2009/10 – 2011/12 including Budget 2009/10. The outcomes from those discussions have been included in the latest version of the draft Management Plan 2009/10 – 2011/12 which will be distributed to Councillors on Friday 3 April 2009, and once adopted for public exhibition, will be emailed to interested groups, and displayed at Libraries and all Council's customer service counters.

Rating Structure

It is noted that Council most recently reviewed its rating structure at the April 2006 Ordinary Meeting via Report No CC20/06 and that structure has applied in respect of the calculation of the 2006/07, 2007/08 and 2008/09 rates. It is recommended that the same rating structure be continued in 2009/10.

Details of the rate types and yields, rating categories, base amounts, minimum rates for business properties, ad valorem amounts and other statutory rating information are set out in the draft Management Plan document. The rating information is based on an estimated 3% rate increase.

The base amount for ordinary residential and farmland rates will increase from \$376 in 2008/09 to \$388 in 2009/10. The Valuer General supplied Council with new Land Values as at 1 July 2008. These values will be used for the next three financial years; that is from 2009/10 to 2011/12.

In respect of the Catchments Remediation Rate and the Hornsby Quarry Loan Rate, the increased income for 2009/10 represents the application of the estimated 3% rate increase.

BUDGET

The draft 2009/10 Budget currently shows a deficit result of \$975,000. This deficit may be impacted by the 2009/10 rate pegging increase which is yet to be announced by the Minister for Local Government and internal service reviews to be undertaken by the Finance and Strategy Task Force. The General Manager has also requested each Division to continue to review their expenditure in an effort to balance the 2009/10 Budget.

POLICY

The draft Management Plan 2009/10 – 2011/12 assists and documents the future direction of Council.

CONSULTATION

The draft Management Plan and Budget has been compiled after considerable detailed discussion with relevant staff and taking into account the issues raised by Councillors at the Strategic Planning Workshop held in February 2009, together with phaseups/issues nominated by staff and Councillors leading up to and during the Budget meetings. A copy of the draft Management Plan 2009/10 – 2011/12 including the Budget will be forwarded to various community groups, progress associations and Chambers of Commerce together with a letter inviting comment. Council's Strategy Division is available to make presentations about the Management Plan to interested community groups.

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.

The Management Plan itself contains an approach to sustainability reporting aligned to the Global Reporting Initiative (GRI) and its principles and many performance indicators are included.

This Report provides Council with information and proposes public exhibition of that information.

RESPONSIBLE OFFICER

The Manager Financial Services, Glen Magus, and the Manager Corporate Strategy, Julie Williams are responsible for matters relating to the draft Management Plan and Budget. They can be contacted on 9847-6635 and 9847-6790 respectively

RECOMMENDATION

THAT:

1. Council adopt for public exhibition the draft Management Plan 2009/10 – 2011/12, including the draft Budget 2009/10 and the draft Fees and Charges 2009/10 (including the Revenue Policy).
2. Council adopt for public exhibition the rating information contained in the draft

- Management Plan 2009/10 – 2011/12, noting that, in the absence of an announcement from the Minister for Local Government, it is based on an estimated 3% rate pegging increase.
3. Council levy the Catchments Remediation Rate for 2009/10 on all rateable land in the Shire in accordance with ad valorem rates set out in the draft Management Plan 2009/10 – 2011/12.
 4. Council levy the Hornsby Quarry Loan Rate for 2009/10 on all rateable land in the Shire.
 5. Council adopt for public exhibition the assumed rates yield in percentage terms per rating category for 2009/10 as set out in the Management Plan 2009/10 – 2011/12.
 6. The draft Management Plan 2009/10 – 2011/12 be placed on public exhibition from 13 April 2009 to 15 May 2009.
 7. Following the public exhibition period and after consideration of all submissions, the draft Management Plan 2009/10 – 2011/12 be referred to Council for further consideration and adoption at the 10 June 2009 Ordinary Meeting.
 8. Following the Finance and Strategy Task Force's completion of its review of services across the organisation, a report be prepared detailing recommendations from the Task Force for consideration by Council.

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00630
Document Number: D01117793

6 DRAFT DISABILITY DISCRIMINATION ACT ACTION PLAN - FEEDBACK FROM PUBLIC EXHIBITION.

EXECUTIVE SUMMARY

At the Ordinary Meeting held on 11 February 2009, Council endorsed the draft Disability Discrimination Act (DDA) Action Plan and agreed to place the document on public exhibition. A copy of the draft Plan is attached for Council's information.

As no feedback was received during the public exhibition period, it is recommended that the draft Plan now be adopted by Council.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with details about the public exhibition process of the draft DDA Action Plan and to recommend that the Plan now be adopted by Council.

DISCUSSION

Report No CC3/09 was tabled at the 11 February 2009 Ordinary Meeting recommending that the draft DDA Action Plan be placed on public exhibition. Following consideration of the Report, it was resolved that:

- 1. The contents of Executive Manager's Report No CC3/09 be received and noted*
- 2. Council endorse the draft DDA Action Plan attached to Report No CC3/09 and place it on public exhibition for a period of 28 days.*
- 3. At the completion of the public exhibition period, a further report be prepared for Council's consideration which summarises the results of the exhibition period and recommends the adoption of the DDA Action Plan.*

The draft Plan was subsequently placed on public exhibition from 16 February 2009 to 30 March 2009. As part of the exhibition process, the Plan was forwarded to the Hornsby Shire Access Committee and displayed on Council's webpage and in Council libraries. The draft Plan was also tabled at the February 2009 meeting of Council's Equal Employment Opportunity Committee. The convener of this Committee provided positive comment in relation to this Plan from a corporate EEO perspective.

No comments have been received from members of the public in relation to the draft Plan and as such, the Plan is recommended for adoption by Council.

If adopted, the DDA Action Plan will be submitted to the Australian Human Rights Commission where it may be taken into account by the Commissioner, should a complaint be lodged against Council under the Disability Discrimination Act (1992). It is intended that the Plan be monitored and reviewed for currency on an annual basis in line with current reporting cycles associated with Council's Social Plans.

BUDGET

Many of the measures nominated within the draft DDA Action Plan can be funded from recurrent budgets. Other measures may be recommended for funding in future budgeting processes. Grant funding has also been identified to fund a number of the other initiatives listed in the Plan.

POLICY

Council's Access and Equity Policy is the relevant policy in respect of this Report.

