



*the bushland shire*

*creating a living environment*

# **BUSINESS PAPER**

## **ORDINARY MEETING**

**Wednesday, 12 August, 2009  
at 6:30 pm**

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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **PRESENT**

### **NATIONAL ANTHEM**

### **OPENING PRAYER/S**

Reverend Fergus Semier from Dural District Anglican 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 8 July, 2009 be confirmed; a copy having been distributed to all Councillors.

## **PETITIONS**

## **MAYORAL MINUTES**

## **NOTICES OF MOTION**

### **Page Number 1**

### **Item 1 NOM5/09 CATERING FOR COUNCIL FUNCTIONS - ANIMAL WELFARE POLICY**

## **RECOMMENDATION**

### **COUNCILLOR MARTIN TO MOVE**

That Council request their caterers to only supply foods which have been prepared using free range eggs for all Council functions.

**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 2**

**Item 2 GM12/09 REVIEW OF INTERNAL AUDIT PLAN 2008/2009  
(AS AT 30/06/09)**

**RECOMMENDATION**

THAT

1. The contents of General Manager's Report GM12/09 be received and noted.
2. A review of the Internal Audit Plan continue to be presented to Council on a half yearly basis.

**CORPORATE AND COMMUNITY DIVISION****Page Number 4**

**Item 3 CC46/09 LOCAL GOVERNMENT ASSOCIATION  
CONFERENCE 2009 - SUBMISSIONS OF MOTIONS AND  
NOMINATIONS OF VOTING DELEGATES**

**RECOMMENDATION**

THAT Council:

1. Adopt the Motions included within this Report for submission to the 2009 Local Government Association Conference.
2. Determine attendees and voting delegates for the 2009 Local Government Association Conference.

**Page Number 12****Item 4 CC55/09 PROPOSED ESTABLISHMENT OF WALLAROBBA  
ARTS AND CULTURAL CENTRE****RECOMMENDATION**

THAT:

1. The contents of Executive Managers Report No. CC55/09 be received and noted.
2. Council adopt the following recommendations of the Community, Cultural and Recreation Facilities Task Force:
  - a) The "Wollarobba Arts and Cultural Centre" be developed at the existing site of the Willow Park Community Centre Homestead.
  - b) Council not renew the leases of the existing tenants at the Willow Park Community Centre Homestead and provide them with eight weeks' written notice of termination.
  - c) Hornsby Art Society be offered a lease of the rooms identified in the concept plan for the redeveloped Willow Park Community Centre Homestead under the relevant conditions of the Code for Lease/Licence of Council Land and Buildings by Community Groups, on the basis that the Society relinquishes their current tenancy of the Council owned property at 208 Pacific Highway, Hornsby.
  - d) On request from any of the displaced tenants of the Willow Park Community Centre, Council staff provide assistance to them in identifying temporary short term accommodation which could be used whilst the displaced tenants identify and secure suitable longer term premises for their continued operations.
  - e) Further investigations be undertaken in respect of the potential sale of the Council owned property at 208 Pacific Highway, Hornsby to assist in the funding of stage 2 of the Willow Park Community Centre project.

**Page Number 20****Item 5 CC56/09 DRAFT COMMUNITY AND CULTURAL  
FACILITIES STRATEGIC PLAN****RECOMMENDATION**THAT:

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- 
1. The contents of Executive Manager's Report No CC56/09 be received and noted.
  2. Council adopt the following recommendations of the Community, Cultural and Recreation Facilities Task Force:
    - a) The draft Community and Cultural Facilities Strategic Plan be adopted for the purpose of placing the document on public exhibition.
    - b) Key stakeholders be advised that the draft Community and Cultural Facilities Strategic Plan is on public exhibition and be encouraged to comment.
    - c) At the conclusion of the public exhibition period, a further report be provided for Council's consideration which summarises the submissions received and recommends the adoption of a final Community and Cultural Facilities Strategic Plan.

**Page Number 25****Item 6 CC59/09 JUNE 2009 INVESTMENT AND BORROWING  
REPORT (PRE-AUDIT)****RECOMMENDATION**

THAT the contents of Executive Manager's Report No CC59/09 be received and noted.

**Page Number 29****Item 7 CC60/09 DOCUMENT ACCESS APPLICATIONS 23 MAY 2009  
- 20 JULY 2009****RECOMMENDATION**

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

**Page Number 34****Item 8 CC62/09 CHERRYBROOK COMMUNITY AND CULTURAL  
CENTRE - HIRE FEES FOR USE OF FOYER SPACE****RECOMMENDATION**

THAT:

1. The contents of Executive Managers Report No. CC62/09 be received and noted.
2. Council adopt the exhibited fee for use of foyer space in the Cherrybrook Community and Cultural Centre and apply it for the remainder of the 2009/10 financial year.



**Page Number 37**

**Item 9 CC63/09 REVIEW OF DIVISIONAL BUDGETS AND SERVICES BY THE FINANCE AND STRATEGY TASK FORCE**

**RECOMMENDATION**

THAT:

1. Council receive and note the contents of Executive Manager's Report No CC63/09.
2. Council endorse the outcomes of the meetings between the Finance and Strategy Task Force and the General Manager and Executive Managers.
3. Responses to the outcomes be provided to the Finance and Strategy Task Force and/or Council as appropriate by the General Manager and/or relevant Executive Manager.

**Page Number 41**

**Item 10 CC65/09 BROOKLYN COMMUNITY MEETING ROOM - FEES AND CHARGES FOR 2009/10**

**RECOMMENDATION**

THAT:

1. The contents of Executive Managers Report No. CC65/09 be received and noted.
2. Council adopt the exhibited fees and charges for the Brooklyn Community Meeting Room for 2009/10 and implement those fees and charges once the extensions to the facility have been completed.

**Page Number 44**

**Item 11 CC66/09 COUNCIL'S 2009/10 DONATIONS PROGRAMME**

**RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC66/09 be received and noted.
2. The organisations listed below (and further detailed in Attachment 2 to Report No CC66/09) receive financial assistance from Council in 2009/10 in accordance with the Policy titled Council Cash and Non Cash Donations and Grants.

<b>Organisation</b>	<b>Funded Amount</b>
Sa Rang Bang Korean Community	\$200.00
Lorna Hodgkinson Sunshine House	\$250.00
Australian Chinese Community Association	\$300.00
Chinese Family Group	\$400.00
1st Cherrybrook Scouts	\$500.00
1st Hornsby Scouts	\$500.00
Chinese Elderly Welfare Association Inc.	\$500.00
Combined Probus Club of Cherrybrook inc.	\$500.00
Computer Pals for Seniors- Hornsby	\$500.00
Dial a Mum	\$500.00
Epping Scout Group	\$500.00
Galston District Eisteddfod	\$500.00
Hornsby Legacy Widows Club	\$500.00
Hornsby Rosemary Legacy Club	\$500.00
Normanhurst Scout Group	\$500.00
Scouts Australia NSW- Benowie District	\$500.00
The Shack Youth Outreach	\$500.00
Wisemans Ferry and District Community Health and Resource Centre	\$500.00
Cherrybrook Chinese Community Association	\$600.00
Hornsby and District TPI Social and Welfare Club	\$600.00
Self Help for the Hard of Hearing Australia Inc	\$600.00
The Wisemans Ferry Sunshine Group Inc	\$600.00
Australian Ling Lang Church	\$735.00
Easy Care Gardening Inc	\$800.00
Hornsby Community Church	\$1,000.00
Studio ARTES Northside Inc	\$1,000.00
Sydney Korean Women's Association	\$1,000.00
Hornsby Ku-ring-gai Police and Community Youth Group	\$1,100.00
Parkinson's NSW Hornsby Ku-ring-gai Support Group	\$1,160.00
Indian Seniors Group Hornsby	\$1,200.00
Migrant LINK Australia Ltd	\$1,200.00
SEVA International Inc	\$1,200.00

Pennant Hills Neighbour Aid Incorporated	\$1,250.00
Hornsby Ku-ring-gai Volunteer Coordinators Forum	\$1,400.00
Hornsby Ku-ring-gai Association Action for Mental Health	\$1,500.00
Hornsby Area Residents for Reconciliation	\$1,750.00
Hornsby Ku-ring-gai Domestic Violence Network	\$2,000.00
Mayors Youth Trust Fund	\$3,000.00
Hornsby Art Gallery	\$4,000.00
Emergency Relief Fund	\$5,000.00

- Any further requests for financial assistance received in the 2009/10 financial year from community groups/organisations that meet the criteria of Council Policy POL00209 - Cash and Non Cash Donations and Grants, be referred to the Mayor, General Manager and Manager, Community Services Branch for consideration.

## ENVIRONMENT DIVISION

### Page Number 50

#### Item 12 EN10/09 CLIMATE CHANGE ADAPTATION STRATEGIC PLAN

### RECOMMENDATION

THAT Council:

- Agree to the development of a work program for the investigation of the actions in Table 12.1 of the Plan and that this program be reported to Council within the next four months. The work program is to prioritise the actions, assign responsibilities, estimate the cost of the work associated with each action and identify proposals to fund the work.
- Require regular updates on the progress of any approved investigations and identification of the recommended method of disseminating the results of these investigations to the community.

### Page Number 56

#### Item 13 EN11/09 MOVING TOWARD CARBON NEUTRALITY

### RECOMMENDATION

THAT Council:

- Adopt a position of capping total greenhouse gas emissions at 7,070 tCO<sub>2</sub> by 2019/2020 (a 30% reduction below 1995/96 emission levels), 6,565 tCO<sub>2</sub> by 2024/2025 (a 35% reduction below 1995/96 emission levels), 4,040 tCO<sub>2</sub> by 2050 (a

60% reduction below 1995/96 emission levels) and an aspiration of achieving carbon neutrality in the longer term.

2. Continue to repay 100% of the cost savings to the Revolving Energy Fund from energy conservation initiatives and that these savings be used for new carbon offset measures (as endorsed by Council in Executive Manager's Report EN03/02).
3. Adopt robust data collection and reporting procedures to enable confident reports on current emission levels and progress towards Council's reduction goals.
4. Investigate the purchase of accredited carbon credits through carbon abatement initiatives within the local business sector.
5. Revise and update the Sustainable Energy Policy for New Council Assets (EHP 53) with a new Policy to be reported to Council prior to June 2010.
6. Revise and update the Sustainable Energy Strategy 2006-2010 with a new Strategy to be reported to Council by September 2010.

**Page Number 63**

**Item 14 EN23/09 TENDER T25/2008 WASTE COLLECTION SERVICES**

**RECOMMENDATION**

THAT:

1. The General Manager be authorised to negotiate a contract in line with the tender document and the tender submission provided by the firm named as the preferred tenderer in the attached confidential "Tender Assessment Document".
2. The tender be awarded to the firm recommended by the Tender Assessment Panel as provided for in the attached confidential Tender Assessment Document.

**Page Number 68**

**Item 15 EN24/09 TELECOMMUNICATIONS FACILITY PROPOSAL ARCADIA PARK, ARCADIA- TELSTRA CORPORATION LIMITED**

**RECOMMENDATION**

THAT:

1. Telstra Corporation Limited be provided with landowners permission to lodge the necessary Development Application for the proposed telecommunication installation at Arcadia Park, Arcadia.

- 
2. Upon the granting of Development Consent and any Construction Certificate, Telstra Corporation Limited shall at its own cost undertake all installation work in compliance with the conditions of the Development Consent/Construction Certificate and any requirements of the Environment Division in its capacity as the asset manager of Arcadia Oval.
  3. Subject to the outcome of recommendations 1 and 2 above, Council grant Telstra Corporation Limited an access deed for the installation and operation of a telecommunications facility on part of Arcadia Park Arcadia on the following basis:
    - a. The access deed shall commence from the date of installation/access to the site.
    - b. The access deed shall be for a maximum term of 20 years.
    - c. An initial site administration fee of \$18,000 per annum (exclusive of GST) shall be payable.
    - d. The site administration fee shall be indexed annually by 5% per annum throughout the term of the access deed.
    - e. Telstra Corporation Limited shall be responsible for repair and maintenance of the site and/or carriers' infrastructure located on the land during the term of the access deed at no cost to Council. Council shall not be liable for any damage caused to the antenna/infrastructure located at the subject site.
    - f. Telstra Corporation Limited shall, at the expiration of the term, arrange for the removal of all structures placed upon the land at no cost to Council and shall surrender the land in a good and clean condition, fair wear and tear excepted.
    - g. Telstra Corporation Limited shall provide details of the relevant officers responsible for de-energising the pole at the commencement of the access deed and at appropriate intervals throughout the period of the access deed.
    - h. Throughout the term of the access deed Telstra Corporation Limited shall maintain an appropriate public liability insurance policy with council's interests noted thereon for a minimum indemnity amount of \$20 million.
    - i. Telstra Corporation Limited shall be responsible for the payment of all outgoings, including but not limited to Council and water sewerage rates, electricity, lighting, etc incurred in respect of the structures and the area of land occupied.
    - j. Telstra Corporation Limited shall bear all costs incurred in the formalisation of the necessary access deed.

**Page Number 72**

**Item 16 EN25/09 PARKS 5 YEAR CAPITAL WORKS PROGRAM 2010  
- 2015**

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**RECOMMENDATION**

THAT:

1. The Parks Capital Works Program 2010-2015, as shown in Attachment 1 to this Report and the Unfunded Works Program in Attachment 2 to this report be noted and used in the preparation of annual budgets and any investment opportunities for parks capital works.

**Page Number 76****Item 17 EN26/09 PARKS CAPITAL WORKS 2008-2009 JUNE  
QUARTER PROGRESS REPORT****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's report EN26/09 be received and noted.

**Page Number 78****Item 18 EN27/09 TENDER T19/2009 - SUPPLY AND OPERATION OF  
A COFFEE CART AT FAGAN PARK, GALSTON****RECOMMENDATION**

THAT:

1. Council accept the tender submitted by Anthony Avellino and Mario Kolotas.
2. Council prepare a three year licence agreement for the operation of a coffee cart business at Fagan Park, with possible extensions to this term in accordance with the provisions of the licence agreement.
3. Following finalisation of the licence agreement, it be forwarded to the Minister of Lands for endorsement/approval.

**Page Number 83****Item 19 EN28/09 ACQUISITION OF LOT 2 DP 1139720 - PACIFIC  
HIGHWAY COWAN - ACCESSWAY FOR RURAL FIRE  
SERVICE****RECOMMENDATION**

THAT:

1. The General Manager be authorised to execute the Transfer to Council of Lot 2 DP 1139720, Pacific Highway, Cowan.

2. If required by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal on any legal documents in relation to this matter deemed appropriate by Council's legal advisers, subject to review and authorisation by an Executive Manager of Council.

**PLANNING DIVISION**

*Nil*

**STRATEGY DIVISION**

*Nil*

**WORKS DIVISION****Page Number 85**

- Item 20 WK54/09 WORKS PROGRESS REPORT - JUNE 2009  
QUARTERLY - TRAFFIC AND ROAD SAFETY BRANCH**

**RECOMMENDATION**

THAT Council endorse the activities undertaken by the Traffic and Road Safety Branch for the period 1 April 2009 to 30 June 2009.

**Page Number 89**

- Item 21 WK55/09 WORKS PROGRESS REPORT - JUNE 2009  
QUARTER - ASSETS BRANCH**

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. WK55/09 be received and the achievement of the 2008/09 Assets Branch Programmes be noted.

**Page Number 98**

- Item 22 WK56/09 EPPING AQUATIC CENTRE - SUNDAY TRADING**

**RECOMMENDATION**

THAT

1. The Epping Aquatic Centre commence Sunday trading from 13 September 2009, with operating hours of 7.00 am to 11.00 am, with normal summer trading hours resuming from the October long weekend.
2. Arrangements for the operation of Council's Aquatic Centres over the winter 2010 period be reviewed in April 2010.

**Page Number 101****Item 23 WK57/09 BUILDING CAPITAL WORKS PROGRAM  
2008/2009 - JUNE 2009 QUARTERLY REPORT****RECOMMENDATION**

THAT the contents of Executive Manager's Report No WK57/09 be received and noted.

**Page Number 103****Item 24 WK58/09 WORKS BUILDING SERVICES - GRAFFITI AND  
VANDALISM JUNE 2009 QUARTERLY REPORT****RECOMMENDATION**

THAT the contents of Executive Manager's Report No 58/09 be received and noted.

