



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 10 June, 2009
at 6:30 pm**

TABLE OF CONTENTS

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

- Item 1 GM11/09 Smoke Free Environment Policy (in the workplace) 1
- Item 2 GM9/09 Allegation of Breach of Council's Code of Conduct..... 3

Corporate and Community Division

- Item 3 CC35/09 Progress Report - Implementation of CCTV in the Hornsby Mall 6
- Item 4 CC36/09 April 2009 Investment and Borrowing Report..... 12
- Item 5 CC37/09 2008/09 Loan Raising 16
- Item 6 CC38/09 Debtors to be Written Off at 30 June 2009 18
- Item 7 CC39/09 Proposed New Hire Fee for Cherrybrook Community and Cultural
Centre Foyer Space 21
- Item 8 CC40/09 Adoption of the Management Plan 2009/10 - 2011/12 including
Budget 2009/10; Fees and Charges 2009/10; and Rating Structure 2009/10..... 24
- Item 9 CC41/09 Application for Rent Reduction - 10 Dangar Road, Brooklyn 36
- Item 10 CC42/09 Document Access Applications 21 March 2009 - 22 May 2009 40
- Item 11 CC44/09 Declarations of Pecuniary Interest and Other Matters 46
- Item 12 CC45/09 FiscalStar Services Pty Ltd - Review of the Financial
Sustainability of NSW Councils..... 49
- Item 13 CC46/09 Brooklyn Community Meeting Room 51
- Item 14 CC49/09 Outstanding Council Resolutions..... 56

Environment Division

- Item 15 EN15/09 Sustainable Action Committee Charter and Update 58
- Item 16 EN16/09 Food Compliance and Enforcement Guidelines 61
- Item 17 EN17/09 Companion Animal Strategy..... 65
- Item 18 EN18/09 Tender T5/2009 Laboratory Analysis of Water Samples Collected
within Hornsby Shire..... 68
- Item 19 EN19/09 Tender No. T3/2009 Request for Tender: For the provision of
consultant services to facilitate the "Hornsby Creek Catchment Urban
Sustainability Program" 72

Planning Division

Nil

Strategy Division

Item 20	ST6/09 Review of Policies and Code - Corporate Strategy Branch.....	76
---------	---	----

Works Division

Item 21	WK20/09 Review of Policies and Codes - Works Division.....	79
Item 22	WK28/09 2009/13 4-Year Rolling Works Improvement Programs.....	82
Item 23	WK29/09 Works Division 2009/10 Assets Branch Programmes.....	90
Item 24	WK30/09 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs.....	97
Item 25	WK32/09 Tender T12/2009: Minor Asphalt Works	103
Item 26	WK33/09 Tender T13/2009: Stabilisation of Road Pavements	107
Item 27	WK52/09 Berowra Waters and Brooklyn - Parking Issues	110
Item 28	WK43/09 Oxford Street, Epping - Streetscape Upgrade - Progress Report.....	119
Item 29	WK47/09 Tender T10/2009 - Berowra Oval Water Harvesting Scheme.....	126
Item 30	WK48/09 Request for Land at Wisemans Ferry for Aged Care Development	130
Item 31	WK50/09 Redevelopment of Hornsby Aquatic Centre.....	135
Item 32	WK51/09 Extension of Brickpit Sports Stadium	139

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

Item 33	GM10/09 Allegation of Breach of Council's Code of Conduct	
---------	---	--

MAYOR'S NOTES

Item 34	MN6/09 Mayor's Notes from 1 to 30 April 2009	143
---------	--	-----

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

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Pastor James Sutherland of Thornleigh Community Baptist Church will be opening the Meeting in Prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

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

APOLOGIES

PRESENTATIONS

DECLARATIONS OF INTEREST

Clause 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) requires that a councillor or a member of 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 less than 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 13 May, 2009 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

NOTICES OF MOTION

RESCISSION MOTIONS

MATTERS OF URGENCY

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

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

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised*

by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".

GENERAL BUSINESS

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

GENERAL MANAGER'S DIVISION

Page Number 1

Item 1 GM11/09 SMOKE FREE ENVIRONMENT POLICY (IN THE WORKPLACE)

THAT the Smoke Free Environment Policy – POL00257 be deleted.

Page Number 3

Item 2 GM9/09 ALLEGATION OF BREACH OF COUNCIL'S CODE OF CONDUCT

THAT

1. Council determine the manner in which it wishes to deal with complaints received in correspondence dated 11 December 2008 and 13 March 2009, concerning the conduct of the Mayor and Deputy Mayor.
2. Mr Richmond, the Ombudsman and the Department of Local Government be advised of the course of action adopted by Council.

CORPORATE AND COMMUNITY DIVISION

Page Number 6

Item 3 CC35/09 PROGRESS REPORT - IMPLEMENTATION OF CCTV IN THE HORNSBY MALL

THAT

1. The contents of Executive Manager's Report No. CC 35/09 be received and noted.
2. Council adopt the draft Code of Practice attached to Report No. CC35/09.
3. The CCTV Scheme for the Hornsby Mall be installed and trialled for a period of two years.
4. An evaluation of the trial and its outcomes be undertaken after a period of 12 months to assist in the implementation of Council's Community Safety Plan.
5. An evaluation be undertaken after the two year trial period to determine the need for the CCTV Scheme to be continued.

Page Number 12**Item 4 CC36/09 APRIL 2009 INVESTMENT AND BORROWING REPORT**

THAT the contents of Executive Manager's Report No CC36/09 be received and noted.

Page Number 16**Item 5 CC37/09 2008/09 LOAN RAISING**

THAT

1. Council approve the raising in June 2009 of a loan from external sources for an amount of \$2.0 million.
2. The General Manager be authorised to accept the best quote offered for such loan funds; to complete the necessary documentation relating to the loan; and to advise Councillors of the outcome.

Page Number 18**Item 6 CC38/09 DEBTORS TO BE WRITTEN OFF AT 30 JUNE 2009**

THAT Council

1. Write off debts considered bad in 2008/09 totalling \$4,635.88 (as detailed in Schedule A attached to Report No CC38/09).
2. Note debts considered bad in 2008/09 totalling \$8,922.52 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Report No CC38/09).

Page Number 21**Item 7 CC39/09 PROPOSED NEW HIRE FEE FOR CHERRYBROOK COMMUNITY AND CULTURAL CENTRE FOYER SPACE**

THAT

1. Council adopt, for the purposes of public exhibition, the proposed fee for use of foyer exhibition space in the Cherrybrook Community and Cultural Centre.
2. The proposed fee be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act.
3. Following the public exhibition period, a further report be prepared for Council's consideration which details all submissions received and recommends the final fee to apply for 2009/10 in respect of the use of foyer exhibition space in the Cherrybrook Community and Cultural Centre.

Page Number 24**Item 8 CC40/09 ADOPTION OF THE MANAGEMENT PLAN 2009/10
- 2011/12 INCLUDING BUDGET 2009/10; FEES AND
CHARGES 2009/10; AND RATING STRUCTURE 2009/10**

THAT Council

1. Adopt the Management Plan 2009/10 – 2011/12, including the 2009/10 Budget and 2009/10 Fees and Charges, incorporating the amendments to the documents recommended in this Report.
2. Make and levy the Ordinary Rates for 2009/10 in accordance with the table shown in the Rates section of this Report.
3. Make and levy the Catchments Remediation Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of this Report.
4. Make and levy the Hornsby Quarry Loan Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of this Report.
5. Continue to provide eligible pensioners with a \$10 concession in respect of the Hornsby Quarry Loan Rate, represented by a reduction in the Base Amount.
6. Apply the reduced street lighting charges of \$368K to reducing the 2009/10 Budget Deficit.

Page Number 36**Item 9 CC41/09 APPLICATION FOR RENT REDUCTION - 10
DANGAR ROAD, BROOKLYN**

THAT Council support Option 2 detailed in Report No CC41/09 and reject the application from the lessee for a reduction in the rent payable for Council owned property at 10 Dangar Road, Brooklyn.

Page Number 40**Item 10 CC42/09 DOCUMENT ACCESS APPLICATIONS 21 MARCH
2009 - 22 MAY 2009**

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

Page Number 46**Item 11 CC44/09 DECLARATIONS OF PECUNIARY INTEREST AND
OTHER MATTERS**

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

Page Number 49**Item 12 CC45/09 FISCALSTAR SERVICES PTY LTD - REVIEW OF THE FINANCIAL SUSTAINABILITY OF NSW COUNCILS**

THAT the contents of Executive Manager's Report No CC44/09 be received and noted.

Page Number 51**Item 13 CC46/09 BROOKLYN COMMUNITY MEETING ROOM**

THAT

1. Council endorse the management model of "Council Management with Community Advisory Committee" for the Brooklyn Community Meeting Room and the General Manager be delegated authority to take relevant action to implement this model.
2. Council adopt, for the purposes of public exhibition, the proposed fees for use of the Brooklyn Community Meeting Room.
3. The proposed fees be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act.
4. Following the public exhibition period, a further report be prepared for Council's consideration which details all submissions received and recommends the final fees to apply for 2009/10 in respect of use of the Brooklyn Community Meeting Room.
5. In consultation with the Community, Cultural and Recreation Facilities Task Force, a report be prepared for Council's consideration which details the 12 month review of the implementation of the "Existing 377 Model of Management with Significantly Improved Performance". This report is to include considerations in relation to the resource implications associated with Council's ongoing management of new community meeting spaces across the Shire.

Page Number 56**Item 14 CC49/09 OUTSTANDING COUNCIL RESOLUTIONS**

THAT the contents of Executive Manager's Report No. CC47/09 be received and noted.

ENVIRONMENT DIVISION**Page Number 58****Item 15 EN15/09 SUSTAINABLE ACTION COMMITTEE CHARTER AND UPDATE**

THAT Council endorse the revised Sustainable Action Committee Charter 2009.

Page Number 61**Item 16 EN16/09 FOOD COMPLIANCE AND ENFORCEMENT GUIDELINES**

THAT

1. Council endorse the Environmental Sustainability and Health Team Compliance and Enforcement Guidelines for Food Related Activities in accordance with Executive Manager's report EN16/09.

Page Number 65

Item 17 EN17/09 COMPANION ANIMAL STRATEGY

THAT

1. The draft Companion Animals Strategy 2009-2011 be placed on public exhibition for four weeks.
2. A further report be presented to Council outlining the results of the public exhibition.

Page Number 68

Item 18 EN18/09 TENDER T5/2009 LABORATORY ANALYSIS OF WATER SAMPLES COLLECTED WITHIN HORNSBY SHIRE

THAT Council accept the quotation of Sydney Water Corporation Monitoring Services for all work under Tender No T5/2009 for "Laboratory Analysis of Water Samples Collected Within Hornsby Shire" for a three year period with an option to extend to a fourth year, subject to mutually agreed insurance clauses in the Contract.

Page Number 72

Item 19 EN19/09 TENDER NO. T3/2009 REQUEST FOR TENDER: FOR THE PROVISION OF CONSULTANT SERVICES TO FACILITATE THE "HORNSBY CREEK CATCHMENT URBAN SUSTAINABILITY PROGRAM"

THAT Council accept the tender from Urbis Pty. Ltd. for all requirements in accordance with the provisions of Tender T3/2009 Request For Tender: For the Provision of Consultant Services to Facilitate the "Hornsby Creek Catchment Urban Sustainability Program".

PLANNING DIVISION

Nil

STRATEGY DIVISION

Page Number 76

Item 20 ST6/09 REVIEW OF POLICIES AND CODE - CORPORATE STRATEGY BRANCH

THAT Council receive and note the contents of Report No. ST6/09 and endorse the existing policies and proposed amendments.

WORKS DIVISION**Page Number 79****Item 21 WK20/09 REVIEW OF POLICIES AND CODES - WORKS DIVISION**

THAT

1. The contents of Executive Manager's Report No. WK19/09 be received and noted.
2. Council adopt the proposed amendments to Works Division Policies and Codes as outlined in Report No. WK19/09 and its attachments.

Page Number 82**Item 22 WK28/09 2009/13 4-YEAR ROLLING WORKS IMPROVEMENT PROGRAMS**

THAT

1. Council adopt the 2009/13 4-Year Rolling Local Road and Footpath Improvement Programs presented at Appendix A and Appendix B respectively in Executive Manager's Report No. WK28/09 subject to the adoption of Council's 2009/10 Budget and the 2009/10- 2011/12 Management Plan.
2. An amount of \$25,000 is allocated in the 2009/10 Budget from the Rural component of the Local Road Improvement Program to implement the Rural Road Management Plan Long Term Recommendations, Year 6 of 10.
3. An amount of \$200,000 is allocated in the 2009/10 Budget from the Rural component of the Local Road Improvement Program for the Sealing Unsealed Roads Implementation Program, Year 5 of 10.

Page Number 90**Item 23 WK29/09 WORKS DIVISION 2009/10 ASSETS BRANCH PROGRAMMES**

THAT Council adopt the Works Division 2009/10 Assets Branch Programmes contained in the bound document dated June 2009.

Page Number 97**Item 24 WK30/09 2009/13 4-YEAR ROLLING STORMWATER DRAINAGE IMPROVEMENT PROGRAMS**

THAT

1. Council adopt the 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs presented at Appendix A.
2. Council note the requirement for future funding of \$500,000 per year to achieve these programs.

3. The Executive Manager Works Division to report on alternative funding options to bring the adopted Hornsby CBD Stage 1 and Stage 2 projects on stream within a reasonable time frame.

Page Number 103**Item 25 WK32/09 TENDER T12/2009: MINOR ASPHALT WORKS**

THAT Council accept the tender of Kizan Pty Ltd (trading as A & J Paving) for all work under Tender No. T12/2009: Minor Asphalt Works.

Page Number 107**Item 26 WK33/09 TENDER T13/2009: STABILISATION OF ROAD PAVEMENTS**

THAT Council accept the tender of Stabilised Pavements Australia Pty Ltd for all work under Tender No. T13/2009 Stabilisation of Road Pavements.

Page Number 110**Item 27 WK52/09 BEROWRA WATERS AND BROOKLYN - PARKING ISSUES**

THAT

1. The report be received and noted.
2. Council further consider the need for additional car parking in Berowra Waters and Brooklyn in the context of the car parking strategy currently being prepared by the Traffic and Road Safety Branch.

Page Number 119**Item 28 WK43/09 OXFORD STREET, EPPING - STREETSCAPE UPGRADE - PROGRESS REPORT**

THAT

1. The contents of Executive Manager's Report WK35/09 be received and noted.
2. Subject to Council's resolution WK28/09 regarding funding, the stage 2 works in Oxford Street proceed as outlined in this report.
3. Council carry over any unspent funds in 2009/2010 for Oxford Street so that the project can be completed in 2010/2011.
4. The Traffic and Road Safety Branch review the current timed restricted parking zones in Oxford Street and surrounding streets in consultation with the community with a view to converting some of the ½ hour restrictions to 1 hour or other durations considered appropriate.

-
5. That in relation to the stage 2 works, that final consultation with the Epping Civic Trust and Epping Chamber of Commerce be undertaken in relation to the recommended tree species and any other matters of concern.

Page Number 126**Item 29 WK47/09 TENDER T10/2009 - BEROWRA OVAL WATER HARVESTING SCHEME**

THAT

1. Council not accept any tender for Tender No. T10-2009 - Design and Construction - Berowra Oval Water Harvesting Scheme and that negotiations take place with Jaddfe P/L in the first instance regarding the method of tank construction proposed.
2. Council decline to invite fresh tenders or seek fresh applications from tenderers or persons expressing interest for the following reasons -: that Council has tested the market for the project and further tendering or fresh applications are not likely to produce a better result. Timing constraints imposed by the grant conditions require an early decision on this matter.
3. Subject to the conclusion of successful negotiations, Council enter into a contract with Jaddfe P/L to undertake the Berowra Oval Water Harvesting Scheme.
4. In the event that negotiations with Jaddfe P/L are not successful then similar negotiations be entered into with Collective Civil and be reported back to Council.
5. The price will be made public on formal acceptance of the tender.

Page Number 130**Item 30 WK48/09 REQUEST FOR LAND AT WISEMANS FERRY FOR AGED CARE DEVELOPMENT**

THAT

1. Council confirm the current strategy for the property to monitor and hold for future consideration of disposal options for the whole site when the property market improves.
2. Council agree that disposal of part of the site is not considered appropriate for such a strategic property holding.
3. The 'Wisemans Ferry and Districts Aged and Community Care Association Inc.' be formally advised that Council does not wish to dispose of any part of the site in the near future.

Page Number 135**Item 31 WK50/09 REDEVELOPMENT OF HORNSBY AQUATIC CENTRE**

THAT

1. Council resolve that the redevelopment of the Hornsby Aquatic Centre is a strategic priority for Council, and should proceed, subject to funding, at the earliest possible time.
2. A Councillor/staff working party be established to oversee planning for a new centre, subject to a further report to Council recommending composition and terms of reference for the working party.
3. Council determine in principle positions regarding the matters raised above.
4. A further report be prepared on funding options for recreational facilities that cannot be funded in current programs.

Page Number 139

Item 32 WK51/09 EXTENSION OF BRICKPIT SPORTS STADIUM

THAT

1. Council agree in principle to the provision of a two court extension at the Brickpit Sports Stadium.
2. Council proceed to obtain the necessary environmental approvals for the project, and prepare a detailed concept plan and supporting documentation. This work to be funded from the Thornleigh Indoor Sports Stadium Restricted Asset account.
3. Council actively seek funding (grant or other private sector) opportunities for the project.

SUPPLEMENTARY AGENDA

PUBLIC FORUM – NON AGENDA ITEMS

CONFIDENTIAL ITEMS

Item 33 GM10/09 ALLEGATION OF BREACH OF COUNCIL'S CODE OF CONDUCT

This report should be dealt with in confidential session, under s10A (a) of the Local Government Act, 1993. This report contains personnel matters concerning particular individuals.

MAYOR'S NOTES

Page Number 143

Item 34 MN6/09 MAYOR'S NOTES FROM 1 TO 30 APRIL 2009

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

QUESTIONS WITHOUT NOTICE

1 SMOKE FREE ENVIRONMENT POLICY (IN THE WORKPLACE)

EXECUTIVE SUMMARY

The Occupational Health & Safety Act 2000 requires Council to ensure the health, safety and welfare of its employees. This obligation extends to ensuring employees are not exposed to environmental tobacco smoke/passive smoking whilst in and/or around Council workplaces. The current Smoke Free Environment Policy – POL00257 documents Council's intention to ensure that employees are not exposed to environmental tobacco smoke/passive smoking in the workplace. It is proposed that the current policy be deleted as it has been replaced by the Smoke Free Environment in the Workplace Determination, which is the responsibility of the General Manager.

PURPOSE/OBJECTIVE

The purpose of this report is to recommend the deletion of the Smoke Free Environment Policy – POL00257 which has been replaced with a determination by the General Manager in accordance with the Local Government Act.

DISCUSSION

The current Smoke Free Environment Policy (in the workplace) – POL00257 does not reflect the current Council Smoke Free Environment Policy, adopted 12 March 2008, and amended 9 July 2008. To address this inconsistency the Smoke Free Environment (in the workplace) – POL00257 would otherwise require amendment. A determination issued by the General Manager now deals with this issue.

Members of Council are exempt from liability under the *Occupational Health and Safety Act 2000* which places responsibility and liability with the management of an organisation. Implementation of a determination signed by the General Manager in accordance with the Local Government Act reflects the intent of current occupational health and safety legislation. That is, occupational health and safety responsibilities are considered staff matters, and therefore dealt with within the management of the organisation.

Excerpts from the *Occupational Health and Safety Act 2000* defining employer responsibilities and local council exemption from contravention of the Act.

The *Occupational Health and Safety Act 2000* states;

Section 8 - Duties of employer,

Employees: An employer must ensure the health, safety and welfare at work of all the employees of the employer...

Section 26 - Offences by corporations - liability of directors and managers

(1) If a corporation contravenes, whether by act or omission, any provision of this Act or the regulations, each director of the corporation, and each person concerned in the management of the corporation, is taken to have contravened the same provision unless the director or person satisfies the court that:

(a)...

(b)...

- (4) *In the case of a corporation that is a local council, a member of the council (in his or her capacity as such a member) is not to be regarded as a director or person concerned in the management of the council for the purposes of this section.*

As Council's responsibilities have been appropriately discharged with the action since taken to issue a Determination, the Policy is redundant and may be deleted.

BUDGET

There are no budget implications associated with this report.

POLICY

The Smoke Free Environment Policy is now proposed for deletion, as it has been replaced with a determination by the General Manager.

CONSULTATION

Consultation has occurred with the Executive Committee, Manager, Human Resources and Council's Occupational Health and Safety Committee.

TRIPLE BOTTOM LINE SUMMARY

There are no triple bottom line implications associated with this report.

RESPONSIBLE OFFICER

The responsible officer is Ms Amanda Collins, Team Leader, Occupational Health and Safety (Ph: 9847 4853).

RECOMMENDATION

THAT the Smoke Free Environment Policy – POL00257 be deleted.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Smoke Free Environment Policy POL00257

File Reference: F2007/00038

Document Number: D01164333

2 ALLEGATION OF BREACH OF COUNCIL'S CODE OF CONDUCT

EXECUTIVE SUMMARY

Council has received two complaints alleging a breach of its Code of Conduct by the Mayor and certain members of staff, and subsequently the Deputy Mayor. The procedure for assessment of these complaints (as set out in Council's Code) cannot be followed due to conflicts of interest that may result. Legal advice has been sought, and the matter is now referred to Council for determination.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council of the receipt of two complaints alleging a breach of Council's Code of Conduct, and to seek direction from Council as to the manner in which it wishes to deal with this matter.

DISCUSSION

By letter dated 11 December 2008, the General Manager received correspondence from Mr T Richmond in which a complaint was made regarding a possible breach of Council's Code of Conduct concerning the use of resources in the lead up to the Council election of 13 September 2008. As the complaint referred to the conduct of the Mayor and members of staff, Councillors agreed that the Deputy Mayor should assess the complaint to determine if the matter should be referred to a Conduct Review Committee or Conduct Reviewer. The General Manager requested that I assist the Deputy Mayor as required in this process. The Deputy Mayor subsequently assessed the complaint in accordance with Clause 16 of Council's Code of Conduct and advised Mr Richmond of his findings.

By letter dated 13 March 2009, Mr Richmond made a further complaint under Council's Code of Conduct alleging a breach of the Code of Conduct by the Deputy Mayor in relation to his assessment of the first complaint. The General Manager has requested that I handle the complaint and assist Council as required.

Council's Code of Conduct contains procedures for investigating alleged breaches of the Code. Both the Mayor and the General Manager, depending upon the circumstances, have a role to perform, which may include determining whether allegations of a breach of the Code should be referred to a Conduct Review Committee or a Conduct Reviewer.

The first complaint involves the Mayor, and the second complaint involves the Deputy Mayor. The Mayor (and now the Deputy Mayor) have both excluded themselves from further participation in the assessment or consideration of this matter. The General Manager has excluded himself from dealing with the matter. Council's Code of Conduct is silent on the procedure to be followed, now that the Mayor and General Manager can no longer advise Council in the matter. Legal advice has been sought and has been distributed to Councillors under separate confidential cover, as it contains references to staff. Council should determine whether this advice should be made public in due course.

This matter is now referred to Council to determine an appropriate course of action regarding further investigation (or review) of Mr Richmond's initial complaint, and also in respect of his subsequent complaint. Council is separately advised insofar as Council's staff are concerned

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

Council's legal adviser has been consulted in this matter. Council has also been contacted by the Ombudsman's office and the Department of Local Government and discussions with each organisation have taken place.

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 Executive Manager Works, Maxwell Woodward.

RECOMMENDATION

THAT

1. Council determine the manner in which it wishes to deal with complaints received in correspondence dated 11 December 2008 and 13 March 2009, concerning the conduct of the Mayor and Deputy Mayor.
2. Mr Richmond, the Ombudsman and the Department of Local Government be advised of the course of action adopted by Council.

MAXWELL WOODWARD
Executive Manager

Works Division

Attachments:

1. Legal Advice DLA Phillips Fox, dated 8 May 2009, circulated under separate confidential cover. - *This attachment should be dealt with in confidential session, under s10A (2)(g) of the Local Government Act, 1993. This report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

File Reference: F2004/07038-02

Document Number: D01167018

ITEM 2

3 PROGRESS REPORT - IMPLEMENTATION OF CCTV IN THE HORNSBY MALL

EXECUTIVE SUMMARY

Following consideration of Report No CC21/09 at the March 2009 Ordinary Meeting, Council agreed in principle to accept a sponsorship proposal from Orion Integration Pty Limited and to implement an associated trial CCTV Scheme within the Hornsby Mall for a period of two years. This approval was on the basis that the trial should not commence until documents had been finalised in respect of the requirements of steps 6 to 11 of the *NSW Government Policy Statement and Guidelines for Establishing CCTV in Public Spaces* (The Guidelines) and Council had considered the likely cost implications to it of the trial CCTV Scheme.

This Report provides information on the progress made in developing a Code of Practice and Standard Operating Procedures for the trial CCTV Scheme as well as detailing the likely cost implications to Council of being involved in the trial.

On the basis that Council's involvement is as discussed in this Report, the recommendation is that Council adopt the draft Code of Practice and allow the CCTV Scheme to be implemented for a two year trial period. If the recommendation is supported, the Kuring-gai Local Area Command of the NSW Police will be provided with a tool to assist them in the reduction and policing of criminal offences in and around the Hornsby Mall.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council's resolution of 11 March 2009 in respect of Report No CC21/09 and to recommend that the implementation of a CCTV Scheme in the Hornsby Mall proceed for a two year trial period.

DISCUSSION

At the 11 March 2009 Ordinary Meeting, Council considered Report No CC21/09 - Status Report – Development of a Community Safety Plan and the Potential Implementation of CCTV in the Hornsby Mall. The Report provided details of the progress made in the preparation of a Community Safety Plan together with an assessment of the Orion Integration Pty Limited sponsorship proposal for the implementation of CCTV in the Hornsby Mall. It was resolved that:

1. *Council note the contents of Executive Manager's Report No. CC21/09 and the progress made in the preparation of the Community Safety Plan.*
2. *Council note that no submissions were received in response to the advertising of the potential installation of CCTV in Hornsby Mall and Station Street, Hornsby.*
3. *Council note the support offered by the local Police to fulfil the requirements of Steps 6 to 11 of the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces.*

4. *Council accept, in principle, the Orion CCTV Sponsorship Proposal subject to the successful completion of part 3 of this resolution and a report being submitted and accepted by Council outlining any costs to be incurred in the operation of a CCTV trial.*
5. *Subject to the acceptance of costs referred to in part 4 of this resolution, Council:*
 - a) *Install and trial the CCTV scheme for a period of two years.*
 - b) *Conduct an evaluation of the trial and its outcomes after a period of 12 months to assist in the implementation of the Community Safety Plan.*
 - c) *Review the full trial and its evaluation after two years to determine the need for the CCTV scheme to be continued.*
 - d) *Develop and implement a complaints mechanism.*
 - e) *Develop information strategies to inform the public about the operation of the trial scheme.*

Essentially, the CCTV Scheme involves the placement of four fixed closed circuit television cameras in strategic locations within the Hornsby Mall for a trial period of two years. The four cameras will be connected by a secured wireless bridge spanning from Hornsby Westfield to a secure control room located at Hornsby Police Station. All images will be recorded and retained for a maximum period of 15 days unless required in relation to the investigation of crime or for Court proceedings.

Details in respect of actions undertaken in respect of points 3 and 4 of the above resolution are provided below.

3. Council note the support offered by the local Police to fulfil the requirements of Steps 6 to 11 of the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces.

As noted by the above resolution, the Kuring-gai Local Area Command of NSW Police (KULAC) offered to undertake the initial drafting of a Code of Practice in respect of the trial CCTV Scheme to take account of the requirements of Steps 6 to 11 of The Guidelines. Those Steps are listed below for information:

- | | |
|----------------|--|
| Step 6 | Set Objectives for the CCTV Scheme and develop evaluation mechanisms |
| Step 7 | Determine the roles and responsibilities of the key players, especially the local authority and the police |
| Step 8 | Develop a Code of Practice to set the standards for and guide the operation of the Scheme |
| Step 9 | Develop and implement Standard Operating Procedures |
| Step 10 | Develop and implement ongoing monitoring and auditing mechanisms for the scheme |
| Step 11 | Determine the technical requirements of the scheme |

The draft Code of Practice provided by KULAC has been reviewed by relevant Council officers, and following further discussion between those officers and KULAC, a final draft Code has been developed which has regard to the requirements of The Guidelines. A copy is attached for Council's endorsement.

4. Council accept, in principle, the Orion CCTV Sponsorship Proposal subject to the successful completion of part 3 of this resolution and a report being submitted and accepted by Council outlining any costs to be incurred in the operation of a CCTV trial.