CONSULTATION

Consultation has taken place with the following persons and/or organisations in respect of the preparation of this Report:

- Ms Suzanne Colbert – CEO, Australian Employers Network on Disability.
- Hornsby Shire Access Committee.
- Mr James Farrington – Manager, Town Planning Services.
- Mr Rodney Pickles – Manager, Assessment Team 2.
- Ms Diane Campbell – Team Leader, Bushland and Biodiversity Planning and Management.
- Mr Lawrence Nagy – Manager, Traffic and Road Safety Branch.
- Mr Chon-Sin Chua – Manager, Assets Branch.
- Ms Dana Spence – Coordinator, Parks Assets – Parks and Landscape Branch.
- Mr Scott Hewitt – Manager, Aquatic and Recreational Facilities Branch.
- Ms Michelle Edmunds – Manager, Community Relations Branch.
- Ms Cheryl Etheridge – Manager, Library and Information Services Branch.
- Ms Josephine Lloyd – Coordinator, Community Outreach – Library and Information Services Branch.
- Mr Robert Holliday – Manager, Waste Management Services Branch.
- Mr Ian Harwood – Operations Supervisor, Waste Management Services Branch.
- Mr Rodney Drummond – Manager, Commercial Property.
- Mr Andrew Leahy – Team Leader, Learning and Development Team.
- Ms Julie Manning – Learning and Development Officer, Learning and Development Team.
- Ms Susan Downing – Acting Coordinator, Social Planning and Policy - Community Services Branch.
- Ms Jayne Boardman – Coordinator, Over 55 Services - Community Services Branch.
- Mr Malcolm Wallace – Community Development Officer, Access and Inclusion, Community Services Branch.
- Ms Rhonda Darmanin – Convener of Council's Equal Employment Opportunity 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.

Working with our community.

The outcomes associated with this proposal have been obtained through working closely with the community. Consultation has been thorough, and has involved a number of relevant stakeholders.

Conserving our natural environment.

The DDA Action Plan will not impact negatively on our natural environment.

Contributing to community development through sustainable facilities and services.

The project contributes significantly to community development outcomes for people with a disability. The project also encourages and facilitates participation by all members of the community in community events and activities.

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

The proposal is sympathetic with the community's articulated vision for the Shire.

Supporting our diverse economy.

The DDA Action plan will not impact on the economy of the Shire.

Maintaining sound corporate and financial management.

The DDA Action plan is proposed to be funded within existing Budgets and grants.

Other Sustainability Considerations.

The proposal will have no negative impacts either for Council or the Community. Improving the built environment for people with a disability ultimately benefits the wider community.

RESPONSIBLE OFFICER

The officer responsible for this Report is Mr David Johnston, Manager Community Services Branch. Further information can be obtained by calling the Community Development Officer, Access and Inclusion – Mr Malcolm Wallace on 9847 6741 on Wednesdays, Thursdays and Fridays between 8:45 am and 4:30 pm.

RECOMMENDATION

THAT:

1. Council adopt the Disability Discrimination Act Action Plan attached to Report No CC23/09.
2. The adopted Plan be referred to the responsible council officers for implementation.
3. Actions contained in the Plan be given due consideration in relation to the allocation of funding in future budgets.
4. The Plan be monitored and reviewed for currency on an annual basis.
5. The Plan be submitted to the Australian Human Rights Commission such that it can be taken into consideration in the event of a disability discrimination complaint being lodged against Council.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Draft Disability Discrimination Act Action Plan 2009

File Reference: F2009/00022

Document Number: D01120963

7 SUB-LEASE OF COUNCIL OWNED PREMISES AT 11 CORONATION STREET, HORNSBY TO DRAZWOD MARKETING PTY LTD

EXECUTIVE SUMMARY

Snap Franchising Limited, the lessee of Council owned premises at 11 Coronation Street Hornsby, has submitted an application seeking Council's consent to sub-lease the premises to Drazwod Marketing Pty Ltd until the expiration of their current lease on 31 July 2009. The lease with Snap Franchising Limited provides that the lessee may only sub-lease the premises with the consent of Council as the landlord.

Officers have considered the request and recommend that Council consent to the sub-lease proposal subject to the parties entering into an appropriate Deed of Consent and the lessee being responsible for the payment of all legal costs incurred in the matter.

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council's consent to grant Snap Franchising Limited the authority to sub-lease Council owned premises at 11 Coronation Street, Hornsby to Drazwod Marketing Pty Ltd.

DISCUSSION

Since 2001, Council owned premises at 11 Coronation Street, Hornsby has been leased to Snap Franchising Limited as a retail printing/photocopying business under a number of lease agreements. The current five year retail lease agreement expires on 31 July 2009.

During the period of its lease, Snap Franchising Limited has sub-let the premises to Gottfried Holdings Pty Limited trading as Snap Printing, on similar terms and conditions as the head lease. In December 2008, Snap Franchising Limited terminated the franchise agreement with Gottfried Holdings Pty Limited and exercised its rights under the agreement to take control of the business.

Snap Franchising Limited has now entered into a new franchise arrangement in respect of the business operation at 11 Coronation Street Hornsby and is seeking Council's consent to grant the incoming franchisee, Drazwod Marketing Pty Ltd, a fresh sub-lease agreement for the period until 30 July 2009. In line with the provisions of the current lease, Snap Franchising Limited may only sub-lease the premises with the written consent of Council as the landlord.

In reviewing the request from Snap Franchising Limited, officers have noted that a director of Drazwod Marketing Pty Ltd has held a corporate position with Snap Franchising Limited since 2002. From information provided by a representative of Snap Franchising Limited, the director would appear to possess the necessary business acumen to continue to operate the printing/photocopying business in a satisfactory manner.

In the circumstances Council officers are of the opinion that subject to the parties entering into an appropriate deed of consent to sub-lease and being responsible for all associated legal costs, it would be reasonable and appropriate for Council to consent to the sub-lease.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

There has been consultation with representatives of Snap Franchising Limited 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 this report only seeks Council's endorsement to the formalisation of a condition under an existing lease agreement between Council and a lessee and does not propose any actions which require a sustainably assessment no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council consent to the sub-lease of Council owned premises at 11 Coronation Street Hornsby from Snap Franchising Limited to Drazwod Marketing Pty Ltd for a term expiring on 30 July 2009 subject to:

1. The parties entering into an appropriate Deed of Consent to sub lease; and
2. The lessee to be responsible for the payment of all legal costs incurred in this matter.

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: F2004/09431
Document Number: D01121277

8 FEBRUARY 2009 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 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 28 February 2009 is \$1,241,000 compared to the year to date 2008/09 budgeted income of \$1,243,000. Of the year to date investment income earned, 44.3% relates to Section 94 funds held by Council and is required to be allocated to those funds.