**Page Number 106****Item 25 WK59/09 PEDESTRIAN BRIDGE OVER GEORGE STREET,  
HORNSBY****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report WK59/09 be received and noted.
2. The action taken and expenditure incurred be endorsed.

**Page Number 109****Item 26 WK60/09 HORNSBY QUARRY AND AJOINING LANDS****RECOMMENDATION**

THAT:

1. Any proposal to fill the quarry pit consider VENM material only.
2. Movement of material in the quarry pit and immediate surrounds be limited to that necessary for safety, other operational reasons or where financially viable.
3. The necessary planning and environmental approvals that will enable the quarry pit to be filled with VENM material to a level to be determined as part of that process be pursued.
4. Preparation of an overall Master Plan for the quarry and Old Mans Valley lands commence, having regard to the potential filling of the quarry pit and Council's in principle decision that the two areas be principally for public recreation and open space.



5. In respect of the Expressions of Interest submitted by TransPacific Industries Group and WSN Environmental Solutions, each respondent be thanked for its proposal and advised that it has been considered by Council and will not be further pursued as Council has decided not to pursue a solution involving non putrescible waste, and Council declines to invite tenders from any of the applicants.
6. In respect of the proposal submitted by Geofill Services, the respondent be thanked for its submission and be advised that Council declines to invite tenders, and may at a later date invite fresh tenders or a further Expression of Interest on the basis of revised documentation. Further, that the respondent be invited to submit a response at the appropriate time.
7. In respect of the proposals submitted by AV Jennings Developments, Community Church Hornsby, Hornsby Conservation Society, Ku-ring-gai District Soccer Association and Northern Metro Cricket Council, Lend Lease Developments, Community Church Hornsby and Pacific Hills Christian School and Pacific Hills Christian School, the respondents be advised that Council declines to invite tenders from any of the applicants. Further that each applicant be invited to consider whether a response is appropriate in the event that an EOI or tender process is invited in future.
8. A further report be prepared detailing the actions, sources of funding and further investigations necessary to obtain approval to fill the quarry pit with VENM material.
9. A further report be prepared detailing the resources required and a timetable for the preparation and exhibition of a range of options for the provision of public recreation and open space on the lands comprising the Quarry and Old Mans Valley.

**Page Number 119****Item 27 WK61/09 ALLEGATION OF BREACH OF COUNCIL'S CODE OF CONDUCT****RECOMMENDATION****THAT:**

1. Having considered Council's Code of Conduct and the matters outlined in this report, Council considers that the publication of Mayoral Columns and Bushland Shire News was in good faith as part of normal business process, did not constitute a breach of Council's Code of Conduct, and does not warrant referral to a Conduct review committee or sole reviewer.
2. The Deputy Mayor's assessment of Mr Richmond's first complaint was undertaken in good faith and with Councillors' agreement.
3. The Deputy Mayor's report in respect of the first complaint is noted and no further action is proposed.
4. Mr Richmond's second complaint has been addressed and does not warrant referral for independent assessment or investigation.

5. There would be no good purpose in pursuing the complaints any further.
6. A Policy be developed concerning the publication of material in the lead up to local government election.
7. The complainant, Department of Local Government and Ombudsman be advised accordingly.

**Page Number 129**

**Item 28 WK62/09 CODE OF CONDUCT - COMPLAINT HANDLING  
ISSUES**

**RECOMMENDATION**

THAT the information contained in Executive Manager's report No. WK62/09 be received and noted.

**Page Number 133**

**Item 29 WK64/09 WORKS PROGRESS REPORT - MARCH  
QUARTER 2009 - DESIGN AND CONSTRUCTION BRANCH**

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. WK64/09 be received and noted.

**Page Number 137**

**Item 30 WK66/09 ENGINEERING SERVICES - BUILDING CAPITAL  
WORKS PROGRAM 2009/2010**

**RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No WK66/09 be received.
2. Council adopt the program attached to this report.

**SUPPLEMENTARY AGENDA**

**PUBLIC FORUM – NON AGENDA ITEMS**

**CONFIDENTIAL ITEMS****Item 31 WK63/09 SALE OF COUNCIL PROPERTY AT  
CHERRYBROOK**

*This report should be dealt with in confidential session, under s10a (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**Item 32 WK65/09 PROPOSED ROAD CLOSURE AND SALE OF ROAD  
- PRETORIA LANE, HORNSBY**

*This report should be dealt with in confidential session, under s10a (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**MAYOR'S NOTES****Page Number 139****Item 33 MN8/09 MAYOR'S NOTES FROM 1 TO 30 JUNE 2009****QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN****QUESTIONS WITHOUT NOTICE**

**1 CATERING FOR COUNCIL FUNCTIONS - ANIMAL WELFARE POLICY**

---

COUNCILLOR MARTIN TO MOVE

That Council request their caterers to only supply foods which have been prepared using free range eggs for all Council functions.

**Attachments:**

There are no attachments for this report.

File Reference: F2004/06674

Document Number: D01209902

## **2 REVIEW OF INTERNAL AUDIT PLAN 2008/2009 (AS AT 30/06/09)**

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### **EXECUTIVE SUMMARY**

A six monthly report is presented to Council on the progress of the Internal Audit (IA) Plan. Report GM2/09 presented to Council's Ordinary Meeting on 11/02/2009 set out the progress details of the 2008/09 IA Plan as at December 2008.

Progress outlined in this Report as at June 2008 resulted in an 85% completion rate.

### **PURPOSE/OBJECTIVE**

To review the progress made within the 2008/09 Internal Audit Plan and provide details of the proposed reorganised 2009/10, 2010/11 and 2011/12 Plans.

### **DISCUSSION**

A full review schedule of the Internal Audit function to date is attached, together with progress made, and additional items incorporated since the last report.

A completion rate of 85% has resulted as at June 2009. This has again been influenced by some work being carried forward from the previous year and further additional items such as the preparation of financial reports and audit certificates associated with capital grant works within the Water Catchments and Parks and Landscape Branches. Other additional work included assistance with internal investigations into a code of conduct matter, a protected disclosure matter and an ICAC referral.

The internal auditors from the syndicate councils have in conjunction with the Service Management Group recommended to the Council On-line Steering Committee that further IT audits be conducted by the Internal Audit Bureau in the 2009/10 period. It is again envisaged that the results of these proposed audits will impact on the completion rate of the 2009/10 IA Plan.

### **BUDGET**

There are no budget implications arising from this report.

### **POLICY**

There are no policy implications arising from this report.

### **CONSULTATION**

Detailed consultation was conducted, where applicable, with the General Manager, Executive Managers, Branch Managers and other appropriate staff during investigations and audits.

The internal auditors and the Service Management Group members from the Council On-line Syndicate Councils together with representatives from the Internal Audit Bureau have also

been consulted during the planning and implementation of the associated system IT audit plan.

### **TRIPLE BOTTOM LINE SUMMARY**

The 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 on Council's strategic themes.

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

### **RESPONSIBLE OFFICER**

Mr Brian Thompson, Internal Auditor.

### **RECOMMENDATION**

THAT

1. The contents of General Manager's Report GM12/09 be received and noted.
2. A review of the Internal Audit Plan continue to be presented to Council on a half yearly basis.

ROBERT BALL  
General Manager  
General Manager Division

### **Attachments:**

1. 2008/09 IA Plan and amended proposed 2009/10, 2010/11, and 2011/12 IA Plans.

File Reference: F2004/06186  
Document Number: D01212374

**3 LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2009 -  
SUBMISSIONS OF MOTIONS AND NOMINATIONS OF VOTING  
DELEGATES**

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**EXECUTIVE SUMMARY**

The 2009 Annual Conference of the NSW Local Government Association (LGA) will be held in Tamworth from 24 October to 28 October 2009. The Conference provides an opportunity for Council to submit motions for debate and decision by delegates from member local governments across New South Wales.

Each Division of Council has been provided with an opportunity to prepare draft motions for the Conference for consideration at this Meeting. The draft motions are either based on resolutions made by Council over the past 12 months or are issues which ExCo or the individual Divisions consider appropriate.

**PURPOSE/OBJECTIVE**

The purpose of this Report is to enable Council to determine attendees and voting delegates for the 2009 Annual Conference of the LGA; and to formally adopt motions for submission by Council to the Annual Conference.

**DISCUSSION**

On 6 July 2009, Council received a 2009 LGA Conference Brochure which had been distributed by the LGA to member councils. The Brochure provides guidelines for the preparation and submission of motions as well as information regarding the number of voting delegates for each Council. The guidelines were forwarded to Councillors and relevant staff and draft motions have been prepared in accordance with those guidelines.

**Voting Delegates for the Conference**

Voting delegate entitlements for each council attending the LGA Annual Conference are determined by the population of the council area (using Australian Bureau of Statistics' data). As Hornsby Shire Council's population is greater than 150,000, it is entitled to seven voting delegates. Council's voting delegates for the Conference should be determined by Council as part of its consideration of this Report.

**Motions to be Submitted to the Conference**

The LGA's information Brochure advised that the closing date for submission of motions was 10 August 2009. Having regard to Council's meeting cycle dates, Council officers contacted the LGA and received approval from LGA staff for the submission of motions up until 13 August 2009. This was to allow the draft motions prepared by Council officers to be considered by Council at the 12 August 2009 Ordinary Meeting. As such, it is necessary for Council make a determination as part of this Report in respect of motions to be submitted for consideration at the LGA Conference.

The LGA have advised that motions which seek to vary existing policy or address new or emerging policy issues will be classified as Category One motions and will be scheduled for debate at the Conference by inclusion in the Business Paper. All other motions, which reaffirm existing policy or call for actions to be taken in relation to existing policy, will be classified as Category Two motions. They will also be included in the Conference Business Paper and may be individually brought forward to be debated with the agreement of the Conference, otherwise they will be referred to the Executive of the Association for consideration. Where appropriate, some motions may be actioned before the Conference.

The information Brochure requires that each motion submitted by Council for debate at the Conference be formatted in the manner indicated below.

- **From: (Name of Council)**
- **Subject:**
- **Motion Text** - detailing the proposed addition, deletion or introduction of policy
- **Note From Council** - a summary, explaining the reason for submitting the motion and how it alters or adds to existing policy
- **Detailed Supporting Case** - this should be on a separate page giving reasons for raising the issue. It will be used by the LGA to progress the matter once Conference has dealt with it.

(N.B. Only the **Subject/Heading, Motion Text** and **Note From Council** are included in the LGA Conference Business Paper)

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The following is a set of motions which have been prepared by the relevant Divisions for consideration by Council. They are either based on resolutions made by Council over the past 12 months or are issues which ExCo or the individual Divisions have considered appropriate for submission.

### **Corporate and Community Division**

Subject: Standardised Risk Management Strategies

#### Motion Text

*That the Local Government Association lobby the Department of Local Government to provide assistance to NSW local government in standardising risk management strategies and policies by developing a risk management framework or template which councils can use to develop a Risk Management Policy, a Risk Management Plan, a Business Continuity Plan and risk assessment forms.*

#### Note from Council

The production of standard frameworks or templates by the Department of Local Government which could be utilised by councils in developing their own Risk Management



Policies, Risk Management Plans, Business Continuity Plans and risk assessment forms would assist in achieving a quality and consistent approach to risk management throughout NSW local government.

#### Detailed Supporting Case

Observations by local government risk managers and co-ordinators indicate that councils address risk management strategies as individual entities, and generally do not have regard to a whole of local government approach whenever this is possible.

The establishment of a Risk Management Policy, Risk Management Plan, Business Continuity Plan and risk assessment forms are necessary requirements for each council. Some councils produce the documents in house, some engage consultants, whilst others utilise plans from corporate entities to produce their own. Depending on the responsible officer's experience and understanding of risk management principles, as well as their depth of knowledge of council's business structure, the documents can vary greatly from council to council in both their content and their effectiveness. This inconsistency occurs because each council is left to interpret various standards and apply them to their own circumstances.

During forums, conferences and general communications, risk management issues are discussed and varying opinions are readily forthcoming. Each council is aware of its basic risk management obligations, however, each council addresses risk management on an individual basis, with sometimes widely varying results from council to council.

It is proposed that standardised templates for a Risk Management Policy, Risk Management Plan, Business Continuity Plan and risk assessment forms be developed which address issues specifically related to local government. These templates can then be used by councils to develop a risk management framework that, when fine tuned to suit individual councils, will be well structured, consistent and effective.

#### **Planning Division**

Subject: Joint Regional Planning Panels

#### Motion Text

*That the Local Government Association write to the Minister for Planning requesting that she:*

*\* Abolish Joint Regional Planning Panels*

*Or, if Panels are not to be abolished;*

*\* The following changes to the operation of Joint Regional Planning Panels be made:*

- a. The NSW Government guarantees the whole of the cost of the Panels, including but not limited to:
  - i. wages for local members;*
  - ii. additional studies required to be prepared by councils to give assistance in decision making;*
  - iii. councils costs to defend decisions in the Court;*
  - iv. administration, travel and hospitality.**

- b. *The Panel must not determine a planning application prior to obtaining through a resolution of the relevant council(s), the council's opinion in respect of the application;*
- c. *The Panel only consider applications that have a value exceeding \$50 million and in circumstances where it is demonstrated that the council does not have the resources to assess and determine the application.*

#### Note from Council

Council considers that the operation of the Joint Regional Planning Panels is an unnecessary duplication of the planning process. The Panels reduce the opportunity for local residents to be properly represented by their elected councillors which consequently erodes the democratic process.

#### Detailed Supporting Case

Hornsby Shire Council shares the concerns expressed by the Associations regarding the NSW Government's introduction of amendments to planning legislation that give effect to the Joint Regional Planning Panels.

Council considers that the Panels are an unnecessary and expensive duplication of the planning process which is currently successfully managed by local councils. There is no sustained justification for removing councils' delegated authority to be the consent authority for a significant number of planning applications. Some of the most important planning applications that will affect local communities will no longer be made by the elected representatives of that local community.

Council is concerned about the effect of the legislation, which diminishes the roles of councils and local communities in some of the most important planning proposals within the local government area. Given that councils can only nominate a minority number of members, Council fears that most decisions will be made without due consideration to the express wishes of the local community. In addition, decisions can be made without elected councillors being part of the process.

Council is concerned that the (State) panel members will not be accountable to local communities, unlike elected councillors. Despite this, councils will likely wear the brunt of local communities' frustrations at decisions that adversely affect them and will be required to pay the legal costs of appeals against decisions made by Panels. Councils will also be required to pay the wages of local members, travel, hospitality and administrative costs.

#### Environment Division

Subject: National Packaging Covenant and Extender Producer Responsibility

#### Motion Text

*That the Local Government Association (LGA):*

1. *Continue to press the NSW Government to pursue strengthening the National Packaging Covenant with the Federal Government to reduce packaging in the waste stream and decrease litter in the environment.*

2. *Call on the NSW State Government to work towards enforcing its Extender Producer Responsibility (EPR) Scheme for the “wastes of concern” to ensure the established voluntary targets are met in a timely fashion.*
3. *Support further investigation into the development of a State Container Deposit (CD) Scheme as a means to increase recycling and reduce littering in the environment. Support for a CD system should be progressed as a means to implement EPR and speed up the current voluntary waste reduction rates.*

#### Note from Council

Progressing action on the National Packaging Covenant and the Extender Producer Responsibility including a Container Deposit Scheme will achieve greater and faster reductions in waste to landfill rates, decrease littering in the environment and increase recycling rates.

#### Detailed Supporting Case

In 1999 the Australian Government identified the National Packaging Covenant as the leading instrument for managing the environmental impacts of consumer packaging in Australia. It is the voluntary component of a regulatory arrangement based on the principles of shared responsibility through product stewardship, between key stakeholders in the packaging supply chain and all spheres of government. The voluntary participation means that the Covenant is inherently flawed and cannot deliver the goal of zero packaging waste.

In NSW the Extended Producer Responsibility (EPR) policy aims to ensure that producers take physical or financial responsibility for the environmental impacts of their products throughout the life cycle. EPR policy was introduced in NSW through Part 4 of the Waste Avoidance and Resource Recovery Act 2001. The 2004 Priority statement listed 16 ‘wastes of concern’, which represents wastes that:

- trigger key concerns such as making a substantial contribution to landfill in NSW
- represent a substantial waste of resources or
- contain potentially harmful substances for which more benign substitutes need to be found.