As detailed in previous reports to Council, The Guidelines provide a set of guiding principles and steps which local councils, transport authorities and other organisations should undertake when considering the establishment and implementation of a CCTV scheme. In the Introduction to The Guidelines, it is stated that “agencies introducing CCTV schemes should comply with the basic principles and steps....., or demonstrate clearly and openly their reasons for non compliance.”

It is evident from The Guidelines that if Council was to implement a CCTV Scheme of its own accord without the benefit of a sponsorship proposal, it would be exposed to major costs on a continuing basis in terms of equipment purchase, ongoing management and maintenance and staff resources. These costs would include:

- The purchase of CCTV equipment and associated infrastructure
- Provision for the eventual replacement/upgrade of the equipment and infrastructure
- The maintenance of the equipment and associated infrastructure
- The fit out, furnishing and management of a dedicated Control Room.
- The provision and training of staff to operate and administer the Control Room and the CCTV Scheme
- The management of requests by the Police (and potentially members of the public) for access to the stored images of the CCTV cameras
- The provision of appropriate signage and communications practices in respect of the Scheme
- The provision of miscellaneous equipment and materials for Scheme operation

Bearing this is in mind, and having regard to the trial nature of the Scheme endorsed by Council, Council officers have attempted to balance the community benefits on offer through the sponsorship proposal with a minimal involvement for Council in terms of management responsibility and financial commitment during the trial period. Council's involvement in the development of the draft Code, particularly the Sections on the Purpose, Objectives and Responsibilities of the Code, has ensured such balance is reflected in the Code. Those Sections are repeated below for convenience.

Purpose

The primary purpose of the CCTV Scheme is to deliver a safer environment by providing KULAC with a tool to assist them in the reduction and policing of criminal offences in and around the Hornsby Mall.

Objectives

The objectives of the CCTV Scheme are to assist KULAC in:

- *the facilitation of an effective police response to incidents as required;*
- *the detection of crime;*
- *the detection and apprehension of offenders;*

- *the identification and prosecution of offenders;*
- *reducing the community's fear of crime; and*
- *reducing crime and antisocial behaviour.*

Responsibilities

KULAC

- *Develop and maintain a set of SOPs in relation to the CCTV Scheme.*
- *Manage the day to day operation of Control Room activities in accordance with this Code of Practice and associated SOPs.*
- *Assess and determine appropriate responses to incidents involving or leading to a crime against person/s, other threats to public safety and/ or criminal offences.*
- *Respond to incidents identified on monitoring screens to the extent that resources and priorities allow.*

Orion Integration Pty Limited

- *Provide at no cost to the other Partners all hardware, software, licences, installation and commissioning of equipment necessary to allow the operation of the CCTV Scheme for a period of two years.*
- *Repair and maintain in good working order the cameras and associated equipment which form part of the CCTV Scheme throughout the two year trial period.*
- *Respond and attend to maintenance and repair requests associated with the CCTV Scheme within agreed timeframes.*
- *Provide training and associated operating manuals and procedures in respect of the cameras and associated equipment to allow the operation of the CCTV Scheme.*

Hornsby Shire Council

- *Maintain a Code of Practice in respect of the CCTV Scheme*
- *Consult with, and provide information to, the public about the operation and any significant proposed changes to the Code of Practice.*

In drafting the above Sections of the Code, Council officers have had regard to previous reports on this matter where it was noted that law and order is essentially a State Government responsibility and Council's costs in respect of the trial CCTV Scheme should be minimised. However, Council's desire to provide safer community spaces across the Shire is able to be reflected by its participation, in terms of the draft Code of Practice, in the trial CCTV Scheme for Hornsby Mall.

As previously mentioned, the Control Room for the trial CCTV Scheme will be located within the Hornsby Police Station. The CCTV equipment will provide live feed to the Control Room showing images of the Mall in real time, although it is understood that these live feed images will not be permanently monitored. KULAC will be responsible for reviewing and monitoring the recorded images which are provided by the cameras. Requests for accessing and viewing the recordings will be managed by KULAC in line with the objectives of the Scheme. Standard Operating Procedures have been developed and will be maintained and updated as necessary by KULAC through the term of the trial CCTV Scheme.

Having regard to the comments provided above, Council officers believe that it is appropriate for Council to proceed with point 5 of its resolution of 11 March 2009 by providing its final endorsement to the implementation of the trial CCTV Scheme in terms of the Draft Code of Practice attached.

It should be noted that, in respect of point 5d) of the abovementioned resolution, a mechanism for dealing with complaints in respect of the trial CCTV Scheme is included in the draft Code of Practice. In addition, the information strategies to inform the public about the operation of the trial CCTV Scheme referred to in point 5e) of the resolution will be by way of advertisements in local newspapers and in the Hornsby Mall Matters newsletter, and appropriate signage in the Mall.

BUDGET

Should Council be supportive of the draft Code of Practice in its current form, the cost implications for Council can be accommodated within existing budgetary constraints.

POLICY

Council's Policy regarding Involvement with Sponsorship has relevance to this Report. Although not a Council Policy, the "NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces" is also an important reference document.

CONSULTATION

There has been consultation with officers of the Kuring-gai Local Area Command and representatives of Orion Integration Pty 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. The following Triple Bottom Line considerations apply.

Working with our Community and Maintaining Sound Corporate and Financial Management.

The installation of CCTV in the Hornsby Mall in accordance with the recommendations of this Report allows Council to provide assistance to local authorities to discourage criminal or antisocial behaviour, and work towards safer and better use of community spaces within the Shire. By implementing the proposal on a trial basis, costs have been able to be kept to a minimum. This will enable a full evaluation of the effectiveness of the system before any consideration is given to a further commitment of funds.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are Mrs Robyn Abicair - Manager Administration Services Branch, and Mr Rod Drummond - Manager, Commercial Property. They can be contacted on 9847 6608 and 9847 6589 respectively during office hours.

RECOMMENDATION

THAT

1. The contents of Executive Manager's Report No. CC 35/09 be received and noted.
2. Council adopt the draft Code of Practice attached to Report No. CC35/09.
3. The CCTV Scheme for the Hornsby Mall be installed and trialled for a period of two years.
4. An evaluation of the trial and its outcomes be undertaken after a period of 12 months to assist in the implementation of Council's Community Safety Plan.
5. An evaluation be undertaken after the two year trial period to determine the need for the CCTV Scheme to be continued.

ROD DRUMMOND
Manager - Commercial Property
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Draft Code of Practice Hornsby Mall CCTV Trial Scheme

File Reference: F2005/00389
Document Number: D01154895

4 APRIL 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 30 April 2009 is \$1,488,000 compared to the year to date 2008/09 budgeted income of \$1,363,000. Of the year to date investment income earned, 48% relates to Section 94 funds held by Council and is required to be allocated to those funds.

PURPOSE/OBJECTIVE

The purpose of this Report is to advise Council of funds invested in accordance with Section 625 of the Local Government Act and details as required by Clause 212(1) of the Local Government (General) Regulation 2005 and Council's Investment Policy and Strategy which was most recently reviewed by Council at its 8 April 2009 Ordinary Meeting.

DISCUSSION

Council's Investment Performance - April 2009

- The Term Deposits achieved an annualised return of 4.38% for the month compared to the benchmark of 3.00%; and a financial year to date return of 6.37% compared to the benchmark of 5.08%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market return of 65.64% for the month compared to the benchmark of 61.91%; and a financial year to date return of -13.98% compared to the benchmark of -19.56%. 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 3.73% for the month compared to the benchmark of 3.26%. The financial year to date return at March is 6.53% compared to the benchmark of 5.95%.
- The Capital Guaranteed Notes achieved an annualised return of 0.26% for the month compared to the benchmark of 3.26%. The financial year to date at April is 0.94% compared to the benchmark of 5.95%. 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 5.28% for

the month compared to the benchmark of 3.26%; and a financial year to date return of 7.94% compared to the benchmark of 5.95%.

- For total investments, the annualised return for the month is 4.53% compared to the benchmark of 4.38%; and the year to date return after fees is 5.02% compared to the benchmark of 4.94%.

Economic/Financial Conditions

The following are extracts from Reserve Bank of Australia media releases of 5 May 2009:

At its meeting today the Board decided to leave the cash rate unchanged at 3.0 per cent.

The global economy contracted further during the first few months of this year. While the near-term outlook remains weak, there are further signs of stabilisation in several countries. The Chinese economy in particular has picked up speed in recent months and many commodity prices have firmed a little. The considerable economic policy stimulus in train in most countries should help contain the downturn and support an eventual recovery.

Conditions in global financial markets remain generally on a path of gradual improvement, with equity prices off their lows, term spreads declining and capital markets re-opening. Nonetheless, confidence remains fragile and balance sheets are under pressure from the effects of economic weakness on asset quality. Credit remains tight. Continued progress in restoring balance sheets remains essential to durable recovery.

The Australian economy contracted in the latter part of 2008, and this has continued in 2009 to date, with both domestic and international demand weaker. Capacity utilisation has fallen back to about average levels, and will decline further over the rest of the year. With demand for labour weakening, growth in labour costs will probably also fall. These conditions are likely to see inflation continue to abate, though this is occurring only gradually so far, as the effects of the decline in the exchange rate are pushing up some prices.

Australian markets have seen a decline in term spreads and firmer equity prices over recent months. Borrowing for housing is picking up, particularly among first-home buyers. Business borrowing, on the other hand, is declining, as companies curtail investment plans and seek to reduce leverage, in an environment of tighter lending standards.

Monetary policy has been eased significantly. Market and mortgage rates are at very low levels by historical standards and business loan rates are below average, reducing debt-servicing burdens considerably. Much of the effect of these changes is yet to be observed. The stance of monetary policy, together with the substantial fiscal initiatives, will provide significant support to domestic demand over the period ahead.

In assessing whether further reductions in the cash rate are required over the period ahead, the Board will monitor how economic and financial conditions unfold, and how they impinge on prospects for a sustainable recovery in economic activity.

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 6.54%. The loans taken out repay principal and interest over a 10 year period with a fixed interest rate. The Borrowings Schedule, as at 30 April 2009, is attached to this Report.

BUDGET

Total investment income for the year to date period ended April 2009 was \$1,488,000. The budgeted income for this same period was \$1,363,000. Of the investment income, approximately 48% 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 the contents of Executive Manager's Report No CC36/09 be received and noted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. April 2009 Council Investment Report
2. HSC Borrowings Schedule as at 30 April 2009

File Reference: F2004/06987

Document Number: D01156226

5 2008/09 LOAN RAISING

EXECUTIVE SUMMARY

Each year, as part of Council's Budget, proceeds from an external loan are included as a funding source for some portion of capital expenditure.

Council's loan borrowings are undertaken in accordance with the Loan Borrowings Policy which states as its objective *"To utilise, where appropriate, loan borrowings for capital projects or assets, bearing in mind Council's financial aim to have balanced annual budgets, a considered long term plan and prudent levels of debt"*.

In the 2008/09 Budget, loan proceeds of \$2 million were included. This Report seeks Council approval to borrow that amount by 30 June 2009.

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council approval to borrow \$2 million to part fund 2008/09 capital expenditure. The funds are identified as being allocated to local road improvements, oval reconstruction, reserve and community building improvements.

DISCUSSION

According to the Department of Local Government Comparative Information publication for 30 June 2007, Council had a debt service ratio of 4.91% compared to the average of all NSW councils in Category 7 of 6.09%. Although no later comparative information has been published by the Department, it is noted that Council's debt service ratio as at 30 June 2008 was 4.66% and is estimated to be 4.60% at 30 June 2009.

Council's projected 2008/09 Net Operating and Capital Position After Funding Movements, calculated as at 31 March 2009, is a balanced budget. This projected position includes income from loan proceeds of \$2 million. It is proposed, therefore, that a loan of \$2 million be drawn down in June 2009. It is noted that there is no requirement under the Local Government Act to call for tenders for the supply of loan finance.

If approved by Council, quotations will be sought from a minimum of three major financial institutions, to provide loan funds of \$2 million. In the past, Council has normally borrowed at a fixed rate for a term of ten years. In the current economic environment lending standards have been significantly tightened. Therefore, Council will need to be flexible when considering the appropriate rate and term in order to obtain the most favourable borrowing solution.

Having regard to the above, it is intended to commit Council to the loan on the day of receiving the quotes. It is, therefore, recommended that the General Manager be authorised to accept the best quote offered on that day. Drawdown of the funds will take place by 30 June 2009, after the necessary documentation has been executed.

BUDGET

The 2008/09 Budget includes a loan raising of \$2.0 million.

POLICY

The proposed loan is in accordance with Council's Loan Borrowings Policy.

CONSULTATION

There has been consultation in the preparation of this Report with the General Manager. The 2008/09 Budget, which includes these proposed loan borrowings, was adopted in June 2008 after a statutory period of consultation

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. Council approve the raising in June 2009 of a loan from external sources for an amount of \$2.0 million.
2. The General Manager be authorised to accept the best quote offered for such loan funds; to complete the necessary documentation relating to the loan; and to advise Councillors of the outcome.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06995
Document Number: D01156349

6 DEBTORS TO BE WRITTEN OFF AT 30 JUNE 2009

EXECUTIVE SUMMARY

At the Ordinary Meeting held on 10 July 1996, Council resolved that the General Manager be delegated authority to write off debts up to \$1,000 for any one debtor that is considered irrecoverable. Debts over \$1,000 and considered irrecoverable may only be written off by resolution of Council.

Each year, Financial Services Branch staff assesses outstanding debtors to determine those debts which are bad, doubtful or recoverable. Debts considered bad are either recommended for write off by the General Manager under delegated authority or submitted to Council for approval to write off. Doubtful debts are provided for in the financial records in contrast to bad debts which are written off.

It is recommended that Council write off debts considered bad in 2008/09 totalling \$4,635.88 (see Schedule A); and note debts considered bad in 2008/09 totalling \$8,922.52 which will be written off under the General Manager's delegated authority (see Schedule B).

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council approval, in accordance with Clause 213 of the Local Government (General) Regulation, to write off debts considered bad in the 2008/09 financial year.

DISCUSSION

The amount of bad debts written off by Council in accordance with Clause 213 of the Local Government (General) Regulation since 2002/03 are:

2002/03	\$15,915
2003/04	\$ 4,674
2004/05	\$ 2,043
2005/06	\$ 5,528
2006/07	\$ 7,295
2007/08	\$21,165

The fact that a debt is written off under Clause 213 does not prevent Council from taking future legal proceedings to recover the debt.

In respect of 2008/09, it is recommended that Council write-off \$4,635.88 in relation to the debt discussed below and included in Schedule A.

No Substitute Pty Ltd (Debtor Number 602701-5) - has an outstanding balance of \$4,635.88. This represents \$4,204.08 for commercial waste charges and \$431.80 in legal costs. The debt is for unpaid commercial waste collection at 10 Brennan Close, Asquith. Legal action instigated by Council to recover the debt is summarised below:

- On 8 September 2008, a seven day letter of demand was posted to the property address as well as the postal address (22/45-47 Leighton Place Hornsby).
- On 16 September 2008, a Statement of Liquidated Claim was served at 22/45-47 Leighton Place Hornsby.
- On 29 September 2008, the company accountant for No Substitute Pty Ltd phoned and advised that the company was previously in liquidation and had limited cash flow. An arrangement of \$250 per week was entered into to repay the debt.
- Arrangement payments have never been received.

Council's collection agent, Recoveries & Reconstruction (Aust) Pty Ltd, were unable to locate the business and recommended the debt be written off as further action would not be cost effective.

It is also recommended that Council note debts considered bad in 2008/09 totalling \$8,922.52 which will be written off under the General Manager's delegated authority (see Schedule B).

BUDGET

The 2008/09 budget for bad debts written off was set at \$4,000. Net available working funds will decrease by the amount of debts written off above the budgeted amount.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

This Report has been prepared in consultation with Council's debt collection agency Recoveries and Reconstruction (Australia) Pty Ltd, Council's Debt Recovery Officer and relevant Council staff.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Glen Magus, Manager Financial Services. He can be contacted on 9847-6635.

RECOMMENDATION

THAT Council:

1. Write off debts considered bad in 2008/09 totalling \$4,635.88 (as detailed in Schedule A attached to Report No CC38/09).
2. Note debts considered bad in 2008/09 totalling \$8,922.52 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Report No CC38/09).

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Schedule A
2. Schedule B

File Reference: F2004/06978
Document Number: D01158712

7 PROPOSED NEW HIRE FEE FOR CHERRYBROOK COMMUNITY AND CULTURAL CENTRE FOYER SPACE

EXECUTIVE SUMMARY

Council has recently developed a visual arts exhibition space within the foyer of the Cherrybrook Community and Cultural Centre. Due to the timing of the completion of the development, proposed fees for use of the exhibition space were not included in Council's draft Fees and Charges for 2009/10.

As a consequence, this Report seeks Council's endorsement for the public exhibition of a draft fee for the use of the foyer space. At the conclusion of the exhibition period, a further report will be prepared for Council's consideration detailing any submissions received and making a recommendation in respect to the fee to apply during 2009/10.

PURPOSE/OBJECTIVE

The purpose of this Report is to present to Council, for the purposes of public exhibition, the fee proposed to apply in respect of the use of foyer space in the Cherrybrook Community and Cultural Centre.

DISCUSSION

The construction of the new Greenway Park Early Education Centre provided an opportunity for Council to upgrade the Cherrybrook Community and Cultural Centre. The upgrade included renovations and extensions to the existing foyer to include a gallery space designed to support the Centre in hosting visual art exhibitions.

The creation of an art exhibition space in the foyer of an existing Community Centre is consistent with the strategic intent of the Hornsby Shire Council Cultural Plan 2008 – 2010. Specifically, the Cultural Plan seeks to provide a diversified range of cultural facilities and opportunities for cultural development by utilising Council's existing network of community centres and halls. The provision of community exhibition space at the Cherrybrook Community and Cultural Centre provides increased opportunities for individual artists and community groups whilst encouraging a new use of an existing facility. This initiative also has the potential to increase the revenue generated through the hire of the Centre making the Centre more financially sustainable over time.

It is proposed that a fee of \$25.00 per day apply for the hire of the Cherrybrook Centre's foyer exhibition space. This space includes the walls, gallery and lighting systems provided together with the small office adjacent to the main Centre Office. The small office space is available for use by staff/community groups manning the exhibition and/or for storage of art works prior to exhibition.

It is noted that an exhibitor normally requires hire of the small or large hall in the Centre for the opening night of their exhibitions. The fee for the hire of these halls, which were included in the public exhibition of Council's 2009/10 draft Fees and Charges, are \$45 and \$77 per hour respectively (with a minimum hire period of three hours). This fee structure, and

conditions of hire, is similar to those for exhibition space in the foyer of the Berowra Community and Cultural Centre. The fees for that Centre were also included in the public exhibition of Council's 2009/10 draft Fees and Charges.

If Council is supportive of the proposed fee to apply in respect of use of the Cherrybrook Community and Cultural Centre foyer space, the fee will be exhibited for public comment for 28 days as required by the Local Government Act. The exhibition period provides members of the public, as well as Councillors and staff, the opportunity to make submissions in respect of the fee.

At the conclusion of the public exhibition period, all submissions received will be detailed in a further report for Council to consider prior to adoption of a final fee. Such a report is expected to be provided to the 12 August 2009 Ordinary Meeting.

BUDGET

There are no adverse budgetary implications associated with this Report.

POLICY

This Report seeks to implement one of the recommendations of the Hornsby Shire Cultural Plan 2008-2010.

CONSULTATION

The proposed fee for the use of foyer exhibition space in the Cherrybrook Community and Cultural Centre was developed in consultation with the Centre's Section 377 Management Committee.

TRIPLE BOTTOM LINE SUMMARY

A Triple Bottom Line assessment is not required of this Report as it reports on the implementation of an adopted chapter of the Social Plan.

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 adopt, for the purposes of public exhibition, the proposed fee for use of foyer exhibition space in the Cherrybrook Community and Cultural Centre.
2. The proposed fee be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act.
3. Following the public exhibition period, a further report be prepared for Council's

consideration which details all submissions received and recommends the final fee to apply for 2009/10 in respect of the use of foyer exhibition space in the Cherrybrook Community and Cultural Centre.

SAMANTHA COLBERT
Coordinator - Cultural and Community
Facilities
Corporate and Community Division

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06405
Document Number: D01160429

8 ADOPTION OF THE MANAGEMENT PLAN 2009/10 - 2011/12 INCLUDING BUDGET 2009/10; FEES AND CHARGES 2009/10; AND RATING STRUCTURE 2009/10

EXECUTIVE SUMMARY

Council is required to adopt a Management Plan by 30 June each year. The Management Plan outlines Council's strategic direction and summarises the key actions and activities, performance measures and resources required to deliver these activities. The Management Plan also incorporates information relating to Council's annual budget and proposed fees and charges, together with forecasts for the next two years.

The draft Management Plan 2009/10 – 2011/12, including the draft 2009/10 Budget, Fees and Charges and Rating Structure was presented to Council at the Ordinary Meeting held on 8 April 2009. The draft documents were publicly exhibited from 13 April until 15 May 2009 and submissions invited. 60 submissions were received and are summarised in this Report as well as being available as a consolidated document in Council's record management system (Document No D01167274).

Following staff consideration of the submissions received, the recommendations are that Council:

- Adopt the Management Plan 2009/10 – 2011/12, including the 2009/10 Budget and 2009/10 Fees and Charges, incorporating the amendments recommended in this Report
- Make and levy the ordinary rates, catchments remediation rate and the Hornsby Quarry loan rate in accordance with the rating statement exhibited in the draft Management Plan 2009/10 – 2011/12.

Once adopted, the final Management Plan 2009/10 – 2011/12 incorporating the Budget for 2009/10; Fees and Charges for 2009/10; and Rating Structure for 2009/10 will be distributed electronically and in hard copy to Councillors, staff and interested persons.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with information and recommendations regarding the submissions received in respect of the public exhibition of the draft Management Plan for 2009/10 – 2011/12 (including the Budget for 2009/10, the Fees and Charges for 2009/10 and the Rating Structure for 2009/10).

DISCUSSION

Consultation on the Draft Management Plan

The Local Government Act requires that Council exhibit its draft Management Plan and take into consideration submissions that have been received before adopting the final Plan.

During the exhibition period from 13 April 2009 to 15 May 2009, copies of the draft Management Plan were distributed to libraries and mailed to local chambers of commerce, progress associations, residents' groups, interested individuals and Members of Parliament. All families using Council's child care services were notified of the proposed child care fee increases.

Council staff offered to meet with individuals and groups to discuss the draft Management Plan, however no group or individual availed themselves of this service.

Submissions on the draft Management Plan

60 submissions were received from members of the public, 50% within the formal exhibition period and the remainder either before or after the exhibition period. The full text of all submissions are recorded in one document and logged on Council's records management system as Document No D01167274.

Of the 60 submissions:

- 11 relate to the proposed increase in childcare fees including a nappy fee
- 41 comment on the parking and traffic issues at the entry to Cherrybrook shopping village and the congestion on Shepherds Drive
- two request amendments to the proposed footpath improvements program
- two are on behalf of local sporting organisations who are concerned at the proposed increase in fees for using sports fields
- one, from the Hornsby Chamber of Commerce, comments on the decreased funding for security in the Hornsby Mall
- one, from Council's Manager Financial Services, notifies of favourable changes to the 2009/10 budgeted amount for street lighting
- one suggests numerous improvements with a sustainability focus and comments on layout, format, content and performance indicators
- one (late submission) on behalf of the Normanhurst Combined Playgroup requests the hall hire fee for Hawkins Hall not increase by \$1 per hour

The submissions are summarised below, with staff recommendations in italics.

11 Submissions – Child care fees (all received during exhibition period)

Name	Issue	Staff Recommendation
Rosita Keyanian	Opposes the increase in child care fees noting the increase is greater than 10%.	<p>Council has determined that fees for child care should reflect the full cost of delivering the service, including administrative and operating costs. The fee increases proposed for 2009/10 reflect that determination.</p> <p>The proposed fee increases are aligned to the Department of Local Government document “Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality”.</p> <p>Council’s child care services are provided to 380 families and less than 3% of those have made a comment on the proposed fee increase.</p> <p>At the same time Council is aware of the economic impact of this decision on families.</p> <p><i>It is recommended that the proposed fees for care be adopted. It is also recommended the fee for nappies be applied to sessional care only, noting that if users of sessional care bring own nappies the nappy fee will not apply.</i></p> <p>(Sessional care is care provided on an irregular basis, for example when emergency care is needed because of ill health of primary carer).</p>
Rebecca Collins	Opposes the increase in child care fees, particularly the early (July) introduction of fee increase at Cherrybrook rather than January 2010.	
Claire Sachdev	Opposes the increase in child care fees particularly the increase for those aged 2-3 years and suggests \$75 per day rather than \$78. Concerned that the fees are similar to for-profit centres and Cherrybrook is a not-for-profit centre and therefore fees should be less.	
Marie and Mark Bertinetti	Opposed to the increase in fees, particularly for under 3’s. Also opposed to the nappy fee and requests that carers provide own.	
Jackie and Anthony Ryan	Opposed to the increase in fees. Also questions the charging of care on public holidays when the centres are not open and feels the burden of this payment should be distributed on all not just those that would attend on those days.	
Alice Dempsey	Opposed to the increase in child care fees and the proposed increase of fees for both nappies and breakfast. Also would like a full time director or two part time directors at the Westleigh Centre – child attends 2 days/week and the director does not work those days.	
Penny Dalton	Requests clarification regarding the nappy fee, i.e. All children or only those in sessional care.	
Alan Khaw	Concerned that the fee increases are primarily administrative fees, not opposed to fee increase providing the additional funding is directed at permanent staff retention, not administrative costs. Opposed to nappy fee and considers the late fee to be too high. Does not want childcare run on a commercial basis	
Natasha Loh	Concerned re the fees increase particularly in relation to age 2 to 3 years group. Suggests \$74.50 a day which is the average taken between \$78 and \$71.	
Narelle Bowly	Concerned re the two step greater than 10% fee increase at Westleigh. Recognises the need for the second step for under 3’s, but feels the first step fee increase moves towards private care fee level without any added facilities or services. Would like more transparency re the fee increase. Also concerned re the \$2 fee for nappy.	
Preety Duggal	Concerned at the frequent increase in child care fees, particularly at a time of economic downturn. If fees must go up, suggests extending the opening hours to at least 30 minutes earlier and later.	

41 Submissions – 11 received during formal submission period, 30 received prior to submission period. 40 support action re Cherrybrook traffic issues, 1 does not support allocating funds to this project.

Name	Issue	Staff Recommendation
Shirley Brushaber	Requests improvements to ease traffic flows at entry to Cherrybrook village shops.	<p>Resident concerns relating to the operation of the roundabout as Shepherds Drive/Kenburn Ave and the need for a second access to the Cherrybrook Shopping Centre have previously been drawn to Council's attention.</p> <p>Cherrybrook traffic issues identified in submissions include:</p> <ul style="list-style-type: none"> • Operation of roundabout • Parking kerb-side in Shepherds Drive near roundabout • Parking conflicts at Greenway Park (Community Centre/Child Care Centre/Shops/Aquatic Centre) • Pedestrian access to the shops • Vehicular access to the Shopping Centre and the traffic operations in the Centre • Parking overflow in Kenburn Ave/Tallowwood Ave • Traffic and pedestrian safety at John Purchase Primary and Cherrybrook Technology High Schools
Warwick Best	Requests improvements to ease traffic flows at entry to Cherrybrook village shops and suggests 2 nd entry/exit.	
Fiona Turnbull	Concerns regarding safety and traffic conditions at the roundabout at Shepherds Drive/Kenburn Rd/Cherrybrook Village and supports action to address and resolve traffic issues.	
Craig Delahoy	Concern regarding the traffic conditions leading into and out of the Cherrybrook Village shops. Feels the only safe solution is to have a dedicated left turn lane cut deeper into the parkland, and separated from the straight ahead traffic by a pedestrian refuge. Even better would be to somehow find a second entrance into the village – having one lane in and one lane out to such a busy shopping village is insane.	
Brad Weir	Supports the need for improved entry and exit at the shopping village and improvements at the roundabout. Also concerned at pedestrian entry and exit Concerned re the water quality at Lakes of Cherrybrook, the aeration and oxidation system does not appear to be working.	
Keith Bryan	Concerned re road layout and supports action to address and resolve traffic issues regarding safety and traffic flow at the roundabout at Shepherds Drive/Kenburn Rd/Cherrybrook Village.	
Sue Morris	Supports action to address and resolve traffic issues.	
KC Lim	Supports action to address and resolve traffic issues.	
M and C Sullivan	Supports action to address and resolve traffic issues.	
Morris Jones	Supports action to address and resolve traffic issues.	
Larry Martin	Supports action to address and resolve traffic issues.	
Carol Hughes	Supports action to address and resolve traffic issues.	
Helen Esmond	Represents the strata committee of a block of 24 units and supports action to address and resolve traffic issues. Also concerned at the height of the flowering agapanthus plants on the roundabout, blocking visibility. Also requests council lobby the centre management to repaint the zebra crossing lines.	
Chris Willoughby	Supports action to address and resolve traffic issues, also requests another entry / exit to the shops.	
Bob Garrard	Substantial submission, supports action to address and resolve traffic issues. Wants improved urban amenity and improved functional design of buildings and building access-ways and walkways.	