Previous investment and borrowing reports have indicated that due to the release of a revised Ministerial Investment Order and the announcement of the Federal Government's Deposit Guarantee Scheme, Council's Investment Strategy required review. Such review has now been finalised and a new draft Strategy, which was endorsed by the Finance and Strategy Task Force at its March 2009 meeting, is attached and recommended for adoption by Council.

This Report also includes an update in respect of a Council resolution requesting that investigations be undertaken into the potential of renegotiating part or all of Council's existing loan portfolio to take advantage of current low interest rates. The investigations, which were reported to the Finance and Strategy Task Force at its March 2009 meeting, revealed that the break costs for a fixed rate loan would exceed the economic benefits of renegotiating the loans at a lower interest rate.

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; to recommend an updated Investment Strategy for adoption by Council; and to respond to a February 2009 resolution requesting a review of Council's loan portfolio.

DISCUSSION

Council's Investment Performance - February 2009

- The Term Deposits achieved an annualised return of 5.53% for the month compared to the benchmark of 3.25%; and a financial year to date return of 6.89% compared to the benchmark of 5.58%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market return of -52.07% for the month compared to the benchmark of -51.37%; and a financial year to date return of -25.26% compared to the benchmark of -31.35%. 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 5.17% for the month compared to the benchmark of 3.86%. The financial year to date return at February is 7.26% compared to the benchmark of 6.65%.
- The Capital Guaranteed Notes achieved an annualised return of 0.26% for the month compared to the benchmark of 3.86%. The financial year to date at February is 1.11% compared to the benchmark of 6.65%. Due to poor performance over recent months the Capital Protected Notes coupons, with the exception of the Longreach PIU Fund, have not been accrued.
- Floating Rate Notes (FRNs) are bonds that have a variable coupon equal to a money market reference rate. This FRN investment achieved an annualised return of 7.18% for the month compared to the benchmark of 3.86%; and a financial year to date return of 8.64% compared to the benchmark of 6.65%.
- For total investments, the annualised return for the month is 2.39% compared to the benchmark of 1.64%; and the year to date return after fees is 5.15% compared to the benchmark of 5.13%.

Economic/Financial Conditions

The Reserve Bank of Australia (RBA) slashed interest rates by 1.0% to 3.25% in February, the lowest since 1964. In March, the RBA decided to leave the cash rate unchanged. Investors are speculating that the RBA might cut the official cash rate by 50 basis points in April.

Australia's economy shrank by 0.5% in the fourth quarter of 2008, its first contraction in eight years. Analysts expect a further drop this quarter which would put Australia into a 'technical' recession. Despite recent interest rates cuts and the announcement of the Federal Government's \$42 billion stimulus package, consumer sentiment fell further in February. The government estimates the unemployment rate will increase to 7% by the middle of 2010, while some economists forecast it will rise to 9% by the end of that year.

Extract from Economic Outlook- March 2009

"Whether or not there is a technical recession is not the real issue. The fall in business investment is locked in. The question is whether the stimulus payments, interests rate cuts and a weak Australian dollar will be enough to keep the economy treading water until the public sector infrastructure works and the First Home Owners Grant kicks in or whether consumers panic and send the economy into a deeper than necessary downturn."

Other

Economic data released globally indicates that world economies continue to deteriorate with many in recession. World trade nosedived, as industrial production and investment slumped. Japan and Germany both trade-dependent countries fell into recession in the third quarter of 2008 and have experienced a steeper downturn in GDP than the broader-based US economy. Many countries are likely to be experiencing further falls in output in the current quarter. China remains one of the few economies with growth forecast at 6.7%, despite weakening export growth and private investment.

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 28 February 2009, is attached to this Report.

Review of Existing Loan Portfolio

Following consideration of the November/December 2008 Investment and Borrowing Report at the February 2009 Ordinary Meeting, Council resolved to *investigate the potential of renegotiating part or all of its existing loan portfolio to take advantage of current low interest rates*. The Manager, Financial Services provided an update in respect of his investigations to the Finance and Strategy Task Force at its March 2009 meeting. Those investigations revealed that the 'break costs' for a fixed rate loan would exceed the economic benefits of renegotiating the loans at a lower interest rate. The Finance and Strategy Task Force supported the update provided by the Manager, Financial Services and requested that reviews of the loan portfolio continue to be undertaken on an ongoing basis.

Review of Investment Strategy

Previous investment and borrowing reports have indicated that, due to the release of a revised Ministerial Investment Order and the announcement of the Federal Government's Deposit Guarantee Scheme, Council's Investment Strategy required review. At the March 2009 meeting of the Finance and Strategy Task Force, the Manager, Financial Services tabled a Draft Investment Strategy for consideration. Following discussion about the major changes from the previous Strategy, the Task Force agreed to recommend the Strategy's adoption by Council. As a consequence, the draft Investment Strategy is attached for Council's consideration.

BUDGET

Total investment income for the year to date period ended February 2009 was \$1,241,000. The budgeted income for this same period was \$1,243,000. Of the investment income, approximately 44.3% relates to Section 94 and is, therefore, restricted.

POLICY

All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation 2005 and Council's Investment Policy and Strategy.

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:

1. The contents of Executive Manager's Report No CC25/09, including details of the review of Council's loan portfolio, be received and noted.
2. The draft Investment Strategy attached to Report No CC25/09, which was considered and endorsed by the Finance and Strategy Task Force at its March 2009 meeting, be adopted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. February 2009 Council Investment Report
2. HSC Borrowings Schedule as at 28 February 2009
3. Council Investment Strategy March 13 2009

File Reference: F2004/06987
Document Number: D01121767

9 DOCUMENT ACCESS APPLICATIONS 26 JANUARY 2009 - 20 MARCH 2009

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 January 2009 to 20 March 2009 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 January 2009 to 20 March 2009

There were 174 applications processed under Council's Document Access Policy in the period 26 January 2009 to 20 March 2009. The time taken to process these 174 applications was 267 hours. An additional 48 applications were received but not finalised at the time this Report was written and these applications will be included in the report for the next processing period.

The processing time service goal for Document Access Applications is targeted 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 under 14 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 of the 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 174 applications processed in the period, 11 applications resulted in restricted access to Council files. In total, 33 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 33 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, 15 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, 10 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, seven documents were determined 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, one document was 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, 11 new Freedom of Information (FOI) applications were received and two further applications were carried over from the previous period giving a total of 13 applications that were processed within the reporting period. All 13 applications have been determined within this reporting period. In addition, work was carried out on four Internal Reviews of which one application has been determined during this reporting period and three are ongoing. Time was also spent on one new External Review of Determination which is currently before the Administrative Decisions Tribunal (ADT), with Council officers due to attend a planning meeting at the ADT on 14 April 2009. A previous External Review matter is still being considered by the ADT.