Nine of these wastes of concern were to receive priority focus. These are:

- Computers
- Televisions
- NiCad batteries
- Used Tyres
- Plastic Bags
- Agricultural/ veterinary chemicals (Agvet)
- Agvet chemical containers
- Mobile phone/ batteries
- Packaging Waste

The other seven of concern were:

- Cigarette litter
- Office paper
- Polyvinyl chloride (PVC)
- Other electrical products

Treated timber  
End-of-life vehicle residuals  
Household hazardous and chemical waste

The 2004 Priority statement did not recommend any regulatory action. However, it put industries on notice that action was required to reduce waste created by their sector. All sectors are expected to increase their efforts to improve design, cut down on manufacturing waste, and actively drive initiatives to increase recycling of end of life products.

An Expert Reference Group was established in 2004 to advise the Minister for the Environment and the Director General of the then Department of Environment and Conservation. A report was supplied in 2005 to the Minister with recommendations on each waste group. The Minister has since written to each group seeking specific actions and reporting against these actions. These requests are reflected in the 2005 Priority statement, which replaces the 2004 statement. Another statement was due out mid 2006. Some progress has been made by some industry sectors; however it still remains a voluntary scheme.

One method of implementing EPR is through Container Deposit Legislation (CDL) for, usually, a selected range of products. NSW has been considering CDL as a method to reduce litter and support current recycling systems for quite a number of years.

CDL was first introduced in South Australia (SA) in the early 1970's to reduce litter along major highways, prior to any kerbside recycling system being implemented. Just as there have been many supporters of the SA model there are many detractors who suggest that the inefficiency in the SA model cost about \$4.1 million p.a. (Australian Food and Grocery Council 2006). The Australian Food and Grocery Council found that a CDL system for beverage containers would increase the cost per household compared to kerbside collection system. They argued that the collection of more containers would lead to an increase in the cost due to the cost of establishing and operating sorting and disposal systems.

On the other hand a review of CDL by the Institute for Sustainable Futures (2002) concluded that the potential benefits of introducing CDL in NSW would significantly exceed the cost of such a scheme. The overall conclusion of the CDL review by the Institute for Sustainable Futures is that: "The potential benefits of, and level of community support for, significantly increased recovery of used containers are such that action should be taken to ensure that the recovery rates are raised to a more economically optimal level based on total benefits to society. The current mechanism for container collection and recycling are unlikely to achieve these rates and the current targets in relevant industry waste reduction plans are well below these optimum levels."

### **Works Division**

Subject: F3/M2 Link

### **Motion Text**

*That the Local Government Association make further urgent representations to the State Government stressing the need for a financial commitment to planning for the construction of this much needed F3/M2 link at the earliest possible time.*

### **Note from Council**

Council is aware that the recent State budget did not make provision for funding to enable this project to proceed. An offer of Commonwealth funding is on the table. The link is urgently needed, and will benefit the State. A commitment is required from the State and should be urgently pursued as a priority.

#### Detailed Supporting Case

This motion is not about a local issue, although Hornsby residents will benefit from the earliest possible construction of the requested link. It is about a sustainable link to and from the Central Coast and northern NSW that will benefit all who currently use the F3 and Pennant Hills Road to travel on business or pleasure. It is about providing a much needed improved route for freight, and a stimulus to the State's economy. It is about an investment in the future of NSW.

Council is aware that the Australian government has offered \$150 million for approval and planning to get started on connecting the F3 to the Sydney Orbital, with further funding to be determined once these processes are completed. All the State has to do is match the Commonwealth offer with \$30 million for the detailed planning to commence. This funding has currently not been provided.

The benefits that will accrue from such a link have been previously identified. The project is considered to be of strategic importance to the State, and should be pursued by the Association with the demonstrated support of the Conference.

#### **BUDGET**

Funds have been allocated in the 2009/10 Budget for Council representative's attendance at the LGA Annual Conference.

#### **POLICY**

Attendance at the Annual Conference will be in accordance with the Councillors' Expenses and Facilities Policy. There are no other policy implications other than those raised in the context of Local Government Association policy.

#### **CONSULTATION**

There was consultation with the LGA and the various Divisions of Council in the preparation of this Report.

#### **TRIPLE BOTTOM LINE SUMMARY**

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

As this Report 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, Administration Services – Robyn Abicair – who can be contacted on 9847 6608.

**RECOMMENDATION**

THAT Council:

1. Adopt the Motions included within this Report for submission to the 2009 Local Government Association Conference.
2. Determine attendees and voting delegates for the 2009 Local Government Association Conference.

ROBYN ABICAIR  
Manager - Administration Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/09974  
Document Number: D01167589

#### 4 PROPOSED ESTABLISHMENT OF WALLAROBBA ARTS AND CULTURAL CENTRE

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##### EXECUTIVE SUMMARY

The Hornsby Shire Cultural Plan 2008-2010 details, amongst other things, how existing Council facilities should support and encourage greater community engagement in the arts. The Cultural Plan identifies a number of community facilities across the Shire which can be utilised to achieve this goal, including the Willow Park Community Centre/Homestead which was identified as a site to be utilised for the production and display of visual arts.

The Community, Cultural and Recreation Facilities Task Force has requested that a report be prepared for Council's consideration which outlines the arrangements required to implement this section of the Cultural Plan such that the Willow Park facility may be used to support the production and display of visual arts.

The described project provides an opportunity for Council to meet community articulated demand for a dedicated arts space within the Hornsby CBD with a positive budgetary impact through the adaptive reuse of an existing facility and use of allocated Section 94 funding.

##### PURPOSE/OBJECTIVE

The purpose of this Report is to outline the processes associated with the establishment of an arts production and exhibition space at the existing Willow Park Community Centre; and to present recommendations from the Community, Cultural and Recreation Facilities Task Force in respect of progressing the establishment of such a space.

##### DISCUSSION

###### Background

In recent years, Council has considered the creation of an arts and cultural centre in Hornsby - see Report Nos. CC59/04, CC08/06, CC23/08, CC59/08 and CC79/08 for more detail.

In 2003, the local arts and cultural community lobbied for the development of a centralised cultural and civic centre. In response to this lobbying, Council established the Hornsby Civic Centre Steering Committee and engaged consultants SGS Economics and Planning to undertake a feasibility study regarding the provision of a cultural/civic centre in the Hornsby Shire.

In broad terms, SGS Economics and Planning Pty Ltd recommended that Council not build a large regional cultural/civic facility in the short to medium term, but commence the process of a series of demand testing exercises. SGS Economics and Planning identified the following four key areas for action as part of this demand testing process (see Report No CC08/06):

*1. Promote activity from the 'bottom up'. Messages emerging from this study clearly suggest that civic/cultural facilities need to be focussed on identifying and meeting the needs and aspirations of the various localised communities first before addressing regional issues.*

**2. Support the further development of community centres/halls.** *The existing community centres and halls are ideally placed to meet the needs of Hornsby Shire residents and could serve to both foster dispersed local level cultural activity, and stimulate demand for cultural activity at a regional level.*

**3. Stimulate demand for a centralised facility.** *A lower risk strategy would be to stimulate demand in the short term before looking to the development of a larger regional facility in the longer term.*

**4. Further refine the concept of a cultural/civic centre.** *The development and implementation of a Cultural Plan will facilitate demand stimulation and awareness raising of cultural activities in the short term and will allow the concept of a cultural/civic centre to be further defined and articulated in line with local needs.*

Following its consideration of Report No CC08/06, Council resolved to fund the production of a Cultural Plan in order to strategically guide Council's cultural development activities. In August 2008, Council adopted the Hornsby Shire Council Cultural Plan 2008-2010 (see Report No CC79/08). This followed extended considerations of the contents of the Cultural Plan by the Community, Cultural and Recreation Facilities Task Force.

Whilst there was general support for the contents of the Cultural Plan, the engaged cultural community did recommend the inclusion in the Plan of a commitment to build a large scale, centralised cultural facility for the Shire. Following consideration of those comments, the Community, Cultural and Recreation Facilities Task Force recommended that, during the implementation of the Cultural Plan, options to provide a visual arts facility in Hornsby be considered in conjunction with the Task Force. Within the Cultural Plan, the Council Endorsed Strategy lists the following actions:

1.
  - a) *Undertake a formal process of consultation with the community and potential user groups, specific to the development of the sites listed above in relation to the use of existing community facilities for cultural development.*
  - b) *Consult with the Community, Cultural and Recreational Facilities Task Force with regards to opportunities to develop a visual arts facility in Hornsby.*
2. *Formally present the results of the community consultations to the Councillor Community Cultural and Recreation Facilities Task Force for consideration.*
3. *Prioritise the results of the Councillor Community Cultural and Recreation Facilities Task Force and seek external funding opportunities.*
4. *Present to Council a follow-up report to CC08/06 on the opportunities for the provision of cultural facilities and resources across the existing Community Centre Network.*

Items 1a), 1b), 2 and 3 have been achieved and Item 4 is partly addressed in this Report.

### **Willow Park Community Centre**

As discussed above, the Hornsby Shire Cultural Plan identified a number of key community facilities which demonstrated potential for arts and cultural use. Specifically, in respect of the Hornsby CBD, the Cultural Plan identified that opportunities exist within the Willow Park



Community Centre to realign community use of that facility to support the production and display of visual art products.

Willow Park Community Centre was built in 1903 as a residence and has a rich cultural history. Originally known as Wallarobba, the house was renamed to Willow Park by its third owner (Alfred R Parker) who served as a Hornsby Shire Councillor between 1926 and 1930 and as Lord Mayor of Sydney from 1934. Mr Parker was knighted shortly before his death in 1935. The house and surrounding gardens are heritage listed, the house being of regional significance.

Since becoming a Community Centre, rooms within the Homestead have been let to a number of community groups as leased offices and hireable meeting room spaces. Currently the Homestead is occupied by:

**St John's Ambulance Australia** – *Office and training rooms (3 rooms) - exclusive use under a lease/licence agreement.*

St John's has been using the Willow Park Community Centre as their headquarters since the 1960's. Since expiration of the lease in 2004, the organisation has remained in occupation of the rooms on a month to month holding over basis. St John's occupy the rooms on a rent free basis with Council foregoing an estimated rental of \$12,714 in 2008/09.

**Hornsby and District Chamber of Commerce** – *Office and Boardroom (2 rooms) - exclusive use under a lease/licence agreement.*

The Chamber has occupied space at the Willow Park Community Centre since 1998. The Chamber also remains in occupation of their rooms on a month to month holding over basis, rent free. In the 2008/09 financial year, an amount of \$5,370 was identified as foregone rental. It is noted that the Chamber pays for the use of the Boardroom at a rate of \$2,600 per annum.

**Hornsby Branch of Computer Pals** - *Kitchen and training rooms (3 rooms) - exclusive use under a lease/license agreement.*

Computer Pals has occupied space in the Willow Park Community Centre since October 2000. They occupy their rooms on rent free basis. In the 2008/09 financial year this equated to a foregone rental to Council of \$8,889.

**Breakthrough Church** – *Offices (3 rooms) - exclusive use under a temporary agreement.*

The Church commenced using Willow Park Community Centre in 2007. They pay \$7,800 per annum for the use of their rooms on a temporary hire basis.

**Community Meeting Rooms** - *(2 rooms)*

These two shared use meeting rooms are managed by Council's Community Services Branch and are hired on an hourly basis to a variety of community groups.

### **Potential Use of the Community Centre as an Arts/Cultural Centre**

Consultation with key community stakeholders and the Community, Cultural and Recreation Facilities Task Force has indicated a strong interest in the realignment of Willow Park's community use towards art and cultural production and display. The location, design and style of the building supports Council's intention to foster, manage and broker arts and cultural development within the Hornsby Shire. The demand for a facility such as this has been unmet for a number of years, largely due to budget constraints.

With 13 rooms, the building lends itself to multiple arts and cultural development activities and opportunities during the week and exhibitions/displays on weekends. The facility also provides the necessary infrastructure to support the development of arts and cultural networks within the community. Whilst the proposed adaptive reuse of the Willow Park site is not intended to address the lobby for a large scale CBD based cultural facility, it will, if supported, become a significant resource that will improve the capacity for multiple arts/cultural groups to work together and develop greater participation in the arts across the Shire.

The development of the Willow Park Community Centre site would be progressed in two stages. The first stage, which is the subject of this Report, would involve the adaptation of the Homestead to a visual arts production and display space. This work would require minimal changes to the existing building, would take into account the heritage issues associated with the facility and could be funded by Section 94 contributions earmarked for the site.

The second stage of the project would address the two halls at the rear of the Homestead with the aim of creating a purpose built gallery space and community meeting space. These works would support the need for additional community space in the Hornsby CBD and could be funded by available Section 94 contributions and the potential sale of Council's property at 208 Pacific Highway, Hornsby. Consultation with the arts and cultural community indicated support for the sale of this property in order to provide more appropriate facilities for arts and culture within the suburb of Hornsby.

A concept plan for stage one of the proposal at the Willow Park site has been developed in consultation with key stakeholders, including the Community, Cultural and Recreation Facilities Task Force (see attached). The plan makes provision for:

- Artists' lounge – an informal lounge room to encourage networking, relationship building and partnering opportunities
- Community art studio – providing a space for artists to practise their art or create works with other artists.
- Dry production/meeting spaces – multipurpose rooms catering for meetings, classes, workshops and production spaces throughout the week and exhibition rooms on weekends.
- Wet production space – catering for wet arts and crafts including ceramics.
- Artist in residence space – hired to individuals or groups for exclusive use for a fixed period of time (up to three months). Consistent with the Cultural Plan, the space would allow artists an opportunity to work in an encouraging and supportive environment.
- Permanent gallery space – able to hold intimate sized exhibitions for a longer period of time.
- Office space

The Hornsby Art Society has formally indicated an interest in relocating from 208 Pacific Highway, Hornsby to the Wallarobba Arts and Cultural Centre (the recommended new name for the Willow Park Community Centre) should the current proposal proceed. To ensure that the Society continue to meet their members' needs, the Society expressed an interest in accessing one room as an office and one room as a permanent gallery space - both under an exclusive use agreement under the Code for Lease/License of Council Land and Buildings to Community Groups.

### **Relocation of Willow Park Existing Users**

The establishment of an arts and cultural centre at the Willow Park Community Centre Homestead would require the four occupiers detailed above to relinquish their current occupation of the Centre. As three of the occupiers are holding over on a month to month basis, Council would only be obliged to provide one month's notice to vacate. The terms of the hire arrangement with The Breakthrough Church provides that the use of the rooms can be terminated at any time by Council providing eight weeks' notice.

It should be noted that Council does not have a legal obligation to provide alternate accommodation for use by the displaced groups. In this regard, advice provided from Council's Manager Commercial Property has indicated that there is currently no other alternate space available in Council's rental portfolio to house the affected groups but that there may be limited private leasable space available in the Hornsby CBD.

If the Hornsby Art Society is to relinquish their lease at 208 Pacific Highway, Hornsby and move to the Willow Park site, an opportunity may be available for the current tenants of Willow Park to apply to use the facility at 208 Pacific Highway, Hornsby under the Code for the Lease/License of Council Land and Buildings to Community Groups.

As the strategic direction of the property at 208 Pacific Highway, Hornsby has not yet been considered by Council, it would need to be clearly communicated to any potential future user of the site that such use would only be short term and temporary in nature.

### **BUDGET**

The groups currently using Willow Park Community Centre Homestead under lease/licence agreements do not make a financial contribution for the use of the space. The Breakthrough Church do pay a hire fee and the Chamber of Commerce do pay for the use of the Community Boardroom, but not for the room used as office space. In transferring the use of the Willow Park site to the arts, it is anticipated that Council would receive an additional net income through making additional community meeting space available for hire. In this regard, community research indicates that there is an under supply of community meeting space in the Hornsby CBD. The provision of such space can, therefore, be achieved at minimal cost.

The use of a facility in the manner described in this Report is consistent with the principles detailed in Council's draft Community and Cultural Facilities Strategic Plan. This draft Plan seeks to both maximise the utilisation of community facilities and provide a reasonable income from the hire of the facility by community groups which is then reinvested into the site to ensure the ongoing maintenance requirements of the facility are met. It is noted that draft Community and Cultural Facilities Strategic Plan is to be considered by Council at the August 2009 Ordinary Meeting (refer Report No CC56/09).

Should the existing tenants of Willow Park Community Centre Homestead wish to consider temporary use of the property at 208 Pacific Highway Hornsby, they would be subject to rental fees determined by Council's Code for the Lease/License of Council Buildings and Land to Community Groups.