Name	Issue	Staff Recommendation
Gordon Lang	Supports action to address and resolve traffic issues.	<u>Comment</u>
Brian Ziolkowski	Supports action to address and resolve traffic issues and also very keen to have a second entry and exit point at the shopping village.	Investigations in respect of each concern have commenced and will continue after the
Jonathan Moss	Supports action to address and resolve traffic issues and suggests extending the 3 hour park limit to local streets near to the shopping village. Suggests a ranger patrol the 'parents only' drop off point at kindergarten.	Management Plan is adopted by Council. A cohesive report which comments on all the issues and recognises the inter-
Brad Molloy	Supports action to address and resolve traffic issues, also suggests a second entry exit point at the opposite end of the complex, plus pedestrian bridge across New Line Rd near roundabout, with a ramp for wheel chair access, or alternatively an underground tunnel, close to the roundabout, with a ramp for wheel chair access.	connected nature of many of the issues will be presented to Council for consideration at the July Ordinary Meeting.
Ken and Lorraine Hosgood	Concerned at poor access to the shopping village and consider it a council issue because of the original approval of DA.	Other matters raised in the submissions are of a maintenance/operational nature and have been referred to the appropriate area of Council for attention.
Kim Montague	Supports action to address and resolve traffic issues and also suggests a second entry exit point. Concerned that pedestrians and cyclists are dissuaded from using the centre.	<i>It is recommended that Council receive and note the submissions relating to</i>
Ruth Stewart	Supports action to address and resolve traffic issues.	<i>traffic issues at</i>
Craig Cashmore	Supports action to address and resolve traffic issues.	<i>Cherrybrook and that the</i>
Vivien Araghi	Concerns regarding safety and traffic conditions at the roundabout at Shepherds Drive/Kenburn Rd/Cherrybrook Village and supports action to address and resolve traffic issues.	<i>Management be adopted, including the projects to investigate traffic issues and traffic options for Cherrybrook.</i>
James Kelso	Does not support the allocation of council funds to rectify access to the Cherrybrook shops, considers the whole area needs a redesign and is the responsibility of the business owners.	
Andrew McIntosh	Strongly supports second entry and exit points at the shopping village. The current situation is dangerous and inadequate.	
Joe Ruggero	Supports action to address and resolve traffic issues, agrees with the idea of 'sacrificing' a small part of Greenway Park to improve entry/exit to shops.	
Kathy Vaughan	Supports action to address and resolve traffic issues. Also requests a pedestrian crossing to the shops somewhere on New Line Road.	
John Lauder	Believes the current two lanes at the roundabout are below civil engineering standards and requests a design review and modification.	

Name	Issue	Staff Recommendation
Steven Williamson	<p>Supports action to address and resolve traffic issues and wants a safe pedestrian crossing for access to John Purchase and Technology High School. Suggestions for improvement:</p> <ol style="list-style-type: none"> 1. Clear road markings for crossing point. 2. Improved road finalize for motorists warning of upcoming crossing 3. Consider lighting e.g. flashing warning lights or even traffic lights 4. Safer refuge island in the mid point of the road e.g. Fitted with barriers 5. Roads department conduct thorough risk assessment of the crossing 	
Jenny Ninness	Supports action to address and resolve traffic issues.	
Susan Carrasco	Supports action to address and resolve traffic issues.	
Colleen Gahan	Supports action to address and resolve traffic issues. Objects to the current on-street parking controls near the intersection of Shepherds Drive and The Manor.	
Gordon Boath	Suggests reconfiguring and reversing the exit and entry points i.e. exit via current entry point and vice versa and introduce a front-to-curb rule.	
Lyndal Hayward	Wants improved and safer pedestrian access to the Cherrybrook shops. Crossing the roads is extremely dangerous for pedestrians.	
Sharyn DiNatale	Very concerned at the traffic congestion at roundabout and considers a pedestrian incident very likely.	
Petition/ submission	<p>24 ratepayers banded together to express concern at aspects of Cherrybrook village</p> <p>Second entry/exit point</p> <p>Widen the lanes at the roundabout so cars can go straight ahead</p> <p>Investigate making the roundabout at Shepherds Drive and New Line Road safer.</p>	
Barry George	<p>Concerned re the dangers of traffic on Shepherds Drive because</p> <ul style="list-style-type: none"> • Parked cars obstruct the view of those exiting their driveways • Although it is a 50kph zone traffic travels much faster. <p>Suggests</p> <p>‘No Parking’ between Glamorgan and Lemongrass Place on western side of Shepherds Drive</p> <p>Flashing signs to advise motorists of current speed.</p>	
Nick McIntosh	An extensive submission which list a number of issues and potential solutions. The issues relate to the roundabout and widening, while the solutions offered include a second entrance, abolition of street parking adjacent to the shops at peak periods, improvements to the roundabout and lights at Hastings Road.	

Name	Issue	Staff Recommendation
Simon Wicks from Raine and Horne on behalf of the residents of The Manor	Responding to Council's letter to Ms Gahan which concerns The Manor and the impact of on-street parking. Council's letter describes the Aust. Standards and comments that The Manor meets the standards and therefore no further action will be taken at this time, however the situation will be monitored. Raine and Horne, on behalf of residents, are requesting Council reconsider its position.	
David Wasson	Expressing irritation re the difficulty in accessing Cherrybrook shops and considers the roundabout to be a planning failure and a contributing factor to the traffic issues.	

8 Submissions – General

(7 received during formal submission period, 1 received after submission period closed)

Name	Issue	Staff Recommendation
Sustainable Action Committee	<p>Large document with many suggestions for improvement, including an improved format and layout aligned to the goals of each of the five strategic themes.</p> <p>This suggestion will be the basis for layout in future management plans.</p>	<p>The submission contains numerous improvements to the content of the document as well as the layout. <i>Most language suggestions and improvements to document 'intent' are recommended for inclusion in the final document.</i></p> <p>Some recommended improvements to layout will be accommodated in next year's document.</p> <p>The suggestion for improved performance indicators, particularly those with a sustainability focus, will be addressed by the Sustainable Action Committee during 2009/10.</p>

Name	Issue	Staff Recommendation
Pennant Hills District Civic Trust	<p>Requests the inclusion of two footpath projects in 09/10.</p> <ol style="list-style-type: none"> 1. Lower end of Britannia Street 2. From Paling and Cavendish Streets to Thornleigh shops <p>Information regarding Thornleigh projects <i>The following Footpath Improvement Program (FIP)/ Regional and Local Community Infrastructure Program (RLCIP) projects have been completed in the Thornleigh area during the past three years:</i></p> <p>2008/09 FIP, RLCIP</p> <ol style="list-style-type: none"> 1. Bellevue St, Thornleigh (Pennant Hills Rd – Wood St) - \$16,000 (FIP) 2. Sefton Rd, Thornleigh (No. 1-5 Sefton Rd) - \$28,000 (RLCIP) 3. Wood St, Thornleigh (Bellevue St – Thornleigh St) - \$16,000 (RLCIP) <p>2007/08 FIP</p> <ol style="list-style-type: none"> 1. Sinclair Ave, Thornleigh (Roach Ave – Duffy Ave) - \$7,000 (FIP) <p>2006/07 FIP</p> <ol style="list-style-type: none"> 1. Sinclair Ave, Thornleigh (Oakleigh Rd – Barrett Ave) - \$ 5,000 (FIP) 2. Barrett Ave, Thornleigh (Sinclair Ave – Nicholson Ave) - \$17,000 (FIP) 	<p>1. Britannia St lower section: Project is one of many receiving consideration for inclusion in the next 2009/13 4-Year Rolling Footpath Improvement Programs. List is currently being finalised for submission to Council's Ordinary Meeting on 10 June 2009.</p> <p>2. Cavendish St: Project is still very low on the Priority List for C Ward as this street is located quite some distance from the shopping generator at the corner of the Comenarra Pkwy and Wood St. Council has recently constructed footpaths in Bellevue St and Wood St as part of the footpath network in this area.</p> <p><i>It is recommended that Council consider its Shire – wide Rolling Footpath Improvement Program as contained in Report WK29/09 10th June 2009.</i></p> <p>.</p>
David Stevens	<p>Requests the footpath improvements for Bambil to Yallambee Roads be implemented in 2009/10 as per council's forward plans in the previous Management Plan. The second concern pertains to the dangerous condition of the intersection of Yallambee and Bambil Roads, Berowra, which has been reported to council on numerous occasions. There was a proposal sent to the residents dated 19th November 2008.</p> <p>Since then we have not heard anything from council, and I cannot find anything in the capital works programme. Will council still proceed with a low cost resolution?</p>	<p>Bambil Rd, Berowra footpath project from substation to Yallambee Rd is listed in the current 2008/11 3-year Rolling Footpath Improvement Programs and recommended for inclusion in the 2009/10 Program. <i>This project will be part of the Program submitted to Council for its consideration and adoption at its 10 June 2009 Ordinary Meeting.</i></p> <p>The Manager Traffic advised the Yallambee Rd/ Bambil Rd junction improvement has been scheduled for implementation in June 2009.</p>

Name	Issue	Staff Recommendation
John Ceccato	Submission on behalf of the Hornsby Shire Sports Council. Concerned at the fee increase greater than CPI, which will have to be passed to users of the sports-fields via increased membership fees. Prefers that the fee increases are at least pegged to CPI.	Council determined that fees for use of sports-fields in Hornsby Shire should more closely align to fees charged by other local councils, and therefore increase more than the consumer price index in 2009/10.
North Sydney Junior Rugby League	Concerned at the increase in fees for use of sportsgrounds. Requests fees not increase or increase only by CPI rather than the percentage proposed. Fears the clubs will need to raise membership fees to cover increases.	The proposed fee increase is based on that determination. <i>It is recommended that the proposed fees exhibited in the draft Fees and Charges 2009/10 be adopted.</i>
Manager Financial Services	Advising the street lighting budget in Works Division can be reduced by \$368K to \$1.9m because the energy regulator has not approved the increases sought by Energy Australia.	<i>It is recommended the \$368,000 formerly allocated to street lighting now be applied to reducing the anticipated budget deficit from \$711K to \$343K.</i>
Hornsby Chamber of Commerce	Requests the funding to the Hornsby Mall not be reduced - seeks an increase in funding for safety initiatives.	This submission relates to the determination by Council not to progress the Mall Ambassador program at this stage and to reduce the mall security budget by \$100,000 for 2009/10. The 2009/10 Budget still includes approximately \$50,000 for security programs in the Mall. This is separate to the CCTV proposal for the Mall which is expected to be operational in 2009/10. <i>It is recommended the exhibited level of funding be adopted.</i>
Jane Barnwell on behalf of the Normanhurst Combined Playgroup	Requests the regular hire fee for Hawkins Hall does not increase by \$1 per hour, exhibited to increase from \$8 to \$9 per hour, citing the increased insurance costs and other fees which impact on the group.	Council uses its Pricing Policy to determine the fees for use of community facilities. In this instance the Playgroup receive a subsidised fee in recognition of the community benefit derived from playgroup. <i>It is recommended the increase of \$1 per hour be adopted.</i>

2009/10 Rates

The Minister for Local Government announced a rate pegging increase of 3.5% on 3 April 2009 for the 2009/10 rating year. The rates structure included in the draft Management Plan (repeated below) was based on this increase, as was the Catchments Remediation Rate and the Hornsby Quarry Loan Rate. There were no submissions received regarding the proposed rates or rating structure.

Ordinary Rates

Category	Minimum Amount \$	Base Amount \$	Base Amount %	Ad Valorem Rate per \$	Yield \$	% of Total Rate
Residential	0	390	45	0.00143894	46,457,100	87.5
Farmland	0	390	28	0.00112283	421,100	0.8
Business	419	0	0	0.00427017	3,582,400	6.8
Business- Hornsby CBD	419	0	0	0.00929164	2,580,600	4.9
Total					53,041,200	

Catchments Remediation Rate

(N.B. There are no minimum or base amounts in respect of this rate)

Category	Ad Valorem Rate per \$	Yield \$
Residential	0.00013064	2,314,300
Farmland	0.00007791	21,300
Business	0.00022358	180,500
Business-Hornsby CBD	0.00046639	130,100
Total		2,646,200

Hornsby Quarry Loan Rate

Category	Base Amount \$	Base Amount %	Ad Valorem Rate per \$	Yield \$
Residential	18	39	0.00008455	2,468,300
Farmland	28	38	0.00005145	22,600
Business	48	50	0.0001192	191,800
Business Hornsby CBD	112	42	0.00028835	138,200
Total				2,820,900

Total Rates Levied**58,508,300**

BUDGET

The draft 2009/10 Annual Budget estimated a deficit of \$711,269. This result was predicated on an increase in rates of 3.5% as allowed by the Minister for Local Government; a nil increase to operating budget material and contract expenditure despite substantial price increases; a 3.2% award increase to labour which was 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.

During the public exhibition period, the Australian Energy Regulator announced that the increase to street lighting charges would not be approved at the level sought by Energy Australia. As a consequence Council's street lighting budget for the 2009/10 financial year was able to be reduced by \$368K to \$1.9 Million. It is recommended that this reduction in budgeted expense of \$368K be applied to reducing the estimated 2009/10 budget deficit. The revised budget deficit for the 2009/10 financial year would, therefore, be reduced to \$343K.

Council, through the Finance and Strategy Task Force, is undertaking a comprehensive review of all services provided by Council. This review will be completed in June 2009 with the aim of reducing the 2009/10 annual budget deficit. It would be preferable for this review to be completed prior to there being any further reductions in budget expenditure on what might be perceived as an ad hoc basis. It is anticipated that any net budget reductions resulting from these service reviews would be brought to account during the 2009/10 quarterly budget review process to balance Council's annual budget by June 2010.

The Financial Overview on pages 21-22 of the Management Plan includes 2010/11 and 2011/12 financial forecasts with a result as follows:

- 2009/10 \$343K Deficit (subject to the approval of recommendation 6 below)
- 2010/11 \$0 i.e. a Balanced Budget
- 2011/12 \$0 i.e. a Balanced Budget

The projections are based on the issues and themes in the Strategic Financial Plan along with numerous assumptions regarding rate pegging increases, Award increases and general inflation. The 2010/11 and 2011/12 projections, which indicate a break-even budget result, have been prepared based on estimates and assumptions currently available. These estimates and assumptions will be further refined in the next update of the Long Term Financial Plan.

POLICY

The Management Plan is Council's principal instruction to its organisation.

CONSULTATION

The proposed Management Plan, Budget and Fees and Charges have been prepared after detailed discussions with relevant staff, consideration by Council and public exhibition of draft proposals.

Councillors received a briefing on the contents of the draft Management Plan and Budget on 26th March 2009.

Publicity included advertisements in the three local papers as well as prominent signage at five libraries.

The draft Management Plan and Budget was posted to 20 local community groups and eight Members of Parliament.

All users of Council's child care services were advised of the proposed fee increases for 2009/10.

TRIPLE BOTTOM LINE SUMMARY

Sustainability principles are a determining characteristic of this Management Plan both in content and in preparation.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council:

1. Adopt the Management Plan 2009/10 – 2011/12, including the 2009/10 Budget and 2009/10 Fees and Charges, incorporating the amendments to the documents recommended in this Report.
2. Make and levy the Ordinary Rates for 2009/10 in accordance with the table shown in the Rates section of this Report.
3. Make and levy the Catchments Remediation Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of this Report.
4. Make and levy the Hornsby Quarry Loan Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of this Report.
5. Continue to provide eligible pensioners with a \$10 concession in respect of the Hornsby Quarry Loan Rate, represented by a reduction in the Base Amount.
6. Apply the reduced street lighting charges of \$368K to reducing the 2009/10 Budget Deficit.

GARY BENSLEY
Executive Manager
Corporate and Community Division

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00630

Document Number: D01160824

9 APPLICATION FOR RENT REDUCTION - 10 DANGAR ROAD, BROOKLYN

EXECUTIVE SUMMARY

The tenant of the retail cottage at 10 Dangar Road, Brooklyn (Mrs Mary Lou Stapleton) has submitted an application requesting a reduction in the level of rental payable under her tenancy arrangement to a maximum of 50% of the current rental of \$175.00 per week (exclusive of GST). Mrs Stapleton is of the opinion that the circumstances outlined in the DISCUSSION section of this Report are sufficient for her to receive rental assistance. Mrs Stapleton has indicated that should Council agree to her request she would consider entering into another short term lease of the cottage.

This Report contains background information on the application by Mrs Stapleton and provides two options for Council's consideration. They are outlined in the DISCUSSION section of this Report. Council officers recommend Option 2 i.e. that the application for a variation of the rent payable be rejected.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide for Council's consideration, information concerning a rent reduction application in respect of 10 Dangar Road, Brooklyn.

DISCUSSION

Background

Council owned property known as 10 Dangar Road, Brooklyn, containing a free standing weatherboard and colourbond roof sheeted cottage, is classified as operational land under the Local Government Act 1993. The cottage is approximately 90 years old and is listed as a heritage item of local significance under Schedule D of the Hornsby Shire Local Environmental Plan (HSLEP) as it is a good example of an early Federation weatherboard cottage. Under Clause 18 of the HSLEP, development consent is required to carry out development to a heritage item.

The subject property adjoins other Council owned land (2 - 4, 6 and 8 Dangar Road) on which are located a retail shop (currently leased as an Oyster Bar); a Senior Citizens' Centre; and a Community Health Centre and carparking spaces which are licensed to local residents. A garage and carport located behind the subject building is presently used by Council's Works Division and does not form part of the tenanted cottage. A single outdoor toilet is shared by the occupants of both 8 and 10 Dangar Road, Brooklyn.

In December 2006 (see Report No CC94/06) Council granted Mrs Mary Lou Stapleton a six month lease of the retail cottage at 10 Dangar Road Brooklyn at a less than market rental of \$175.00 per week (exclusive of GST), subject to termination at the end of the initial term by one month's written notice. The cottage was to be used by Mrs Stapleton as: a retail outlet selling goods to raise money for various charities; a display and point of sale for local artists' works; a display area for local historical photographs; and the supply of tourist information brochures. It was noted in Report No CC94/06 that in granting Mrs Stapleton a lease of the

cottage it would be necessary for Council to increase the provision of foregone rental by an annualised amount of \$4,600. The six month lease with Mrs Stapleton expired in August 2007 and she has continued to occupy the cottage on a monthly holding over basis in line with the conditions mentioned above.

Mrs Stapleton has now submitted an application (included as a confidential attachment to this Report under Section 10A (2) (b) of the Local Government Act) requesting a reduction in the level of rental payable to a maximum of 50% of the current rental of \$175.00 per week exclusive of GST. Mrs Stapleton has advised that she provides a valuable service to the Brooklyn community and that the current state of the economy is adversely impacting on the operation of her business. Mrs Stapleton has also indicated that should Council agree to her request, she would consider entering into another short term lease of the cottage.

It should be noted that in recent times any tenancy arrangements negotiated in respect of the properties located in Dangar Road, Brooklyn have generally been limited to a maximum term of three years having regard to the possible future redevelopment of those properties. Council's Property Development Manager has recently confirmed that the negotiation of any future lease of the cottage should be limited to a term of three years and, in addition, it would be advantageous to establish a common expiry date with occupiers of the adjoining Council owned properties.

Comments on the rent reduction application from Mrs Stapleton

In line with Council's Lease/Licence of Council Land Policy, all occupiers of Council's commercial properties are required to pay a market rental. As mentioned above, in granting a lease of the cottage at a rental of \$175.00 per week the level of foregone rental incurred by Council increased by \$4,600 per annum. Advice recently received from Council's consulting valuer has indicated that market rentals applying to retail premises in the Brooklyn area range from \$178.00 per week to \$240.00 per week net of outgoings and GST. Currently the adjoining Council owned retail outlet at 8 Dangar Road Brooklyn is leased for a period of three years with a two year option at a rental of \$270.00 per week net of outgoings and GST. Although the current tenant of No. 10 Dangar Road has occupied the cottage for a period in excess of two years there have been instances during this time where it has been necessary for Council officers to implement appropriate action to ensure compliance with the terms of the tenancy arrangement and credit control requirements.

Having regard to the comments provided above Council officers are of the opinion that there are two options to consider in respect of the application:

Option No. 1: Reduce the rental payable and note the reduction as foregone rental

Although the current Policy for the Leasing/Licensing of Council Land does not make provision for a variation of an assessed rental there is opportunity for Council to consider part of a rental as a foregone rental contribution. Accordingly, should this option be supported Council will (irrespective of whether a further short term lease is granted to Mrs Stapleton) forego a further minimum rental of \$3,900 per annum. However, there is potential that this action may result in an application being received from the lessees of other properties in that locality seeking a similar concession. In view of the fact that the current rental rate already incorporates a proportion of foregone rent, and that further reduction in the rental required has the potential to create an undesirable precedent, Council officers do not support this Option.

Option No. 2: Reject the application for a variation of the rent payable

The rejection of the application will ensure consistent compliance with Council's current policies in respect of the management of its commercial income producing portfolio and the general principles of user pays. By refusing the application, the likelihood of creating a precedent is also removed. Although rejection of the application may result in Mrs Stapleton vacating the cottage, Council officers consider that, in the event that the tenant no longer wishes to occupy the cottage, it would not be unreasonable to offer the cottage for lease on the open market for a period of three years. While the implementation of this action would take approximately two months to complete, it is considered that this action would maximise the opportunity for Council to achieve a financial return more in keeping with existing market levels. Having regard to the comments above, Council officers consider this to be the preferred Option.

BUDGET

In supporting Option 1, it will be necessary to increase the level of foregone rental in the 2009/10 Budget by \$3,900, to \$622,260 per annum. In supporting Option 2 there will be no adverse impact on the 2008/09 and 2009/10 Budgets.

POLICY

This Report has been prepared having regard to Council's Lease/Licence of Council Land Policy.

CONSULTATION

There has been consultation in the preparation of this Report with Council's Property Development Manager and the current occupier of 10 Dangar Road Brooklyn, Mrs Mary Lou Stapleton.

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.

Maintaining sound corporate and financial management.

This Report takes into consideration the policy statements of Council's Lease/Licence of Council land policy - which endeavours to ensure commercial occupiers of Council land and buildings pay market rentals while supporting the general principles of user/pays.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are Mrs Robyn Abicair, Manager Administration Services Branch and Mr Rod Drummond, Manager - Commercial Property who can be contacted on 9847 6608 and 9847 6589 respectively during office hours.

RECOMMENDATION

THAT Council support Option 2 detailed in Report No CC41/09 and reject the application from the lessee for a reduction in the rent payable for Council owned property at 10 Dangar Road, Brooklyn.

ROD DRUMMOND
Manager - Commercial Property
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Rent reduction Application from Mrs Mary Lou Stapleton - *This attachment should be dealt with in confidential session, under s10A (2)(b) of the Local Government Act, 1993. This report relates to the personal hardship of a resident or ratepayer.*

File Reference: F2004/08975
Document Number: D01163502

10 DOCUMENT ACCESS APPLICATIONS 21 MARCH 2009 - 22 MAY 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 reviewed at the Ordinary Meeting of 8 April 2009 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 21 March 2009 to 22 May 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 21 March 2009 to 22 May 2009

There were 206 applications processed under Council's Document Access Policy in the period 21 March 2009 to 22 May 2009. The time taken to process these 206 applications was 350 hours. An additional 25 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 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 206 applications processed in the period, 32 applications resulted in restricted access to Council files. In total, 117 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 117 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. Two 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, 42 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, 63 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, no 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, ten documents were judged as being subject to legal professional privilege.

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

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

Freedom of Information Applications

During this reporting period, six new Freedom of Information (FOI) applications were received. No applications were carried over from the previous period. Five applications have been determined within this reporting period and one application is being carried forward. In addition, work was carried out on two Internal Reviews both of which were determined within the reporting period. Time was also spent on four External Reviews of Determinations before the Administrative Decisions Tribunal (ADT). Three senior members of Council's staff attended a planning meeting at the ADT on 6 May 2009 in relation to the four External Reviews of Determinations.

The time spent by Council staff on the processing of FOI applications during this reporting period was approximately 57 hours. In addition, 20 hours were expended on the processing of the Internal Reviews and 40 hours were expended on the processing of the External Reviews previously mentioned. All of the Review processing time and 34 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 94 hours of officer time during this reporting period.

Privacy and Personal Information Protection Act

No applications were received 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 350 hours invested in processing the 206 Document Access applications, 57 hours dedicated to processing FOI applications, and 60 hours spent on handling FOI 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 information access 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 235 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 2009/10 Budget.

The number of Document Access applications processed during this reporting period has increased in comparison to the last reporting period. Despite this increase, changes to internal processing procedures, resulting in improved efficiencies and additional staff hours being available for this work, have enabled the average Document Access processing time of 14 days to be maintained, with fewer applications required to be carried over into the next reporting period.

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 of this Report remain exempt from release under Council's Document Access Policy.

GARY BENSLEY
Executive Manager
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
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: D01164406

11 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS

EXECUTIVE SUMMARY

Section 449 of the Local Government Act (the Act) details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Return/s by Councillors and Designated Persons. Section 450A(2) of the Act details the reporting requirements associated with the lodgement of such Returns.

In accordance with those Sections of the Act, this Report provides information regarding the various Returns recently lodged with the General Manager. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Return/s lodged with the General Manager have been tabled in accordance with the requirements of the Local Government Act.

PURPOSE/OBJECTIVE

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

DISCUSSION

Section 449(1) of the Act requires a Councillor or Designated Person to complete and lodge with the General Manager a Disclosure of Pecuniary Interests and Other Matters Return within three months after becoming a Councillor or a Designated Person. Section 449(3) requires a Councillor or Designated Person holding that position at 30 June in any year to complete and lodge with the General Manager a Return within three months after that date. Section 449(5) states that nothing prevents a Councillor or Designated Person from lodging more than one Return in any year.

Section 450A(2) of the Act requires that Returns lodged under Section 449 are to be tabled at a meeting of Council. Returns lodged under Sections 449(1) and 449(3) are to be tabled at the first meeting held after the last day for lodgement under those Sections; and Returns lodged for any other reason are to be tabled at the first meeting after their lodgement.

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

- require all Councillors and Designated Persons who hold that position at 30 June in any year to submit Returns to the General Manager by 30 September in that year (i.e. they are lodged under S449(3)). These Returns are tabled at the October Ordinary Meeting of Council in that year;
- require newly elected Councillors or newly appointed Designated Persons to lodge Returns to the General Manager within three months of their election/appointment (i.e.

they are lodged under S449(1)). These Returns are tabled at the next available Ordinary Meeting of Council; and

- require those Councillors or Designated Persons who are leaving Council (because of retirement, resignation, etc) to lodge Returns to the General Manager by their last day with Council. These Returns are tabled at the next available Ordinary Meeting of Council.

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns at the Ordinary Meeting held on 11 February 2009 - Report No CC8/09. Since that time, one additional Return has been lodged with the General Manager and is now tabled as required by the Local Government Act. Details of this Return are as follows:

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
14/05/2009	Heritage Planner	Resignation

All Returns are held in a Register maintained by Council's Freedom of Information Officer.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

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

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00327

Document Number: D01164848

12 FISCALSTAR SERVICES PTY LTD - REVIEW OF THE FINANCIAL SUSTAINABILITY OF NSW COUNCILS

EXECUTIVE SUMMARY

In May 2009, FiscalStar Services Pty Ltd published the *2009 NSW Local Government Financial Sustainability Review – How sustainable are the existing financial and infrastructure policies of NSW councils?* This is the third annual review undertaken by FiscalStar on the financial sustainability of NSW councils and a copy is attached for Council's information.

As part of the Review, each council's financial status has been classified as "Sustainable", "Vulnerable", "Unsustainable" or "Not Assessed". The specific assessment of Hornsby Shire Council, a copy of which is also attached, resulted in Council being assessed as Sustainable.

It is recommended that the Report be received and noted.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with the results of the latest review undertaken by FiscalStar Services Pty Ltd on the financial sustainability of NSW councils.

DISCUSSION

FiscalStar Services Pty Ltd has recently completed its third review on the financial sustainability of NSW councils. The survey covers the largest 100 NSW councils and is based primarily on the latest statutory financial reports published by each council. A council's financial sustainability is assessed mainly on its operating deficit, long term debt and backlog of spending on infrastructure. Details in respect of the financial sustainability assessment methodology and the results of the survey can be obtained on FiscalStar's website www.fiscalstar.com.au or as attached to this Report.

The financial health assessments completed by FiscalStar on the councils resulted in one of four classifications being assigned to a council. Those classifications were "Sustainable"; "Vulnerable"; "Unsustainable"; and "Not Assessed". Of the 100 councils assessed, 46 were rated as Sustainable, 16 were rated as Vulnerable, 37 were rated as Unsustainable and one was Not Assessed.