The time spent by Council staff on the processing of FOI applications during this reporting period was approximately 86 hours. In addition, 39 hours was expended on the processing of the Internal Review and External Review applications previously mentioned. All of the Review processing time and 32 hours of the FOI application processing time was expended in relation to applications by the same applicant. Therefore, the servicing of one applicant expended a total of 71 hours of officer time during this reporting period.

Privacy and Personal Information Protection Act

No work was undertaken in respect applications under the Privacy and Personal Information Protection Act during the reporting period.

BUDGET

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

In addition to the 267 hours invested in processing the 174 Document Access applications, 86 hours dedicated to processing FOI applications, and 39 hours spent on handling External Reviews, 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), and coordinating Pecuniary Interest Declaration returns for designated staff and Councillors. The time utilised on these activities was approximately 238 hours.

A review of the hours involved in undertaking the above tasks over the past 12 months indicates that there has been an increasing reliance on casual assistance to support the two full time officers who are responsible for providing the service. As a consequence, provision for an appropriate level of casual assistance has been included in the draft 2009/10 Budget.

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 Administration Coordinator – Natalie Cook, telephone 9847 6011.

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: D01121908

10 OUTSTANDING COUNCIL RESOLUTIONS

EXECUTIVE SUMMARY

A Policy dealing with Council Resolutions requires that a quarterly report be prepared for Council's consideration detailing resolutions which have not been substantially implemented within two months of being adopted and the reason/s why they are not finalised. The attachment to this Report provides the necessary updates.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide details in respect of Council resolutions up until the end of November 2008 which have not been substantially implemented.

DISCUSSION

In accordance with the Council Resolutions Policy, each Division has carried out a review of any resolutions up until the end of November 2008 which have not been substantially implemented. This has resulted in the attached spreadsheet being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

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

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

BUDGET

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

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Administration Coordinator – Natalie Cook who can be contacted on 9847 6011.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC27/09 be received and noted.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Council Resolutions - as at 30 November 2008

File Reference: F2005/00112
Document Number: D01122799

11 TREE REMOVAL AT 43 CARCOOLA CRESCENT, NORMANHURST

EXECUTIVE SUMMARY

This report recommends that Council refuse the application for consent to remove one *Cedrus deodara* (Deodar Cedar) located in the backyard of the property at 43 Carcoola Crescent Normanhurst. The applicant has appealed previous decisions by the Parks and Landscape Team and requested that the matter be referred to an Ordinary Meeting of Council.

PURPOSE/OBJECTIVE

The owner of the property seeks Council approval to remove a *Cedrus deodara* (Deodar Cedar).

DISCUSSION

An application was lodged on 26 February 2008 requesting permission to remove one *Cedrus deodara* (Deodar Cedar), prune one *Angophora costata* (Angophora) and prune one *Liquidambar styraciflua* (Liquidambar). The resident claimed the Deodar Cedar was a fire and safety hazard as branches are over a roofed deck and the roof of the house and that the property is situated in a bush corridor. An inspection was undertaken by Council's Tree Management Officer Rob Woodward, who denied approval to remove one Deodar Cedar and granted approval to prune one Angophora and prune one Liquidambar. The Deodar Cedar was found to be in good condition, although it was noted that the branches had been heavily pruned to the trunk to a height of approximately six metres.

A second inspection of the Deodar Cedar was undertaken by Tree Management Co-ordinator Dennis Hoyer on 15 April 2008. It was noted that less than 10% of the Deodar Cedar canopy is over the deck. Consent to remove the Deodar Cedar was denied.

In a letter dated 13 February 2009 the applicant requested the previous decision be reconsidered, claiming that the refusal of councils to grant consent for the removal of trees around homes contributed to the recent bushfires in Victoria. The applicant stated that the Deodar Cedar was planted by them and that the extension of the dwelling and construction of the deck has encroached to within one metre of the Deodar Cedar. The applicant stated the rear of their property has been left in its natural form and the Deodar Cedar plays a minor role in the greening of Hornsby Shire. The applicant expressed concerns that due to the height of the tree it could catch embers, ignite and burn the dwelling.

No supporting evidence has been provided by the applicant to permit Council officers to justify the removal of the Deodar Cedar. The property does not fall within bushfire prone land as defined in the Bushfire Prone Land Map prepared by Council's Planning Division in accordance with guidelines issued by the Rural Fire Service.

The canopy of the Deodar Cedar contributes to the general tree canopy when viewed from Carcoola Crescent and as such contributes to the aesthetic value and public amenity of the area.

Council officers have assessed the Deodar Cedar to be of good health and worthy of preservation. In Council's assessment there is currently insufficient evidence to justify removal. However, should the tree cause damage, for example as a result of a storm, Council could be liable, especially if this occurred in the near future following refusal of consent.

This is always the situation which must be considered when assessing trees. Council's guidelines allow a tree to be removed in the case of safety concerns if there are signs that the tree is diseased, dying or dangerous. None of these signs were evident.

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

Tree details

Species:	<i>Cedrus deodara</i>
Common Name:	Deodar Cedar
Height:	17 metres
Age Class:	Mature

BUDGET

There are no budgetary implications arising from this decision.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

There is no requirement for consultation in this matter.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT

1. Council refuse consent to remove 1 x *Cedrus deodara* (Deodar Cedar) located in the backyard of 43 Caroola Crescent Normanhurst.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Photo of Deodar Cedar Included under separate cover

File Reference: TA/228/2008/A
Document Number: D01112903

12 COUNCILLORS STRATEGIC PLANNING WEEKEND FEBRUARY 2009

EXECUTIVE SUMMARY

A weekend workshop allows Councillors the time and space to undertake thoughtful and insightful consideration of strategic issues and plan ahead with vision and purpose. All Councillors participated in a strategic planning exercise from Friday 27th February to Sunday 1st March 2009. The weekend workshop was moderated by an independent facilitator.