It is noted that Council provides a substantial subsidy (approximately \$57,000) for the Hornsby Arts Society's use of the 208 Pacific Highway site, paying for strata fees and significantly subsidising rental costs. Classification of this property as Community Use does limit the ability of Council to generate increased income.

### **POLICY**

This report intends to implement policy articulated within the Hornsby Shire Cultural Plan 2008-2010.

### **CONSULTATION**

The following have been consulted in the preparation of this report - Ms Linda Baranov, President Hornsby Art Society; Ms Annie Clifford-Smith, Treasurer Hornsby Art Society; Ms Ruth Jones, Committee Member Hornsby Art Society; Ms Joanna Joyce, Arts/Cultural Development Officer Hornsby Shire Council; Community, Cultural and Recreation Facilities Task Force; and Mr Rod Drummond, Manager Commercial Property.

It is noted that current tenants of the Willow Park Community Centre are aware that the site has been identified in Council's Cultural Plan as a facility where community use could be realigned to support the production and display of visual arts.

### **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 provision of appropriate community facilities.

#### **Conserving our natural environment**

The proposal relates to the use of an existing building and therefore does not affect the natural environment.

#### **Contributing to community development through sustainable facilities and services**

The proposal will be strongly influenced by community development principles and will result in the provision of sustainable community assets.

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

This proposal supports community involvement in the development and design of relevant community facilities.

#### **Supporting our diverse economy**

This proposal supports sound corporate and financial management of community assets.

#### **Maintaining sound corporate and financial management**

This proposal supports sound corporate and financial management of community assets.

**Other Sustainability Considerations**

The adaptive reuse of the Willow Park Community Centre Homestead as an arts and cultural centre will take into consideration and celebrate the heritage qualities of the site.

**RESPONSIBLE OFFICER**

The responsible officer is Mr David Johnston, Manager - Community Services Branch. For further information please contact Council's Coordinator, Community and Cultural Facilities Ms Samantha Colbert on 9847 6548, Monday to Friday 9.00 am to 5.00 pm.

**RECOMMENDATION**

THAT:

1. The contents of Executive Managers Report No. CC55/09 be received and noted.
2. Council adopt the following recommendations of the Community, Cultural and Recreation Facilities Task Force:
  - a) The "Wallarobba Arts and Cultural Centre" be developed at the existing site of the Willow Park Community Centre Homestead.
  - b) Council not renew the leases of the existing tenants at the Willow Park Community Centre Homestead and provide them with eight weeks' written notice of termination.
  - c) Hornsby Art Society be offered a lease of the rooms identified in the concept plan for the redeveloped Willow Park Community Centre Homestead under the relevant conditions of the Code for Lease/Licence of Council Land and Buildings by Community Groups, on the basis that the Society relinquishes their current tenancy of the Council owned property at 208 Pacific Highway, Hornsby.
  - d) On request from any of the displaced tenants of the Willow Park Community Centre, Council staff provide assistance to them in identifying temporary short term accommodation which could be used whilst the displaced tenants identify and secure suitable longer term premises for their continued operations.
  - e) Further investigations be undertaken in respect of the potential sale of the Council owned property at 208 Pacific Highway, Hornsby to assist in the funding of stage 2 of the Willow Park Community Centre project.

DAVID JOHNSTON  
Manager - Community Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

1. Draft concept plans - Wallarobba Arts and Cultural Centre

File Reference: f2004/06416

Document Number: D01191501

## **5 DRAFT COMMUNITY AND CULTURAL FACILITIES STRATEGIC PLAN**

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### **EXECUTIVE SUMMARY**

The draft Community and Cultural Facilities Strategic Plan has been developed by the Community Services Branch in consultation with the Community, Cultural and Recreation Facilities Task Force and key stakeholders over the past 18 months. The draft Plan seeks to provide a current snapshot of the functioning of Council's community centres and community buildings with a view to promoting better utilisation and maximising Council's return on investment in maintenance and development costs. Return on investment in this context refers to community utilisation of the facilities.

The draft Plan does not make specific recommendations regarding future facility developments but acts as a foundation document with the goal of maximising utilisation and functioning of Council's existing asset stock. Recommendations are made in relation to further investigations into various issues that have been identified in the research process associated with the production of the draft Plan. Once adopted, the final Plan will be used in conjunction with other documents as a basis upon which recommendations can be made regarding new facility developments in the Shire.

At its 28 July 2009 meeting, the Community, Cultural and Recreation Facilities Task Force recommended that the draft Plan be adopted by Council for the purpose of public exhibition.

### **PURPOSE/OBJECTIVE**

The purpose of this Report is for Council to consider the Community, Cultural and Recreation Facilities Task Force's recommendation that the draft Community and Cultural Facilities Strategic Plan be adopted for the purpose of public exhibition.

### **DISCUSSION**

The draft Community and Cultural Facilities Strategic Plan provides a framework within which decisions can be made about the direction, development and provision of Hornsby Shire Council's community and cultural facilities. The draft Plan considers the current and future provision of community facilities in the Shire.

The draft Plan primarily addresses facilities managed by the Community Services Branch of Council. These include:

- 24 cultural and community facilities (previously known as community centres and halls)
- five over 50's leisure and learning centres
- one youth centre
- nursery and preschool and early childhood education centres

The draft Plan also considers numerous properties currently leased or licensed for use by community groups. The Community Services Branch has input into recommendations in

relation to use of these facilities to ensure that the lessees/licensees address needs identified through the social planning process.

In general, the existing provision of community facilities is considered satisfactory across the Shire. This consideration is based on established industry standards which are related to available floor space to population ratios. Changing demographics, population growth and leisure or social trends may require Council to review the provision of community facilities in the future. Changes in facility needs could result in the need for new or improved facilities, a reduction or rationalisation of facilities or a change in their focus, management or operation.

Whilst the draft Plan broadly considers development, re-development, divestment and the exploration of facility management/use options for new and existing facilities, the Plan does not aim to resolve or investigate specific opportunities or needs. It does make recommendations in relation to further investigations into various issues that have been identified in the research process associated with the production of the draft Plan.

Where an opportunity or need is identified within the strategic planning process, further detailed analysis will be required to determine the best course of action. It is proposed that this analysis be undertaken in conjunction with the Community, Cultural and Recreation Facilities Task Force. The analysis should examine a community facility taking into account local community needs and aspirations along with potential opportunities for meeting those needs within the existing network of community and cultural facilities.

The recommendations contained in this draft Plan (see Page 36 of the document) are that:

- Council review the management model of community and cultural facilities to ascertain the efficacy of the Morrison Low Management Review of 2004.
- Council review the provision of community facilities in rural areas to ascertain if all facilities are required.
- Council make available Leisure and Learning Centres for use by all community members regardless of their age, noting that people over the age of 50 should retain priority usage of these facilities and retain the current subsidised fee structure.
- Council review the provision of community space offered under lease/licence arrangements to community groups with a view to rationalising these assets where appropriate.
- A report be prepared for Council's consideration in relation to funds allocated for asset maintenance and asset renewal with the view to addressing long term issues associated with the provision of community buildings.

Whilst the draft Community and Cultural Facilities Strategic Plan is a foundation document which seeks to provide a broad overview of Council's provision of community space, the document was produced by the Community Services Branch in consultation with, and based on input from, the following groups within Council and the community:



Group	Input/purpose
Community, Cultural and Recreation Facilities Task Force	To provide strategic direction for the draft Plan.
Section 377 Advisory Committee Reference Group	To provide input on general community centre management issues.
Section 377 Management Committees attached to Community Centres	To provide specific comment on the details of the draft Plan as they relate to the facilities that they manage on behalf of Council and the community.
Council's Engineering Services Branch	To provide comment on maintenance and development costs.
Council's Commercial Property Section	To provide comment and details on community facilities under lease/licence arrangements.
Council's Financial Services Branch	To provide fair value estimates for the various properties listed in the draft Plan.
Members of Council's Community Services Branch	To provide comment on the community facilities managed within the Branch.
Users of Council's Community Centres and Halls	To give feedback on user satisfaction and customer service issues.
A random sample of community members	To provide a random sample of opinions as they relate to the provision of community meeting space across the Shire.

Consultation with such a broad group of stakeholders often results in diverse opinions. This has been the case in relation to this document in that, depending upon the group or individual's exposure to or stake in the community facilities being considered, opinions have differed markedly. In general though, community facilities are highly valued by the community and are considered to be important community assets which contribute significantly to building local community spirit and a sense of place.

The research contained in this Plan points to different ways that the community facilities can be used and managed to better respond to community articulated goals. The community want to see facilitated activities made available in community centres. They want to see a coordinated approach to programming and booking procedures and marketing. The community also want facilities to be affordable, clean and fit for purpose. Fundamentally, the draft Strategic Plan seeks to synthesise all community and staff views with the goal of achieving the maximum utilisation of facilities by the community.

### **BUDGET**

There are no adverse budget issues associated with the adoption of this draft Plan for the purposes of public exhibition.

**POLICY**

There are no policy implications associated with adopting this draft Plan for the purposes of public exhibition.

**CONSULTATION**

The consultative process undertaken to produce the draft Plan is summarised in the body of this Report and is also detailed in the draft Plan.

**TRIPLE BOTTOM LINE SUMMARY**

Given that this Report recommends that the draft Community and Cultural Facilities Strategic Plan be adopted for the purposes of public exhibition, no Triple Bottom Line assessment has been undertaken.

**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. The contents of Executive Manager's Report No CC56/09 be received and noted.
2. Council adopt the following recommendations of the Community, Cultural and Recreation Facilities Task Force:
  - a) The draft Community and Cultural Facilities Strategic Plan be adopted for the purpose of placing the document on public exhibition.
  - b) Key stakeholders be advised that the draft Community and Cultural Facilities Strategic Plan is on public exhibition and be encouraged to comment.
  - c) At the conclusion of the public exhibition period, a further report be provided for Council's consideration which summarises the submissions received and recommends the adoption of a final Community and Cultural Facilities Strategic Plan.

DAVID JOHNSTON  
Manager - Community Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

1. Draft Community and Cultural Facilities Strategic Plan

File Reference: F2009/00391

Document Number: D01192496

## 6 JUNE 2009 INVESTMENT AND BORROWING REPORT (PRE-AUDIT)

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### 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 June 2009 was \$1,659,000 compared to the budgeted income for 2008/09 of \$1,483,000. Of the year to date investment income earned, 41% relates to Section 94 funds held by Council and is required to be allocated to those funds.

### PURPOSE/OBJECTIVE

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

### DISCUSSION

#### Council's Investment Performance - June 2009

- The At-Call and Term Deposits achieved an annualised return of 4.24% for the month compared to the benchmark of 3.00%; and a financial year return of 4.22% (6.27% if investments which have expired during the financial year are included) compared to the benchmark of 4.73%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market return of 9.85% for the month compared to the benchmark of 15.76%; and a financial year return of -10.37% compared to the benchmark of -14.56%. 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 3.91% for the month compared to the benchmark of 3.30%. The financial year return at June 2009 is 6.06% compared to the benchmark of 5.48%.
- The Capital Guaranteed Notes achieved an annualised return of 0.26% for the month compared to the benchmark of 3.30%. The financial year at June 2009 is 0.82% compared to the benchmark of 5.48%. 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 5.49% for the month compared to the benchmark of 3.30%; and a financial year return of 7.50% compared to the benchmark of 5.48%.
- For total investments, the annualised return for the month is 3.45% compared to the benchmark of 3.49%; and the financial year return (including investments that have expired during the year) after fees is 4.75% compared to the benchmark of 4.68%.

### **Valuation of Investment Portfolio**

At the Finance and Strategy Task Force meeting held on the 17 June 2009, it was agreed that the market valuation of structured products would be stated on a quarterly basis in the relevant Investment and Borrowing report. This Report provides such information as at 30 June 2009.

It should be noted that the market value of a product is an indication of the proceeds that Council could expect upon liquidation of the investment at a particular date. It would only be realised if a decision to liquidate was made at that date. In this regard, Council generally has a 'hold to maturity' approach towards investing and is not in the business of trading in the financial markets. It should also be noted that financial markets go through cycles with long term investments experiencing highs and lows in the market and, under fair value principles, are valued according to market sentiment.

The market values below are pre-audit as at 30 June 2009 and will be confirmed upon finalisation of Council's Financial Statements for 2008/09:

- Floating Rate Notes – market value (pre-audit) is \$1.728M.
- Collateralised Debt Obligations – market value (pre-audit) is \$3.360M.
- Capital Guaranteed Products – market value (pre-audit) is \$6.091M.

### **Economic/Financial Conditions**

#### ***STATEMENT BY GLENN STEVENS, GOVERNOR, RESERVE BANK OF AUSTRALIA - MONETARY POLICY – RELEASED TO MEDIA 7 JULY 2009***

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

*The global economy is stabilising, after a sharp contraction in demand during the December and March quarters. Downside risks to the outlook have diminished, with conditions in global financial markets improving this year and action to strengthen balance sheets of key financial institutions under way. Growth in China has strengthened considerably, which is having an impact on other economies in the region, including Australia.*

*Nonetheless, credit conditions remain tight and the effects of economic weakness on asset quality present a challenge. There is tentative evidence that the US economy is approaching a turning point, but conditions in Europe are still weakening. While the considerable economic policy stimulus in train around the world should support recovery, it is likely to be slow at first. For it to be durable, continued progress in restoring balance sheets is essential.*

*Economic conditions in Australia have to date not been as weak as expected a few months ago. But output has been sluggish and capacity utilisation has fallen back to about average levels, with some further decline likely over the rest of the year. Weaker demand for labour is leading to lower growth in labour costs. These conditions should see inflation continue to abate over the period ahead.*

*A pick-up in housing credit demand suggests stronger dwelling activity is likely later in the year. House prices are tending to rise. Business borrowing, on the other hand, has been declining, as companies postpone investment plans and seek to reduce leverage in an environment of tighter lending standards. Large firms have had good access to equity capital, which is assisting in strengthening their financial structures.*

*Monetary policy has been eased significantly. Market and mortgage rates are at very low levels by historical standards, despite recent small increases. Business loan rates are below average. The effects of these changes will still be coming through for some time yet. Fiscal measures are also providing considerable support for demand.*

*The Board's current view is that the outlook for inflation allows some scope for further easing of monetary policy, if needed. In assessing how it might use that scope, the Board will continue to 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 2009, based on the principal balances outstanding, is 6.69%. The loans taken out repay principal and interest over a 10 year period with a fixed interest rate. The Borrowings Schedule, as at 30 June 2009, is attached to this Report.

### **BUDGET**

Total investment income for the year ended June 2009 was \$1,659,000. The budgeted income for the year was \$1,483,000. Of the investment income, approximately 41% 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 CC59/09 be received and noted.

GLEN MAGUS  
Manager - Financial Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

1. June 2009 Investment report (Pre-audit)
2. HSC Borrowings Schedule as at 30 June 2009

File Reference: F2004/06987  
Document Number: D01204780

## 7 DOCUMENT ACCESS APPLICATIONS 23 MAY 2009 - 20 JULY 2009

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### **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 23 May 2009 – 20 July 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 23 May 2009 to 20 July 2009***

There were 176 applications processed under Council's Document Access Policy in the period 23 May 2009 to 20 July 2009. The time taken to process these 176 applications was 294 hours. An additional 38 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 12 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 176 applications processed in the period, 39 applications resulted in restricted access to Council files. In total, 308 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 308 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. 60 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, 44 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, 67 documents were found to contain such information and as such, were not released.

*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, 137 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, seven new Freedom of Information (FOI) applications were received. One application was carried over from the previous period. Seven applications have been determined within this reporting period and one application is being carried forward. In addition, work was carried out on one Internal and two External reviews of FOI determinations.

The time spent by Council staff on the processing of FOI applications during this reporting period was approximately 30 hours. In addition, two hours were expended on the processing of the Internal Review and two and a half hours were expended on the processing of the External Reviews previously mentioned. All of the Review processing time, and four hours of the FOI application processing time was expended in relation to applications by the same applicant.

### **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 294 hours invested in processing the 176 Document Access applications, 30 hours dedicated to processing FOI applications, and four and half 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 337 hours.

There continues to be a requirement for reliance on casual staff assistance in order to maintain reasonable levels of customer service standards in respect of processing applications for access to information held by Council.