Hornsby Shire Council was rated as a Sustainable Council. The Ratings Description published by FiscalStar about Council was:

The council's existing policies are assessed as financially "sustainable". Any operating deficit, infrastructure backlog or excessive debt that presently exists together are capable of being corrected without the council having to resort in future to "substantial" adjustments to existing revenue-raising and/or expenditure policy settings. The stability and predictability of the council's rates, fees and charges are therefore not at risk, and its ratings burden presently seems to be shared fairly between the council's present and future ratepayers.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

The information attached to this report has been extracted from the FiscalStar website.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No CC44/09 be received and noted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. FiscalStar Report
2. Hornsby Shire Council Sustainability Assessment Performed by Fiscal Star

File Reference: F2008/00340
Document Number: D01165674

13 BROOKLYN COMMUNITY MEETING ROOM

EXECUTIVE SUMMARY

Following consideration of Report No CC78/07, Council resolved that the General Manager be delegated authority to enter into an agreement to finalise a lease with Hornsby Ku-ring-gai Hospital in respect of the front part (i.e. the medical centre section) of the Council building located at 2 - 4 Dangar Road, Brooklyn. It was also resolved that Council proceed with the upgrade of the rear part of the building (i.e. the meeting room section) in order to provide a community meeting space on the site. Council also requested that a further report be prepared outlining an approach to the management of the facility and the hire fees associated with hire of the Brooklyn Community Meeting Room.

Subsequent to the above resolutions, relevant Council staff met on a number of occasions with interested members of the Brooklyn community and the Area Health Service to discuss the preferred management model and fee structure for the Brooklyn Community Meeting Room. As a result of these meetings, there was agreement that the proposed management model for the Meeting Room is "*Council Management with Community Advisory Committee*".

With regard to Community Meeting Room hiring fees, the community have proposed that the fee structure include a regular hire fee and an occasional hire fee. This approach is similar to that implemented in other facilities managed by Council's Community Services Branch. The community recommended that the rate for occasional hire be \$12.00 per hour and regular hire be \$6.00 per hour. These fees are comparable to like facilities within the Community Centres and Halls network.

This Report recommends that Council endorse the management model "*Council Management with Community Advisory Committee*" for the Brooklyn Community Meeting Room and adopt, for the purposes of public exhibition, the proposed fees to apply in respect of the use of the Brooklyn Community Meeting Room.

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Councils endorsement to the proposed management model for the Brooklyn Community Meeting Room and to adopt, for the purposes of public exhibition, the proposed fees to apply in respect of use of the facility.

DISCUSSION

In August 2007, Council considered Report No CC78/07 regarding the property at 2 - 4 Dangar Road, Brooklyn and resolved that:

1. *Council receive and note the contents of Executive Manager's Report No CC78/07.*
2. *The General Manager be delegated authority to enter into an agreement to lease and then to finalise the lease with HKH in respect of the front part of the building at 2 - 4*

Dangar Road, Brooklyn having regard to the conditions of lease detailed in Report No CC78/07.

3. *Subject to 2. above, Council proceed with the upgrade of the building at 2 - 4 Dangar Road, Brooklyn to provide a community meeting space, with the cost of such upgrade to be funded in accordance with the preferred option outlined in Report No CC78/07.*
4. *Once the lease with HKH is finalised and the upgrade of 2-4 Dangar Road, Brooklyn is complete:*
 - a) *a further report be presented to Council regarding hiring fees for casual and regular users of the meeting space at the back of the building*
 - b) *the management of the meeting space at the back of the building be undertaken by Council's Community Services Branch.*

In respect of point 2 of the resolution, it is noted that an agreement to lease the facility has been signed by the Area Health Service. This document is available in Council's document management system (refer Document No LDO006002).

In respect of point 3, it is noted that development consent has been granted for the upgrade/extension (see DA176/2009). Sufficient funding has also been allocated by Council to fund the project.

The remainder of this Report seeks to discuss and respond to point 4 of the resolution.

In July 2008, Council staff met with interested members of the Brooklyn community to discuss the extension of the facility at 2 - 4 Dangar Road. In August 2008, Council provided written details to the community on the various management models available for the facility. This information was distributed through the Area Health Service to interested members of the community.

In January 2009, Council received separate written feedback in relation to the preferred management model for the meeting room from the Area Health Service and the Brooklyn Ratepayers Association. Both of these responses supported the management model referred to as "*Council Managed Facility with Advisory Committee*".

In February 2009, Council staff corresponded with the community and confirmed receipt of their proposal. Information about a booking methodology for the meeting room that would be sympathetic with Council's on line systems as well as an Advisory Committee management model were provided (refer Document No 01097966).

In April 2009, Community Services Branch staff met with interested members of the Brooklyn community, including representatives of the Brooklyn Community Health Centre, Brooklyn Hall Committee and the Brooklyn Ratepayers Association to formally discuss the preferred management model and fee structure for the Brooklyn Community Meeting Room and also to confirm the booking procedures. At this meeting the community formally advised that their preferred management model was "*Council Management with Community Advisory Committee*". The community also agreed to trial the booking procedures as detailed in Council's correspondence to the community.

The Community Services Branch is supportive of the community recommendation in relation to the management model and proposes that the Brooklyn Community Meeting Room Advisory Committee, once formed, meet with Council officers on a regular basis for the purposes of having input into the management of the room. Further to this, the Community Services Branch is supportive of a trial period of up to 12 months in relation to booking procedures for the Meeting Room.

The Community Advisory Committee will be consulted by Council officers on issues relating to the operation of the Meeting Room. These issues will include the setting of fees and charges, prioritising significant maintenance work, future site development as well as the promotion and marketing of the facility. It is proposed that the structure of the Advisory Committee will include a Chairperson, Secretary and General Members.

The community have proposed that the establishment of an Advisory Committee occur through an expression of interest process advertised in the local media. The Community Services Branch supports, and is able to facilitate, this request. Subsequent to the initial establishment of the Committee, all Committee roles will be elected annually by way of nomination. Community participation on the Committee will be encouraged by advertising in the local media prior to annual general meetings. If, at any point in the future, an Advisory Committee is unable to be formed, the Community Services Branch will manage the ongoing operation of the site and will make use of the Community Centres and Halls Network Advisory Committee to provide input into the functioning of the site.

With regard to Community Meeting Room hiring fees, the community have recommended a structure which includes a regular hire fee and an occasional hire fee. This fee structure is similar to that of other facilities managed by Council's Community Services Branch. The community have proposed that the rate for occasional hire be \$12.00 per hour and the rate for regular hire be \$6.00 per hour. (N.B. A hirer is deemed to be regular if they hire a Council community and cultural facility four or more times in a calendar year). The proposed fees are considered consistent within the network of Council facilities having regard to the size and location of the facility.

If Council is supportive of the proposed fees for use of the facility, they will be advertised for 28 days in accordance with the requirements of the Local Government Act. The exhibition period will provide members of the public, as well as Councillors and staff, the opportunity to make submissions in respect of the proposed fees.

At the conclusion of the public exhibition period, all submissions received will be detailed in a further report for Council to consider prior to adoption of final fees. Such a report is expected to be provided to the 12 August 2009 Ordinary Meeting.

BUDGET

When Council considered Report No CC70/08, it noted the resource implications associated with community facilities which had been handed back for Council management by Section 377 Management Committees. Additional staffing resources were subsequently allocated to the Community and Cultural Recreation Facilities Team. These resources were split between supporting Booking Officer duties required for the additional community facilities managed by the Community Services Branch and support for the roll out of the recommendations associated with Report No CC22/04. This 2004 Report addressed the ongoing management of Council's community facilities and resulted in an "*Existing 377 Model of Management with Significantly Improved Performance*" being adopted. The roll out of this model of management effectively commenced in July 2008 when the Procedures Manual, Finance

Manual and OH&S Manual for Section 377 Management Committees were adopted by Council.

The creation of a new community meeting space to be managed by the Community Services Branch impacts on the availability of staffing resources. In adopting an Advisory Committee Model of Management for the Brooklyn Community Meeting Room, the customer service requirements associated with managing a remote site will take away from either the customer service provided to the other eight community centres currently managed within the Community Services Branch or it will take resources away from support for the implementation of the “*Existing 377 Management Committee Model with Significantly Improved Performance*” (i.e. Report No CC22/04).

It is proposed, therefore, that the matter of resourcing the future management of Community Centres and Halls be further considered in the later half of the 2009 calendar year in consultation with the Community, Cultural and Recreation Facilities Task Force. This will tie in with the finalisation of a review of the 12 month implementation of the Community Centres and Halls Procedures Manual, Finance Manual and OH&S Manual.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

This report has been developed in consultation with members of the Brooklyn community and the Area Health Service.

TRIPLE BOTTOM LINE SUMMARY

Working with our community

This proposal aims to develop positive working relationships between the community and Council with regards to the management of community facilities.

Conserving our natural environment

This theme is not applicable.

Contributing to community development through sustainable facilities and services

This proposal has been strongly influenced by community development principles and will result in the provision of sustainable community assets for the community. The proposal encourages community involvement in the management of facilities whilst maintaining appropriate management support.

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

This proposal supports community involvement and local ownership of community facilities. The proposal encourages community members to have input into the future planning and service provision for community centres and halls.

Supporting our diverse economy

This theme is not applicable.

Maintaining sound corporate and financial management

This proposal supports sound corporate and financial management of community assets. The creation of a new service/facility does have financial impacts in terms of the management and

maintenance of this facility. It is proposed that these impacts be considered in greater detail in a future report.

Other Sustainability Considerations

This proposal will contribute to the ongoing management of community facilities within the Shire. Community centres and halls provide an opportunity for the community to engage in networking, physical activity and socialising as well as accessing support and other services. This contributes to the overall well-being and sense of connectedness within the community.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. Council endorse the management model of "*Council Management with Community Advisory Committee*" for the Brooklyn Community Meeting Room and the General Manager be delegated authority to take relevant action to implement this model.
2. Council adopt, for the purposes of public exhibition, the proposed fees for use of the Brooklyn Community Meeting Room.
3. The proposed fees be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act.
4. Following the public exhibition period, a further report be prepared for Council's consideration which details all submissions received and recommends the final fees to apply for 2009/10 in respect of use of the Brooklyn Community Meeting Room.
5. In consultation with the Community, Cultural and Recreation Facilities Task Force, a report be prepared for Council's consideration which details the 12 month review of the implementation of the "*Existing 377 Model of Management with Significantly Improved Performance*". This report is to include considerations in relation to the resource implications associated with Council's ongoing management of new community meeting spaces across the Shire.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06210

Document Number: D01165939

14 OUTSTANDING COUNCIL RESOLUTIONS

EXECUTIVE SUMMARY

Council's 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 February 2009 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 February 2009 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. CC47/09 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

File Reference: F2005/00112
Document Number: D01167615

15 SUSTAINABLE ACTION COMMITTEE CHARTER AND UPDATE

EXECUTIVE SUMMARY

The Sustainable Action Committee (SAC) has been in operation since 1997. In line with international and national practices on Local Agenda 21 the structure and name of the Committee has been adapted over the years reflecting the progression from awareness to action around sustainability. Most recently, greater integration of sustainability matters into core business (through tools such as triple bottom line decision-making and planning) has taken place within government and business agencies. This is reflected in the active role SAC community members are taking with regard to not only reviewing Council's Management Plan and State of the Environment Report, but also providing feedback on report structures. The proposed changes to the SAC Charter reflect a further progression in collaborative working practices between community and Council for sustainability.

PURPOSE/OBJECTIVE

This report provides an update on the workings and contributions of the Sustainable Action Committee (SAC) for the period 2008-2009 and makes proposed minor amendments to the SAC Charter.

DISCUSSION

Purpose and membership of the Sustainable Action Committee (SAC)

The purpose of the SAC is to ensure a healthy future for the Hornsby Shire by fostering sustainable social, environmental and economic practices by Council and the community. The SAC support Council in having regard to sustainable principles when preparing its Management Plan and when reporting to the community on the current State of the Environment.

The SAC is committed to the facilitation of information-sharing, education and support necessary for informed action on sustainability throughout the community. With four core meetings a year, plus additional meetings as required, the committee has for the past 12-18 months had a more or less consistent membership of 15-20 active participants.

The key roles of the SAC, as expressed in the Charter, are:

- To contribute to the development of Council's Management Plan
- To review the annual State of the Environment Report
- Planning and implementing initiatives, activities and projects that contribute to achieving the vision for Hornsby Shire.

Sustainable Action Committee Charter

The Sustainability Action Committee Charter was last reviewed in May 2007 as part of the annual review cycle. As part of this year's review process, comments were invited at the committee meeting of 2 February 2009. During the meeting a working group was established

to draft changes to the Charter. SAC members also undertook an edit the email guidelines and these have been included as Appendix A in the revised Charter.

Following the review no major changes have been made to the SAC Charter. However, it was considered by the Committee that the structure and language used in the document could be improved. The structure has been enhanced by including a Table of Contents for quick referencing of the Charter's content and minor language changes have been made in order to give the document a more logical flow and foster greater ownership of the document by the Committee. For example, in section 2.3 - Values, the word "we" appears before each value statement, emphasising the SAC's personal and collective commitment to sustainability in Hornsby Shire.

Other key changes to the document are:

- inclusion of appendices, including the revised email use guidelines and sustainability guiding principles
- inclusion of guidelines for the establishment and operation of the SAC Working Group, a group comprising of SAC members who report back on particular issues to the full Committee (section 3.3)
- minor changes and updates to the procedures for SAC meetings (section 8.2).

Actions and Achievements of the Sustainable Action Committee 2008-2009

In addition to the preparation and submission of extensive reviews of the Management Plan, the following notable activities were also undertaken:

- Review of the SAC Charter and email use guidelines
- Purchase of a bike rack for installation at the front of the Council Chambers building (to be completed June 2009)
- Contribution of SAC funding to Sustainable House Day (September 13-14 2008).

Previous Actions and Achievements of the Sustainable Action Committee

The Sustainable Action Committee has undertaken several significant activities in the past few years, including:

- Development and launch of the Hornsby Shire Cycling Map
- Supporting the 10,000 steps walking program
- Participation at the One World Festival
- Development of the Community Sustainability Indicators Project
- Sustainability Talks Program 2007-2008
- Donation to Hornsby Library of a range of books covering topics relating to sustainability and the environment.

BUDGET

There are no additional budgetary implications related to this report.

POLICY

The Sustainable Action Committee operates under the SAC Charter. The revised Charter is attached to this report. There are no policy implications should the revised Charter be endorsed.

CONSULTATION

All SAC members were invited to take part and contribute to this review. A working group consisting of SAC members undertook the task of editing the Charter and email guidelines. The revised SAC Charter was circulated to all SAC members prior to the 16 March Committee meeting and it was unanimously endorsed by all SAC members.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line provides a framework to improve Council decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. Whilst this report, being a progress report, does not require a Triple Bottom Line assessment, it can be noted that the Charter, purpose and outputs of the Sustainable Action Committee are in line with Council's Triple Bottom Line goals as stated in the Management Plan.

RESPONSIBLE OFFICER

The responsible officers are Julie Ryland, Manager Environmental Sustainability & Health, telephone 9847 6898 and Andrew Joyce, Environmental Officer, telephone 9847 6833, hours 8.30 am – 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT Council endorse the revised Sustainable Action Committee Charter 2009.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. SAC Charter Revised Draft March 09

File Reference: F2004/09491-02
Document Number: D01145429

16 FOOD COMPLIANCE AND ENFORCEMENT GUIDELINES

EXECUTIVE SUMMARY

The Environmental Sustainability and Health Team is responsible for undertaking mandatory inspections of all high and medium risk retail food premises within the Shire. Compliance and Enforcement Guidelines have recently been developed to ensure consistency of inspections and any required follow up enforcement action. These guidelines outline Council's responsibility under the *Food Act 2003* ("the Act") and make explicit the approach taken to compliance and enforcement activities by officers authorised under the Act.

Recent changes to legislation have resulted in Penalty Infringement Notices (PINs) being published on the NSW Food Authority's (the Authority) website (www.foodauthority.nsw.gov.au). The addition of this list has resulted in greater interest in food safety by both the community and food outlets. The Authority has strongly recommended that all councils implement guidelines for compliance and enforcement of food related businesses based on the Authority's own Compliance and Enforcement Policy.

PURPOSE/OBJECTIVE

This report provides an overview of the draft Compliance and Enforcement Guidelines for Food Related Activities developed by the Environmental Sustainability and Health Team for Council's consideration.

DISCUSSION

At Council's Ordinary meeting of 9 April 2008, under Report No EN14/08 Council committed to undertake the role of a Category B Enforcement Agency under the Food Regulation Partnership (FRP). The results of the first six months of this commitment were presented to Council in Report No EN01/09, at Council's Ordinary meeting of 11 February 2009. The results illustrated the range of work being undertaken by Council's Health Officers to monitor and regulate food premises within the shire.

Recent changes to legislation have resulted in Penalty Infringement Notices (PINs) being published on the NSW Food Authority's ("the Authority") website (www.foodauthority.nsw.gov.au). The addition of this list, dubbed the "name and shame register" by the media, has resulted in greater interest in food safety by both the community and food outlets. As a result the Authority strongly recommends that all councils implement compliance and enforcement guidelines specifically for food related activities.

Under the Act there is a wide range of enforcement options of varying severity available to authorised officers. A major focus of the draft guidelines is to allow for a "graduated and proportionate approach to enforcement". The draft guidelines have been modelled on the NSW Food Authority's Compliance and Enforcement Guidelines and aim to remove any subjectivity and promote consistency and accountability to Council's food safety program.

It is intended that when implemented the draft guidelines will be published on Council's website and made available for members of the community and food businesses.

Enforcement Guidelines

The draft Compliance and Enforcement Guidelines for Food Related Activities (Attachment 1) have been developed to outline the factors that will be taken into account in determining appropriate responses to non-compliances of the Act, including whether legal proceedings will be pursued. The draft guidelines focus on the following key elements:

- Organisational elements – Council commitment, role and responsibility.
- Functional elements – decision making criteria, graduated approach and enforcement approaches and actions.
- Maintenance elements – monitoring compliance, ethical conduct and monitoring and review of existing processes.

Compliance measures such as a regular risk based inspection, routine communication and education activities, timely provision of information and advice, persuasion, cooperative assistance and collaboration are also utilised to encourage food handlers to abide by legislation. Where these compliance approaches fail, graduated enforcement mechanisms can be utilised. Authorised officers can employ a range of responsive enforcement actions under the Act which can escalate in severity as the need arises. Council is required to follow up all 'fail' inspection results until compliance is achieved and must consider the most effective methods of compliance and the best utilisation of Council resources.

The draft guidelines are a stand alone document but should be read in conjunction with the following:

- NSW Ombudsman's Enforcement Guidelines for Councils (2006)
- NSW Food Authority Compliance and Enforcement Guidelines
- Environmental Division Compliance Policy

BUDGET

There are no immediate budget implications contained within this report.

POLICY

The purpose of this report is to adopt Compliance and Enforcement Guidelines for Food Related Activities for the Environmental Sustainability and Health Team.

CONSULTATION

The draft Compliance and Enforcement Guidelines for Food Related Activities have been developed in consultation with officers within the Environmental Sustainability and Health Team. These Guidelines have also been prepared with reference to:

- NSW Department of Natural Resources Compliance Policy
- Australian Standard AS3806: Compliance Programs
- NSW Ombudsman's Enforcement Guidelines for Councils, 2006.

TRIPLE BOTTOM LINE SUMMARY

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

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

Working with our community

The Guidelines allow both members of the community and business operators' insight into methods of compliance and enforcement that Council will undertake to ensure compliance with the *Food Act 2003*. To ensure all members of the community understand Council's approach to food safety the guidelines limit the use of technical words and jargon to ensure an easy to read format. Once approved and implemented, the guidelines will be freely available to all stakeholders via Council's website.

Conserving our natural environment

Council officers undertake a holistic approach to food safety inspections, where not only are food matters investigated but also waste, water, air and noise related issues are examined. This approach will minimise negative impacts on the environment. Additionally the Compliance and Enforcement Guidelines for Food Related Activities are designed to strengthen current environmental documentation including the *Environment Division Compliance Policy* (which focuses on the encouragement of reduce, reuse, recycle etc.).

Contributing to community development through sustainable facilities and services

As part of the Food Regulation Partnership with the New South Wales Food Authority, the New South Wales Food Authority recommended that councils implement an enforcement and compliance policy or guidelines. By implementing the guidelines, authorised officers will be able to more efficiently coordinate the investigation and prosecutions of food related breaches, thus ensuring the efficient use of resources. Additionally, by ensuring businesses are operating in accordance with both food and environmental legislation, business and sustainability practices will be improved.

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

Historically Hornsby Shire Council has undertaken voluntary food inspections due to public expectation. This commitment was reinforced when Council elected to undertake mandatory food safety inspections of all high and medium businesses as a result of the introduction of the Food Regulation Partnership with the New South Wales Food Authority.

Supporting our diverse economy

The guidelines provide authorised officers with direction on how to manage enforcement in a consistent manner. It is envisioned that this will remove subjectivity and ensure that businesses are not subject to unreasonable financial penalties.

Maintaining sound corporate and financial management

The guidelines provide authorised officers with a tool to ensure that Council's resources are effectively utilised, by adopting a risk based approach to Council's food safety program (where higher risk businesses attract the most attention from Council). Currently food inspections are subsidised by Council. Undertaking inspections based on risk allows council officers to focus on food premises which require greater attention.

Other Sustainability Considerations

The guidelines allow for greater levels of consistency across authorised officers providing equity to businesses across the Shire. This will allow for more efficient use of Council resources as officers are able to implement enforcement action commensurate with breaches, allowing for increased compliance.

RESPONSIBLE OFFICER

The responsible officer is Gareth Munro, Health Officer, Environmental Sustainability and Health, telephone 9847 6719, hours 8.30am to 5.00pm Monday to Friday.

RECOMMENDATION

THAT

1. Council endorse the Environmental Sustainability and Health Team Compliance and Enforcement Guidelines for Food Related Activities in accordance with Executive Manager's report EN16/09.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Compliance and Enforcement Guideline for Food Related Activities

File Reference: F2004/08373-03
Document Number: D01162341

17 COMPANION ANIMAL STRATEGY

EXECUTIVE SUMMARY

The draft Companion Animals Strategy (“the Strategy”) has been developed to provide details on Council’s approach to companion animal management and supersedes the previous Companion Animal Management Plan adopted by Council in 1999. The draft Strategy complements the *NSW Companion Animals Act 1998* which provides the legislative powers for local government and the rights and responsibilities of owners and those in charge of domestic dogs and cats.

The draft Strategy outlines how Council will fulfil its responsibilities under the *Companion Animals Act 1998* and also aims to align Council’s service delivery to the level of risk, correction, control and prevention of factors that adversely affect the health of both people and animals. It provides details on programs that support and encourage responsible behaviour by companion animal owners and handlers. The draft Strategy has also been developed to enhance or assist the value that animal owners gain from having pets.

The management issues covered by the draft Strategy include microchipping and registration, desexing, roaming dogs, aggressive dogs, dog attacks and bite avoidance, dangerous dogs, barking dogs, restricted dogs, off leash exercise areas, increasing desexing, re-homing and reducing euthanasia rates, faeces management and cat management.

PURPOSE/OBJECTIVE

This report provides an overview of the draft Companion Animals Strategy 2009 -2011 for Council’s consideration.

DISCUSSION

Under the *NSW Companion Animals Act 1998* Council has a responsibility for the control of dogs, a more limited responsibility for cats and a general duty to promote awareness within the Shire. Council previously implemented a Companion Animals Management Plan in 1999 to coincide with the introduction of the *NSW Companion Animals Act 1998*.

This draft Strategy has been developed to update Council’s approach to companion animal management and addresses:

- amendments to the original legislation
- increasing awareness of companion animal issues
- information obtained from recreation and leisure studies
- increasing pressure for the development of off leash dog exercise areas
- increasing cat management issues and complaints.

The strategic approach to managing domestic pets required Council to clarify what they are seeking to achieve and the actions and outcomes required to meet our objectives. The draft

Strategy outlines Council's approach in fulfilling these responsibilities through the alignment of services to the level of assessed risks and established priorities. By outlining Council's legislative requirements and addressing particular issues within the community a consistent approach can be applied and the allocation of resources can be matched to improve the outcomes and standard of service.

The draft Strategy guides Council on the broader companion animal issues and provides a specific action plan and criteria for making day to day organisational decisions. The draft Strategy, once approved by Council, will be placed on public exhibition for four weeks to ensure the community is consulted in the work and approach proposed by Council.

BUDGET

The services in the draft Strategy fit within the existing budget allocated for companion animal management in the Environmental Sustainability and Health Team.

POLICY

The draft Strategy once endorsed and adopted by Council will be undertaken by the Environmental Sustainability and Health Team. There are no other policy implications associated with the implementation of this draft Strategy.

CONSULTATION

The draft Strategy has been developed in consultation with members of the Environmental Sustainability and Health Team and with reference to the Department of Local Government "Guide to Preparing Strategic Companion Animals Management Plans". Community consultation will be undertaken for a period of four weeks prior to a final report being submitted to Council for adoption.

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 draft Strategy supports and encourages responsible pet ownership, promoting the benefits for the owners and the broader community while reducing the negative effects on the community. The draft Strategy will be placed on public exhibition for a period of four weeks and community comment and input will be considered prior to full endorsement and adoption by Council.

Conserving our natural environment

A reduction in the number of abandoned cats and encouraging owners to comply with legislation (particularly keeping cats under control) will assist in protecting bushland and biodiversity values. The promotion of Wildlife Protection Areas will also assist in the protection of environmentally sensitive areas.

Contributing to community development through sustainable facilities and services

The enforcement actions assist in providing public safety. Encouraging owners to have dogs under effective control when in a public place will assist in improving the recreation and leisure experiences for both owners and non-owners. Well managed and controlled pets

reduce the requirements by Council officers when undertaking lengthy and time consuming enforcement actions.

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

The education of pet owners on legislation and their responsibilities will assist in improving the well-being of the community by the minimisation of dog related incidents. In addition, pets can provide opportunities for improving social interaction and the development of positive social capital.

Supporting our diverse economy

Opportunities will be explored for providing assistance and information to local pet shops veterinary surgeries and other associated pet service businesses.

Maintaining sound corporate and financial management

Council's recreation and leisure facilities and bushland will be protected and enhanced by good companion animal management and responsible pet ownership.

Other Sustainability Considerations

The walking of dogs under effective control of their handlers in public places provides positive opportunities for social interaction and community development.

RESPONSIBLE OFFICER

The responsible officer is Sue Moyes, Sustainable Health Coordinator, telephone 9847 6816 between the hours of 8.30 am and 5.00 pm, Monday to Friday.

THAT

1. The draft Companion Animals Strategy 2009-2011 be placed on public exhibition for four weeks.
2. A further report be presented to Council outlining the results of the public exhibition.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Companion Animals Strategy

File Reference: F2009/00370
Document Number: D01162362

18 TENDER T5/2009 LABORATORY ANALYSIS OF WATER SAMPLES COLLECTED WITHIN HORNSBY SHIRE

EXECUTIVE SUMMARY

Hornsby Council has been monitoring water quality in the Shire since 1994. This program was established as a commitment to the Statement of Joint Intent (Community Contract) for Berowra Creek in order to measure long term water quality trends in terms of both aquatic ecosystems and recreational health. The monitoring is essential to gauge the impact of catchment activities and the performance of remediation works and to provide baseline data for State of Environment Reporting. Council's monitoring has been aligned with the National Water Quality Management Strategy and Monitoring Guidelines.

Whilst Council's Water Catchment Team is able to undertake basic water testing and collection of water samples, it does not have the personnel or equipment required to undertake the specialist laboratory analysis, e.g. for bacteria or nutrients. For this reason water quality analysis has been contracted out to accredited laboratories.

The current contact for Laboratory water quality analysis expires on 30 June 2009 and, as a result, Council's Water Catchment Team has called for quotations to extend the contract for a three year period (2009/10 – 2011/12), with an option to extend into a fourth year.

The preferred Laboratory is Sydney Water Corporation Monitoring Services at West Ryde as it presented the best value for money and best addressed the evaluation criteria.

PURPOSE/OBJECTIVE

The purpose of this report is to provide details of the tenders received and a recommendation for acceptance of Tender T5/2009 by a suitably qualified Laboratory to analyse water quality samples under Council's Environmental Monitoring Program.

DISCUSSION

Six quotations were received under T5/2009: Laboratory Analysis of Water Samples Collected within Hornsby Shire" (Tender File F2009/00142) from the following Laboratories:

- ALS Laboratory Group, Smithfield
- LabMark Environmental Laboratories, Asquith
- MGT Environmental, Thornleigh
- SGS Australia Pty Ltd, Alexandria
- Sydney Environment and Soil Laboratory, Thornleigh
- Sydney Water Corporation Monitoring Services, West Ryde.

The quotations were evaluated based on stipulated criteria, including:

- Full accreditation with National Association Testing Authorities (NATA)
- Experience and performance in past proficiency trials
- Laboratory resources and testing methodology
- Quality assurance and quality control systems
- Provision of sampling equipment and courier service
- Prices
- Occupational Health and Safety Systems
- Insurance coverage.