Summary of discussion areas and outcomes

The areas identified by Councillors for discussion were:

1. Ensuring the financial sustainability of the organisation so it can respond to future challenges
2. Balancing the growing recreational and cultural needs with council's ability to provide
3. Maintaining infrastructure
4. Managing the Hornsby Quarry site
5. Increasing the commercial activity in Hornsby and the other town centres

Councillors' specific priorities for the coming four years are:

- Review Hornsby's aquatic centres including options to rebuild the Hornsby Pool (subject to funding)
- Investigate the potential to extend the Brickpit Stadium (subject to funding)
- Continue progress towards the desired future for the Hornsby Quarry environs
- Ensure the financial viability of the organisation

Councillors' specific priorities for the 2009/10 year

- Investigate community preference for modes of rating to fund the upgrade of recreation facilities
- Review council's service provision model and structure including services at aquatic centres and community centres
- Review the organisation's ability to reduce costs and generate revenue in a responsible way
- Consider rationalising some under-utilised assets, particularly small parks and community buildings in poor locations
- Decrease council's expenditure on legal costs

- Maintain quality service delivery appropriate to community needs and desires
- Engage the community and positively 'market' council to its community

The recommendation of this report is that Councillors receive and note the report, and that the General Manager allocate the action items in the attached Miller Group report to the relevant divisions for initiation.

PURPOSE/OBJECTIVE

The purpose of this report is to provide the outcomes of the Councillor's strategic planning workshop held at Terrigal from Friday 27th February to Sunday 1st March 2009.

DISCUSSION

The strategic planning weekend workshop provided Councillors and senior management the appropriate time and space to reflect on strategic future directions, specific issues of interest and the governance structures of the organisation.

The weekend workshop was moderated by an independent facilitator. The facilitator's role was to manage the process and interactions and create a favourable environment to optimise the time and ensure all views were given consideration.

Hornsby Shire Council engaged the services of Libby Darlison of The Miller Group to provide skilled facilitation for its Strategic Planning Workshop held from Friday 27th February to Sunday 1st March 2009. The engagement required the facilitator to design, deliver and report a facilitated weekend in a constructive and positive environment. Ms Darlison developed the agenda and format for the workshop following telephone discussion with most Councillors. The report from The Miller Group is attached to this document.

Context for weekend workshop

Council, in its leadership role as an influencer, controller and advocate takes account of the full range of dimensions (environmental, social, economic and legislative) as well as global, national, state and local implications of issues. Many of those issues are inter-related and all present significant challenges for council. At the same time Councillors are cognizant of the need to ensure a sustainable financial future for the organisation and the shire. Over the past decade council's costs have been rising faster than its income, and while council's financial position is relatively sound and council is meeting all its financial benchmarks, if current trends continue the medium to long-term outlook is not favourable.

Summary of discussion areas and outcomes

The areas identified by Councillors for discussion were:

1. Ensuring the financial sustainability of the organisation so it can respond to future challenges
2. Balancing the growing recreational and cultural needs with council's ability to provide
3. Maintaining infrastructure

4. Managing the Hornsby Quarry site
5. Increasing the commercial activity in Hornsby and the other town centres

1. The financial sustainability of the organisation

Hornsby Shire Council, like other local governments, has responded to rising community expectations by providing a growing range of essential services and infrastructure that underpin the community. This expansion in role and service quality, together with rising input costs generally exceeding the income Council receives, puts increasing financial pressures on the organisation. Councillors recognise that for the organisation to be financially sustainable and secure in its long term future, decisions regarding the quality and type of facilities and services provided to the community must be based on sound market principles. Council has endorsed decision-making based upon Hornsby's changing demographic profile and potential future uses of an asset, costs to augment, operate and maintain an asset or service, short term and long term operational needs and the need for varying levels of subsidisation in some services. At the same time council recognises the imperative to significantly upgrade some recreational facilities and infrastructure assets. The deterioration of some assets is obvious whereas other assets, particularly stormwater drains is less obvious, however deteriorating assets have the potential to create an enormous liability for Council in the future and impact on community usage. Construction and maintenance costs have escalated and in order to afford the scale of infrastructure renewal required, Council will seek the views of the community regarding options to fund the upgrade of recreational facilities.

2. Growing cultural and recreational needs

Cultural and recreational services make a measurable contribution to increased learning, skills levels and improved quality of life. There is a limited supply of open space and facilities for cultural and recreational pursuits; and as the community grows the pressure to provide more will increase. Increasing land acquisition costs and infrastructure maintenance costs impact on council's ability to respond to community desire for open space and buildings, and yet Council must consider the future needs of residents. Shared use of sportsfields, such as the model being pursued at Cherrybrook is likely to become more common. Council has adopted a Cultural Plan and a Community Facilities Strategic Plan, and these Plans, combined with the Unstructured Recreation Strategy provide a framework for maximising the use of Council's cultural and recreational services and facilities by a broad section of the community. It was recognised that the provision of an appropriate multicultural facility is needed. At the same time Council is aware of the need for and limitations of its recreational facilities and the need to significantly upgrade community assets such as the Hornsby Aquatic Centre and extend the Brickpit Stadium.

3. Maintaining infrastructure

A region's relative health can be measured by the ability of its infrastructure to meet citizens' needs. In fact, the proper management of infrastructure helps to create the type of place in

which we want to live, work and play. The community continues to express its desire for more services and facilities and improvement to the maintenance levels of existing assets. Council's infrastructure is ageing. Maintaining community assets is a financial challenge for council but well maintained infrastructure is critical to the successful functioning of the shire. Though there is no single solution that will alleviate Hornsby's infrastructure challenges, Council will explore suitable revenue sources and more cost-effective approaches to manage the infrastructure gap. Work will continue on developing long term asset management solutions for council's major asset classes of buildings, roads and open space.

4. The Hornsby Quarry site

The Hornsby Quarry site presents challenges and opportunities. The area currently has restricted access in order to protect the site and minimise risk to visitors. The estimated cost to rehabilitate the site and stabilise the quarry pit is clearly outside council's current financial ability. The site has the potential to accommodate numerous uses in the future and Council will continue to work with the community to determine the most appropriate future concepts. Councillors have confirmed their position and future direction for the Quarry site including Old Mans Valley as "The two areas to be principally for public open space. Any residential / commercial development that might be considered will have minimal impact in terms of its location, density and effect on the primary purpose of the site". Work will continue on managing the safety of the site and moving towards the preferred future. Council will also continue to pursue legal options regarding the compulsory acquisition of the site. The funds returned to council by the Australian Tax Office will be used to progress both legal and safety actions.

5. Increased commercial activity for Hornsby and the other town centres

Hornsby Shire Council can augment and beautify the public spaces but will need to work with business owners if areas such as the Hornsby Westside and other town centres are to be revitalised. Engaging local business owners and partnering with them to improve the town centres will provide mutual benefit and add to the public domain improvements. In 2009/10 Council will undertake research with commercial property owners and business owners to determine what barriers and opportunities currently impact on development in the shire.