### **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 23 May 2009 - 20 July 2009
3. Processing Volume for Document Access Applications to July 2009

File Reference: F2006/00479-02  
Document Number: D01206975

## **8 CHERRYBROOK COMMUNITY AND CULTURAL CENTRE - HIRE FEES FOR USE OF FOYER SPACE**

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### **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 Fees and Charges for 2009/10.

Following Council's consideration of Report No CC39/09 at the 10 June 2009 Ordinary Meeting, a draft fee for use of the foyer space was placed on public exhibition for a period of 28 days. This Report details the submissions received during the public exhibition period and recommends that Council adopt the exhibited fee for the use of foyer space in the Cherrybrook Community and Cultural Centre for 2009/10.

### **PURPOSE/OBJECTIVE**

The purpose of this Report is to provide details of the public exhibition of the draft fee for the use of foyer space in the Cherrybrook Community and Cultural Centre for 2009/10 and to recommend that the exhibited fee be adopted by Council.

### **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 and cultural facilities. 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.

Following Council's consideration of the matter at the 10 June 2009 Ordinary Meeting (see Report No CC39/09), Council adopted a draft fee of \$25.00 per day 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 in 2009/10 is \$45.00

and \$77.00 per hour respectively. This fee structure, including the conditions of hire, is similar to those currently in place for hire of the exhibition space in the foyer of the Berowra Community and Cultural Centre.

The draft fee for the Cherrybrook Community and Cultural Centre Foyer Space was placed on public exhibition for a period of 28 days. Information on the draft fee was made available to the general public via Council's "On Exhibition" web page. Letters were also sent to primary stakeholders, those being identified as members of the Cherrybrook Community Centre Section 377 Management Committee and the Hornsby Shire Arts Reference Committee.

Two submissions were received during the public exhibition period. The submissions raised the following issues and questions:

- The existing pricing structure regarding the hire of other parts of the facility needs to be made clear in relation to hiring the foyer space.
- It would be simpler to charge a flat weekly or daily rate, rather than opening night fees.
- Will there be a charge if a group does not host an opening night?
- Is it possible to make provision for discounted rates for non-profit organisations, groups or individuals who are holding non-sale exhibitions?

In response to those issues and questions, it is noted the proposed fee and pricing structure has been set so that it is consistent with the pricing structure for the remainder of the Centre. The proposed fee is also aligned with the hire and pricing structure of the Berowra Community Centre foyer space to ensure equity and consistency throughout Council's community and cultural facilities.

The proposed fee is competitive with other low cost exhibition spaces in the Hornsby Shire. Should exhibitors believe they are eligible for a discounted rate of hire for use of the foyer space, they would be able to apply for a fee waiver or reduction which would be assessed on an individual basis in line with Council's Pricing Policy.

A daily rate of \$25.00 for use of the foyer space is provided within the proposed fees and charges. Exhibitors are not required to host an opening event and, therefore, would only be charged the daily rate if an opening event was not required.

Having regard to the above responses to the issues raised in submissions, it is recommended that the exhibited fee for use of foyer space in the Cherrybrook Community and Cultural Centre be adopted by Council.

### **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**

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 deals with the implementation of an adopted chapter of the Social Plan 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 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. The contents of Executive Managers Report No. CC62/09 be received and noted.
2. Council adopt the exhibited fee for use of foyer space in the Cherrybrook Community and Cultural Centre and apply it for the remainder of the 2009/10 financial year.

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: D01208316

## **9 REVIEW OF DIVISIONAL BUDGETS AND SERVICES BY THE FINANCE AND STRATEGY TASK FORCE**

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### **EXECUTIVE SUMMARY**

Over the past few months, the Finance and Strategy Task Force has met with the General Manager and each Executive Manager to review their Division's budgets and services. As a result of the meetings, the Task Force agreed on a set of outcomes which would be submitted for Council's consideration at the conclusion of the process.

The outcomes from the meetings are detailed below and recommended for endorsement by Council. Responses to the outcomes are to be provided by the General Manager and/or relevant Executive Manager to the Finance and Strategy Task Force and/or Council over the coming months.

### **PURPOSE/OBJECTIVE**

The purpose of this report is to provide Council with details of the outcomes identified during an organisation wide review of budgets and services which has been undertaken by the Finance and Strategy Task Force.

### **DISCUSSION**

At the Finance and Strategy Task Force meeting held on 18 March 2009, it was decided that meetings would be held with the General Manager and each Executive Manager to discuss their individual Division's budgets and services.

Meetings were subsequently held with the Executive Manager, Planning Division (on 1 April 2009); Executive Manager, Corporate and Community Division (on 15 April 2009); Executive Manager, Environment Division (on 6 May 2009); Executive Manager, Works Division (on 13 May 2009); Manager, Corporate Strategy (on 17 June 2009); and General Manager (on 17 June 2009).

Following each meeting, a set of agreed outcomes was determined for each Division. The Task Force agreed that, at the conclusion of the process, a report identifying all outcomes would be submitted for Council's consideration.

The outcomes from the meetings with the General Manager and each Executive Manager are detailed below:

#### **Executive Manager, Planning Division**

- Where possible reduce the budget for consulting expenditure.
- Assess the opportunity for Town Planners to be allocated to Strategic Planning projects i.e. (Western side of Hornsby).
- Re-deploy any surplus staff towards suitable vacancies within the organisation.
- Manage legal budget in accordance with revised 2009/10 allocation.



**Executive Manager, Corporate and Community Division**

- A review to be undertaken for the Task Force's consideration of the costing and business model for the provision of Council childcare services to potentially include depreciation, rent and other appropriate expenses in the calculation of fees. As part of the review, information is also to be provided on the opportunity of leasing or selling the existing child care buildings to child care providers.
- When the next Social Plan Quarterly Report Card is presented to Council, detailed information is to be made available which enables Councillors to view current Social Plan objectives for each of the target groups and the progress to date against those objectives.
- A report to be prepared for Council's consideration which reviews progress against the 2005 - 2010 Social Plan and proposes a new draft Social Plan for adoption by Council. (N.B. This is already listed as an objective in the 2009/10 Management Plan)
- A review to be undertaken for the Task Force's consideration of the current utilisation of Council's Leisure and Learning Centres and any opportunities which may exist for greater use of the Centres by the general community.
- ExCo and the Manager, Library and Information Services Branch to consider alternatives that exist in respect of the vacant Library Technology Section Leader position.
- A report to be prepared for Council's consideration which reviews Council's library service including opening hours and fees and charges. (N.B. This is already listed as an objective in the 2009/10 Management Plan)
- Task Force members to be provided with details of the current opening hours and number of visits per annum to each of Council's branch libraries.
- In the organisation structure review currently being undertaken, the General Manager gives consideration to combining the commercial property functions in the Corporate and Community Division with the property development functions in the Works Division.
- Service reviews be undertaken across the organisation to identify potential efficiency gains and to consider alternative service models. (N.B. This is already listed as an objective in the 2009/10 Management Plan)
- The Executive Manager, Environment Division to provide Task Force members with an assessment of the cost effectiveness of quarterly street cleanups (Hornsby Council) versus on demand cleanups when relevant numbers are reached (The Hills and Ku-ring-gai Councils).

**Executive Manager, Environment Division**

- Task Force members to be provided with details on the cost of providing sporting facilities versus the fees charged to sporting groups.
- A review to be undertaken for the Task Force's consideration regarding alternative service provision models for tree removal

**Executive Manager, Works Division**

- Consideration be given to direct supplier negotiation in respect of sourcing materials and construction variations so as to reduce costs.
- A report be prepared for the Task Force's consideration regarding the cost of undertaking CBD stormwater drainage works funded by an external loan.
- Details to be provided on options for parking facilities at Parsley Bay and McKell Park (N.B. Presentation provided to Councillors on 27 May 2009).
- A review is undertaken for the Task Force's consideration in respect of the utilisation of chlorination at the aquatic centres.

**General Manager and Manager, Corporate Strategy**

- As part of the service reviews to be undertaken across the organisation to identify potential efficiency gains and to consider alternative service models, Human Resources Branch services such as recruitment and payroll be included.
- Prior to formally reporting to Council on the organisation structure review required by the Local Government Act, the General Manager discusses the matter informally with the Mayor and Councillors.

It is recommended that Council endorse the outcomes detailed above and request the General Manager and/or relevant Executive Manager to provide responses in respect of the outcomes to future Finance and Strategy Task Force meetings and/or Council as appropriate.

**BUDGET**

The progression of the outcomes identified by the Finance and Strategy Task Force may result in net expenditure reductions for current and future budget allocations.

**POLICY**

There are no policy implications associated with this Report.

**CONSULTATION**

The details contained in this Report are as a consequence of consultation between the Finance and Strategy Task Force, the General Manager and Executive Managers.

**TRIPLE BOTTOM LINE SUMMARY****Maintaining sound corporate financial management**

The review of services and budget allocations contributes to prudent financial management of Council's financial resources.

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT:

1. Council receive and note the contents of Executive Manager's Report No CC63/09.
2. Council endorse the outcomes of the meetings between the Finance and Strategy Task Force and the General Manager and Executive Managers.
3. Responses to the outcomes be provided to the Finance and Strategy Task Force and/or Council as appropriate by the General Manager and/or relevant Executive Manager.

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: F2009/00014

Document Number: D01208515

## 10 BROOKLYN COMMUNITY MEETING ROOM - FEES AND CHARGES FOR 2009/10

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### EXECUTIVE SUMMARY

Following Council's consideration of Report No CC46/09 at the 10 June 2009 Ordinary Meeting, draft fees and charges for the proposed Brooklyn Community Meeting Room were placed on public exhibition for a period of 28 days. No submissions were received during the exhibition period. As a consequence, this Report recommends that Council adopt the exhibited fees and charges for the Brooklyn Community Meeting Room for the 2009/10 financial year.

### PURPOSE/OBJECTIVE

The purpose of this Report is to provide details of the public exhibition of draft fees and charges for the Brooklyn Community Meeting Room for 2009/10 and to recommend that the exhibited fees and charges be adopted by Council.

### DISCUSSION

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 proposed Brooklyn Community Meeting Room. 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 meeting room booking procedures as proposed by the Community Services Branch.

With regard to Community Meeting Room hiring fees, the community 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 proposed that the rate for occasional hire be \$12.00 per hour and the rate for regular hire be \$6.00 per hour. In this regard, 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.

Following Council's consideration of the matter at the 10 June 2009 Ordinary Meeting (see Report No CC46/09), the fees and charges referred to above were placed on public exhibition for a period of 28 days. Information on the draft fees and charges were made available to the general public via Council's "On Exhibition" web page. Letters were also sent to primary stakeholders and those who had expressed interest in the development of the Brooklyn Community Meeting Room as members of the Brooklyn community.

No submissions have been received during the public exhibition period. As such, it is recommended that the draft fees and charges for the Brooklyn Community Meeting Room be adopted by Council.

**BUDGET**

Report No CC46/09 advised Council that the creation of a new community meeting space at Brooklyn managed by the Community Services Branch would impact on the availability of staffing resources. Council was advised that, in adopting an Advisory Committee Model of Management for the Meeting Room, the customer service requirements associated with managing a remote site would either reduce the customer service provided to the users of the other eight community centres currently managed within the Community Services Branch or would take away resources from support for the implementation of the “*Existing 377 Management Committee Model with Significantly Improved Performance*” (i.e. Report No CC22/04).

As a consequence of the above, it is proposed 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. It is proposed that these considerations tie in with the 12 month review of the 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**

The following individuals were consulted in the development of the 2009/10 Fees and Charges for Brooklyn Community Meeting Room - Ms Mathilde Kearny-Kibble, Ms Jane Cole, Ms Margaret Cathie, Ms Florence Prouest, Ms Anna Jones, Ms Liz Surrest, Ms Kim Wilson, Ms Jennie Allan, Ms Valerie Colley, Ms Anne Graham, Ms Cindy Corkery, Ms Jacquie Schorte and Ms June Davidson.

**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, 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. The contents of Executive Managers Report No. CC65/09 be received and noted.
2. Council adopt the exhibited fees and charges for the Brooklyn Community Meeting Room for 2009/10 and implement those fees and charges once the extensions to the facility have been completed.

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: F2004/09479

Document Number: D01210769

## 11 COUNCIL'S 2009/10 DONATIONS PROGRAMME

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### EXECUTIVE SUMMARY

Each year, Council calls for applications for financial assistance under the Donations Programme from community groups or organisations based in the Hornsby Shire, or groups who provide assistance and support to residents of the Shire.

In respect of the 2009/10 Donations Programme, applications were received from 66 community groups together with three internal applications relating to previous resolutions of Council. Compared to the 2008/09 Donations Programme, this represents a 28% decrease in the number of applications received and a 25% decrease in the amount of funding requested.

Fewer applications were received across the majority of funding target groups as compared to the previous year. The exceptions to this trend were the Culturally Diverse category, which received quadruple the number of applications; the Support Services category which received one additional application; and the Women's category which received the same number of applications.

Community Services Branch staff with expertise in the relevant policy areas assessed the applications for financial assistance in accordance with the Council Cash and Non Cash Donations and Grants Policy. Staff recommendations for funding were subsequently submitted for consideration by the Donations Committee at its meeting held on 15 July 2009.

The Donations Committee has now finalised its consideration of the applications and has requested that recommendations be submitted for Council's approval.

### PURPOSE/OBJECTIVE

The purpose of this Report is for Council to determine funding allocations to community groups under the 2009/10 Donations Programme.

### DISCUSSION

Each year, Council calls for applications for financial assistance under its Donations Programme from community groups or organisations based in the Hornsby Shire, or groups who provide assistance and support to residents of the Shire. In this regard, Council's 2009/10 Budget includes an allocation of \$65,000 to distribute to the community through the Programme.

Groups listed on the Community Services Branch Donations Programme Register were invited to apply for funding. In addition to this, advertisements were placed in the Hornsby Advocate, the Northern District Times and the Hills Shire Times informing organisations of the commencement of the funding programme and inviting applications. Advertising with respect to the 2009/10 Programme commenced in early March 2009 and applications closed on 31 May 2009.

Applications seeking a total of \$207,099 were received from 66 community groups. In

addition, internal applications were received in relation to an allocation to the Mayor's Youth Trust Fund (\$3,000); to fund the strata levies (\$4,000) of the Council property leased by the Hornsby Arts Society as approved by Council when it considered Report No CC55/05; and in relation to Council's resolution in respect of Report No CC91/05 to establish an Emergency Relief Fund (\$5,000). As such, the total amount of funding requested in respect of the 2009/10 Programme totals \$219, 099.

All groups who applied for financial assistance under the Donations Programme were required to indicate how they would acknowledge Council's support should their application be successful. As a consequence, each community group who receive financial assistance from Council will be notified of the requirement to recognise Council's support via the method outlined in their application.

In an attempt to ensure that Council funds a range of groups and services under the Programme, applications are categorised into the following groupings:

- Children's Services
- Youth Services
- Over 55's Services
- Disability Services
- Aboriginal and Torres Strait Islander (ATSI) Services
- Culturally and Linguistically Diverse (CALD) Services
- Women's Services
- Support Services – General
- Arts and Cultural Services
- Tourism and Recreation Services

Community Services Branch staff with expertise in the relevant policy areas assessed the applications for financial assistance in accordance with the Policy titled Council Cash and Non Cash Donations and Grants (see Attachment 1).

The funding recommendations made by Council officers were referred for consideration of the Donations Committee at its meeting held on 15 July 2009. Following its consideration, the Donations Committee proposed an allocation of \$40,845 to 37 community groups and organisations (see Minutes of Meeting No. 1/09 - Donations Committee included as Attachment 2). The proposed allocations are now submitted for Council's approval. Attachment 3 provides a Funding Summary Table which shows the breakdown of allocations to each funding category.

It is noted that a decision in respect of a funding allocation for one application was not made by the Donations Committee at its meeting. The application in question was from the Springfest Organising Committee. In respect of that application, the Committee requested that the feasibility of the proposed project be further investigated and a recommendation made by officers as part of this Report. In this regard, a further assessment of the application has been undertaken and funding is not recommended as part of this round of the Donations Programme. It is, however, recommended that the application be further discussed with the applicant and then considered in the second round of funding for 2009/10 which will occur later this calendar year.

It should be noted that the proposed allocation of funding through the Donations Programme includes \$3,000 to the Mayor's Youth Trust Fund to be distributed to young people who live,



study and recreate in the Hornsby Shire as per the Policy associated with this Fund. This amount is included in the Youth Services Summary of applications.