The attached Confidential “Tender Evaluation Report” provides a summary of the evaluation process and the total price of each tender. Full details of the tenders and evaluation are on file.

The laboratory analysis required under this contract can be completed through engagement of one laboratory only. The schedules of analysis costs were evaluated for each of the quotations by applying them to Council’s estimated annual water analysis requirements for the monitoring program.

The results of the evaluation indicate that the preferred tenderer is Sydney Water Corporation Monitoring Services, West Ryde. Although this tenderer is able to satisfy the amount of insurance coverage required by Council, it has declared in the Tender that it would seek further negotiations regarding wording of particular insurance clauses during Contract finalisation.

BUDGET

The Water Catchment Team has allocated \$75000 from the Catchment Remediation Rate for laboratory analysis for 2009/2010 budget. The recommended contractor’s quotation for the planned annual water testing is within this budget.

POLICY

This report has been made in accordance with Council’s Tendering Policy and Procedures.

CONSULTATION

The quotations have been evaluated in conjunction with the main users of the proposed contract. The tender evaluation team comprised staff of the Water Catchments Team: Ross McPherson, David Beharrell and Paul Fredrickson.

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

Information obtained from Council’s water quality monitoring program is available to the Community on Council’s website, including detailed annual reports of the monitoring findings. Results and technical assistance are provided to local Streamwatch and Landcare

groups. Furthermore, details on water quality results collected within the Shire are accessible at any time by contacting Council's Water Catchments Team.

Conserving our natural environment

The laboratory analysis of water samples collected within the Shire forms an essential part of the monitoring program supporting Council's projects on water quality improvements and water saving initiatives; e.g. the recovery, treatment and reuse of municipal swimming pool water, garbage tip leachate and stormwater harvesting and waterways remediation.

Contributing to community development through sustainable facilities and services

The laboratory data supports monitoring and management of algal blooms in Berowra Waters and recreation water quality monitoring at popular estuarine swimming areas; e.g. Crosslands recreation area and Brooklyn's tidal baths.

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

The monitoring program is integrated with Council's capital works to improve the quality of stormwater and reduce its impacts on the built and natural environments.

Supporting our diverse economy

The program monitors water quality as part of the wider visions of Council and the Estuary Management Committee to maintain and improve the aesthetic amenity of creeks, estuary and bushland within the Shire. This in turn attracts investors and tourists and continues to satisfy nature lovers and residents in a bushland shire.

RESPONSIBLE OFFICER

The responsible officer is Mr Paul Fredrickson, Environmental Scientist – Water Quality, Water Catchments Team, telephone 9847 6874, hours 9:00am to 5pm, Monday to Friday.

RECOMMENDATION

THAT Council accept the quotation of Sydney Water Corporation Monitoring Services for all work under Tender No T5/2009 for "Laboratory Analysis of Water Samples Collected Within Hornsby Shire" for a three year period with an option to extend to a fourth year, subject to mutually agreed insurance clauses in the Contract.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Confidential Memo - Tender Evaluation Report - T5/2009 - *This attachment should be dealt with in confidential session, under s10A (2)(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: F2009/00142

Document Number: D01163326

19 TENDER NO. T3/2009 REQUEST FOR TENDER: FOR THE PROVISION OF CONSULTANT SERVICES TO FACILITATE THE "HORNSBY CREEK CATCHMENT URBAN SUSTAINABILITY PROGRAM"

EXECUTIVE SUMMARY

The Hornsby Creek Catchment Urban Sustainability Program ("HCCUSP") is a grant funded project. The NSW Environmental Trust Urban Sustainability Program ("The Program") has provided \$250,000 over 3 years for the HCCUSP.

Hornsby Shire Council is seeking the services of a suitably qualified consultant to implement the HCCUSP in collaboration with internal council stakeholders, primarily the Environment Division, and external stakeholders in the Hornsby Creek catchment area.

The primary objective of the HCCUSP is to improve communication between all stakeholders and to improve each stakeholders understanding of sustainability. There is also some money available to carry out on ground improvement works.

The preferred consultant to undertake the consultancy is Urbis Pty Ltd. They demonstrate very relevant experience, the necessary skill base and have addressed all the selection criteria comprehensively.

PURPOSE/OBJECTIVE

This report provides a recommendation to select a suitably qualified consultant to facilitate the Hornsby Creek Catchment Urban Sustainability Program.

DISCUSSION

Council recognises that it has a leadership role to play in facilitating the ongoing "journey to sustainability" for all individuals and organisations within Hornsby Shire.

HCCUSP is a place based project addressing sustainability for industries, businesses, residents and visitors that comprise the catchment. HCCUSP aims to empower and partner key stakeholders to deliver on ground action towards sustainability using a coordinated approach.

The Hornsby Creek Catchment Urban Sustainability Program is a multi-faceted project requiring a broad range of skills to facilitate. A suitable sustainability consultant requires environmental management and social marketing skills, as well as an ability to develop partnerships to achieve sustainability outcomes. The consultant must also have a good understanding of Council as an organisation.

A Request for Tender (Tender T3/2009 - Provision of Consultant Services to Facilitate the Hornsby Creek Catchment Urban Sustainability Program) was advertised in Sydney Morning Herald and the Advocate with a closing date of 29 April 2009. Tender T3/2009 is a specified lump sum tender with two main requirements: coordinate an update and review of the

Hornsby Creek Catchment Environmental Management Strategy 2005-2010, and coordinate and facilitate the Hornsby Creek Catchment Urban Sustainability Program.

Eight submissions were received under T3/2009 (Tender TRIM File F2009/00217) from the following consultancies:

1. Environmental Business Solutions Pty. Ltd.
2. Eco Logical Australia Pty. Ltd.
3. Group Development Services Pty. Ltd.
4. Manidis Roberts
5. Maunsell AECOM
6. TierraMar Consulting
7. Urbis Pty. Ltd.
8. Sinclair Knight Merz Pty. Ltd.

A summary of all tenders received, together with full evaluation details, have been placed on file. Except for this report the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act 1993.

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

- Project appreciation and understanding of the Brief
- Methodology
- Innovative suggestions or approaches
- Appropriateness of tendered sub-total amounts for Requirements 1 and 2
- Experience and past performance in similar work
- Qualifications of staff/consultants to be engaged
- References
- Occupational Health and Safety Systems
- Insurance cover.

The attached Confidential Memo (attachment 1) provides the lump sum price of each tender and a summary of the evaluation.

The evaluation process recommends Urbis Pty. Ltd. as the preferred tenderer.

BUDGET

The project is grant funded over 3 years by the NSW Environmental Trust to the sum of \$250,000.

POLICY

This report has been made in accordance with Council's tendering policy and procedures.

CONSULTATION

The tender evaluation process was undertaken by the Manager Environmental Sustainability and Health, Council's Catchments Remediation Team Leader and Council's Catchment Education Officer/Project Manager.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

The Hornsby Creek Catchment Urban Sustainability Program (HCCUSP) aims to develop partnerships and facilitate informed stakeholder action with all sectors of the Hornsby Creek catchment. The HCCUSP objective is to improve the integration of work within the catchment to achieve Council's strategic intent of "creating a living environment" and therefore is key to delivering long term sustainability goals for Council. The primary challenges will be working with the general catchment community and in forging and maintaining ongoing partnerships in order to promote sustainability, empower change, and create a more integrated sustainable catchment-wide management approach with the end result being a healthier creek and catchment environment.

The Hornsby Creek catchment community will be engaged and informed through workshops, media and educational campaigns and afforded the opportunity to actively participate in this sustainability program.

Conserving our natural environment

The HCCUSP project objectives complement the objectives of the Sustainability Strategy with various environmental sustainability outcomes anticipated within the natural environment of the catchment. By realising the objectives of the HCCUSP the following outcomes or benefits are anticipated within the Hornsby Creek catchment:

- Continued improvement in ambient water quality within the headwaters of Hornsby Creek catchment (assistance role).
- Improved urban bushland having less weed cover and areas of enhanced native vegetation.
- Reduction in greenhouse gas emissions and improved energy management practices by specific businesses and residents within the Hornsby Creek Catchment
- Improved residential waste management practices within the Hornsby Creek Catchment.

Contributing to community development through sustainable facilities and services

HCCUSP will integrate a wide range of environmental issues including water quality, consumption, bushland management, waste avoidance and recovery, and urban habitat. These issues link to a range of social outcomes such as healthy living, sense of community, and aesthetic amenity.

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

The proposal will enhance the natural environment of Hornsby Creek catchment by improving and protecting local urban bushland, creek lines and habitat. Proposal will be sympathetic and in-keeping with any identified heritage values of the natural and built environments and it is anticipated will add to the well-being and quality of life of current and future population through a more active and aware catchment community living in a healthier more sustainable catchment.

Supporting our diverse economy

The proposal will have a positive effect on the local economy as proposal includes sustainable economic development through improved sustainable business practices, e.g. better energy and water conservation and waste consumption management.

Maintaining sound corporate and financial management

The proposal is externally funded (NSW Environmental Trust grant) and hence will not call upon Council funds. Furthermore, the end goal of the sustainability project is the enhancement of Hornsby Creek and its surrounds - which is seen collectively by the community as a valued environmental asset.

Other Sustainability Considerations

A component of HCCUSP addresses organisational change within Hornsby Shire Council and the development of models on how stakeholders can work together more effectively for improved sustainability outcomes.

RESPONSIBLE OFFICER

The responsible officer is Mr David Bolton, Catchment Education Officer, Water Catchments Team, telephone 9847 6998, hours 9:00am to 5pm, Monday to Friday.

RECOMMENDATION

THAT Council accept the tender from Urbis Pty. Ltd. for all requirements in accordance with the provisions of Tender T3/2009 Request For Tender: For the Provision of Consultant Services to Facilitate the "Hornsby Creek Catchment Urban Sustainability Program".

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Confidential Memo - Tender Evaluation Report T3/2009 - *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: F2009/00217
Document Number: D01166499

20 REVIEW OF POLICIES AND CODE - CORPORATE STRATEGY BRANCH

EXECUTIVE SUMMARY

Council’s Policy – “Adoption, Alteration and Review of Policies and Codes” – states that each Division of Council has a two month period in each second year to review all Policies and Codes under their control and recommend any changes to Council.

Corporate Strategy Branch, in consultation with relevant officers in the organisation, has reviewed the Policies and Code controlled by the Branch, and recommends minor amendments to two policies to reflect contemporary practice.

PURPOSE/OBJECTIVE

To present to Council the outcomes of the review of Policies under the control of the Corporate Strategy Branch and seek Council’s endorsement of proposed amendments to two policies.

DISCUSSION

A listing of current Policies and Code under the control of the Corporate Strategy Branch, together with the outcomes of the review is contained below. A recommendation for the two policies marked “Amendments proposed” is included and those polices (with amendments) are attached to the Report.

Policy or Code	Review Status	Comment and Recommendation
Environmental Management Systems	Amendments proposed.	This policy, introduced in 1998, is Council’s stance on the organisation’s management systems. The policy needs minor updating to reflect the broader concepts of sustainability which are embraced in our TBL decision making model and the Hornsby 2020 framework. Recommendation - Name change to Integrated Management Systems. Content be amended to reflect a sustainability focus rather than only an environmental focus.
Consultants – Engagement and Selection	Amendment proposed	This policy describes Council’s stance on the use of consultancies to ensure equity, accountability and value for money, and includes a requirement for reporting quarterly various aspects of consultancies. The policy requires minor updating to remove the requirement to report on the method and term of engagement since this data is not captured in a financial system. Recommendation - Update clause 8 to reflect the automated 3-monthly report to Council on the use of consultants via the Quarterly Review process using

		Council's financial system.
Consultants – Engagement and Selection – Pecuniary Interest	No amendments proposed	This policy documents both a requirement for consultants engaged by Council to declare any pecuniary interest before commencement of the consultancy, and Council's right to rescind the engagement if the declared pecuniary interest is deemed to be unacceptable.
Customer Service	No proposed amendments	This policy describes the minimum levels of customer service a customer can expect when dealing with Council and provides guidance to staff when dealing with customers.
Complaints Handling	No proposed amendments	This policy describes guidelines and procedures and sets customer expectations for the management of complaints made to Council.
Sponsorship – Council's Involvement	No amendments proposed	The sponsorship policy provides guidelines to assist Council to use sponsorship effectively and with probity.
Competitive Provision of Services and Security of Employment	No amendments proposed	This policy has two purposes. It describes the need to provide services to the community at agreed quality standards, and it recognises that as part of continuous improvement it may be necessary to adjust quality standards, with implications for staffing. The policy also states that adjusted service levels should not threaten employment or lead to forced retrenchments.
Outdoor Dining Code	No amendments proposed	This code describes the process and controls to encourage outdoor dining at various sites throughout the Shire.

BUDGET

There are no budget implications.

POLICY

There are no policy implications. The proposed amendment to two policies has no impact on the intent of those policies.

CONSULTATION

Relevant members of the organisation have reviewed the policies that impact on their work areas.

TRIPLE BOTTOM LINE SUMMARY

Triple bottom line attempts to improve Council's decisions by being more accountable and transparent on social, environmental and economic factors. This report does not propose any new initiatives or require the allocation of funds, and therefore a triple bottom line assessment is not required.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council receive and note the contents of Report No. ST6/09 and endorse the existing policies and proposed amendments.

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

Attachments:

1. Proposed amended policies (2)

File Reference: F2009/00369
Document Number: D01163550

21 REVIEW OF POLICIES AND CODES - WORKS 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 Works 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 Works Division (i.e. Assets, Design and Construction, Engineering Services, Traffic and Road Safety, Property Development and Aquatic and Recreation Facilities Branches) and to seek Council's approval to the proposed amendments.

DISCUSSION

The last full review of Policies and Codes pertaining to the Works Division was conducted in June 2007 (Report WK34/07) and a review is now due as part of the timetable agreed to 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 indicated 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.

Assets Branch Policies/Codes

Policy/Code	Review Status
Policy - Vehicular Crossings	No amendments proposed
Policy - Street Signs	No amendments proposed
Policy - Street Lighting	No amendments proposed
Policy - Roads and Footpaths - Opening	No amendments proposed
Policy - Road Boundary Levels	No amendments proposed
Policy - Road Improvement Projects - Funding Allocation	No amendments proposed
Policy - Kerbing Guttering and Footpaths - Contributions for Construction	No amendments proposed
Policy - Footpath Levels - Alterations	No amendments proposed
Policy - Footpath and Footway Widths	No amendments proposed
Code - Stormwater Management	No amendments proposed

Engineering Services Policies/Codes

Policy - Corporate Attire - Outdoor Staff	Amendments proposed
---	---------------------

Property Development

Policy - Disposal of Land	No amendments proposed
---------------------------	------------------------

Traffic and Road Safety

Policy - Roads - Light Traffic	Amendments proposed
Policy - Road Closures and Special Event Traffic Management	Amendments proposed
Policy - Parking Restrictions - Council Car Parks	Amendments proposed

Design and Construction

Policy - Civil Infrastructure - Provision	No amendments proposed
Policy - Civil Infrastructure - Maintenance	No amendments proposed
Policy - Civil Infrastructure - Heritage Conservation and Selected Areas	No amendments proposed
Policy - Carriageway Widths	No amendments proposed

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

Assets Branch Policies/Codes**Policy – Uniform Attire – Outdoor Staff**

Amendments have been proposed to reflect the increasing influence of OH&S considerations, changes in the availability and styles of garments and additional wear and tear experienced by some activities in typical Council operations.

Traffic and Road Safety**Policy – Roads – Light Traffic****Policy – Parking Restrictions – Council Car Parks****Policy – Road Closures and Special Event Traffic Management**

Amendments are proposed to reflect the administration arrangements established by the State Government for the processing of infringements.

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 Works Division.

CONSULTATION

The Policies/Codes have been reviewed, and amendments proposed by the Managers and relevant staff of the Assets Branch, Design and Construction Branch, Traffic and Road Safety Branch, Property Development Branch and Aquatic and Recreation Facilities 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, Works Division – Maxwell Woodward; Works Support Coordinator – Lyndon Taylor; the Manager, Engineering Services Branch – Peter Powell; the Manager, Traffic and Road Safety – Lawrence Nagy; the Manager, Property Development Branch – Peter Thompson; the Manager, Assets Branch – Chua; the Manager, Aquatic and Recreation Facilities – Scott Hewitt. They can be contacted on 9847 6665, 9847 6697, 9847 4803, 9847 6524, 9847 6669, 9847 6677 and 9477 3855 respectively.

RECOMMENDATION

THAT

1. The contents of Executive Manager's Report No. WK19/09 be received and noted.
2. Council adopt the proposed amendments to Works Division Policies and Codes as outlined in Report No. WK19/09 and its attachments.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Policy Attachments

File Reference: F2009/00316
Document Number: D01145091

22 2009/13 4-YEAR ROLLING WORKS IMPROVEMENT PROGRAMS

EXECUTIVE SUMMARY

The 2009/13 4-Year Rolling Works Improvement Programs are presented for Council's consideration and adoption.

Amounts of \$2,650,000 and \$96,000 have been allocated for Local Road Improvements and Footpath Improvements, respectively in the draft 2009/10 Budget. The \$2,650,000 allocation comprises annual funding of \$2,150,000 (General Funds \$1,733,000, Extended 3x3 funding of \$117,000, R2R3 funding of \$300,000) and RTA 2009/10 REPAIR Program Funding of \$500,000. In addition, an amount of \$25,000 has also been allocated towards the Rural Road Management Plan - Implementation of Long Term Recommendations. The REPAIR Program Funding is for the Berowra Waters Road Alignment Improvement project (1.35km uphill from the Ferry) - \$200,000 and The Pacific Highway, Hornsby Kerb and Gutter Construction between Galston Road and Jersey Street North - \$300,000 . This funding is subject to the adoption of the State Budget for 2009/10 in May 2009.

The funding allocation for Local Road Improvements takes into consideration the following:

- The implementation of the long term recommendations of the Management Plan for Rural Roads, and the Sealing of Unsealed Roads.
- Funding requirements for the C-Ward Oxford Street project in the 2008/09 and 2009/10 Improvement Programs.
- Funding requirements for the completion of the C-Ward Oxford Street project in the 2010/11 Improvement Program.

The funding allocation is in accordance with Council's Policy, "Road Improvement Projects - Funding Allocation". Details of the funding allocation are given in Table 1 and the recommended funding is summarised in this section.

A 4-year rolling works improvement programs have been developed to tie in with the Delivery Program which comes into effect in 2012.

The projects recommended for inclusion in the next 2009/13 4-Year Rolling Works Improvement Programs are presented at Appendix A for the Local Road Improvement Programs and Appendix B for the Footpath Improvement Programs. A Summary of the Program Values is presented at Appendix C.

This report also recommends future budget allocations and funding for 2010/11 to facilitate the completion of the C Ward Oxford Street Project under the 2010/11 Local Road Improvement Programs (see Report No. WK35/09).

Summary of Recommended Funding for 2009/10

Programs	A Ward	B Ward	C Ward	Rural	Total
Local Road Improvement - Proposed Allocation	\$1,110,000	\$420,000	\$ 920,000	\$200,000	\$2,650,000
Rural Road Management Plan - Proposed Allocation				\$ 25,000	\$ 25,000
Footpath Improvement - Proposed Allocation	\$ 28,000	\$ 28,000	\$ 28,000	\$ 12,000	\$ 96,000

OBJECTIVE

The objectives of the rolling works improvement programs are to improve and provide civil infrastructure such as roads and footpaths in a safe, serviceable, efficient and effective manner and to ensure that the facilities meet the needs of the community. Such infrastructure shall be provided and improved in accordance with programs adopted by Council.

This report recommends the 2009/13 4-Year Rolling Works Improvement Programs for Local Roads and Footpaths for Council's consideration and adoption.

BACKGROUND

Amounts of \$2,650,000 and \$96,000 have been allocated for Local Road Improvements and Footpath Improvements, respectively in the draft 2009/10 Budget. In addition, an amount of \$25,000 has also been allocated towards the Rural Road Management Plan - Implementation of Long Term Recommendations. The \$2,650,000 allocation comprises annual funding of \$2,150,000 (General Funds \$1,733,000, Extended 3x3 funding of \$117,000, R2R3 funding of \$300,000) and RTA 2009/10 REPAIR Program Funding of \$500,000.

Four-year rolling works improvement programs have been developed to tie in with the preparation of the Delivery Program which comes into effect in 2012.

Council should now consider and adopt the projects recommended for the 2009/10 Improvement Program which is presented as the first part of the 2009/13 4-Year Rolling Works Improvement Programs for Local Roads and Footpaths. Funding for the 2009/10 programs have been allocated in the draft 2009/10 Budget to be considered and adopted by Council in June 2009. Funding for the 2010/11, 2011/12 and 2012/13 programs will be subject to adoption by Council at the appropriate time in June 2010, June 2011 and June 2012 respectively.

It is to be noted that it is essential to determine a list of future projects for the 4-year rolling programs. This will ensure that there is adequate time for undertaking pre-construction activities (including community consultation) in the year prior to that earmarked for construction.

ALLOCATION OF FUNDING

The funding allocation for Local Road Improvements in the draft 2009/10 Budget is \$2,650,000. This funding allocation does not include funding for the implementation of the long term recommendations for the Rural Road Management Plan but includes part funding for the Sealing of Unsealed Roads. The funding allocation for Footpath Improvements in the draft 2009/10 Budget is \$96,000.

Management Plan for Rural Roads

Council has previously concurred with the suggestion that the implementation of medium and long term recommendations for the Rural Road Management Plan be funded from the Rural component of the Local Road Improvement Programs.

An amount of \$25,000 has been separately allocated in the draft 2009/10 Budget for implementation of the long term recommendations. It is considered that this amount should be added to the annual Local Road Improvement Program allocation of \$2,150,000 for funding distribution towards projects throughout the Shire. The total amount available for distribution among the three Wards and the Rural area for improvement projects is hence \$2,175,000 (\$2,150,000 + \$25,000).

Sealing of Unsealed Roads

Council in considering Executive Manager's Report No. WK65/04 - *Strategy for Unsealed Rural Roads* at its Ordinary Meeting held on 8 December 2004 resolved to adopt the Unsealed Road Strategy and the Implementation Program presented in that report. Council also resolved that funding for the implementation program be allocated from the Unsealed Road Maintenance Program and the Rural component of the Local Road Improvement Programs.

As recommended in Report No. WK65/04, an amount of \$300,000 from the Unsealed Road Maintenance Program and \$200,000 from the Rural component of the Local Road Improvement Program have been allocated for the sealing of unsealed roads in 2009/10.

Recommended Funding Allocation

The recommended funding allocations for 2009/10 are presented in Table 1. The recommended allocations are in accordance with Council's Policy, "Road Improvement Projects - Funding Allocation".

The recommended allocations takes into consideration funding to be made for implementing the long term recommendations (Year 6 of 10) from the Rural Road Management Plan (RRMP) and the Unsealed Roads Sealing Program.

Council in considering Executive Manager's Report No. WK 30/07, "2007/10 3-Year Rolling Local Road Improvement Programs at its June 2007 Ordinary Meeting also considered adjustments for the C Ward Oxford Street project deferral in 2007/08 and for funding this project in 2008/09 and 2009/10. These adjustments are reflected in the recommended funding allocation.

For the 2010/11, 2011/12 and 2012/13 rolling programs, funding allocations of \$2,150,000 per year have been assumed for Local Roads and \$110,000 for Footpaths. The recommended allocation and funding for the Local Road Improvement Programs for 2010/11, 2011/12 and 2012/13 are presented in Table 2. The proposed allocation and funding take cognisance of the need to fund an additional \$700,000 to complete the Oxford Street Project in 2010/11. The Oxford Street Project was originally estimated at \$2.2 million with construction scheduled for 2008/09 and 2009/10.

2009/13 ROLLING WORKS IMPROVEMENT PROGRAMS

The priority listing of projects in the current 2008/11 3-Year Rolling Works Improvement Programs and requests from Councillors and ratepayers during 2008/09 have been taken into consideration when formulating the next Rolling Programs. To tie in with the Delivery Program which comes into effect in 2012, 4-year rolling works improvement programs have been developed. The projects recommended for inclusion in the next 2009/13 4-Year Rolling Works Improvement Programs are presented at:

- Appendix A: Local Road Improvement Programs
- Appendix B: Footpath Improvement Programs

A Summary of the Program Values is presented at Appendix C.

In recommending projects for inclusion in future programs, reference is made to the priority list for each Ward. A number of projects with total costs closest to the allocated funding for each ward are then recommended for inclusion in a program. Where practicable, projects are split into two stages to enable the project to be undertaken over two successive years within the funding allocation.

The Oxford Street project has been recommended for inclusion in the Local Road Improvement Program for C Ward for 2008/09 and 2009/10 to be constructed in two stages due to funding requirements. The proposed scheduling of this project to commence in 2008/09 was to comply with Council's resolution for "Construction not to proceed until the State Transit Authority system is finalised and operating". Due to the existence of utility services very close to the road surface and design changes to the streetscape, the completion of this project needs to be extended to 2010/11 with an additional funding of \$700,000 (see Report No. WK35/09).

Council should now consider and adopt the next 4-year rolling works improvement programs so that pre-construction activities for the projects recommended for the 2010/11, 2011/12 and 2012/13 programs can be undertaken in "good" time to ensure the timely completion of programs within approved project budgets.

Table 1 - Recommended Funding Allocation - 2009/10 Works Improvement

Programs	A Ward	B Ward	C Ward	Rural	Total
Local Road Improvement 2009/10					
- Basic allocation (3:3:3:1)	\$652,000	\$652,000	\$652,000	\$219,000	\$2,175,000
- Adjustment for Unsealed Roads	- \$ 2,000	- \$ 2,000	- \$ 2,000	\$ 6,000	\$ 0
- Adjustment for funding C Ward Oxford St project in 2008/09 & 2009/10	- \$375,000	+ \$120,000	+\$300,000	- \$ 45,000	\$ 0
- Adjustment for funding C Ward Oxford St project in 2009/10	+ \$335,000	- \$350,000	- \$ 30,000	+ \$ 45,000	\$ 0
- Less Allocation to RRMP	\$ 0	\$ 0	\$ 0	- \$ 25,000	- \$ 25,000
- Recommended Allocation for 2009/10	\$610,000	\$420,000	\$920,000	\$200,000	\$2,150,000
- RTA REPAIR funding - 2009/10	\$500,000	\$ 0	\$ 0	\$ 0	\$ 500,000
- Funding after adding RTA Funds	\$1,110,000	\$420,000	\$920,000	\$200,000	\$2,650,000
Rural Road Management Plan					
- Rural Component Funding for RRMP Long Term Recs				\$ 25,000	\$ 25,000
- Proposed Allocation				\$ 25,000	\$ 25,000
Footpath Improvement					
- Proposed Allocation	\$ 28,000	\$ 28,000	\$ 28,000	\$ 12,000	\$ 96,000

BUDGET

The adoption of the 2009/13 4-Year Rolling Works Improvement Programs is subject to the adoption of Council's 2009/10 Budget. Its adoption would also indicate the level of funding that needs to be considered for future local road and footpath improvement programs in the 2010/11, 2011/12 and 2012/13 budgets. The funding allocations for 2010/11, 2011/12 and 2012/13 are however subject to adoption by Council in conjunction with future budget considerations.

POLICY

This report complies with Council's Policy, "Road Improvement Projects - Funding Allocation".

CONSULTATION

Officers from the Assets, Design & Construction, and Traffic & Road Safety Branches of the Works Division were consulted in the preparation of this report.

**Table 2 - Recommended Future Funding Allocations
- 2010/11, 2011/12 and 2012/13 Local Road Improvement Programs**

Programs	A Ward	B Ward	C Ward	Rural	Total
Local Road Improvement 2010/11					
- Basic allocation (3:3:3:1)	\$652,000	\$652,000	\$652,000	\$219,000	\$2,175,000
- Adjustment for Unsealed Roads	- \$ 2,000	- \$ 2,000	- \$ 2,000	\$ 6,000	\$ 0
- Adjustment for funding C Ward Oxford St project in 2010/11	- \$ 30,000	- \$ 20,000	+ \$ 50,000	\$ 0	\$ 0
- Less Allocation to RRMP	\$ 0	\$ 0	\$ 0	- \$ 25,000	- \$ 25,000
- Recommended Allocation for 2010/11	\$620,000	\$630,000	\$700,000	\$200,000	\$2,150,000
Rural Road Management Plan					
- Rural Component Funding for RRMP Long Term Recs				\$ 25,000	\$ 25,000
- Proposed Allocation				\$ 25,000	\$ 25,000
Footpath Improvement					
- Proposed Allocation	\$ 32,000	\$ 32,000	\$ 32,000	\$ 14,000	\$ 110,000
Local Road Improvement 2011/12 and 2012/13					
- Basic allocation (3:3:3:1)	\$652,000	\$652,000	\$652,000	\$219,000	\$2,175,000
- Adjustment for Unsealed Roads	- \$ 2,000	- \$ 2,000	- \$ 2,000	\$ 6,000	\$ 0
- Less Allocation to RRMP	\$ 0	\$ 0	\$ 0	- \$ 25,000	- \$ 25,000
- Recommended Allocation for 2011/12	\$650,000	\$650,000	\$650,000	\$200,000	\$2,150,000
Rural Road Management Plan					
- Rural Component Funding for RRMP Long Term Recs				\$ 25,000	\$ 25,000
- Proposed Allocation				\$ 25,000	\$ 25,000
Footpath Improvement					
- Proposed Allocation	\$ 32,000	\$ 32,000	\$ 32,000	\$ 14,000	\$ 110,000

TRIPLE BOTTOM LINE SUMMARY

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

The TBL assessment summary for the 2009/13 4-Year Rolling Works Improvement Programs presented is as follows:

Working with our community

This report and the Proposed 2009/13 4-Year Rolling Works Improvement Programmes that are being presented to Council for adoption are readily accessible and understandable to the community. The programmes presented promote social equity by undertaking local road and footpath improvement projects throughout the Shire on a priority basis.