Research shows that Hornsby Shire has a high level of tertiary qualified residents, many of whom work outside the shire. Attracting industries and businesses that can take advantage of our skilled workforce will have flow-on effects for the types of people who want to live in our shire which will in turn affect the types of business and industries which cater to the employment and social requirements of individuals. Council's Economic Development Strategy will be reviewed and evaluated in the coming year to ensure it remains contemporary.

The weekend workshop format

Friday evening 27th February

The workshop began with confirmation of purpose which was to determine the four year priorities and annual actions in the context of increasing pressures on local councils from the

other levels of government, rising community expectations and the need to be fiscally responsible.

Discussion then focussed on the benefits of positive messaging and on ways to improve the manner of public reporting of council issues and topics, noting that 70% of residents read the local newspapers.

Saturday 28th February

The discussion focussed on the four year (or longer) priorities for Council, taking into account the NSW Department of Local Government's requirements for future planning, Hornsby's Sustainability Framework, the age and condition of much of council's infrastructure and funding options to address the priorities.

Sunday 1st March

The day began with a review of the financial constraints under which the organisation operates including the impacts of the downturn in the development industry, the declining investment income, rate-pegging and the rising costs of essential materials and wages. Councillors then reviewed the actions and initiatives they would like to see in the 2009/10 year and how those actions might be funded. Alternative methods of service delivery and the structure of the organisation also featured in the discussion.

Councillors' specific priorities for the coming four years

- Review Hornsby's aquatic centres including options to rebuild the Hornsby Pool (subject to funding)
- Investigate the potential to extend the Brickpit Stadium (subject to funding)
- Continue progress towards the desired future for the Hornsby Quarry environs
- Ensure the financial viability of the organisation

Councillors' specific priorities for the 2009/10 year

- Investigate community preference for modes of rating to fund the upgrade of recreation facilities
- Review council's service provision model and structure including services at aquatic centres and community centres
- Review the organisation's ability to reduce costs and generate revenue in a responsible way
- Consider rationalising some under-utilised assets, particularly small parks and community buildings in poor locations
- Decrease council's expenditure on legal costs
- Maintain quality service delivery appropriate to community needs and desires
- Engage the community and positively 'market' council to its community

BUDGET

The strategic planning workshop is accommodated from within existing budget and therefore has no budget implication; however the discussion points and outcomes from the workshop have a fundamental impact on the formation of future budgets.

POLICY

There are no policy implications with the convening of the strategic planning workshop.

CONSULTATION

All Councillors, the Executive Committee, Manager Financial Services and Manager Corporate Strategy attended the workshop. Facilitation, including scribing, was provided by The Miller Group. Agenda items were canvassed from Councillors.

TRIPLE BOTTOM LINE SUMMARY

Working with our community

Councils play a major role in creating the environment within which the local and regional community pursue their objectives. To achieve this councils must take a short, medium and long term focus on the diverse mix of interests and needs that exist in their areas. (DLG 2000:5)

Contributing to sustainable facilities and services

Council's strategic focus needs to be sufficiently specific and so clearly understood and accepted that it guides any resource allocation decisions.

Maintaining sound corporate and financial management

Council can not do everything. Councillors, managers and planners need to exercise both creativity and rationality in articulating their vision for the future. Council has worked to identify priority areas that need attention if it is to secure its long term future and that of the shire.

RESPONSIBLE OFFICER

Julie Williams, Manager Corporate Strategy is responsible for this report, and can be contacted on 9847 6790 for further information.

RECOMMENDATION

THAT

1. Council receive and note the contents of Executive Manager's report ST3/09
2. The action items in the attached Miller Group report be allocated by the General Manager to the relevant Divisions for initiation

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

Attachments:

1. The Miller Group Final Report

File Reference: F2009/00069
Document Number: D01108575

13 DRAFT OUTDOOR DINING CODE

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council held on 11 February 2009, it was resolved on the motion of Councillor Evans, seconded by Councillor Mills

THAT:

1. The Draft Outdoor Dining Code be placed on exhibition for a period of 28 days, with a further report back to Council at the conclusion of the exhibition period.
2. Outdoor dining be considered for inclusion as exempt and complying development and that the Exempt and Complying Development Control Plan be amended to include this provision.
3. The related fees as proposed for outdoor dining be included in the 2009/10 Draft Fees and Charges.

The Draft Outdoor Dining Code was exhibited until 20 March 2009 and two submissions were received; one in support of the draft, and the other in relation to smoking in the Mall. The latter being a matter outside the scope of the draft code.

As a result of internal consultation, some minor amendments have been made to the draft code to correct typographical errors and language inconsistencies, and to rationalise the precincts as identified in the exhibited draft. The rationalisation simply brings precincts 2-5 under an 'all other' category as the specific requirements are the same for each area. There have been no amendments to the substance or intent of the draft code.

It is recommended that the amended Draft Outdoor Dining Code, as attached, be adopted and that exempt and/or complying development criteria for outdoor dining be prepared for insertion in Council's new Comprehensive LEP.

PURPOSE/OBJECTIVE

The purpose of this report is to report back to Council on the outcomes of the exhibition period from 20 February to 20 March 2009 and for Council to adopt the Draft Outdoor Dining Code, as attached.

DISCUSSION

Council at its meeting of 13 August 2008 resolved to adopt the Hornsby Westside Masterplan. The aim of the Masterplan is to improve the streetscape and pedestrian amenity of the specified area and includes, inter alia, provisions for outdoor dining.

As a result of work being undertaken to improve the vitality of the commercial precincts throughout the shire, it became apparent that although Council has an adopted Outdoor Dining Code for the Hornsby Mall, it does not have a generic Outdoor Dining Code for other commercial precincts within the area. It is proposed that the attached draft code will apply to dining on the footway of roads where Council is the Roads Authority and will not apply to the Hornsby Mall. The draft code addresses matters such as location; access; safety; furniture; and applications processes.

Inclusion as Exempt and Complying Development:

To date, food outlets seeking to occupy space for outdoor dining have been required to lodge a development application and associated assessment procedures have applied. Anecdotal feedback from local food outlet operators suggests that such a process may have led to lost opportunity costs due to additional DA fees and processing times and this has been a disincentive for establishing outdoor dining.

Subsequent to a review of other local government area requirements in relation to outdoor dining, it would appear that those most successful in attracting interest for food outlets to operate outdoor dining areas are those that have a simple application for permit system.

Further consultation has been undertaken with the Planning Division through the inter-divisional working party concerning the recommendation that outdoor dining be considered for inclusion as exempt and complying development in Council's new Comprehensive Local Environmental Plan (LEP).