Additionally, \$4,000 has been allocated to cover Strata Levies for the Hornsby Art Gallery as per Council's resolution at the August 2005 Ordinary Meeting in respect of Report No CC55/05. This amount is included in the Arts/Culture Summary of applications and is specifically included in the amount of funding recommended for the Hornsby Art Society.

A further \$5,000 has again been allocated in 2009/10 as a consequence of a Council decision to establish an Emergency Relief Fund for international and domestic humanitarian aid projects (see resolution in respect of Report No CC91/05). The monies for emergency relief have been included in the Support Services - General Summary.

In 2006, Council resolved in respect of Report No CC24/06, that:

*As part of its consideration of the annual donations program, Council be provided with relevant information regarding:*

- a) foregone rental for community groups' use of Council buildings.*
- b) subsidies to sporting groups in respect of their use of sportsgrounds.*
- c) any other financial assistance provided by Council to community groups.*

The following table provides a response to that resolution:

Source of Subsidy	Value of Subsidies 2007/2008	Value of Subsidies 2008/2009
Community Centres and Halls - Foregone Rental	\$26,844.00*	\$27,649.00*
Community Centres - Premium for Casual Hirers Policy	\$8,000	\$8,000
Subsidy of Council owned facilities used by preschools	\$551,920.40	\$618,360.15
Subsidy of Council owned facilities used by non-profit societies		
Subsidy of Council owned facilities used by Scouts and Guides		
Subsidy of Council owned facilities used by clubs		
Subsidies miscellaneous use of Council owned facilities		
Sporting ground subsidies	\$1,939,560.04*	\$1,997,746.80*
<b>Total</b>	<b>\$2,526,324.44*</b>	<b>\$2,651,755.95</b>

\*Estimated values only based on CPI increases (3%).

**BUDGET**

An amount of \$65,000 is allocated in the 2009/10 Donations Programme budget. The amount recommended for funding is \$40,845 through Council's Donations Programme, leaving \$24,155 for distribution in the second round of funding that will be administered in December 2009. It is noted that community groups/organisations recommended for funding in the first round will receive cheques by the end of August 2009.

**POLICY**

The 2009/10 Donations Programme has been conducted in accordance with the Policy titled Donations and Grants – Council Cash and Non Cash (POL00209).

**CONSULTATION**

Consultation has been undertaken with relevant Community Services Branch staff. All applicants in the 2009/10 Donations Programme have received correspondence from the Community Services Branch indicating that Council will be considering the Donations Programme at the August 2009 Ordinary Meeting. Consultation has also been undertaken with the following staff regarding Council's financial contributions to community groups: Commercial Property Manager - Mr Rod Drummond; Property Officer - Ms Leonie Cooke; Coordinator Parks Assets - Ms Dana Spence; and Coordinator Community and Cultural Facilities - Ms Samantha Colbert.

**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 the Donations Programme is an enactment of an adopted funding policy, no TBL assessment is required of this report.

**RESPONSIBLE OFFICER**

The responsible officer is Mr David Johnston – Manager, Community Services Branch, who can be contacted on telephone 9847 6800. For further information, please contact Ms Lisa Cahill – Manager, Community Development on 9847 6779.

**RECOMMENDATION**

THAT

1. The contents of Executive Manager's Report No. CC66/09 be received and noted.
2. The organisations listed below (and further detailed in Attachment 2 to Report No CC66/09) receive financial assistance from Council in 2009/10 in accordance with the Policy titled Council Cash and Non Cash Donations and Grants.

<b>Organisation</b>	<b>Funded Amount</b>
Sa Rang Bang Korean Community	\$200.00
Lorna Hodgkinson Sunshine House	\$250.00
Australian Chinese Community Association	\$300.00
Chinese Family Group	\$400.00
1st Cherrybrook Scouts	\$500.00
1st Hornsby Scouts	\$500.00
Chinese Elderly Welfare Association Inc.	\$500.00
Combined Probus Club of Cherrybrook inc.	\$500.00
Computer Pals for Seniors- Hornsby	\$500.00
Dial a Mum	\$500.00
Epping Scout Group	\$500.00
Galston District Eisteddfod	\$500.00
Hornsby Legacy Widows Club	\$500.00
Hornsby Rosemary Legacy Club	\$500.00
Normanhurst Scout Group	\$500.00
Scouts Australia NSW- Benowie District	\$500.00
The Shack Youth Outreach	\$500.00
Wisemans Ferry and District Community Health and Resource Centre	\$500.00
Cherrybrook Chinese Community Association	\$600.00
Hornsby and District TPI Social and Welfare Club	\$600.00
Self Help for the Hard of Hearing Australia Inc	\$600.00
The Wisemans Ferry Sunshine Group Inc	\$600.00
Australian Ling Lang Church	\$735.00
Easy Care Gardening Inc	\$800.00
Hornsby Community Church	\$1,000.00
Studio ARTES Northside Inc	\$1,000.00
Sydney Korean Women's Association	\$1,000.00
Hornsby Ku-ring-gai Police and Community Youth Group	\$1,100.00
Parkinson's NSW Hornsby Ku-ring-gai Support Group	\$1,160.00
Indian Seniors Group Hornsby	\$1,200.00
Migrant LINK Australia Ltd	\$1,200.00
SEVA International Inc	\$1,200.00
Pennant Hills Neighbour Aid Incorporated	\$1,250.00

Hornsby Ku-ring-gai Volunteer Coordinators Forum	\$1,400.00
Hornsby Ku-ring-gai Association Action for Mental Health	\$1,500.00
Hornsby Area Residents for Reconciliation	\$1,750.00
Hornsby Ku-ring-gai Domestic Violence Network	\$2,000.00
Mayors Youth Trust Fund	\$3,000.00
Hornsby Art Gallery	\$4,000.00
Emergency Relief Fund	\$5,000.00

3. Any further requests for financial assistance received in the 2009/10 financial year from community groups/organisations that meet the criteria of Council Policy POL00209 - Cash and Non Cash Donations and Grants, be referred to the Mayor, General Manager and Manager, Community Services Branch for consideration.

DAVID JOHNSTON  
 Manager - Community Services  
 Corporate and Community Division

GARY BENSLEY  
 Executive Manager  
 Corporate and Community Division

**Attachments:**

1. Attachment 1 - Council Policy - Donations and Grants - Council Cash and Non Cash
2. Attachment 2 - Minutes of Donations Committee Meeting 15/07/2009
3. Attachment 2.1 - Donation Programme Funding Recommendation
4. Attachment 3 - Funding Summary Table

File Reference: F2009/00132  
 Document Number: D01211556

## 12 CLIMATE CHANGE ADAPTATION STRATEGIC PLAN

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### **EXECUTIVE SUMMARY**

Climate change has begun to have measurable impacts on many communities, particularly in developing nations around the globe, and is affecting a large number of people and ecosystems globally (WWF, 2008). Worldwide, policy makers are being forced to consider climate change impacts when making plans for the future.

The two policy options open for responding to climate change include mitigation and adaptation. Council has already undertaken measures to mitigate climate change impacts by increasing the energy efficiency of Council properties. Adapting to what many now consider the inevitable consequences of climate change is the next logical response for Council to consider.

Approaches by local government authorities to adapting to climate change will vary significantly due to variations in biophysical and socio-economic conditions that exist between councils and the inherent uncertainty surrounding the magnitude and scope of climate change impacts. This inherent uncertainty necessitates the adoption of a risk-based approach.

The attached Climate Change Adaptation Strategic Plan (“the Plan”) is an attempt to deal with the concerns about climate change impacts. The Plan identifies a set of actions and sub-actions (Tables 11.2 and 12.1 in the attachment) that will aid Council in addressing climate change impacts.

It is recommended that Council agree to the development of a work program for the investigation of the actions in Table 12.1 of the Plan and that this program be reported to Council within the next four months. The work program is to prioritise the actions, assign responsibilities, estimate the cost of the work associated with each action and identify proposals to fund the work.

### **PURPOSE/OBJECTIVE**

This report provides an overview of the Climate Change Adaptation Strategic Plan for Council's consideration and endorsement. The purpose of the Climate Change Adaptation Strategic Plan is to prepare Council and the community for the changes to the impacts associated with the changing climate that is at this stage unavoidable. The Plan will allow Council to optimise the allocation of resources to implement adaptation actions and represents a pragmatic approach by Council to tackle previously un-chartered territory. The approach is iterative and will involve extensive consultation and revisiting of each of the key climate change impacts identified.

## **DISCUSSION**

### **Background**

In 2007 Council partnered with the International Council for Local Environmental Initiatives (ICLEI) to pilot a program to be delivered to councils across Australia on climate change adaptation. This project coincided with the work undertaken by the Sydney Coastal Council's Group and the CSIRO on climate change vulnerability mapping. From the available information and involvement in the program with ICLEI Council developed 5 issues briefs for extreme heat and health effects, bushfires, accelerated ecosystem loss, extreme storm events and sea level rise. The production of the issues briefs has aided the development of a draft Climate Change Adaptation Strategic Plan.

### **Climate Change Adaptation Strategic Plan**

The Climate Change Adaptation Strategic Plan (CCASP) (the 'Plan') focuses on five key impact areas identified as relevant for the Shire including:

- heat
- bushfires
- ecosystems
- rainfall
- sea level rise

These areas were identified as part of a vulnerability study undertaken by the CSIRO and the Sydney Coastal Councils Group (SCCG) (Preston *et al* 2008) which considered:

- climate change vulnerability mapping
- quantification of attributes of concern that may be affected by climate change
- an extensive literature review
- consultation with experts (Aurecon, 2009)

It is important to note that the vulnerability assessment is not an exhaustive study of climate change vulnerability but it provides valuable information on the selected key issues as identified by the CSIRO and SCCG.

The Plan identifies and quantifies potential climate change impacts on the natural and built environments of the Shire. Highly vulnerable attributes such as people, properties and infrastructure have been identified and subsequently a climate change risk assessment has been conducted. The risk assessment process was specially tailored to suit climate change impacts and was inclusive of a sustainability assessment. This step allows Council to optimise allocation of resources for effective and efficient implementation of adaptation actions.

The inherent uncertainty surrounding the magnitude and scope of climate change impacts has made it necessary for the adoption of a risk-based approach (CSIRO 2006, AGO 2005, AGO 2006). Risk assessments for each of the five key impact areas have been conducted as part of the Plan. The results of the risk assessment process form a component of the approach used to prioritise adaptation actions using a triple bottom line sustainability approach. To enable Council to efficiently and effectively distribute resources, a number of strategic approaches have been outlined to assist with the development of a robust climate change adaptation portfolio specific to the Shire. These are outlined in Section 11 of the Plan.

Actions have been prioritised based on the combination of risk assessment and the principles of sustainability. For the purposes of this assessment, governance, economic, social and environmental factors have been given equal weighting.

Table 11.2 in the Plan presents a summary of the risk assessment results for potential climate change impacts associated with each key impact area. In addition, the table presents the key actions proposed to address each impact, along with the priority assigned to each action (based on the sustainability assessment process). The table is sorted according to the priority assigned to the actions, with higher priority actions being placed earlier and lower priority actions being placed later in the table. Each key action has a code preceding it indicating the type of action being proposed.

The top 12 impacts and associated actions have been assessed to have level 'A' priority ranking, indicating that the actions are an 'extreme' priority. The level 'A' ranking also indicates that the action is expected to yield highly sustainable outcomes. It should be noted that each of the top 12 impacts and associated actions has equal weighting and is not ranked within the level 'A' prioritisation.

Within the top 12, there is representation of each of the four impact areas. It should also be noted that an impact or key action maybe represented more than once. Where a key action is represented multiple times it is indicative that Council may be able to address more than one impact by implementing a single key action.

Table 12.1 in the Plan summarises the 12 key actions identified in Table 11.2 and recommends various sub actions as part of Council's response to climate change impacts on the Shire. The Plan recommends that investigations associated with these actions occur within the next 12 months.

These investigations will better define the impacts and also the preferred course of action to deal with those impacts. In summary there will be a number of options available to deal with the impacts. They are:

- Abandon: Let natural processes continue
- Protect: Identify hazards and shield some areas
- Adapt: Develop ways to continue to use or to extend the use of natural resources
- Retreat: Plan to minimize the costs of changing land use threatened by coastal hazards

Ultimately Council's planning instruments across all sectors will need to be revised and updated in light of the potential vulnerability expressed in the Plan, with a particular focus on planning instruments that cover the river settlement regions vulnerable to sea level rise.

It is recommended that progress on the actions set out in Table 12.1 be regularly reported to Council. Progress could be incorporated in any updates of Council's major corporate documents, in particular the:

- Major Amending Local Environment Plan
- Management Plan
- Social Plan
- Annual Sustainability Report
- Sustainability Plan

- Housing Strategy

Such a course of action would ensure that the actions set out in Table 12.1 are addressed and integrated with other priority actions across Council's services.

In addition to the actions outlined in Table 12.1 it is recommended that Council:

- improve inter-agency communication to achieve these outcomes, in particular with the NSW Rural Fire Service and NSW Health
- improve data collection, storage and accessibility, with particular regard to data related to extreme events and climatic conditions particularly in relation to wind
- review CSIRO & SCCG (2008) climate change vulnerability mapping on a 3 yearly basis to determine any shifts to climate change risk due to changes in the Shire's demographics and advances in climate change literature available for the local region.

It is important to note that after Council has addressed the extreme priority sub-actions in Table 12.1, further assessment should be undertaken in regard to identifying suitable sub-actions for the high, medium and low priority actions listed in Table 11.2.

### **BUDGET**

There are no immediate budget implications contained within this report. It is envisaged that the majority of the actions set out in Table 12.1 can be absorbed for the most part into existing project/program funding allocations.

However, it is anticipated that the results of the investigations will raise some expenditure issues that will need to be addressed at that time. Failure to fund the proposed work resulting from the investigations may not only result in Council's liability increasing but contribute to the impacts of climate change on the Shire.

### **POLICY**

While not explicitly stated in legislation, climate change needs to be addressed by all local government bodies (Environmental Defender's Office, 2008). The consideration of climate change in development applications, management plans and project approvals is necessary as effects of climate change have the potential to impact upon developments. The principles of Environmentally Sustainable Development ("ESD"), particularly the precautionary principle and principle of intergenerational equity, can be extended for an assessment of climate change impacts (EDO 2008).

To protect itself from legal liability, Council needs to implement and adopt clear policies to address the actions required for climate change adaptation. The Plan is one way Council can equip itself to protect and manage infrastructure, fulfil legal obligations and help to establish a clear position on climate change.

The preparation of the Plan is consistent with the action "*Undertake research into the local impacts of climate change and develop a program for adaptation.*" detailed as a corporate action in Council's Sustainable Energy Strategy 2006-2010. The Plan provides Council with strategic direction for the identification and management of potential climate change impacts on the natural and built environments within the Shire.

### **CONSULTATION**



ICLEI and the Climate Change Adaptation Working Group (with representatives from Strategy, Works, Planning, Community Services and Environment Divisions) were engaged to develop issues briefs and undertake an evaluation of the Plan. Aurecon (formerly Connell Wagner) were engaged to undertake an independent evaluation of our existing initiatives and develop a risk assessment and sustainability assessment for Council's key priority areas, providing Council with the final Climate Change Adaptation Strategic Plan.

### **TRIPLE BOTTOM LINE SUMMARY**

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

#### **Working with our community**

The preparation of the Plan provides Council with the opportunity to provide the community with more relevant and specific information concerning the local community's potential impacts from climate change and work with them in many cases in the implementation of actions.

#### **Conserving our natural environment**

The Plan provides a list of actions to be implemented which aim to protect and enhance the natural environment. These actions are designed to help Council adapt to the impacts of climate change, with the intention of conserving the natural environment.

#### **Contributing to community development through sustainable facilities and services**

The actions contained within the Plan target a number of facilities and services under the care and control of Council. Some of the actions concern the way Council operates and provides services to the community.

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

The Plan provides a platform by which Council can ensure that the Shire is protected from the future impacts from climate change. With climate change impacts being increasing recognised as one of the biggest problems to face us in the next 100 years, the Plan is a key part in planning for the future of the Shire.

#### **Supporting our diverse economy**

By leading by example, through the production of the Plan and the implementation of actions to address the impacts of climate change, Council can encourage those in the Shire to undertake actions to address the factors leading to climate change and climate change impacts.