Conserving our natural environment

The road and footpath improvement activities in the various programmes facilitate the recovery of materials such as profiled materials during road surfacing work and the use of existing materials for road base stabilisation where required. Recycled crushed concrete footpath slabs are used for some drainage and road sub-base construction works.

Contributing to community developments through sustainable facilities and services

The proposed local road and footpath improvement projects will have positive effects on the safety of the public environment, as well as the development of a healthy, equitable and active community.

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

The local road and footpath improvements proposed will give special consideration to heritage values of the natural and built environment such as retention of trees wherever possible and practicable. The well-being of the area's current and future population will also be promoted by providing new footpaths and improving local roads with the view to improving user safety and mitigating or minimising drainage problems.

Supporting our diverse economy

Providing new and improving existing Council assets will have a positive effect on economic development in people wanting to live and work in the Shire.

Maintaining sound corporate and financial management

The proposed local road and footpath improvements will ensure that asset life-cycle costs are minimised and assets are able to function as planned during their life cycle. The proposed new footpaths and local road improvements will increase the value of Council's assets.

Other Sustainability Considerations

Potential negative impacts from the local road and footpath construction activities have been identified in the Review of Environmental Factors for such activities and appropriate measures will be undertaken to avoid or minimise such impacts.

RESPONSIBLE OFFICER

The responsible officer is the Manager, Assets Branch, Mr Chon-Sin Chua, telephone number 9847 6677.

RECOMMENDATION

THAT:

1. Council adopt the 2009/13 4-Year Rolling Local Road and Footpath Improvement Programs presented at Appendix A and Appendix B respectively in Executive Manager's Report No. WK28/09 subject to the adoption of Council's 2009/10 Budget and the 2009/10- 2011/12 Management Plan.
2. An amount of \$25,000 is allocated in the 2009/10 Budget from the Rural component of the Local Road Improvement Program to implement the Rural Road Management Plan Long Term Recommendations, Year 6 of 10.
3. An amount of \$200,000 is allocated in the 2009/10 Budget from the Rural component of the Local Road Improvement Program for the Sealing Unsealed Roads Implementation Program, Year 5 of 10.

MAXWELL WOODWARD

Executive Manager

Works Division

Attachments:

1. Appendix A - 2009/13 4-Year Rolling Local Road Improvement Programs
2. Appendix B - 2009/13 4-Year Rolling Footpath Improvement Programs
3. Appendix C - Summary of Program Values for 2009/13

File Reference: F2004/05959-02

Document Number: D01152394

23 WORKS DIVISION 2009/10 ASSETS BRANCH PROGRAMMES

EXECUTIVE SUMMARY

The Works Division's Assets Branch Programmes for 2009/10 are presented for Council's adoption in accordance with Council's Policy, "Civil Infrastructure – Maintenance".

Programmes presented include Works Maintenance Programmes for the Northern and Southern Districts (managed by the Roads and Drainage Section and work undertaken by the Field Operations Section) and for Road Pavements (managed by the Pavements Section and work undertaken by the Field Operations Section), the Stormwater Management Programme (managed by the Asset Management Section), and the Asset Management Systems Implementation Programme (managed by the Asset Management Section).

Gantt charts showing the various activities and their proposed timing, as well as details of upgrading works are included in the programmes presented in the bound document entitled, "2009/2010 Assets Branch Programmes".

OBJECTIVE

This report presents the Works Division's Assets Branch Programmes for 2009/10 for Council's adoption. The following programmes are presented:

- Northern and Southern Districts Works Maintenance Programmes
- Pavement Works Maintenance Programmes
- Stormwater Management Programme
- Asset Management Systems Implementation Programme

BACKGROUND

The replacement cost of Council's Civil assets is estimated at \$460 million. It is hence essential that these assets are maintained by the most efficient and effective methods. The works maintenance programmes proposed have been formulated in accordance with strategies which were developed to meet the objectives of the various programmes in the Management Plan for 2009/2010 - 2011/2012.

The maintenance of Council's civil assets by the Works Division's Assets Branch is managed and undertaken by the various sections within the Assets Branch, contractors and consultants:

Programmes	Programme managed by:	Works undertaken by:
Northern and Southern District Works Maintenance Programmes	Roads & Drainage Section	Field Operations Section and Contractors
Pavement Works Maintenance Programmes	Pavements Section	Contractors and Field Operations Section
Stormwater Management Programme	Asset Management Section	Field Operations Section, Contractors & Consultants
Asset Management Systems Implementation Programme	Asset Management Section	Contractors and Consultants

PROPOSED 2009/10 PROGRAMMES

The Works Division 2009/10 Assets Branch Programmes are in a bound document, dated June 2009, presented to Council under separate cover. This document outlines the proposed programmes (including various upgrading works) based on the funds allocated in the draft 2009/10 Budget to be adopted by Council in June, 2009.

The proposed funding allocation for civil infrastructure maintenance in the draft 2009/10 Budget is \$12,559.00 and the breakdown for the various programmes is tabulated below:

Programme	Funding Allocation for 2009/10
Northern and Southern District Works Maintenance Programmes	\$ 5,899,000
Pavement Works Maintenance Programmes	\$ 2,875,000
Stormwater Management Programme	\$ 268,000
Asset Management Systems Implementation Programme	\$ 3,517,000
Total for Civil Infrastructure Maintenance	\$12,559,000

**NORTHERN DISTRICT WORKS MAINTENANCE PROGRAMMES
(A Ward and Part B Ward)****Gantt Chart A*****Road Shoulder Maintenance***

Routine Maintenance

Upgrading (Stabilisation and Flush Seal or Asphaltic Concrete)

Unsealed Road Maintenance

Routine Maintenance

Stormwater Drainage Maintenance

Routine Drainage System Checking/Repair

Minor Repairs (kerb inlets, pits, pipelines, channels)

Minor Repairs (kerb & gutter)

Minor Upgrading (kerb inlets, pits, pipeline, and channel stabilisation)

Footpath Maintenance

Routine Maintenance

Upgrading/Reconstruction

Foreshore Facilities Maintenance & Upgrading

Routine Inspection/Maintenance

Upgrading/ Reconstruction

**SOUTHERN DISTRICT WORKS MAINTENANCE PROGRAMMES
(Part B Ward and C Ward)****Gantt Chart B*****Road Shoulder Maintenance***

Routine Maintenance

Upgrading (Stabilisation and Flush Seal or Asphaltic Concrete)

Stormwater Drainage Maintenance

- Routine Drainage System Checking/Repair
- Minor Repairs (kerb inlets, pits, pipelines, channels)
- Minor Repairs (kerb & gutter)
- Minor Upgrading (Kerb inlets, pits, pipelines, and channel stabilisation)

Footpath Maintenance

- Routine Maintenance
- Upgrading/Reconstruction

**PAVEMENT WORKS MAINTENANCE PROGRAMMES
(Northern and Southern Districts)****Gantt Chart C*****Pavement Heavy Patching***

- Suburb groupings
- Regional Roads

Pavement Rehabilitation

- Suburb groupings
- Regional Roads

Flush Seal Resurfacing

- Primer Seals - Stabilised Pavements
- C170 Seals - Two (2) suburb groupings
- Poly Seals - One (1) suburb grouping
- Regional Roads

Pavement Surface Rejuvenation

- Suburb groupings

Zubri Program

- Shire wide

Profiling Program

- Regional Roads
- Suburb groupings

Asphaltic Concrete Resurfacing

- Regional Roads
- Suburb groupings

Pothole Repair

- 12 monthly periods

STORMWATER MANAGEMENT PROGRAM**Gantt Chart D*****Major Drainage Works***

Hornsby Creek Catchment SWIP: Hornsby CBD Stage 1 - Water Street to Hunter Street

SWIP Preconstruction Activities

Minor Drainage Works

Design

Community Consultation/Design Finalisation

Construction

Lonsdale Avenue, Berowra Heights - Drainage Improvements

3 Sefton Road, Thornleigh - Drainage Inlet Improvements

Major/Minor Drainage Projects List

Update Priority Lists incorporating FMA requirements

Scoping of high priority projects

Floodplain Risk Management

Storm Inundation Record review and update

Floodplain Management Authorities Conference

Floodplain Risk Management Plan Development

Stormwater Catchment Management Plans

General Review of completed SCMPs

Other Stormwater Management Activities

Planning Division Referrals with respect to DAs and s149 Certificates

State of Environment Report with respect to Stormwater Management

Urban Runoff Management Code Review

Various Minor Drainage Correspondence Matters

ASSET MANAGEMENT SYSTEMS IMPLEMENTATION PROGRAM**Gantt Chart E*****Pavement Management System (PMS) Implementation***

PMS Model Refinement

PMS Maintenance and Update

Pavement Management Strategy Development/Refinement

PIPEPAK (DRAMS-Drainage Asset Management System) Implementation

GPS/Condition Data Audit

PIPEPAK (DRAMS) Development

Drainage Asset Management Strategy Development

Footpath Management System (FMS) Implementation

FMS Maintenance and Update

FMS Development

DISCUSSION

Council's policy on maintenance programmes requires that maintenance be undertaken in accordance with programmes adopted by Council.

Where works in the maintenance programmes are in Heritage or Conservation areas, such maintenance works will require strategies that are different and more expensive than those adopted for normal works.

The achievement of the programmes presented is subject to weather conditions. This is especially so with regard to Unsealed Road maintenance.

BUDGET

The Programmes presented are based on funds allocated in the draft 2009/10 Budget to be adopted by Council in June 2009.

POLICY

The Programmes presented meet the objectives of Council Policy, "Civil Infrastructure – Maintenance".

CONSULTATION

Consultation with the Environment and Planning Divisions was made in respect of Stormwater Management activities. Intra Works Division branch consultation was made when preparing the programmes presented in this report.

TRIPLE BOTTOM LINE SUMMARY

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

The TBL assessment summary for the 2009/10 Assets Branch Programmes presented is as follows:

Working with our community

This report and the Proposed 2009/10 Assets Branch Programmes that are being presented to Council for adoption are readily accessible and understandable to the community. The programmes presented promote social equity by undertaking maintenance activities throughout the Shire on a priority basis.

Conserving our natural environment

The maintenance and upgrading activities in the various programmes facilitate the recovery of materials such as profiled materials during road resurfacing work and the winning of old concrete footpath slabs for recycling during footpath reconstruction work. Recycled profiled materials are used for unsealed road shoulder and unsealed road maintenance and recycled crushed concrete footpath slabs are used for some drainage maintenance works

Contributing to community developments through sustainable facilities and services

The maintenance and upgrading activities proposed will have a positive effect on the safety of the public environment, as well as the development of a healthy, equitable and active community.

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

The maintenance and upgrading activities proposed will give special consideration to the heritage values of the natural and built environment such as heritage footpaths, bushland and trees, and gardens. The well-being of the area's current and future population will also be promoted by maintaining facilities and assets that are safe for use by the community.

Supporting our diverse economy

Effective and efficient maintenance of Council's assets will have a positive effect on economic development in people wanting to live and work in the Shire.

Maintaining sound corporate and financial management

The maintenance and upgrading activities proposed will ensure that asset life-cycle costs are minimised and assets are able to function as planned during their life cycle. The activities proposed will also protect the value of Council's assets.

Other Sustainability Considerations

Potential negative impacts from maintenance and upgrading activities have been identified in the Review of Environmental Factors for such activities and appropriate measures will be undertaken to avoid or minimise such impacts.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council adopt the Works Division 2009/10 Assets Branch Programmes contained in the bound document dated June 2009.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. 2009/10 Assets Branch Programmes - under separate cover

File Reference: F2004/05959-02
Document Number: D01152401

24 2009/13 4-YEAR ROLLING STORMWATER DRAINAGE IMPROVEMENT PROGRAMS

EXECUTIVE SUMMARY

The Stormwater Drainage Improvement Program was commenced by Council in 1989 as a result of severe storms which affected the Shire in 1988.

Council at its Ordinary Meeting of 11 June 2008, considered Executive Manager's Report No. WK31/08 and adopted the 2008/11 3-Year Rolling Stormwater Drainage Improvement Programs. The next 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs are presented for Council's consideration and adoption. A 4-year rolling program has been prepared to tie in with the Delivery Program which comes into effect in 2012.

An amount of \$470,000 has been allocated for Stormwater Drainage Improvement in the draft 2009/10 Budget. The Stormwater Drainage Improvement Program has four components - Major Drainage Projects with proposed funding of \$330,000, Minor Drainage Projects with proposed funding of \$100,000, Preconstruction Works for major and minor drainage projects with proposed funding of \$10,000, and Floodplain Risk Management with proposed funding of \$30,000.

The recommended 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs, formulated on the Major Drainage Projects Priority List and allocated funding in the draft 2009/10 Budget and future budgets, is presented at Appendix A. The Major Drainage Projects Priority List, updated as at 30 April 2009, is presented at Appendix B. The Major Drainage Projected completed as at 30 April 2009 is presented at Appendix C.

OBJECTIVE

This report presents the recommended 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs at Appendix A for Council's consideration and adoption.

BACKGROUND

Drainage improvement projects are divided into major and minor drainage projects. Major drainage projects are projects with an estimated cost exceeding \$50,000 while minor drainage projects have estimated costs of \$10,000 to \$50,000. Drainage projects with estimated cost of less than \$10,000 are considered as drainage upgrading works and are undertaken under annual works maintenance programs.

Major and minor drainage projects as well as the associated preconstruction work and floodplain risk management activities are funded from the stormwater drainage improvement budget allocation. Drainage upgrading works are funded from the works maintenance budget allocation.

The major drainage projects for all the 41 Council adopted Stormwater Catchment Management Plans (SCMPs) have been included in the priority list to produce an overall priority ranking.

Priority Ranking Methodology

The methodology adopted for the ranking of major drainage projects considered the following factors:

- *The number of properties potentially affected by stormwater inundation or benefiting from the works* - the higher the number of properties to benefit from the proposed works, the higher the score. Properties that have reported habitable area inundation were also given a higher weighting to give emphasis to this category of property.
- *The estimated project cost* - the higher the project cost the lower the points scored.
- *The capacity of the existing stormwater drainage system to carry the 1 in 20 year and 1 in 100 year stormflows* - a system with a 1 in 20 year existing capacity will have a lower score than one with a 1 in 5 year capacity.

For each category, a relative score ranging from 0 (least favourable) to 5 (most favourable) was attributed to each factor. The individual scores were then aggregated to arrive at a total score out of a maximum of 15 and ranked accordingly.

Major Drainage Projects Priority List

The result of this overall priority ranking including scores for the various factors considered is presented at Appendix B - Major Drainage Projects Priority List. A total of 108 future major projects are listed in priority ranking from the 41 adopted SCMPs. It will be noted that some projects with habitable property inundation are lower in the overall rankings. Generally, this is due to a higher project cost and resulting lower overall score.

Consideration has also been given to the packaging of projects that are in the same subcatchments and which could reasonably be carried out more cost effectively. This gives advantages in economy of scale, especially for items such as preconstruction work and site establishment costs.

Total funding requirements are estimated at some \$54.2 million. This represents a significant unfunded future commitment. The recommended programs reflect current funding levels, which will require enhancement if these works are to proceed in a reasonable time frame. Council will need to consider this issue in the context of its financial strategy and future works programs.

Major Drainage Projects Completed

Details of the 54 Major Drainage projects completed since 1989 are presented at Appendix C- Major Drainage Projects Completed - Status as at 30 April 2009.

RECOMMENDED 2009/13 4-YEAR ROLLING IMPROVEMENT PROGRAMS

Funding of \$470,000 has been allocated in the draft 2009/10 Budget for stormwater drainage improvement. Funding allocations of \$500,000 per year have been assumed for the 2010/11, 2011/12 and 2012/13 Programs.

The Stormwater Drainage Improvement Program has four components - Major Drainage Projects with proposed funding of \$330,000, Minor Drainage Projects with proposed funding of \$100,000, Preconstruction Works for major and minor drainage projects with proposed funding of \$10,000, and Floodplain Risk Management with proposed funding of \$30,000.

The recommended 2009/10 Stormwater Drainage Improvement Program is presented as the first part of the recommended 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs presented at Appendix A. The 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs have been formulated based on the Major Drainage Projects Priority List presented at Appendix B.

Based on the current allocations and funds restricted for Stormwater Drainage Improvements, work on the previously adopted Hornsby CBD Stage 1 major drainage project (estimated cost \$4.6M) will not commence in the foreseeable future; as by 2012/13, approximately \$3M will have been accumulated. Council should also note that it is desirable to proceed with the Hornsby CBD Stage 2 major drainage project (estimated cost of \$1.6M) when the Stage 1 works are completed. Stage 2 is currently unfunded.

Further consideration should be given to increasing the funding when formulating the 2010/11, 2011/12 and 2012/13 budgets with a view to bringing forward the commencement of Stage 1 and proceeding with Stage 2. Alternative funding options for this project should also be considered in order to bring this adopted project on stream as early as possible. Consideration may need to be given to undertaking lower priority projects in order to make effective use of the funds now accumulated.

DISCUSSION

The ranking of the projects in the Major Drainage Projects Priority List is reviewed and updated annually as projects are funded and completed by Council.

In addition, the State Government Flood Prone Land Policy and the Floodplain Development Manual impacts on the Stormwater Drainage Improvement Program. In particular, consideration needs to be given to the Probable Maximum Flood (PMF) and its impact on properties. This may affect the ranking of projects and cost of works.

In addition to the Major Drainage Projects, there are also Minor Drainage Projects with an estimated cost for each project of between \$10,000 to \$50,000. These projects are ranked using similar methodology as for the Major Drainage Projects and have funding of \$100,000 per year.

Localised drainage issues and problems with an estimated cost of less than \$10,000 are undertaken by the Assets branch, Roads and Drainage Section under the Northern and Southern District Works Maintenance and Upgrading Programs.

BUDGET

The adoption of the programs also indicates the funding allocations that should be considered for future budgets in 2010/11, 2011/12 and 2012/13. The actual funding allocations for the 2010/11, 2011/12 and 2012/13 Programs are indicative at this stage and will be subject to future adoption by Council in conjunction with future budget considerations.

In order to complete the programs within a reasonable time frame, funding consideration for the Stormwater Drainage Improvement Programs in future budgets in excess of the current funding level of \$500,000 would be desirable. Alternative funding options should also be considered to bring the adopted Hornsby CBD Stage 1 and Stage 2 projects on stream as soon as possible.

POLICY

There are no policy implications.

CONSULTATION

The preparation of the 2009/13 4-year Rolling Stormwater Drainage Improvement Programs has been carried out in consultation with the relevant officers from the Environment, Planning and Works Divisions. Reference has been made to the SCMPs to ensure compatibility and consistency.

RESPONSIBLE OFFICER

The responsible officer is the Investigations Engineer, Michael Bickford, on 9847 6825.

TRIPLE BOTTOM LINE SUMMARY

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

The TBL assessment summary for the 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs presented is as follows:

1. Working with our community.

This report is readily available to the community. Social equity will be considered as part of the process for the Stormwater Drainage Improvement Program (SDIP) projects.

2. Conserving our natural environment.

The SDIP projects will lead to measures that minimise the impacts of stormwater on the natural environment. It is anticipated that the design process will explore various measures, including storage and treatment of stormwater as well as better management of any impacts on bushland and environmentally sensitive areas.

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

Community consultation is part of the design process for SDIP projects and the resulting increased public awareness of flooding issues will contribute to community development. Safety in the public environment will be improved through the development of the SDIP projects and their community participation required. Council will cater to the physical access needs of the community as required.

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

The existing built and natural environment and their associated heritage values will be considered as part of the design process for the SDIP projects. Improved stormwater management will promote the well-being of the population.

5. Supporting our diverse economy.

Better management of stormwater will lead to reduced impacts and financial losses. Any restrictive development controls arising are in the public interest in the long term, although they may have some impacts on locally affected owners. There will be a neutral effect on local employment.

6. Maintaining sound corporate and financial management.

The capital works proposed at this time address some of the normal life cycle costs of the stormwater drainage network. There is a budget allocation in 2009/2010 for the Stormwater Drainage Improvement Program. The implementation of the SDIP over time will involve significant cost to Council, however, it will provide a substantial benefit to the community.

7. Other Sustainable Considerations.

There are no negative impacts from this proposal known at this stage. However the SDIP process will identify impacts from stormwater and any mitigation measures required.

RECOMMENDATION

THAT:

1. Council adopt the 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs presented at Appendix A.
2. Council note the requirement for future funding of \$500,000 per year to achieve these programs.
3. The Executive Manager Works Division to report on alternative funding options to bring the adopted Hornsby CBD Stage 1 and Stage 2 projects on stream within a reasonable time frame.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Appendix A - Recommended 2009/13 4-Year Rolling Stormwater Drainage Improvement Programs
2. Appendix B - Major Drainage Projects Priority List - Status as at 30 April 2009
3. Appendix C - Major Drainage Projects Completed - Status as at 30 April 2009

File Reference: F2004/05959-02
Document Number: D01152408

25 TENDER T12/2009: MINOR ASPHALT WORKS

EXECUTIVE SUMMARY

The proposed contract for 'Minor Asphalt Works' is required to service Council's needs for the restoration of road pavement patches over utility services, reconstruction of road shoulders in asphalt and other minor works such as asphalt vehicular crossings and footpaths.

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. Kizan Pty Ltd trading as A & J Paving have been recommended for acceptance of this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No. T12/2009: Minor Asphalt Works.

DISCUSSION

The Tender No. T12/2009 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are in folder F2009/00227. Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Eight (8) tenders were received for Tender No. T12/2009 from the following companies.

- Borthwick & Pengilly Asphalts Pty Ltd
- Central Coast Civil Pty Ltd
- C W Concrete Pty Ltd
- D & M Excavations and Asphalting Pty Ltd
- Kizan Pty Ltd trading as A & J Paving
- Platinum Civil Pty Ltd
- Sharpe Bros (Aust) Pty Ltd
- Tropic Asphalts Pty Ltd

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

- Cost of the Works
- 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
- 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 Kizan Pty Ltd (trading as A & J Paving)

The total estimated work under this contract is in the order of \$250,000 per annum. The ranking of all tenderers in accordance with cost criterion, is as follows

1. Kizan Pty Ltd trading as A & J Paving
2. Borthwick and Pengilly Asphalts Pty Ltd
3. Sharpe Bros (Aust) Pty Ltd
4. D & M Excavations and Asphalting Pty Ltd
5. Central Coast Civil Pty Ltd
6. Tropic Asphalts Pty Ltd

Tender from C W Concrete Pty Ltd is incomplete and the tender from Platinum Civil Pty Ltd was nonconforming.

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.

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.

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

Restorations pavements in a timely manner, construction of road shoulders, footpaths with asphalt concrete where appropriate will have a positive effect on conserving and enhancing Council's road pavement assets.

Supporting our diverse economy

Proper maintenance of the road pavement and roadsides has a positive effect on the amenity of the area. This in turn has a positive effect on the local economy and businesses by providing convenient access for public.

Maintaining sound corporate financial management

The cost effective maintenance of the road pavement and roadsides 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 in to 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 Kizan Pty Ltd (trading as A & J Paving) for all work under Tender No. T12/2009: Minor Asphalt Works.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment to WK32/09, located in the Confidential Section of Business Paper Confidential Memo No. WD D&C 16/2009 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under s10A (2)(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: F2009/00227

Document Number: D01163197

26 TENDER T13/2009: STABILISATION OF ROAD PAVEMENTS

EXECUTIVE SUMMARY

The proposed contract for “Stabilisation of Road Pavements” is required to service Council’s needs for the repair, reconstruction and construction of road pavements.

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. Stabilised Pavements of Australia Pty Ltd have been recommended for acceptance for this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No.T13/2009: Stabilisation of Road Pavements.

DISCUSSION

The Tender No. T13/2009 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are in folder F2009/00228. Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Two (2) tenders were received for Tender No. T13/2009 from the following companies.

- Stabilised Pavements Australia Pty Ltd
- Downer EDI Works Pty Ltd

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

- Cost of the Works
- 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
- 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 Stabilised Pavements Australia Pty Ltd.

The total estimated work under this contract is in the order of \$500,000 per annum. The ranking of all tenderers in accordance with cost criterion, is as follows

1. Stabilised Pavements Australia Pty Ltd
2. Downer EDI Works Pty Ltd

Full details of the tender evaluation are on folder F2009/00228.

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 stabilisation of road pavement process recycles the existing road pavement, adding to it stabilising agents such as cement or lime, and re-compacts the material to strengthen and prolong the life of the asset. This saves significant energy, minimises greenhouse gases and the need for new quarried road pavement materials, and tipping of old material.

The processes on site are controlled by sediment and erosion minimisation measures, and protecting environmentally sensitive areas.

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.

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

The rehabilitation of the road pavement has a positive effect on the amenity of the area and travel to and from the adjoining properties. This in turn has a positive effect on the local economy and businesses with good access.

Maintaining sound corporate financial management

The cost effective rehabilitation of the road pavement 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 Stabilised Pavements Australia Pty Ltd for all work under Tender No. T13/2009 Stabilisation of Road Pavements.

MAXWELL WOODWARD

Executive Manager

Works Division

Attachments:

1. Refer to Confidential Attachment to WK33/09, located in the Confidential Section of Business Paper Confidential Memo No D&C 17/2009 (circulated separately to Councillors) - *This attachment should be dealt with in confidential session, under s10A (2)(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: F2009/00228

Document Number: D01163418

27 BEROWRA WATERS AND BROOKLYN - PARKING ISSUES

Council at its Ordinary Meeting on 13 May 2009 resolved that the matter be deferred to the next available Ordinary Meeting.

EXECUTIVE SUMMARY

Berowra Waters and Brooklyn are subject to heavy parking demand during weekends and holiday periods. At these times parking demand peaks exceed the available supply, resulting in localized congestion as well as inappropriate and illegal parking. The demand is generated by river residents who have no vehicle access to their properties, visitors accessing the waterways and surrounding areas for recreation, and local businesses. Council has on a number of occasions considered changes to parking management however improving access for one group will by necessity restrict access for another given the limited number of parking spaces available on the constrained sites. The Brooklyn Parking Study prepared by Sinclair Knight Merz in November 1998 and the Berowra Waters Plan of Management prepared by Connell Wagner in September 1999 provide options for increasing parking supply which may be further considered by Council.

PURPOSE/OBJECTIVE

This report has been prepared to review the results of investigations and Council resolutions relating to parking in Brooklyn and Berowra Waters. In approving DA/1269/2008 on April 1 2009, for reconstruction of the Berowra Waters boatshed, Council resolved in part that –

- A separate report be prepared for Council's consideration regarding the parking issues at Berowra Waters and Brooklyn with such report to include various options for an increase in car parking capacity and funding opportunities that may be considered to resolve these issues.*

DISCUSSION

BEROWRA WATERS

The Berowra Waters Plan of Management, adopted by Council in June 2001 (refer PLN 181/01), includes options for the management of carparking. Parking surveys taken around 1998 indicate that peak demand for parking throughout Berowra Waters was calculated to be 556 parking spaces with a maximum of 450 available, assuming stack parking where appropriate. This left a shortfall of 106 parking spaces however the report noted that there were 64 vacant lots able to be developed with dwellings, which would increase the potential shortfall to at least 170 parking spaces.

The options from the Berowra Waters Plan of Management are listed in italics with comments from Traffic and Road Safety Branch under.

Option 1 Maintain Status Quo.

Sub-Option 1. Layout eastern compound more efficiently.

The carpark within the compound in Kirkpatrick Way is currently unsealed and unmarked. It is primarily used by off shore residents. The Berowra Waters Plan of Management has identified that the use of this carpark could be formalized by way of lease or licence to the Berowra Waters Pontoon Association. This action is currently being pursued, but is dependent on other land management issues involving the establishment of a formal road reserve in lieu of the current crown land.

Experience at other carparks indicates that sealing the carpark within the compound to provide marked spaces will probably reduce the number of parking spaces by between 10% and 20%. Marked spaces and aisles must be in accordance with the Australian Standard which is based on the needs of a typical large vehicle. In practice, informal or unmarked spaces allow smaller vehicles to park in spaces smaller than the standard space. Currently up to 70 vehicles fit in the car park and regular users have become adept at squeezing vehicles into substandard spaces.