The Department of Planning released a Practice Note in August 2008, providing guidance to Councils to ensure they avoid expending resources unnecessarily in drafting their exempt and complying provisions for insertion in their new Comprehensive LEPs. The Practice Note identified that councils' existing Exempt and Complying policies would continue to operate side by side with the proposed State wide codes. It was stated that provisions contained in local policies not covered by the State Codes would continue to operate. It was also stated that provisions which covered development types which were in the State Codes would be overridden. The Practice Note identifies the opportunity to include "footpath dining" as an exempt and complying development type.

In December 2008, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 was gazetted. The SEPP includes exempt and complying development types for residential accommodation, tourist accommodation and other compatible land uses in rural and residential areas to implement the NSW Housing Code. The SEPP does not include provisions relating to "footpath dining". The Department of Planning has advised that it is their intention to release a Commercial Code which identifies exempt and complying development types relevant to commercial areas. Given that the Department's Practice Note identifies the opportunity to include "footpath dining" and it was not identified in a preliminary draft of the Commercial Code released for discussion, it is unlikely that the Code will include same. Accordingly, it is appropriate that exempt and/or complying development criteria for outdoor dining be prepared for insertion in Council's new Comprehensive LEP. Such criteria should be prepared and exhibited separately before its final insertion in the LEP.

Submissions:

The Draft Outdoor Dining Code was exhibited until 20 March 2009 and two submissions were received; one in support of the draft, and the other in relation to smoking in the Mall. This is a matter outside the scope of the draft code.

Favourable comments included: “*it provides adequate & fair guidelines for any businesses set up or wanting to set up on the footway & it provides a degree of certainty which has up to now been missing*”.

Impact of Parking:

Some councillors have made enquiries in relation to the impact of outdoor dining on street parking, specifically those areas that are being purposefully upgraded to encourage this usage. Whilst there has been no specific modelling done for this report, data from recent parking studies indicates that there is some spare off-street parking capacity within Hornsby Westside. More timed parking can be provided on roads close to the Hornsby and Epping Town Centres by displacing commuter parking further away. This is not considered onerous as all day parking is currently available within 400 metres of the two town centres, which exceeds the standard within the Sydney context.

More timed parking spaces are being provided in Jersey Street to accommodate any loss of parking in Coronation Street in accordance with the Local Traffic Committee recommendation. Similarly, more timed parking can be provided along Oxford Street in Epping with the introduction of angle parking and extension of timed parking zones towards Chester Street. Parking availability will be monitored and if necessary timed parking zones can be extended further subject to referral to the Local Traffic Committee.

Review Period:

It is proposed to review the draft code every two years to ensure its currency and relevance.

CONSULTATION

An internal working group was convened to develop the Draft Outdoor Dining Code. This group included representatives from the divisions of Works, Corporate and Community, and Strategy. Liaison with officers of Planning and Environment Divisions has also taken place.

Local Chambers of Commerce and the business community were also consulted.

The draft code was publicly exhibited with only one relevant, favourable response being received.

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.

Significant consultation has taken place regarding the town centre streetscape improvements.

Conserving our natural environment.

The Draft Outdoor Dining Code will not have adverse impacts on our natural environment.

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

Outdoor dining promotes active streets, and active streets provide passive surveillance, which in turn promote safer precincts. Thriving town centres are a component of Council's vision for the Shire.

Supporting our diverse economy.

The Draft Outdoor Dining Code will encourage an increase in local dining which will have a positive impact on the economy of the Shire.

RESPONSIBLE OFFICER

Kim Appleby, Research and Policy Development Officer, is the officer responsible for this report. She can be contacted on 9847 6014.

RECOMMENDATION

THAT

1. Council adopt the Draft Outdoor Dining Code, as attached.
2. Exempt and/or complying development criteria for outdoor dining be prepared for insertion in Council's new Comprehensive LEP.

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

Attachments:

1. Draft Outdoor Dining Code 2009

File Reference: F2004/10055
Document Number: D01122373

14 LOCAL GOVERNMENT FILMING PROTOCOL

EXECUTIVE SUMMARY

The NSW Government passed the *Film Related Legislation Amendment Bill* on 18 June 2008 to maintain its competitive advantage in relation to commercial filming in NSW. The Act commenced on 30 March 2009.

As a result of consultation with the Local Government and Shires Association, Councils and the industry sector, a revised Local Government Filming Protocol has been developed. The Protocol was released on Monday 23 March 2009 as an enabler of the legislation. This Protocol replaces the Local Government Filming Protocol 2000.

The Protocol outlines the requirements of all Councils and State agencies in relation to managing commercial filming applications.

It is recommended that:

1. Council receive and note the report
2. Council receive and note the Local Government Filming Protocol, as attached

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of the revised Local Government Filming Protocol and the supporting legislation *Film Related Legislation Amendment Bill 2008*.

DISCUSSION

The film and television industry contributes approximately \$1.3 billion to the NSW economy, representing almost 50 percent of all national film production expenditure over the past five years.

To maintain its competitive advantage, the NSW Government passed legislation in June 2008 regarding commercial filming. *The Film Related Legislation Amendment Bill 2008* commenced on 30 March 2009.

Key elements of the legislation relate to:

- Approval processes
- Fees and charges
- Parking
- Temporary structures
- Community lands
- Public lands

The enabler of the legislation is the Local Government Filming Protocol; a tool developed to streamline procedures for managing commercial filming applications and strengthen

relationships between the film industry and stakeholders, including: Councils, local communities, and other government agencies. All Councils must comply with the Protocol. The only way that a Council can opt out of this is if they have an alternative protocol approved by the Director General of the Department of Local Government.

In summary, the Protocol states:

- Application fees apply on a sliding scale basis. Otherwise, cost recovery fees only - this does not include parking unless parking charges apply to all others;
- No curfews where possible;
- Appointment of a primary Film Contact Officer;
- Expectancy to grant approvals. Refusals must be for exceptional circumstances only;
- Bonds may apply but these charges must be published;
- Venue hire for constructed facilities such as pools is appropriate as per standard conditions of hire.

The Department of Local Government has indicated that the Protocol will be reviewed two years post implementation.

As the Film Contact Officer, the Research and Policy Development Officer will ensure effective implementation of the Protocol in the execution of her duties as and when they relate to commercial filming in the shire.

BUDGET

The *Film Related Legislation Amendment Bill 2008* now requires that Councils must set their fees and charges in accordance with the Protocol. A report on the Fees and Charges Schedule is dealt with elsewhere on this agenda.

POLICY

This report relates to the Local Government Filming Protocol. The Protocol will become the policy of Council in relation to commercial filming.

CONSULTATION

Relevant staff from Environment, Works and Corporate and Community Divisions have been consulted in relation to the revised Local Government Filming Protocol. This matter was also referred to the Executive Committee.