#### **Maintaining sound corporate and financial management**

The development of the Plan and the implementation of actions make sound corporate and financial sense. It has been widely reported through both scientific and economic papers that taking no action now to address the factors leading to climate change and addressing climate change impacts through adaptation will place a greater environmental and financial burden on society. Council has a duty of care under the *Local Government Act 1993* to ensure that all measures are taken remove/reduce the impacts of climate change on the community.

**RESPONSIBLE OFFICER**

The responsible officers are Julie Ryland, Manager Environmental Sustainability & Health, telephone 9847 6898 and Rebecca Maiden, Environmental Sustainability Coordinator telephone 9847 6541, hours 8.30 am – 5.00 pm, Monday to Friday.

**RECOMMENDATION**

THAT Council:

1. Agree to the development of a work program for the investigation of the actions in Table 12.1 of the Plan and that this program be reported to Council within the next four months. The work program is to prioritise the actions, assign responsibilities, estimate the cost of the work associated with each action and identify proposals to fund the work.
2. Require regular updates on the progress of any approved investigations and identification of the recommended method of disseminating the results of these investigations to the community.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. Climate Change Adaptation Strategic Plan

File Reference: F2007/01067  
Document Number: D01138826

## 13 MOVING TOWARD CARBON NEUTRALITY

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### EXECUTIVE SUMMARY

Climate change is arguably the most important environmental challenge facing governments today. In order to avoid the most severe future climate change scenarios, governments across the world are undertaking measures to mitigate their contribution to greenhouse gas emissions.

Carbon neutrality is a relatively new concept which requires an organisation to reduce its net greenhouse gas emissions to zero through reduced energy use, investment in renewable energy and the purchasing of carbon offsets. The setting of a carbon neutral goal has become an extension to the greenhouse gas reduction goals of many councils across Australia.

This report contends that achievement of a carbon neutral goal within the next 10 years will be very expensive, exceeding a general expenditure of \$340,000 per annum, without any payback period if the purchase of carbon offsets alone is used to achieve the target. Similarly, achievement of a carbon neutral goal through other abatement technologies would be cost prohibitive at this point in time.

The report contends that Council amend its current commitment and cap its total Scope 1 and Scope 2 emissions to a maximum of 7,070 tCO<sub>2</sub> by 2020 (30% reduction below 1995/96 emission levels), 4,040 tCO<sub>2</sub> by 2050 (60% reduction below 1995/96 emission levels) and set an aspiration of achieving carbon neutrality in the longer term.

In addition, this report recommends that Scope 3 emissions be addressed through the implementation of education / behavioural change strategies, implementation of recommendations from current programs such as sustainable procurement and sustainable fleet management and offsetting where appropriate.

Much of the cost of the above initiatives can be paid from the savings generated by the current energy conservation initiatives which are paid into Council's Revolving Energy Fund.

### PURPOSE/OBJECTIVE

The objective of this report is to provide initial information on the implications for Council in setting a carbon neutral goal for its corporate activities.

### DISCUSSION

Significant and sustainable global action is required to prevent projected climate change trends. Society is looking at a carbon constrained future, in which the global production of greenhouse gas emissions will have to be limited. Sound management of emissions will require comprehensive inventories, scenario testing, stringent abatement and offsetting strategies, energy efficiency and renewable energy programs, diligent monitoring and reporting procedures.

Over 500 local governments and cities internationally are involved in energy reduction programs that involve setting greenhouse gas reduction goals of some description. As awareness and understanding of the severity of increased greenhouse gases in the atmosphere and subsequent climate change impacts on local communities grow, cities are beginning to review their reduction goals.

In recent times the Federal Government has put forward draft legislation for the Carbon Pollution Reduction Scheme that proposes reducing greenhouse gas emissions based on 2000/2001 levels.

### **The Existing Situation**

In 1999, Council resolved to reduce its Scope 1 and Scope 2 corporate emissions by 20% below 1995/1996 emission levels by 2010, resulting in a saving of 2,020 tonnes of CO<sub>2</sub>. In 2004 Council developed an *Energy Policy for New Council Assets*, which required that all new buildings incorporate energy conservation initiatives that would reduce the annual greenhouse gas emissions by at least 30% of total emissions of an equivalent building. Explicit in the policy was an acceptance of an additional capital cost of 5-10% for new greenhouse reduction technologies.

In 2006 Council developed its *Sustainable Energy Strategy 2006-2010*, which set revised targets that called for total emissions to be reduced by 3,030 tCO<sub>2</sub> by 2010 (30% of 1995/96 emission levels), 3,535 tCO<sub>2</sub> by 2012 (35% of 1995/96 emission levels) and 6,060 tCO<sub>2</sub> by 2050 (60% of 1995/96 emission levels). The 2006 targets are in effect expressed as a percentage of the emission levels of the base line year of 1995/96.

In 2006/07 Council engaged Carbon Planet to undertake an independent verification of all emissions (Scopes 1, 2 and 3). Scope 1 emissions are direct emissions such as the consumption of fuel for Council's vehicle fleet. Scope 2 emissions are indirect and are associated with the operations of Council. They include the purchase of electricity for buildings and street lights. Scope 3 emissions are indirect emissions associated with the purchase of finished products, the use of products, waste disposal, employee business travel, outsourced activities and contractor owned vehicles.

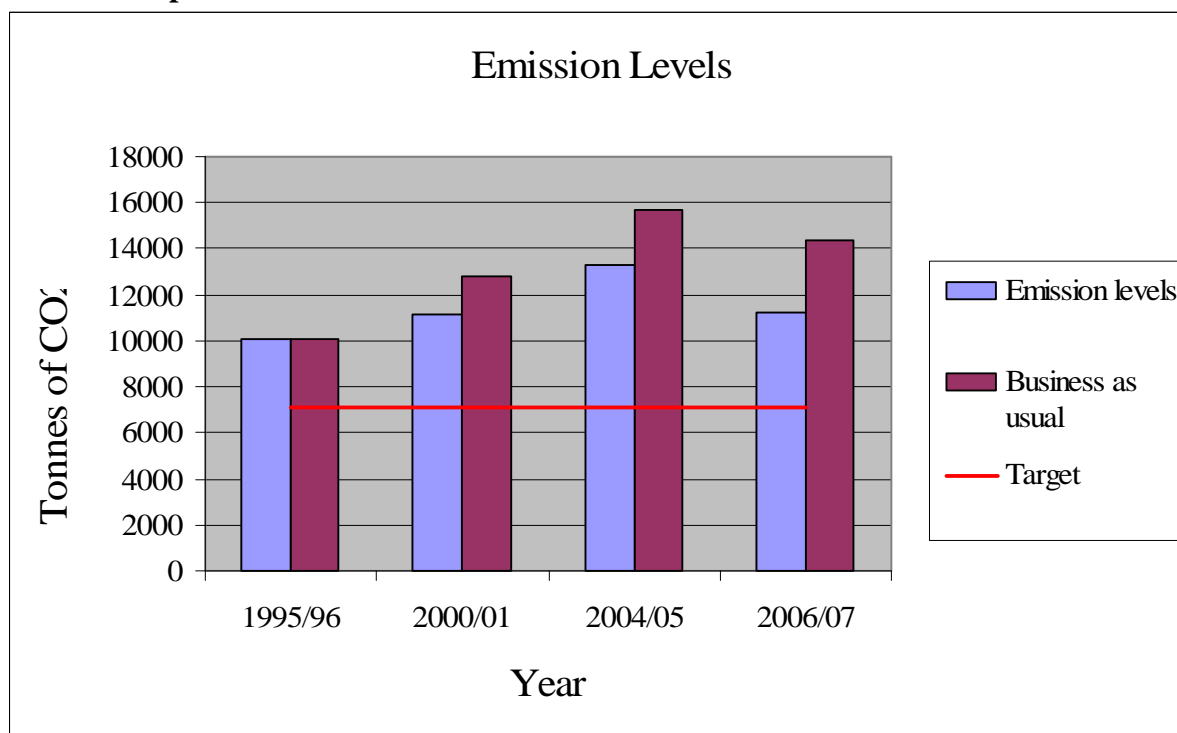
Council's emission level for Scopes 1 and 2 was 11,233 tCO<sub>2</sub>, an increase of 10.1% since 1995/96, and only a 1% increase since 2000/01. Scope 3 emissions were 5,660 tCO<sub>2</sub>. Therefore total emissions due to corporate activities were 16,893 tCO<sub>2</sub>. The inventory identified the main areas of emissions as electricity consumption in Council buildings and street lighting (67.5%), transport fuels consumed by Council and third party vehicles and equipment (21.3%).

Table 1 illustrates Council's actual emission levels for Scope 1 and 2 and the business as usual case. Emission levels peaked around 2004/05 due primarily to an increase in Council buildings and other energy consuming facilities from 154 to 168 electricity consuming properties.

The results of the 2004 policy initiative have yet to be evaluated. However, a reduction in the number of Council electricity consuming properties and the implementation of energy efficiency measures have resulted in a net decrease of Council's 2004 greenhouse gas emission levels which is close to the 2000/01 emission levels. This represents a total reduction in greenhouse gas emissions of about 2,000 tCO<sub>2</sub> compared to emission levels in 2004/05 or just over 3,000 tCO<sub>2</sub> compared to a business as usual scenario. In other words

Council has achieved the first target that was set in 2006 and reduced its emissions by 3,148 tCO<sub>2</sub> (31% of 1995/96 emission levels).

**Table 1: Scope 1 and 2 Emission levels**



### Going Carbon Neutral

Going carbon neutral involves measuring an organisation's greenhouse gas emissions and then implementing measures to reduce emissions, purchase renewable energy and offset residual emissions to achieve a net zero greenhouse gas impact on the environment. Setting a corporate carbon neutral emission goal represents an extension of current greenhouse gas reduction goals and activities that Council currently carries out.

Setting a carbon neutral goal requires the recognition that due to the mix of energy sources across council operations, it is highly unlikely, especially in the short to medium term, that all emissions created could be eliminated. Rather, a carbon neutral goal reflects an organisation's understanding that it needs to prepare a detailed carbon neutral emission strategy populated with targeted actions and resources, including effective energy reductions in operations and services and the 'off setting' of emissions that cannot be reduced to zero.

The timing of achieving the carbon neutral goal should reflect the urgency of action required coupled with a realistic timeframe for Council to achieve the goal. The timeframe of achieving a carbon neutral goal is influenced by political will, staff resources and budget constraints. Any carbon neutral goal will require a framework to achieve it.

Should Council wish to achieve carbon neutrality now based on its 2006/07 emission levels the cost implication would be approximately \$340,000 per annum. This cost is based on purchasing 100% carbon offsets at \$20 per tonne and could vary year to year based on the cost of carbon and Council's emission levels. The cost would increase with the addition of new buildings and other electricity/energy consuming assets. Moreover, there is no financial pay back associated with the purchase of carbon offsets.

Employment of a range of alternative greenhouse gas reduction technologies to a carbon neutral outcome is possible, but much more modelling work is required to confirm the suitable solutions and the cost of such an initiative. Suffice to say modelling undertaken in 2004 by Robert Turner Consulting Pty Ltd (see Table 2) identified that a strategy to reduce greenhouse gas emissions by 2,900 tCO<sub>2</sub> was achievable with little or no overall cost to Council's operating or capital budgets. As demonstrated in Table 2 such an initiative would pay for itself in 15 years, which given that the life of an asset is generally 30 years, is very reasonable.

**Table 2: Hypothetical Greenhouse gas abatement strategy**

<b>Opportunity</b>	<b>Abatement tCO<sub>2</sub> p.a</b>	<b>Cost \$</b>	<b>Net Savings \$ p.a.</b>	<b>15 Year NPV \$</b>	<b>IRR %</b>
Energy efficiency	325	430,000	54,265	191,450	12.053
Co-generation	500	150,000	29,477	182,839	20.87
Solar heating	75	137,900	5,843	-65,800	Negative
Greenhouse gas sequestration	500	80,000	Nil	-97,479	Negative
Wind	1,500	990,000	66,488	-202,355	2.72
<b>TOTALS</b>	<b>2,900</b>	<b>178,900</b>	<b>178,523</b>	<b>8,655</b>	

Of course there is a range of other combinations that are possible. The final selection will depend on issues associated with cost, certainty of outcome, convenience, public awareness and promotion. Furthermore changes in technology and pricing policies suggest that more cost effective solutions are possible. What we can take from the above modelling is that a substantial amount of money is required to reduce all carbon emissions to zero using a range of alternative abatement technologies.

### **Recommended Course of Action**

It is proposed that Council set an aspiration goal of carbon neutrality in the long term with a fixed target of achieving a 30% reduction below 1995/96 levels by 2019/2020 (a reduction of 4,163 tCO<sub>2</sub>), for Scope 1 and 2 emissions. In essence this would mean capping total Scope 1 and Scope 2 emissions to 7,070 tCO<sub>2</sub> which would require further abatement measures to occur over a reasonable timeframe, in this case 10 years.

The Robert Turner modelling confirms that it is financially feasible to achieve a cap of 8,080 tCO<sub>2</sub> emissions. However, this modelling is now dated and new advances in technology and pricing mechanisms suggests that a more stringent target is possible. At the very least it would be worthwhile examining the feasibility of capping greenhouse gas emissions at 7,070 tCO<sub>2</sub>.

In order to achieve the proposed targets energy conservation initiatives will be driven by the Energy Hierarchy which is set out below.

1. Reduce the need for energy
2. Use energy more efficiently
3. Switch fuel
4. Move to energy from renewable sources
5. Offset remaining emissions
6. Any continued use of fossil fuels must be done cleanly.

The approach will be to employ offsets as a last resort. Rather than buying carbon offsets every year, a more favourable approach (aligned with the Energy Hierarchy) is to invest funds into acquiring energy efficient equipment and renewable energy technology which will save money, add value to Council's assets and reduce the amount of carbon offsets required to achieve the reduction target.

### **Sources of funds**

Sources of funds for energy conservation initiatives include:

1. Revolving Energy Funds (approximately \$160,000 available per annum from 2012/13 and approximately \$30,000 available per annum from 2015/16).
2. Allocation of General Funds to supplement the Revolving Energy Fund and allow for spending to occur now.
3. Ongoing corporate programs incorporating energy efficiency outcomes (e.g. fleet, IT, telecommunications, sustainable procurement etc).
4. Government grant funding to install energy efficient measures.
5. Carbon emissions trading.
6. Investigate opportunities for electricity feed in tariffs to become available in January 2010 for solar panels.

It is recommended that Council first reduce its emission levels through energy efficiency measures which may be achieved by grant funding, the revolving energy fund, some general revenue, partnerships, behaviour change and carbon emissions trading. The revolving energy fund will allow for \$1.3m to be spent on energy efficiency measures from 2012/2013 to 2019/2020. Further options for funding higher cost projects may include an internal loan, with the requisite Internal Rate of Return (IRR) of 12%. It is expected that Council will focus on those energy conservation solutions that achieved a minimum IRR of 12%. However, retrofitting is much more expensive than inclusion from new. Accordingly it may eventuate that a lower IRR may need to be considered in the future. It is expected that even a lower IRR would be positive rather than negative.

In addition to the above, Council has a policy for all new Council assets that requires a 30% reduction in emission levels compared to equivalent existing buildings. This initiative anticipated a 5% increase in the capital cost for new Council assets to cover the cost of new energy efficiency measures. Many of the new assets are likely to be funded from s94 contributions. It is reasonable to include such costs when preparing future s94 contribution plans.

### **BUDGET**

Based on examples elsewhere the estimated cost to Council of going carbon neutral immediately could be substantial. However, by using the recommended framework and rolling out the programs over several years it is likely to be more manageable.

It is recommended that Council conduct further research into the carbon neutral option in order to present a sophisticated, long term economic proposal and to demonstrate Council's commitment to achieving greenhouse abatement through sound financial investments with high internal rates of return.

**POLICY**

Moving towards carbon neutrality supports the intent of a number of key policies:

- Sustainable Procurement Policy
- Sustainable Energy Policy for New Council Assets
- Sustainable Energy Strategy 2006-2010.

It is anticipated that the above policies and strategies will need to be reviewed and updated to reflect Council's adopted position. The implementation of a carbon neutral goal would also create the need to develop further policies in the areas of carbon offsetting and renewable energy purchasing.

**CONSULTATION**

Carbon Planet was engaged to complete a greenhouse gas emissions audit for Council in 2006/07. Extensive internal consultation between Council's Procurement Team, the Environmental Sustainability & Health Team and the Sustainable Procurement Committee was undertaken.