Further efficiency gains are not possible by linemarking, therefore this option offers no net benefit. The question of increasing the capacity of this carpark is discussed elsewhere in this report.

Sub-Option 2. Allow visitors to use eastern carpark.

It appears this comment relates to the compound in which case such a move will increase opportunities for visitor parking by reducing resident parking. No further action is recommended as there will be no net increase in number of parking spaces.

Sub-Option 3. Maintain numbers and layout on Dusthole Bay carpark.

No adverse impact on parking numbers. The use of this carpark is further discussed below.

Option 2 Calabash Bay/Point. Use of Crown roads/track.

Not recommended due to significant adverse environmental impacts and high cost of developing and maintaining unsealed roads with regular use.

Option 3A Dusthole Bay carpark

Sub-Option 1 Rearrange carpark layout to reduce trailer spaces at rear of carpark.

There are currently 85 formal car and trailer spaces and 50 formal car spaces in the Dusthole Bay carpark. Rearranging the carpark cannot be supported as it merely swaps one use for another with no net increase in parking availability. This sub-option has been superseded by sub-option 2 under.

Sub-Option 2 Rearrange existing carpark and deck part of carpark.

At the Planning meeting of 16 July 2008 Council gave consent to a development application by Cameron Brae Pty Ltd for the re-configuration and refurbishment of the existing carpark, upgrading, re-configuration and expansion of open space, construction of new foreshore boardwalks plus decks, landscaping and a new pump out facility. On 26 March 2009 a modification to the proposal was approved by the Manager Planning Assessment Team 2 under delegation which resulted in 235 parking spaces including 88 car and trailer spaces, 62 car spaces for public use and 85 car spaces in the lower deck only for private use. All trailer parking spaces are to be sign-posted. Flexible parking arrangements will be provided on the upper deck of the proposed carpark to allow for both car/trailer spaces and cars. Cameron Brae is to have exclusive use of the lower parking deck only. The patrons of the Marina building are not allowed to park elsewhere in the Dusthole Bay carpark.

In accordance with the Berowra Waters Plan of Management, the proposed car parking

arrangement will be reviewed after two years of the date of the development consent via the submission of a traffic impact study prepared by the applicant's traffic consultant.

The approved development has resulted in an increase of 3 car and trailer parking spaces, 12 public carparking spaces and 85 private parking spaces over existing numbers which is unlikely to satisfy the existing demand for public parking.

Additional parking cannot be provided in Dusthole Bay carpark without loss of open space or adding more levels to the carpark.

Sub-Option 3 Charge parking fees.

The Department of Land and Water Conservation and National Parks have previously advised that they would not object to pay parking as long as all users, including residents, were charged. Paid parking machines in remote locations have considerable down time due to vandalism and when administration costs are included the income stream is not particularly lucrative. Before paid parking could be introduced Council must establish a parking demand strategy in accordance with the Roads and Traffic Authority requirements for paid parking. Due to the extensive public consultation required, it would be more appropriate to consider the issue of paid parking at Berowra Waters as part of a Shire wide parking strategy.

Option 3B Eastern carpark

Sub-Option 1 Minor rock/vegetation clearing.

Due to the geometry of the roadway, steep slopes and trees, formalising the angle parking near the intersection of Berowra Waters Road and Kirkpatrick Way may increase parking by up to 3 spaces with the loss of one significant tree. Rock removal along sections of Kirkpatrick Way will add another 3 spaces however, this will require geotechnical investigation due to known instability in the area. The high cost prevents further investigation at this stage.

Sub-Option 2 Above ground concrete deck over existing compound and extend carpark to the west over existing vehicle track.

The Plan of Management assumed a cost of \$900,000 however adjustment for inflation over ten years will bring this to more than \$2,000,000. There would be significant visual impacts with the structure 8 metres above the ground. No funding sources for construction are known however charging a fee for use would defray some of the construction and operating costs. It is essential that detail design and estimates be prepared before Council considers a business plan for multideck parking. This option is not supported at this stage, due to environmental and cost considerations.

Sub-Option 3 Underground carpark to existing compound extend carpark over existing vehicle track

Current cost may exceed \$3,000,000 compared to the Plan of Management estimate of \$1,500,000 after adjustment for inflation. Compared to Sub-Option 2 there will be no visual impact and better potential for security, however higher fees will need to be charged to defray construction and operating costs. It is essential that detail design and estimates be prepared before Council considers a business plan for multideck parking.

Both this and the previous option will have significant impact on the character of Berowra Waters and need to increase parking supply needs to carefully considered. Refer to the Manager Parks and Landscapes Team comments in the conclusion this report.

Option 4 Maximise other core parking areas.

Limited parking is available along Bay Road however the narrow road width and the lack of a footway along with the need to provide large trailer and coach access precludes more parking being provided along the roadway without extensive reconstruction. A detailed design and estimate will be required before a recommendation can be made and this project is not in the current Design and Construction program.

Option 5 Park and Ride and/or on site parking.

Sub-Option 1 Utilisation of existing carparking areas associated with transport nodes e.g. Berowra railway station, shopping centre, tourist centre.

Sub-Option 2 – Remote parking such as that proposed for Berrilee.

Sub-Option 3 Water transport e.g. Brooklyn.

Delays on the ferry and lack of bus access due to poor road geometry make remote park and ride on the eastern side unattractive. Remote parking on the western side will have visual impact and noise issues with neighbours. Water transport from other areas will involve considerable time and expense. Overall, making remote parking attractive will involve providing parking restrictions to force parking out of Berowra Waters. In addition, it is likely that a bus service will have to be subsidised until patronage increases to the point where the service becomes viable. These options will require the development of public/private partnerships which are beyond the scope of this report.

The marina in Dusthole Bay appears to be the only private site large enough to provide a significant increase in parking in Berowra Waters however this can only be considered when assessing any future development application.

Expanding the eastern compound

In addition to the options in the Berowra Waters Plan of Management, requests have been received to increase the size of the compound at the end of Kirkpatrick Way. An intruding rock wall in the first section of the compound restricts space to allow only the aisle and one row of parking. The wider section contains two rows of parking and an aisle. Current capacity is about 70 vehicles.

Moving the compound fence and retaining wall west towards the river will not result in an increase in parking spaces within the compound as the walking track connection to Kirkpatrick Way will need to be maintained. Assuming space is retained for a new 2 metre wide walking track along the river, the extended compound will not be wide enough to provide even one row of parallel parking along the rock wall.

Extending the compound north towards the existing walking track will result in the removal of 8 public parking spaces outside the compound but increase parking within the compound by 12 spaces, providing a net increase of 4 resident spaces. The loss of 8 public parking spaces to provide parking for 12 residents cannot be supported.

It may be possible regularize the shape of the compound by cutting into the rock wall however as this section is below an area where geotechnical instability has been previously addressed, a geotechnical assessment would be required before the cost can be estimated. If the geotechnical assessment is favorable, this will gain 10 resident parking spaces with no loss of public parking. The cost of such works is expected to be considerable.

The supply of parking around Berowra Waters is restricted by the severe topography. Even the lowest cost options to increase parking will be relatively poor value for money given the few spaces gained. Previous verbal advice from state government agencies is that they would not be prepared to contribute towards or approve parking improvements unless all spaces

were available for visitors and they will not support paid parking if residents were exempt as they consider Berowra Waters to be an area of regional significance.

BROOKLYN

In 1998 Sinclair Knight Merz prepared a traffic and parking study of Brooklyn which contained 15 recommendations. The study was considered by Council on 10 October 2001 in report WK93/01. Listed under are the Council resolutions in italics with Traffic and Road Safety Branch comments under.

- 1. Council invite expressions of interest for a commercially viable leasing/purchase of car spaces for a car parking proposal on Council land in Dangar Road.*

It is understood that expressions of interest have not been called as Council has not resolved that the land can be used for parking.

- 2. A concept design and preliminary estimates be prepared for the car parking area in upper McKell Park for consideration by Council in future Budgets and Management Plans.*

Part of Upper McKell Park has been kerbed and sealed however the work was done to improve amenity and has not increased the number of parking spaces. The remainder of Upper McKell Park is mainly grassed area which is used for parking during the worst peaks. On the vast majority of days when not required for parking, the grassed area may be used as recreational open space. Sealing and formalising this area is not a priority as this will reduce the recreational use without increasing the number of parking spaces.

- 3. The Parsley Bay parking area within the existing pavement area be redesigned to provide for more car only spaces and reduce the number of spaces for trailer and car.*

A design has been prepared but is unfunded. Recent monitoring indicates both Parsley Bay and Mooney Mooney cannot meet the demand for trailer parking during holiday peaks, in which case removing trailer parking for more single vehicle parking cannot be justified.

- 4. The Planning Division to consider a proposal for parking on residential lots in Brooklyn for residents with water only access.*

Council has subsequently considered the issue of commuter berthing and parking in Brooklyn on a number of occasions. Of note, Council considered the issue at its meeting on 18 September 2002 when it considered Executive Manager's Report No. PLN307/02 concerning the preparation of the Kangaroo Point Community Masterplan. The Report contained a discussion on commuter berthing and car parking opportunities in Brooklyn and the necessity to prepare an issues paper on same. The Report noted that:

"The current land use strategies for Brooklyn make provision for commuter berthing and parking in a number of zones that directly adjoin the Hawkesbury River in Brooklyn. These zones are the Residential AT (Low Density – Tourist Village), Special Uses A (Community Purposes) and Business D (Aquatic Service Centre) zones under the HSLEP 1994.

Lands in the Residential AT zone (properties Nos. 31 to 87 Brooklyn Road) contain attributes for the establishment of private commuter berthing and parking facilities. The zoning permits the establishment of commuter berthing and parking for river residents (i.e. a marina and

associated parking), the land is located in relatively close proximity to river residents and it has the necessary deep water access. As the Planning Division can already consider a proposal by an individual or consortium of river residents for commuter berthing and parking on residential zoned land, it is not necessary to prepare an issues paper to investigate opportunities to permit same."

Council resolved to note that Council's current land use planning strategy provides the opportunity for the establishment of commuter berthing and car parking in appropriate zones in Brooklyn.

5. ***The access road along the rear of the Hawkesbury River Marina be listed for consideration by the Hornsby Local Traffic Committee as a shared zone.***

The civil works have been completed and the area functions as a shared zone. However, due to the lack of contrasting pavement the area cannot be sign posted as a shared zone in accordance with the Roads and Traffic Authority's technical direction. Such action would not change parking availability in Brooklyn.

6. ***When Stage 1 McKell Park is completed, a review of all signage, including car parking locations, be reviewed.***

This was completed in 2006 and resulted in 4P parking restrictions being provided in high use areas outside businesses and facilities. Enforcement and monitoring is ongoing.

7. ***A concept feasibility study for visitor parking fees at Brooklyn be arranged provided the Department of Land and Water Conservation agree with this concept.***

This has been deferred pending monitoring of the results of Item 6 above. At this stage parking appears to be working satisfactorily with more parking turnover during peak periods outside businesses and facilities. Before paid parking could be introduced Council must establish a parking demand strategy in accordance with the Roads and Traffic Authority requirements for paid parking. Due to the extensive public consultation required, it would be more appropriate to consider the issue of paid parking at Brooklyn as part of a Shire wide parking strategy.

8. ***Council request the State Rail Authority to provide a fully constructed permanent car park on State Rail Authority land opposite the Anglers Rest Hotel.***

Linemarking the area will result in a reduction in the number of parking spaces due to the irregular shape of the site and cannot be supported.

9. ***A Committee be formed comprising interested residents, stakeholders and Councillors to continue to examine parking issues at Brooklyn and to review the implementation of the Stage 2 McKell Park Development.***

This action was deferred pending the commencement of Stage 2 improvements to Lower McKell Park. On the 14 June 2006 Council considered report WK34/06 regarding extending Lower McKell Park by reclaiming material dredged from Brooklyn Harbour. Council resolved to investigate potential opportunities for funding contributions from appropriate state government departments and those parties with a commercial interest who stand to benefit from the dredging of Brooklyn Channel. Council also resolved that extension of the carpark by reclamation would not be further considered.

Kangaroo Point and Saltpan Reserve.

Separate to the above resolution for parking in Brooklyn, two other locations outside the central Brooklyn area have been suggested as being suitable for river resident parking. Supporters claim that providing river commuter parking away from the congested areas of Brooklyn will free up parking spaces within Brooklyn for others. Kangaroo Point and Saltpan Reserve are two sites suggested.

At its meeting on 16 March 2005, Council considered a Masterplan for Kangaroo Point and adopted "Masterplan Option A" which promoted the provision of 62 car parking spaces to service the use of the land as a recreation area. In doing so Council declined to include commuter parking in Kangaroo Point (which was "Masterplan Option B") however Council also resolved to invite river residents and commercial marina proprietors to prepare a joint submission to Council to utilise part of Saltpan Reserve for secure parking.

At its meeting on 2 July 2008, Council considered a report presenting submissions from commercial marina proprietors in Brooklyn and a representative of Hornsby Shire river residents concerning the use of Saltpan Reserve for secure parking in association with the provision of commuter berthing at nearby commercial marinas. Council resolved that no further action be taken in respect of investigations for the establishment of secure commuter parking at Saltpan Reserve. Council also resolved to continue consultation with Gosford Council in respect of provision for commuter berthing and parking at Mooney Mooney for river residents. This latter consultation is ongoing.

CONCLUSION

Council's Manager Parks and Landscapes Team offers the following comments regarding access to Berowra Waters and Brooklyn.

"Both Brooklyn and Berowra Waters are small, confined villages set in very pleasing visual settings. At some point there needs to be a recognition that each place has a carrying capacity for visitors and for river settlement residents using the villages as a base for commuting. Attempts to extend either Brooklyn or Berowra Waters beyond a notional carrying capacity risk damaging the visual and recreation amenity that is the chief attraction of both villages. The Parks and Landscape Team is therefore generally not in favour of any parking solutions that involve the net loss of any soft landscaping areas within the parks at either Brooklyn or Berowra Waters to hard-engineered parking solutions.

There is no objection to the reconfiguration of existing paved parking areas as long as preservation of visual and recreational amenity of the parks is the paramount consideration.

The Parks and Landscape Team supports the conclusions in the report."

Both Berowra Waters and Brooklyn are areas of regional tourist significance. During public holidays, especially when they coincide with school holidays, parking demand exceeds supply. It should be noted that planning practice recognizes that it is not economically feasible to meet peak parking demand. Parking management guidelines set the economic parking supply at the 85%tile of demand. Even major shopping centres do not provide parking at a level which meets Christmas and Easter demand peaks as this would mean 15% of the parking supply would remain vacant every other day of the year.

Given the demands on public funds generally, current planning practice is to manage the existing parking supply more efficiently and seek alternatives to private car use. Parking in

Berowra Waters and Brooklyn should be managed in accordance with strategic principles being developed by Traffic and Road Safety Branch. An issues paper for parking management in the Shire will be presented at the Workshop of 27 May 2009. Council can include the issues listed above in the strategy to ensure parking supply and management in each precinct is developed in accordance with land use and transport planning goals.

BUDGET

There are no budget implications associated with this report.

POLICY

There are no policy implications.

CONSULTATION

The Design Team Leader, Manager Parks and Landscapes Team and Acting Manager Town Planning Services were consulted during the preparation of this report.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT

1. The report be received and noted.
2. Council further consider the need for additional car parking in Berowra Waters and Brooklyn in the context of the car parking strategy currently being prepared by the Traffic and Road Safety Branch.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00274

Document Number: D01167870

28 OXFORD STREET, EPPING - STREETScape UPGRADE - PROGRESS REPORT

EXECUTIVE SUMMARY

This is a progress report on the Oxford Street, Epping – Streetscape Upgrade which is being undertaken in two stages. The first stage is the northern section of Oxford Street from the signalised crossing near the Catholic Church, extending to the intersection of Chester Street/Essex Street. The second stage is from the intersection of Pembroke/Cambridge Streets, connecting to the first stage works.

The works are part of the Local Roads Improvements Program and are proposed to be funded over three years (08/09, 09/10, 10/11). The first stage has been funded in the current year and is nearing completion. It is proposed that stage two be constructed commencing late in 2009/2010 financial year and continue to completion early in the 2010/2011 financial year. It is recommended that Council carry over any unspent funds in 2009/2010 for Oxford Street so that the project can be completed in 2010/2011.

\$1.28M was voted for Stage 1 of Oxford Street in the 2008/2009 financial year. A further \$0.92M is recommended for this project in the 2009/2010 financial year and \$0.7M in 2010/2011. Increases in construction costs have added approximately \$0.4M and further detailed site investigations and some changes to the design to maximise parking has resulted in additional costs of approximately \$0.3M to the initial (2006) estimate of \$2.2M. The total estimated cost of the project for 08/09, 09/10, 10/11 is approximately \$2.9M. This is to be funded from the Local Roads Improvements Program which is the subject of Report Number WK28/09 at this meeting.

The issue of parking in and around Oxford Street has again been raised by the Epping Chamber of Commerce at a meeting on 26 May 2009. This report outlines the parking issues associated with this project. There is also a recommendation for the Traffic and Road Safety Branch to review the current timed restricted parking zones in Oxford Street with a view to converting some of the ½ hour to 1 hour. Any proposed changes would be subject to community consultation within the next month, with any changes being implemented ahead of construction.

PURPOSE/OBJECTIVE

The purpose of this report is to provide information on the progress of the Oxford Street, Epping – Streetscape Upgrade.

DISCUSSION

Council in considering Report WK44/06 at the August Ordinary Meeting of 2006 resolved that:

1. *Council adopt the Proposed Streetscape Plan for Oxford Street for the section between Pembroke Street and Chester Street, as attached to this report, for consultation purposes.*
2. *Council proceed with the next stage of community consultation in accordance with the report.*
3. *Council note the review of the time limits for parking in and around Oxford Street. Subject to the second stage of community consultation and approval by the Traffic Committee, then monitoring of the parking demand in Oxford Street be undertaken and reviewed 6 months after the completion of the Oxford Street works and reported back to Council, when the need for stage 2 parking can be considered.*
4. *Council proceed with the implementation of the necessary infrastructure to support a 40km/h speed limit for Oxford Street between Chester Street and Pembroke Street in conjunction with the works.*
5. *Council proceed to consultation noting that the Chinese Elms be the main street tree proposed to be planted in the commercial precinct and Weeping Lilly Pillys in the northern section of Oxford Street. It is proposed that the lower planting in front of walls and fencing between the outdoor dining areas and the kerb be planted with Japanese Box Hedge. As part of the next stage of consultation, the adjacent owner/occupiers and the Epping Civic Trust be advised and requested to comment on the planting proposal.*
6. *When determining the 2007/08 budget, consideration be given to funding the portion of the Oxford Street improvement works that is not funded from the Local Roads Improvements Program.*
7. *Council carry over any unspent funds in 2006/2007 for Oxford Street so that the project can be completed in 2007/2008.*
8. *Construction not to proceed until the State Transit Authority system is finalised and operating.*
9. *The Executive Manager Works prepare a further report for Council's consideration regarding the 3 year rolling local road improvement program for C Ward.*

Refining the concept plan and undertaking a detailed design

Further to this resolution the Design and Construction Branch has undertaken additional site investigations and has prepared a detailed design for the work. This work has included public utility location and liaising with those Authorities, subgrade investigation and pavement design, and detailed level design to largely eliminate steep crossfalls on the roadway and footpath areas.

A new method of providing for outdoor dining has also been developed that ensures that only areas that will be actively used for outdoor dining will take up space that would otherwise be used for parking. The previous concept design nominated a number of areas which were likely to be taken up for outdoor dining, where walls and fences would be constructed. These areas would then be permanently sterilised for this use regardless of actual take up, potentially resulting in some space not used for either outdoor dining or parking.

The revised design involves the use of a bollard system, where the bollards can be relocated depending upon the desired use of a particular area. This system is currently being constructed in Coronation Street and was well received during recent consultation for the Hornsby Westside and for Oxford Street during October 2008. The method is shown in Attachment 1.

It was previously reported to Council in 2006 that the estimated cost of construction was around \$2.2M. Since that time increases in construction costs have added approximately \$0.4M and further detailed site investigations and some changes to the design to maximise parking has resulted in additional costs of approximately \$0.3M. This additional cost includes the cost of supply and installation of impact resistant stainless steel bollards, which were not part of the previous concept.

The total estimated cost of the project for 08/09 (\$1.28M), 09/10 (\$0.92M), 10/11 (\$0.7M) is approximately \$2.9M. Subject to resolution, this is to be funded from the Local Roads Improvements Program, as detailed in Report WK28/09 to this meeting.

Public Consultation

A series of meetings with residents and businesses in Epping, dating back to 2006, have been carried out as part of the consultation process. Most recently, meetings with the Epping Civic Trust and the Epping Chamber of Commerce were held in October 2008 and three additional public information sessions held at Epping Community Centre at the same time.

During the presentations of this project to the community, Council advised that it would endeavour to complete Stage 2 works by the end of 2009. Given the number of utility services that require adjustment and the significant lead time that the Service Authorities require, Council is not in a position to guarantee that, if works commenced in July 2009, the works would be completed by the end of the year. It could then be delayed for some time in an unfinished state over the Christmas period resulting in a final completion in February 2010.

Given the financial and timing constraints it is now proposed that Stage 2 of Oxford Street be funded over two (2) financial years, as two stages with Stage 2a to commence late in 2009/2010 financial year and continue to completion as Stage 2b early in the 2010/2011 financial year.

In May 2009, a newsletter was sent to all businesses in Oxford Street and a copy forwarded to the Epping Chamber of Commerce and Epping Civic Trust. This newsletter (Attachment 2) outlines the additional complexity resulting from the adjustments required for public utilities and that Council cannot guarantee construction would be completed prior to Christmas 2009.

A further meeting was held with the Epping Chamber of Commerce on 26 May 2009, attended by approximately 70 people. The Mayor and Councillor Hutchence attended this meeting with a number of Council staff. At the meeting a project update was presented including the revised timing, proposed changes to the design and the construction sequence for Stage 2. Advice was also provided that there would be no parking throughout stage 2 during the construction period of approximately 5-6 months, however alternative timed parking arrangements would be provided to the north along Oxford Street. Further detail and investigation would be provided as part of the preparation of a Traffic Management Plan required for construction. A Traffic Management Plan would be available for comment and prior to consideration by the Local Traffic Committee. Photos of the Coronation Street construction works were presented, which are similar to that which is proposed for Oxford Street.

Parking based on new design

Oxford Street currently has approximately 19 timed parking spaces on the eastern side and 14 spaces on the western side. With the implementation of the new design which includes the provision of angle parking on the eastern side immediately north of the Arden Anglican School, a total of 18 additional time restricted (2 hour) parking spaces will be provided. This represents approximately 50% increase in the timed parking spaces available in Oxford Street.

Previous consultation with business owners revealed an interest in having outdoor dining in three main areas, two on the eastern side and one on the western side. If these outdoor dining opportunities are taken up then this will replace seven (7) parking spaces, resulting in an overall net increase of 11 time restricted parking spaces, compared to that available prior to commencement of works. This represents approximately 30% increase in the timed parking spaces available in Oxford Street. It is noted that all day parking is currently provided where the time restricted new angle parking has been constructed.

Council's resolution of 9 August 2006 required that: *"monitoring of the parking demand in Oxford Street be undertaken and reviewed 6 months after the completion of the Oxford Street works and reported back to Council, when the need for stage 2 parking can be considered."* The parking referred to here is converting the parking on the western side of Oxford Street just north of the Catholic Church to the Chester/Essex Street roundabout to time restricted parking. This would provide approximately 14 extra time restricted parking spaces. There are no proposals to implement this action on a permanent basis at present other than as stated below.

Parking during construction

It was outlined at the Chamber of Commerce meeting on 26 May, 2009 that there would be no parking in the commercial part of Oxford Street during the construction period of approximately 5-6 months, however alternative arrangements would be made mainly to the north along Oxford Street for timed parking.

Prior to the commencement of construction works there were approximately 33 time restricted parking spaces in Oxford Street. It is proposed that both sides of the northern end of Oxford Street be converted to timed parking, a permanent arrangement on the eastern side as previously approved by the Traffic Committee and a temporary arrangement for the western side. This will provide for a total of approximately 36 spaces, three (3) more than that lost during construction.

Further detail and investigation into temporary parking arrangements including provision for additional 15 minute parking for customers utilising facilities such as the post office would be provided as part of the preparation of a Traffic Management Plan required for construction. A draft Traffic Management Plan will be sent to businesses for comment and after any alteration, to the Local Traffic Committee for approval.

Existing time restricted parking in Oxford and Pembroke Streets.

In July 2006 Council's Traffic and Road Safety Branch reviewed the street parking in and around Oxford Street Epping. This proposal developed at the time was well received by the community and has now been implemented.

At a meeting with the Chamber of Commerce on 26 May, 2009 there was a request made to review some of the parking arrangements again, with particular reference to converting some

of the ½ hour parking to 1 hour parking. It was agreed that the Traffic and Road Safety Branch would review the parking and any proposed changes would go out to community consultation within the next month.

Trees

The proposed planting of the semi-deciduous *Ulmus parvifolia* (Chinese Elm) originally intended for Oxford Street received a number of objections relating particularly to its size. This tree can develop a large spreading crown, which was agreed may be too large for the commercial section of Oxford Street where roof awnings exist.

Several smaller alternatives were considered and the final scheme in Stage 2 of Oxford Street incorporates two species of smaller trees - an evergreen *Tristaniaopsis* (Water Gum) and a deciduous *Pistachia Chinensis* (Chinese Pistachio). The Water Gum is a small, native evergreen and it represents the main species in Stage 2.

When combined, these trees create an interesting scheme combining native and exotic, flowering and deciduous and reflective of a diverse natural and cultural heritage which may be ascribed to the character of the Epping district. The two trees are of similar size and form but have different foliage qualities. The selection allows for some variation in the seasons in terms of colour and provides good shade when in leaf. The evergreen is a native flowering tree which will provide some benefit to local bird life, while the deciduous puts on a great crimson autumn show and will allow more sun on the pavements in winter.

Both may be pruned and should not create any problems due to size in the proposed situation. Leaf litter is not troublesome from the deciduous tree.

In Stage 1, the former scheme mixed a variety of shapes and sizes of tree, including specimens such as the Blackbeans and Harpullias. The *Elaeocarpus eumundii* (Eumundi Quandong) is being used as a like specimen to the Blackbean present in the existing streetscape and in some instances is directly replacing those that have been removed. The Eumundi Quandong and a couple of Chinese Pistachio trees are incorporated into a scheme containing an avenue of *Waterhousia floribunda* (Weeping Lilly Pilly). These trees have been selected as part of a scheme which seeks to maintain the character gained by using a diversity of trees, as evident prior to these works.

It is proposed, that in relation to the stage 2 works, final consultation with the Epping Civic Trust and Epping Chamber of Commerce be undertaken in relation to the recommended tree species.

BUDGET

\$1.28M was voted for Stage 1 of Oxford Street in the 2008/2009 financial year. A further \$0.92M is recommended for this project in the 2009/2010 financial year and \$0.7M in 2010/2011. It was previously reported to Council in 2006 that the estimated cost was around \$2.2M. Since that time increases in construction costs have added approximately \$0.4M and further detailed site investigations and some changes to the design to maximise parking has resulted in additional costs of approximately \$0.3M. The total estimated cost of the project for 08/09, 09/10, 10/11 is approximately \$2.9M. This is to be funded from the Local Roads Improvements Program which is the subject of Report Number WK28/09 at this meeting.

It is recommended that Council carry over any unspent funds in 2009/2010 for Oxford Street so that the project can be completed in 2010/2011.

POLICY

There are no Policy implications as a result of this report

CONSULTATION

As well as the consultation outlined above, Consultation has also taken place with the Traffic and Road Safety Branch, Parks and Landscape Branch, Assets Branch, and Research & Policy Development Officer - Economic Development & Tourism.

TRIPLE BOTTOM LINE SUMMARY

The triple bottom line summary is not required for this report as it was reported with the previous report (WK13/06) Oxford Street, Epping – Proposed Streetscape Plan.

RESPONSIBLE OFFICER

The responsible officer for this report is the Manager Design and Construction, Mr Robert Rajca. For further information, please telephone Mr Rajca on 9847 6675.