RESPONSIBLE OFFICER

Kim Appleby, Research and Policy Development Officer, Corporate Strategy is the officer responsible for this report. She can be contacted on 9847 6014.

RECOMMENDATION

THAT

1. Council receive and note the report
2. Council receive and note the Local Government Filming Protocol, as attached

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

Attachments:

1. Local Government Filming Protocol - 2009

File Reference: F2004/10055
Document Number: D01122853

15 TENDER T2/2009: PATCHING OF ROAD PAVEMENTS IN FULL DEPTH ASPHALT

EXECUTIVE SUMMARY

The proposed contract for Patching of Road Pavements in Full Depth Asphalt is required to service the needs of Council's Works Division in carrying out road and carpark maintenance work.

Council does not have the specialist personnel and equipment required for this work and therefore open tenders have recently been called in accordance with the Local Government Act. The proposed contract will be for 12 months duration with an option to extend the contract for a further 12 months period. Tropic Asphalts Pty Ltd. have been recommended for acceptance of this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No. T2/2009: Patching of Road Pavements in Full Depth Asphalt.

DISCUSSION

The Tender No. T2/2009 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are on folder F2009/00157. Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Nine (9) tenders were received for Tender No. T2/2009 from the following companies.

- All Pavement Solutions Pty Ltd.
- Borthwick and Pengilly Asphalts Pty Ltd.
- D & M Excavation and Asphalting Pty Ltd.
- Downer Edi Works Pty Ltd.
- J & E Excavations and Plant Hire Pty Ltd.
- J & G Excavations and Asphalting (NSW) Pty Ltd.
- Northshore Paving Co. Pty Ltd.
- Roadworx Surfacing Pty Ltd.
- Tropic Asphalts Pty Ltd.

The tenders were evaluated based on the stipulated criteria, namely:-

- Cost of Service
- Past performance and experience in similar types of works
- Plant and equipment resources
- Labour and sub-contract resources
- Material supply sources
- Traffic control systems

- Quality assurance systems
- Occupational health and safety systems
- Sustainability

The tendered Schedule of Rates were evaluated for each tender by applying them to estimated annual quantities for the main items of work that would normally be expected for the proposed contract. The other criteria were assessed based on information submitted with each tender, information gained from the tenderers' nominated referees and past performance with previous Hornsby Shire Council works where applicable.

The results of the evaluation indicate that the most advantageous tender is from Tropic Asphalts Pty Ltd.

The total estimated cost of work under this contract is in the order of \$300,000 per annum. The ranking of all tenderers in accordance with cost criterion, is as follows (from lowest to highest).

1. Tropic Asphalts Pty Ltd.
2. J & G Excavations and Asphalting (NSW) Pty Ltd.
3. Roadworx Surfacing Pty Ltd.
4. Borthwick and Pengilly Asphalts Pty Ltd.
5. D & M Excavation and Asphalting Pty Ltd.
6. J & E Excavations and Plant Hire Pty Ltd.
7. All Pavement Solutions Pty Ltd.
8. Downer Edi Works Pty Ltd.
9. Northshore Paving Co. Pty Ltd.

Full details of the tender evaluation are on folder.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated in conjunction with the main users of the proposed contract.

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

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

Conserving our natural environment

The patching of road pavements with asphalt permits the use of some recycled material in the asphalt mix design. The materials excavated are recycled where possible. Patching of roads minimises the need to use significant quantities of quarried materials for road reconstruction.

The processes on site are controlled by sediment and erosion minimisation measures. Further, controls are clearly specified in the contract against environmentally sensitive areas such as noise, smoke and dust.

Contributing to community development through sustainable facilities and services

Both vehicular and pedestrian traffic controls are put in place prior to commencing works on any work site, to protect and guide the public around the works and to protect the workmen. It is a requirement under the contract that Occupational Health and Safety (OH&S) Systems are in place in order to comply with the OH&S Act and Regulations. The OH&S and Traffic Control systems have been checked as part of the tender evaluation.

Rehabilitation of road pavement will have a positive effect on the amenity of the area and provides comfort and safety for the travelling public.

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

The rehabilitation of the road pavement will have a positive effect on conserving and enhancing Council's road pavement assets, so that residents and the general public have a good road network to support their transport needs.

Supporting our diverse economy

Maintenance of a sustainable road network is essential in supporting the diverse economy of the Shire.

Maintaining sound corporate financial management

Patching of road pavements is a requirement for Council's pavement management system. Cost effective rehabilitation enhances the value of Council's road pavement asset and helps guard against the expensive cost of total reconstruction.

Other sustainability considerations

The company's management policy Quality Assurance, OHS and Environmental management systems were taken into consideration in the evaluation of tenders received.

RESPONSIBLE OFFICER

For further information, please contact Engineer construction, Mr Wimal Dasanayake on 9847 6673.

RECOMMENDATION

THAT Council accept the tender of Tropic Asphalts Pty Ltd. for all work under Tender No. T2/2009: Patching of Road Pavements in Full Depth Asphalt.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment to WK12/09, located in the Confidential Section of Business Paper Confidential Memo WD D&C 06/2009 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under s10A (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

File Reference: F2009/00157
Document Number: D01121928

16 MAYOR'S NOTES FROM 1 TO 28 FEBRUARY 2009

Sunday 1 February – The Mayor and Lady Mayoress attended Hornsby Baptist Church's celebration of 105 years in the community and first Sunday service in Barker College, at Barker College.

Tuesday 3 February – The Mayor hosted a Civic Reception to celebrate Hornsby Chamber of Commerce's 90th Anniversary, at the Council Chambers.

Thursday 5 February – The Mayor attended a Public Meeting to discuss Aged and Disabled Housing at Wisemans Ferry at Wisemans Ferry Community Centre.

Saturday 7 February – The Mayor attended the Commemoration of the 61st Anniversary of Independence of Sri Lanka at Roselea Community Centre, Carlingford.

Saturday 7 February – The Mayor welcomed residents to Movies Under the Stars at Forest Park, Epping.

Thursday 12 February – The Mayor attended the official opening of Brian King Gardens at Castle Hill.

Tuesday 17 February – The Deputy Mayor, on behalf of the Mayor, attended Pennant Hills High School's Presentation Evening at the School.

Saturday 21 February – The Lady Mayoress, Deputy Mayor and Councillor Chopra attended the opening of the new Dural Street Playground in Hornsby.

Monday 23 February – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Please note that these are the functions that the Mayor, or his representative, has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.

File Reference: F2004/07053
Document Number: D01112314