RECOMMENDATION

THAT

1. The contents of Executive Manager's Report WK35/09 be received and noted.
2. Subject to Council's resolution WK28/09 regarding funding, the stage 2 works in Oxford Street proceed as outlined in this report.
3. Council carry over any unspent funds in 2009/2010 for Oxford Street so that the project can be completed in 2010/2011.
4. The Traffic and Road Safety Branch review the current timed restricted parking zones in Oxford Street and surrounding streets in consultation with the community with a view to converting some of the ½ hour restrictions to 1 hour or other durations considered appropriate.
5. That in relation to the stage 2 works, that final consultation with the Epping Civic Trust and Epping Chamber of Commerce be undertaken in relation to the recommended tree species and any other matters of concern.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Bollard method system.
2. May 2009 Newsletter

File Reference: F2004/05959-02

Document Number: D01164434

29 TENDER T10/2009 - BEROWRA OVAL WATER HARVESTING SCHEME

EXECUTIVE SUMMARY

The proposed contract is for the design and construction of a stormwater harvesting scheme at Berowra Oval, Berowra. Stormwater will be collected from a major drainage system in The Gully Road where preliminary filtration of the stormwater will take place. The water will be stored in a below ground concrete tank and then pumped up to the existing irrigation tank located adjacent to the Berowra Oval. The stored water tank will also be accessible to the fire brigades for use in bush fire fighting if required. The stormwater will be treated (further filtration and U.V. disinfection) and then used for irrigation of the Berowra Oval. The implementation of this scheme will considerably reduce the amount of potable water used for irrigation purposes and may allow for complete disconnection from the potable water supply for irrigation purposes at this site.

At the present time Council does not have the resources required to carry out this specialised work and therefore tenders have been called in accordance with the Local Government Act. The construction phase of the proposed contract is scheduled to commence in July 2009 and the work is expected to be completed within approximately 12 weeks of Council giving possession of the work site, weather permitting. It is recommended that Council not accept any of the submitted tenders but that negotiations take place with Jaddfe P/L regarding the method of tank construction and if successful enter into a contract for this work. In the event that negotiations are not successful then similar negotiations proceed with Collective Civil.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No.T10-2009 : Design and Construction - Berowra Oval Water Harvesting Scheme.

DISCUSSION

Tender No. T10-2009 is a Lump Sum tender and a summary of all tenders together with full evaluation details have been placed on file. 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 from the following companies:

- Maintek Freshwater
- Devcon Civil
- Jaddfe P/l
- McCrackens
- Innaco
- Collective Civil

- CT Plumbing
- Prime Water
- Carey Constructions

The following criteria were used for the evaluation of the tenders:

- Cost of works
- Past performance and experience with similar types of contracts
- Plant and equipment resources
- Labour and sub-contract resources
- Project program and resourcing details
- Construction methodology
- Quality assurance systems
- Occupational health and safety systems
- Current financial position and contractual commitments
- Sustainability

The total lump sum price of each tender and the priced bill of quantity rates were evaluated and compared with the average price tendered (excluding the highest and lowest tender) and Council's pre-tender estimate for the works. Other criteria were assessed on information submitted with each tender and information gained from the tenderers' nominated referees.

The attached Confidential Memo WD D&C 18/2009 provides the lump sum price of each tender and a summary of the evaluation. Full details of the tender evaluation are on file.

The results of the evaluation indicate that of the five (5) lowest tenders, three are non conforming, one tenderer has insufficient experience and one tenderer proposes to use less than acceptable tank construction. Other tenders are considered to be too expensive. The recommendations of this report are therefore aimed at negotiating with the most cost effective conforming tenderer Jaddfe P/L and in the event that negotiations are not successful then similar negotiations be entered into with Collective Civil.

BUDGET

The total budget for the Berowra Oval Water Harvesting Scheme is \$243,000 which is made up of a grant of \$121,500 from a Community Water Grant and \$121,500 Catchment Remediation Rate (CRR) funding. There are sufficient funds available in the budget to carry out the proposed works including an allowance for project management and contingency.

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated in consultation with Council's Environmental Scientist, Mr Neil Keraunos, Water Catchments Team and Manager Design and Construction, Mr Robert Rajca. The Manager Parks and Landscapes, Mr Peter Kemp and several members of his team have been consulted throughout this project.

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 processes on site are to be controlled by strict environmental measures including sediment and erosion controls, minimisation of noise and pollution controls. The proposed work will reduce Councils usage of mains water for irrigation purposes.

Contributing to community development through sustainable facilities and services

All tenderers have specified in their tender that they support and promote the principles of sustainability. Both vehicular and pedestrian traffic controls are to be put in place prior to commencing works on any work site, to protect and guide the public around the works and to protect the construction employees. 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.

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

The facility once completed will provide significant stormwater storage which will be used for irrigation of the playing fields and substantially reduce the usage of mains potable water at Berowra Oval.

Maintaining sound corporate financial management

The proposed work will reduce Councils reliance on the mains water supply and hence reduce operational costs for this recreational area.

Other sustainability considerations

The company's Environment and Social Policy and management systems of each tenderer were taken in to consideration in assessing the tender.

RESPONSIBLE OFFICER

For further information, please contact Engineer Construction, Mr. Steve Crowe on 9847 6679.

RECOMMENDATION

THAT

1. Council not accept any tender for Tender No. T10-2009 - Design and Construction - Berowra Oval Water Harvesting Scheme and that negotiations take place with Jaddfe P/L in the first instance regarding the method of tank construction proposed.
2. Council decline to invite fresh tenders or seek fresh applications from tenderers or persons expressing interest for the following reasons -: that Council has tested the market for the project and further tendering or fresh applications are not likely to produce a better result. Timing constraints imposed by the grant conditions require an early decision on this matter.
3. Subject to the conclusion of successful negotiations, Council enter into a contract with Jaddfe P/L to undertake the Berowra Oval Water Harvesting Scheme.
4. In the event that negotiations with Jaddfe P/L are not successful then similar negotiations be entered into with Collective Civil and be reported back to Council.
5. The price will be made public on formal acceptance of the tender.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. 1. Refer to Confidential Attachment to WK12/09, located in the Confidential Section of Business Paper Confidential Memo WD D&C 18/09 (circulated separately to Councillors) - *This attachment should be dealt with in confidential session, under s10A (2)(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: F2009/00261
Document Number: D01167431

30 REQUEST FOR LAND AT WISEMANS FERRY FOR AGED CARE DEVELOPMENT

EXECUTIVE SUMMARY

This report provides the information and results of research and consultation regarding a request from the Secretary of the 'Wisemans Ferry and Districts Aged and Community Care Association Inc.' (the Association) that Council participate in the development of aged care facilities on Council owned land next to Council's community Centre at Wisemans Ferry.

It considers the "Abbeyfield" model of assisted independent living for 10 residents sharing a purpose built house, upon which the proposal is based. It also links the proposal with the property strategy, Council's responsibilities and policies and examines any community benefit arising from the proposal.

Ultimately, this report arrives at a conclusion and recommendation that the request not be supported on the basis that the proposal does not fit within Council's asset management, social and broader community responsibilities.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council of a request from a local community group for Council to make some land at Wisemans Ferry available for assisted independent living for 10 aged persons. Specifically, this report seeks the concurrence of Council to not agree to the request on the basis that the property is a strategic property held by Council for future development to be planned.

INTRODUCTION AND BACKGROUND

The Proposal

Council has been approached by the Secretary of the 'Wisemans Ferry and Districts Aged and Community Care Association Inc.' (the Association), with a proposal for the development of aged care facilities on Council owned land next to Council's community Centre at Wisemans Ferry.

The proposal involves the concept of building of an "Abbeyfield House" which provides assisted independent living for 10 residents sharing a purpose built house. The proposal does not identify funding arrangements or a plan of the land required. Council is unaware as to whether any designs or project feasibility studies have been undertaken. Having considered the concept, it may be assumed that a parcel of land of between 1,200m² and 2,000m² would be suitable.

The Abbeyfield Society

The 'Abbeyfield' concept was founded in London in 1956. Abbeyfield now has a presence in 17 countries. The Abbeyfield Society (Australia) Limited is a 'not for profit' organisation

which opened its first house in Australia over 25 years ago. There are currently 26 Abbeyfield premises across Australia.

Land and capital funding in Australia has been provided from a number of sources, including federal, state and local governments (eg Department of Housing); charity groups (Rotary, Lions & churches); and corporate sponsors. There are currently two Abbeyfield supportive houses in NSW (Orange and Wagga Wagga), developed on land provided by local government with capital funding by NSW Housing and Land and Home Care Service NSW.

Abbeyfield Assisted Independent Living Houses

The “Abbeyfield House” model provides assisted independent living for 10 residents sharing a purpose built house. Each resident has a private bedroom suite (with ensuite). The house also contains shared lounge room, dining room, laundry and garden, with a guest room for visiting family and friends. Meals are provided by a paid live-in house keeper. Each resident pays rent equivalent to 70% of the basic aged care pension/disability pension, plus federal rent assistance. The house is managed locally by a local committee of management.

The Subject Land

The land identified by the Association as suitable for the proposed development is known as Lot 1 DP 874492 and comprises an area of 4.38 hectares (plan attached). It is well located to the town centre. It is presently unserviced and the sewer is not available in the Wisemans Ferry region.

It is zoned Environmental Protection C (tourist zone). This zoning allows for subdivision to minimum lots of 1000 sq m with attached dwellings and dwelling houses being permitted uses.

SREP 20 (Hawkesbury-Nepean River) is also relevant. The area is noted as being of national scenic significance. SEPP 5 would also apply to a use such as is proposed. Most of the land is above the 1:100 year flood line. The land is classified as operational land, which enables it to be sold or leased as Council may see fit.

A community centre is located on the land. There may have been interest in previous years, of some of the land being used by the RTA for approaches to a bridge crossing of the river (status of proposal is unknown).

DISCUSSION

Property Strategy

Whilst the subject land accommodates a community centre, it is classified as “operational land” and is therefore considered to be a commercial investment asset of Council and the community. At present, the land is under utilised and considered surplus to Council’s requirements, except for the community centre and its curtilage.

Disposal of the land on a commercial basis, subject to retention or replacement of the community centre, is supported. The disposal process should seek to maximise the financial return, but also have regard to the environmental and social elements (usually accommodated within the provisions of the LEP). It is likely that to achieve a maximum return to Council the site may require value adding actions such as master planning for the site as a whole,

project feasibilities, obtaining development consent, subdivision, carrying out of servicing provision, staged development, open and competitive marketing, etc.

In the current economic climate it is considered that there would be little interest in the land, other than the subject inquiry. To spend money on such investigations at this stage is not considered a prudent use of public money, given the location, depressed market and general lack of interest (current inquiry notwithstanding).

The significant size and close location of the land to services and the town centre make it a very important element contributing to the future growth and development of Wisemans Ferry. The town planning principles and future development of this land should be carefully considered in the future on a 'whole of site' basis. It is not considered appropriate that a 'piecemeal' disposal of parts of the site be pursued, on financial and planning principles.

For example, the costs to subdivide one lot for the proposed purpose would be substantially higher than the costs per lot in a planned subdivision, particularly in relation to the provision of services and the requirements of a Section 73 certificate from Sydney Water. In addition to the 'raw' value of the land, these costs must be factored in.

It is therefore concluded that a prudent investment strategy for the property is to hold the whole property for a future disposal strategy, in order to realise added value and capital gain that will benefit the broader community.

Serving the Community

In a presentation to the Mayor and council staff on 5 February 2009, the Director of Abbeyfield Australia, Mr Peter Reed, suggested that the next steps in relation to pursuing an Abbeyfield House in Wiseman's Ferry were to:

1. *Form a steering committee to consider all alternatives,*
2. *Define the community/region that the house would service,*
3. *Assess the need within that community, including a comprehensive survey of local services already available. (Abbeyfield Australia can assist the steering committee)*
4. *If the results are favourable make a decision to proceed towards the establish (sic) of an Abbeyfield house.*

Council's decision making processes are guided by its responsibilities under "The Council's Charter" in section 8 of the Local Government Act 1993. The first part of the Council's Charter provides Councils with the responsibility "*to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively*".

In the absence of an identified social need, it is difficult for council staff to comment on how such a proposal would serve the community at this point in time. Nevertheless, on the facts presented, Council may already be in a position to adequately consider the elements of equity and value for money and make a decision, in the context of a proposed facility at Wisemans Ferry that caters for up to 10 members of the community. It may also be relevant to consider that two Councils in NSW have been a partner in such developments in the past 25 years.

In this instance, it is considered that Council's divestment of this land for the benefit of only ten individuals (at any one time), does not constitute an equitable approach to the provision of services, regardless of the rural/remote nature of the proposal.

BUDGET

At present the “englobo” (wholesale value before subdivision) value of the land is estimated in excess of \$1,000,000. The realisation of the capital value of this asset is not currently budgeted. Proper future planning and value adding actions are expected to realise increased value of the site, and in addition, capital gains are expected to be realised from a future sale of the site. The opportunity to realise future financial gain would be foregone if the property were to be sold in the current market, and any partial sale of the site is likely to compromise such opportunity.

POLICY

Section 377 (1) (h) of the Local Government Act 1993 requires a specific resolution of Council to dispose of land. The decision can not be delegated.

The “Disposal of Land Policy” applies to this matter. This policy was developed from recommendations from the ICAC and various other public sector policies and is based on four fundamental principles of best value (TBL), transparency, accountability and impartiality.

The policy requires an open competitive process of disposal, except where ‘best value’ may be achieved otherwise. Any land of more than \$50,000 value that is not sold on a competitive basis, requires two valuations. Land may be sold below market value in order to achieve strategic (financial, environmental, social) outcomes, but the reasons should be clearly articulated in the report seeking Council resolution to sell.

CONSULTATION

This report has been prepared in consultation with the Corporate and Community, Planning, Environment and Works Divisions.

TRIPLE BOTTOM LINE SUMMARY

1. Working with our Community

The recommendation has been drafted following consideration of the needs the local community and the expectations of the broader community.

2. Conserving our Natural Environment

Any development of the property will consider the environment through the planning process.

3. Contributing to Community Development through Suitable Facilities and Services

This report has considered the suitability of the proposal in terms of both the local and broader communities of the Hornsby Shire.

4. Fulfilling our Community's Vision in Planning for the Future of the Shire

The recommendation considers prudent planning for current and future generations within the Hornsby Shire.

5. Supporting our diverse economy

The recommendation provides for the future support of the local economy.

6. Maintaining sound Corporate and Financial Management

It is considered that the recommendation accords with Council's charter under the Local Government Act as the custodian of public lands, Council is responsible for ensuring the best financial, environmental and social returns from the land are provided to the community.

7. Other Sustainable Considerations

A future disposal of the land on a commercial basis will assist in maintaining the financial sustainability of Council's ability to provide services to the community.

RESPONSIBLE OFFICER

This report has been prepared by Council's Manager, Property Development, Mr Peter Thompson. Additional information can be obtained prior to the Ordinary meeting on 9847 6669.

RECOMMENDATION

THAT

1. Council confirm the current strategy for the property to monitor and hold for future consideration of disposal options for the whole site when the property market improves.
2. Council agree that disposal of part of the site is not considered appropriate for such a strategic property holding.
3. The 'Wisemans Ferry and Districts Aged and Community Care Association Inc.' be formally advised that Council does not wish to dispose of any part of the site in the near future.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Site Plan

File Reference: F2004/06406

Document Number: D01167494

31 REDEVELOPMENT OF HORNSBY AQUATIC CENTRE

EXECUTIVE SUMMARY

The condition of the Hornsby Aquatic Centre has deteriorated to the extent that closure may be necessary by mid 2012. Planning should now commence for its redevelopment. Key issues for consideration by Council in relation to this project are identified. The project will be a major expenditure item for Council, however funding has not yet been identified. Notwithstanding, it is recommended that preliminary planning should proceed.

PURPOSE/OBJECTIVE

The purpose of this report is to seek Council's endorsement to commence planning for the redevelopment of the Hornsby Aquatic Centre. This includes the establishment of a working party to oversee the project.

DISCUSSION

The Hornsby Aquatic Centre was first opened to the public in 1962. It comprises a 50 metre pool, Learn to Swim facilities and a toddler splash pool. Concerns were first raised regarding the structural integrity of the pool's support structures in the early 1970's, when evidence of spalling of concrete and rusting of reinforcement in the pool support structure was noted. Subsequent inspections by a consultant structural engineer revealed significant deterioration and defects. Following the consultant's report, Council commenced precautionary monitoring of the in-service behaviour of the structure and has been progressively carrying out extensive repairs since that time to ensure that the centre remains safe for use. This includes a partial reconstruction of the grandstand in 2005.

The ongoing significant repairs undertaken in the late 1990's and early 2000's have enabled the centre to continue operation.

In 2008, Council commissioned a detailed structural inspection of the centre. Council's consultant has advised that, notwithstanding the extensive maintenance activities undertaken by Council, the centre is nearing the end of its effective life and that planning for its replacement should proceed without delay in order to maintain an Aquatic Centre presence in the Hornsby area. Council's engineer has suggested that the service life of the main pool conclude by mid 2012. In the light of this advice it is now apparent that Council needs to make a decision as a matter of urgency regarding the commencement of planning for the redevelopment of this centre. At the Strategic Planning weekend held in February 2009, it was agreed that, subject to funding, redevelopment of the pool was a strategic priority for Council.

Redevelopment Options

When considering whether to redevelop the Hornsby Aquatic Centre, a number of strategic decisions are required:

1. Location

Council needs to determine whether the current site is an appropriate location, or whether it prefers an alternative site.

2. Facilities

Should the centre be replaced with a state of the art facility, or a more modest facility? The extent of funds available will to a large extent influence the nature of facilities to be provided. However, as a minimum it is considered essential to provide for Learn to Swim activities, squad training, recreational swimming and aqua aerobics. The extent of these facilities will also be governed by the size of any site agreed by Council.

3. Funding

Costs could range from \$10m to \$30+m depending on the location, extent of facilities provided and the standard of finishes. This is a significant one off expenditure, and dwarfs other expenditure initiatives considered by Council now and in the foreseeable future. A Business Plan for such a proposal is yet to be developed, and would proceed on the basis of resolutions by Council to the questions now being posed. However, Council may wish to consider specific means for funding of this project and other infrastructure recreational projects. Council may wish to consider whether options such as additional borrowings or a special rate increase for recreational infrastructure are appropriate.

4. Timeframe

This will be determined by the nature of the facility to be provided, location, funding and any staging that may be required.

5. Budgets to Commence Planning

This project is currently unfunded, and investigations will incur some costs. A source of funding is not apparent at this time.

6. Project Management

This project is the largest single expenditure item that Council is likely to undertake in the foreseeable future. It will involve many detail decisions that will require Councillor input, as community representatives, in addition to staff and other professional advice that will be procured as a matter of course. In order that the project proceed with expedition and such support, the establishment of a Councillor/staff working party for the specific purpose of overseeing the project is now proposed.

BUDGET

Previously discussed. The project is unfunded. The preliminary actions now identified will be covered under staff budget allocations. Should detailed investigation or design proceed in the absence of a budget allocation, a negative impact on working funds will result. Such action is not recommended.

POLICY

There are no policy implications.

CONSULTATION

The proposed redevelopment was discussed at Council's Strategic Planning weekend, and in briefings following the September 2008 elections. The Manager, Aquatic and Recreation Facilities has been consulted, and concurs with the comments made in this report.

TRIPLE BOTTOM LINE SUMMARY

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

As this report simply provides Council with information and does not propose any actions which require a sustainability assessment, a Triple Bottom Line assessment will be appropriate when a specific proposal is available for comment.

RESPONSIBLE OFFICER

The responsible officer is the Executive Manager, Works Division, Mr Maxwell Woodward, on telephone No. 9847 6665.

RECOMMENDATION

THAT

1. Council resolve that the redevelopment of the Hornsby Aquatic Centre is a strategic priority for Council, and should proceed, subject to funding, at the earliest possible time.
2. A Councillor/staff working party be established to oversee planning for a new centre, subject to a further report to Council recommending composition and terms of reference for the working party.
3. Council determine in principle positions regarding the matters raised above.
4. A further report be prepared on funding options for recreational facilities that cannot be funded in current programs.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00386

Document Number: D01167907

32 EXTENSION OF BRICKPIT SPORTS STADIUM

EXECUTIVE SUMMARY

There is a clearly identified need for additional indoor recreation space in the Shire. The Brickpit Sports Stadium, Thornleigh, has been designed to accommodate a two court extension. It is proposed that planning for the extension now commence. An appropriate source of funding is yet to be identified. The report recommends that the necessary environmental approvals and concept plans be developed in order to take advantage of any emerging grant or other funding opportunities.

PURPOSE/OBJECTIVE

The purpose of this report is to seek approval from Council to commence planning for the extension of the Brickpit Sports Stadium, Thornleigh.

DISCUSSION

As part of the 2008/2009 – 2010/1011 Management Plan, under the strategic theme “Working with our Community”, Council agreed to investigate the potential for additional courts at the Brickpit Sports Stadium, Thornleigh.

It was initially proposed that a Feasibility Study be undertaken to determine the need for the extension of this facility. At the Strategic Planning weekend held in February 2009, Council agreed that, subject to funding, a two court extension to the stadium was a strategic priority for the Council.

The Brickpit Sports Stadium commenced operations in October 2003. Since that time, utilisation has gradually increased to the stage where there are in excess of 50 groups utilising the stadium each week. Utilisation records show that between the key hours of 3.30pm to 10.00pm Monday to Friday and Saturdays and Sundays, utilisation approaches 100%. Overall utilisation is assessed at 75% of available court hours. Council continues to operate the stadium in-house under the supervision of a full time Centre Manager, supported by part time and casual staff as required. The centre is being maintained in as new condition, in accordance with a Facility Management Plan developed by the Engineering Services Branch in consultation with the Centre Supervisor with hire fees charged at a level to ensure the ongoing maintenance of this facility and planned replacement of key assets as scheduled. There have been no unplanned closures of the centre since it commenced operation.

The extent of bookings and current utilisation, together with the waiting list that exists for court space, indicates that there is an unmet need for indoor recreation space. The Hornsby Leisure Strategic Plan has also identified this need. A preliminary estimate of costs for a two court extension in the amount of \$4m has been obtained. This is of necessity a very preliminary figure, and does not take into account the current market, or any unknown subsurface conditions, or additional works that Council may wish to consider as part of the overall project. Funding such a project is currently beyond Council’s resources, given its current budget situation and the many other projects that require funding. Section 94 funding is no longer available for this project. Council staff consider that the project has a high

priority, however in the current climate, the best opportunity for funding the project would through grant or other private sector funding. In order for this to proceed, preliminary planning should be commenced in order to take advantage of any opportunities that may arise at short notice.

Proposal

It is now proposed that Council commence planning for a two court extension to the Brickpit Sports Stadium. The existing building was constructed with a view to its extension in future, and any design would have regard to the existing building shape and built form. The skate park has been located so as to provide for this eventuality.

The opportunity to take advantage of the large roof area to harvest rain water for use at the park generally should be considered in conjunction with this project, and it is accordingly proposed that as part of the project, Council investigate the installation of an underground storm water tank at the time of construction. Accordingly, it is now proposed that planning proceed to obtain the necessary environmental approvals, and to prepare a detailed concept design that will enable Council to proceed to call tenders on a “design and construct” basis should it be successful in achieving grant funding for the project.

BUDGET

Council has not made any budget provision for the proposed extension. On the basis of the preliminary estimate of costs, the project should be tentatively budgeted at \$4.5m. This cannot be serviced by existing income from the stadium. To finance this project via a loan would require repayments over a ten year period of the order of \$600,000 per annum, again beyond the scope of income generated by the stadium. The project has merit, and Council may wish to consider other funding opportunities.

The preliminary planning and design works now proposed will be of the order of \$20 to \$50,000, depending on the detail necessary to take advantage of funding opportunities that may emerge. This work can be funded from the Restricted Asset set aside for maintenance of the stadium, and is considered to be an appropriate use of such funds.

Operational and planned maintenance costs following the completion of any works will be fully recovered from hire fees as at present, so there should be no adverse ongoing impact on Council’s operational budget following construction.

POLICY

There are no policy implications.

CONSULTATION

Discussions have taken place with the Manager - Design and Construction, Manager - Aquatic and Recreation Facilities. A number of meetings have been held with representatives of the Hornsby Kuring-gai Basketball Association, where strong support for this project has been indicated. As the Association is a significant user of the facility, it is envisaged there would be ongoing consultation with it and other significant users as planning proceeds.

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 proposal responds to an identified unmet demand from the community for indoor recreation facilities.

Conserving our Natural Environment

Any construction will take place in accordance with conditions that may be required following submission of Development Application or a review of environmental factors.

Opportunities to conserve energy and minimise greenhouse gasses will be taken as available. The proposed underground storage tank will assist in sustainable management of the adjacent open space recreation area.

Contributing to Community Development through Sustainable Facilities and Services

The Brickpit Sports Stadium currently operates on a fee for service basis, and recovers sufficient fee income to enable its maintenance to an agreed standard. The proposed extension will continue this arrangement and any financing model will be established having regard to Department of Local Government guidelines for funding of major infrastructure projects and Council's ability to responsibly service any debt that may be required.

Fulfilling our Community's Vision in Planning for the Future of the Shire

The need for an extension to the stadium has been identified in strategic planning documents and will enable indoor recreation activities for a wide range of residents.

Supporting our Diverse Economy

The proposed extension will enhance the amenity of the area. There will be an opportunity for local businesses to tender for the proposed construction work.

Maintaining Sound Corporate Financial Management

See comments above.

RESPONSIBLE OFFICER

The responsible officer is the Executive Manager, Works Division, Mr Maxwell Woodward, on telephone No. 9847 6665.

RECOMMENDATION

THAT

1. Council agree in principle to the provision of a two court extension at the Brickpit Sports Stadium.
2. Council proceed to obtain the necessary environmental approvals for the project, and prepare a detailed concept plan and supporting documentation. This work to be funded from the Thornleigh Indoor Sports Stadium Restricted Asset account.
3. Council actively seek funding (grant or other private sector) opportunities for the project.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00387
Document Number: D01167908

34 MAYOR'S NOTES FROM 1 TO 30 APRIL 2009

Wednesday 1 April – The Mayor officially opened the new Studio Artes Gallery in Hornsby.

Wednesday 1 April – The Mayor attended the NSW Jewish Board of Deputies Passover Dinner celebrating Freedom and Community with Local Government at Randwick.

Thursday 2 April – Councillor Chopra, on behalf of the Mayor, attended the address by His Holiness Sri Sri Ravi Shankar “Meet the Man Who is Changing the World” at the State Theatre, Sydney.

Saturday 4 April – Councillor Chopra, on behalf of the Mayor, attended Youth Week 2009 “Rock the Block” at Berowra Community Centre.

Sunday 5 April – Councillor Chopra, on behalf of the Mayor, attended The Hornsby Youth Collective Art Exhibition as part of Youth Week 2009 at Cherrybrook Community Centre.

Sunday 5 April – The Mayor attended Brooklyn RSL Sub-Branch’s ANZAC Commemoration Service at Brooklyn Park and 70th Anniversary Dinner at Mooney Mooney.

Wednesday 7 April – The Mayor attended the Leo Club of Hornsby Autumn/Winter Fashion Launch at Myer Hornsby.

Saturday 11 April & Sunday 12 April – Councillor Chopra, on behalf of the Mayor, attended the Second Australian Hindu Conference at the University of Western Sydney Parramatta Campus.

Tuesday 14 April – Councillor Martin, on behalf of the Mayor, attended The Convict Trail Project and Ryde District Historical Society launch of e-brochure “Great North Road – Five Dock to Epping” at Ryde.

Sunday 19 April – The Mayor attended Hornsby RSL Sub-Branch’s ANZAC Commemorative March and Service at Hornsby.

Sunday 19 April – Councillor Russell, on behalf of the Mayor, attended the Berowra RSL Sub-Branch ANZAC Commemoration March at Berowra.

Sunday 19 April – The Deputy Mayor, on behalf of the Mayor, attended the Hills District RSL Sub-Branch ANZAC Day Commemoration Service at Galston.

Sunday 19 April – The Mayor attended the Bill Glover Benefit Night at Brooklyn.

Monday 20 April – The Mayor flagged off Great Australian Bike Riders from Berowra.

Friday 24 April – The Mayor attended the opening of “Spirits Soar – Trees Speak” Exhibition by Allison Ciske and Rosalie Swords at Hornsby Art Gallery.

Saturday 25 April – The Mayor attended the Hornsby RSL Sub-Branch ANZAC Day Dawn Service at Hornsby Cenotaph.

Saturday 25 April – The Mayor attended Berowra RSL Sub-Branch ANZAC Day Dawn Service at Berowra Cenotaph.

Saturday 25 April – The Deputy Mayor, on behalf of the Mayor, attended Glenorie RSL Sub-Branch ANZAC Day Service at Glenorie.

Saturday 25 April – The Mayor attended the Solemn Liturgy on the occasion of The Feast Day of St George at St George Maronite Catholic Church, Thornleigh.

Monday 27 April – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Wednesday 29 April – The Mayor attended the Normanhurst Boys High School ANZAC Service at Bowden Brae Retirement Home, Normanhurst.

Wednesday 29 April – Councillor Chopra, on behalf of the Mayor, attended the Community Relations Commission Forum to discuss the perceived threats to the safety of Indian students at the NSW Trade & Investment Centre, Sydney.

Wednesday 29 April – The Mayor attended the official launch of the cookbook “Slices of Asquith” at Asquith Public School.

Wednesday 29 April – The Mayor officially opened the new Mercedes-Benz Waitara Dealership at Waitara.

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: D01158841