**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.

A Triple Bottom Line assessment was not required for this business paper, however moving towards carbon neutrality is an excellent example of corporate sustainability as economic, environmental and social benefits are achieved for Council and the community.

**RESPONSIBLE OFFICER**

The responsible officers are Julie Ryland, Manager Environmental Sustainability & Health, telephone 9847 6898 and Rima Lauge-Kristensen, Sustainable Energy Officer, telephone 9847 6545, hours 8.30 am – 5.00 pm, Monday to Friday.

**RECOMMENDATION**

THAT Council:

1. Adopt a position of capping total greenhouse gas emissions at 7,070 tCO<sub>2</sub> by 2019/2020 (a 30% reduction below 1995/96 emission levels), 6,565 tCO<sub>2</sub> by 2024/2025 (a 35% reduction below 1995/96 emission levels), 4,040 tCO<sub>2</sub> by 2050 (a 60% reduction below 1995/96 emission levels) and an aspiration of achieving carbon neutrality in the longer term.
2. Continue to repay 100% of the cost savings to the Revolving Energy Fund from energy conservation initiatives and that these savings be used for new carbon offset measures (as endorsed by Council in Executive Manager's Report EN03/02).
3. Adopt robust data collection and reporting procedures to enable confident reports on



current emission levels and progress towards Council's reduction goals.

4. Investigate the purchase of accredited carbon credits through carbon abatement initiatives within the local business sector.
5. Revise and update the Sustainable Energy Policy for New Council Assets (EHP 53) with a new Policy to be reported to Council prior to June 2010.
6. Revise and update the Sustainable Energy Strategy 2006-2010 with a new Strategy to be reported to Council by September 2010.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/08772

Document Number: D01141086

## 14 TENDER T25/2008 WASTE COLLECTION SERVICES

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### EXECUTIVE SUMMARY

In February 2009 Council called a tender for the provision of waste collection services for the Shire for a period of seven years, with an option at Council's discretion to extend for a further three years. The tender was in line with Council's adopted *Waste Strategy* and report EN44/08 'Proposed Domestic Waste Collection Service tender T25/2008' presented to Council at its Ordinary Meeting of 10 December 2008.

The tender called for the provision of a variety of services including domestic garbage, recycling, green waste, clean up and commercial garbage and recycling services. The service requirements remained unchanged from the current services but provided for potential changes at a later date if required.

The tender was prepared by Council's Waste Management Services Branch, vetted by Council's solicitors and strictly complied with Council's tendering policy and procedures.

A total of six submissions were received at the conclusion of a three month tender period. All six were considered conforming, although two had non-conforming issues of a minor nature which in the opinion of Council's solicitors did not have a material effect on the tenders or the process.

The evaluation of the various submissions to the tender identified two very competitive submissions. The attached *Tender Assessment* provides a clear recommendation as to the best overall submission.

### PURPOSE/OBJECTIVE

The purpose of this report is to provide a recommendation as to which tenderer is considered to be able to provide the best service, as required under the terms of the tender, for the best price.

### DISCUSSION

Tender T25/2008 was prepared in line with Council's tendering procedures and guidelines and in accordance with the Local Government Act 1993. The tender was called in February 2009 and had a three month tender period to allow a full assessment of the Shire's requirements. During the three month tender period two formal tender meetings were held to discuss the requirements, Council's expectations and issues raised by the interested tenderers. The attached *Tender Assessment* provides an overview of the tender process and the results of the evaluation of the various submissions.

Due to the complexity of the tender, the assessment process took considerable time to ensure that the tenderers accurately and confidently reflected Council's requirements. The process included reference checks, a full assessment of the resources allocated, prices for each service, performance history and the financial capacity of the organisation to provide the service for a seven year period.

The tender was assessed by a panel of four plus an external financial assessment consultant. The assessment was looked at as a whole including domestic garbage, recycling, and green waste and clean up services as well as commercial garbage and recycling services.

The following staff and consultants were involved in the evaluation of the various responses to the tender.

- Manager. Waste Management Services Branch conducted a full assessment, with the exception of reference checks and environmental credibility.
- McGregor Environmental Services, Mr. Ken Dick conducted a similar independent assessment to the Manager, Waste Management Services Branch.
- Kingsway Financial Assessments Pty Ltd provided a detailed financial capacity assessment of the final four tenders.
- Acting Waste Team Operations Supervisor provided the environmental capability and performance assessment
- Acting Domestic Waste Contracts Supervisor provided the reference check assessment.

The evaluation of the various responses is provided as a confidential attachment to this report.

#### **Assessment Criteria considered**

The tender document outlined the assessment criteria to be used for this tender. The following is a summary of the criteria.

##### ***Price***

This criterion examined prices for domestic services, commercial services, as well rise and fall considerations. The tender also called for a variety of add on prices but these have not been included in the assessment. There is a brief coverage of how a change in disposal location might affect the various submissions.

##### ***Funding Capacity***

This criterion assessed each tenderer's financial ability to service the contract for seven years, as well as its capacity to comply with associated regulations, legislation and tender conditions. It is an important criterion considering the anticipated tender value. This assessment has been broken down to the following sub categories:

- Funding capacity
- History of compliance with regulations
- Insurance
- OH&S and environmental management history.

The short listed tenderers underwent an independent financial capacity assessment, which was conducted by Kingsway Financial Assessments Pty Ltd. The appraisal provided details of directors, capital, financial management performance, various ratios and an overall assessment of the financial capacity of each tenderer to fulfil the tender requirements.

##### ***Operational Experience***

This criterion examined the experience of the various tenderers against the following aspects:

- General waste experience
- Services to remote areas

- Residential complexes
- Customer service provision

### ***References***

Reference checks were carried out to ascertain the relationship between the contractor and their customers as well as to gauge overall performance.

### ***Demonstrated ability to provide service***

The assessment was undertaken to ascertain what systems and commitment are in place to ensure that the service is provided effectively and, where an unavoidable incident occurs, that systems are in place to ensure its effect on the environment is mitigated.

The following key areas were examined:

- Follow up services
- Implementation timetable
- Service monitoring systems
- Quality management Systems
- Emergencies and spills
- Environmental initiatives and demonstrated commitment
- OH&S training
- Commitment to Green House Gas (GHG) reduction.

### ***Vehicles***

This assessment is considered very important as there is a clear link between the number of suitable vehicles a tenderer has available and the ability to provide the required services in a timely and reliable manner. Relevant details include the size of vehicles, whether they are side or rear loading and the suitability to the individual collection streams.

All tenderers nominated similar size and vehicle types. The main area of concern is the capability of the trucks and whether an individual respondent has enough trucks to effectively provide the service.

In most cases the respondents provided a variety of vehicle configurations, and this was reflected in the tenderers' prices. A balance of vehicle numbers and cost was required to ensure that value for money and a reliable service can be provided.

### ***The Analysis***

The four competitive tenderers were compared on the basis of two broad categories: price and weighted values applied to the other criteria.

One tenderer provided the most attractive price and was considered the best overall submission based on the other criteria.

The recommendation of the Tender Assessment Panel is provided at the conclusion of the confidential attachment.

### **BUDGET**

The recommendation of this report has no detrimental impact on the 2009/2010 budget.

## **POLICY**

The tender was conducted in line with Council's tendering policy and guidelines and complies with the requirements of Section 55 of the Local Government Act 1993.

## **CONSULTATION**

This report was created in conjunction with advice and input provided by members of the Waste Management Services Branch, Council's solicitors HWL Ebsworth, Lawyers, McGregor Environmental Services and Kingsway Financial Assessments Pty Ltd.

## **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 tender provides for the continuation of the domestic waste services already provided to every household. The performance of our residents in terms of low contamination and high participation suggest that they embrace these services.

### **Conserving our natural environment**

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

### **Contributing to community development through sustainable facilities and services**

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

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

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

### **Supporting our diverse economy**

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

### **Maintaining sound corporate and financial management**

The recommendation provides for the tender to be awarded to the submission that has demonstrated both the most attractive financial option to Council and the provision of a service that has an appropriate allocation of resources. This will ensure that the services for the next seven years will be provided in a reliable and responsible manner for a realistic cost to Council and its residents.

**Other Sustainability Considerations**

The waste services included in the tender have very few negative impacts. The most obvious is the transport issue. At the present time all waste is transferred by heavy vehicle to disposal or treatment facilities well away from the Shire boundaries. To mitigate the impacts the tender did identify a range of alternative prices for a number of different waste handling facilities. In addition the tender examined the use of environmentally efficient fuel and did propose vehicles with a minimum of Euro 4 standard. The inclusion of price adjustments for different disposal locations has opened up a variety of options for future consideration. Trialling of alternative fuel will be negotiated with the preferred submission.

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT:

1. The General Manager be authorised to negotiate a contract in line with the tender document and the tender submission provided by the firm named as the preferred tenderer in the attached confidential "Tender Assessment Document".
2. The tender be awarded to the firm recommended by the Tender Assessment Panel as provided for in the attached confidential *Tender Assessment Document*.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. TenderT25/2008 Waste Collection Tender Assessment - *This attachment should be dealt with in confidential session, under s10a (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

File Reference: F2009/00190-02  
Document Number: D01194834

**15 TELECOMMUNICATIONS FACILITY PROPOSAL ARCADIA PARK,  
ARCADIA - TELSTRA CORPORATION LIMITED**

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**EXECUTIVE SUMMARY**

An application has recently been submitted on behalf of Telstra Corporation Limited ("Telstra") seeking approval for the installation of a telecommunications facility (comprising a 30 metre tower and equipment shed) as part of their telecommunication network at Arcadia Park, Arcadia.

Following an assessment of the application, Council officers are of the opinion that Council's interests would not be adversely affected if it entered into an access deed arrangement with Telstra to install and operate a mobile telecommunication facility on part of Arcadia Park, Arcadia.

This report recommends the granting of an access deed to Telstra on the basis outlined in the Recommendation section of this report.

**PURPOSE/OBJECTIVE**

The purpose of this report is to provide Council with information and seek its endorsement to grant Telstra an access deed to install and operate a telecommunications facility at Arcadia Park on the basis outlined in the recommendation of this report.

**DISCUSSION**

An application has recently been received from Daly International Pty Ltd, on behalf of Telstra Corporation Limited, seeking approval for the installation of a telecommunications facility, as part of their telecommunications network at Arcadia Park. Telstra is proposing to install a 30 metre high monopole with spoke headframe and equipment hut on part of Arcadia Park, comprising an area of 60 square metres located near the Rural Fire Service building adjacent to Arcadia Road. Detailed plans outlining the proposed installation are included as an attachment to this report.

Arcadia Park is classified as community land in accordance with the provisions of the Local Government Act 1993 and is managed in accordance with the District One Generic Plan of Management for Community Land and Crown Reserves. The Plan of Management allows for the establishment of telecommunication facilities where the towers have low impact as defined in the Telecommunications Act 1997 or have minimised impact to a degree acceptable to Council and where there is an approved Development Application.

The existing telecommunications facility at Arcadia Park was erected by Optus several years ago.

**Legislative considerations in respect of Telecommunication Facility Installations**

As advised in previous reports, the installation of telecommunication facilities by telecommunication companies (carriers) is governed primarily by the provisions of the

Commonwealth Telecommunications Acts 1997 (the Act) and the Telecommunications Code of Practice 1997.

The Telecommunications Act provides that where a telecommunications facility is a low-impact facility within the meaning of that Act, there is no requirement upon the proponent to obtain Council's development consent. The provisions of the Act that regulate low-impact facilities mainly relate to the visual obtrusiveness of the structures. To be considered low-impact facilities, new poles must not be more than 4.5 metres in height, while structures mounted on existing poles or towers must not protrude more than 3 metres from the structure. The Telstra proposal involves the installation of a 30 metre monopole and equipment hut and therefore does not qualify as a low-impact facility. Accordingly, should Council be supportive of the application it will be necessary for Telstra to obtain development consent prior to proceeding with the installation.

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

Following negotiations, advice has been received from Daly International Pty Ltd that its client (Telstra) is willing to enter into a suitable access deed arrangement, as outlined in the Recommendation section of this report.

The agreed site administration fee and review mechanism has taken into account the annual site fee for telecommunication installations located on Crown land in the Sydney metropolitan area, as determined in the IPART review of rental arrangements for Crown Land Communication Tower Sites.

All the other terms and conditions are similar to access deed arrangements approved in respect of other telecommunication facilities located on land owned / managed by Council, and are commercially acceptable within the marketplace.

Taking into consideration the comments provided above, Council officers are of the opinion that Council's interest in this matter would not be adversely affected if it were to enter into an access deed arrangement with Telstra Corporation Limited in respect of the proposed facility at Arcadia Park, Arcadia on the basis outlined within the recommendation of this report.

### **BUDGET**

The granting of the access deed arrangement on the basis outlined in the recommendation of this report will provide Council with an additional annual income of at least \$18,000.

### **POLICY**

There are no policy implications associated with this report.



**CONSULTATION**

There has been consultation in the preparation of this report with representatives of the Daly International Pty Ltd.

**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 proposed telecommunications facility shall be subject to development consent and associated assessment of impacts and benefits. As this report does not propose any actions which, in themselves, require a sustainability assessment, no Triple Bottom Line considerations apply.

**RESPONSIBLE OFFICER**

The responsible officer is Mr Rod Drummond, Manager Commercial Property, who can be contacted on 9847 6589. Questions can be directed to the Mr Robert Stephens, Executive Manager Environment on 9847 6756.

**RECOMMENDATION**

THAT :

1. Telstra Corporation Limited be provided with landowners permission to lodge the necessary Development Application for the proposed telecommunication installation at Arcadia Park, Arcadia
2. Upon the granting of Development Consent and any Construction Certificate, Telstra Corporation Limited shall at its own cost undertake all installation work in compliance with the conditions of the Development Consent/Construction Certificate and any requirements of the Environment Division in its capacity as the asset manager of Arcadia Oval.
3. Subject to the outcome of recommendations 1 and 2 above, Council grant Telstra Corporation Limited an access deed for the installation and operation of a telecommunications facility on part of Arcadia Park Arcadia on the following basis:
  - a. The access deed shall commence from the date of installation/access to the site.
  - b. The access deed shall be for a maximum term of 20 years.
  - c. An initial site administration fee of \$18,000 per annum (exclusive of GST) shall be payable.
  - d. The site administration fee shall be indexed annually by 5% per annum throughout the term of the access deed.
  - e. Telstra Corporation Limited shall be responsible for repair and maintenance of the site and/or carriers' infrastructure located on the land during the term of the access deed at no cost to Council. Council shall not be liable for any damage caused to the antenna/infrastructure located at the subject site.
  - f. Telstra Corporation Limited shall, at the expiration of the term, arrange for the

removal of all structures placed upon the land at no cost to Council and shall surrender the land in a good and clean condition, fair wear and tear excepted.

- g. Telstra Corporation Limited shall provide details of the relevant officers responsible for de-energising the pole at the commencement of the access deed and at appropriate intervals throughout the period of the access deed.
- h. Throughout the term of the access deed Telstra Corporation Limited shall maintain an appropriate public liability insurance policy with council's interests noted thereon for a minimum indemnity amount of \$20 million.
- i. Telstra Corporation Limited shall be responsible for the payment of all outgoings, including but not limited to Council and water sewerage rates, electricity, lighting, etc incurred in respect of the structures and the area of land occupied.
- j. Telstra Corporation Limited shall bear all costs incurred in the formalisation of the necessary access deed.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. Detailed plans outlining proposed installation

File Reference: F2004/06654  
Document Number: D01197757

## 16 PARKS 5 YEAR CAPITAL WORKS PROGRAM 2010 - 2015

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### EXECUTIVE SUMMARY

This report outlines the 5 year Parks Capital Works Program 2010-2015 (See Attachment 1) and contains high priority works required to maintain park assets and extend their safe, useful life expectancy. It includes works as levied for in Council's Development Contributions Plan to give an overall scope of works proposed in parks up to the end of 2009 financial year. Works unable to be funded within the current funding allocation are listed under Unfunded Works (Attachment 2).

### PURPOSE/OBJECTIVE

To provide Council with the opportunity to determine the priority of capital works in parks and reserves, building on adopted strategy documents and asset management information, so as to inform financial decisions in future years.

### DISCUSSION

The Parks Capital Works Program contains new or expanded facilities, asset upgrade works and minor capital improvements. The asset upgrade works were derived from an assessment that considered the need for renewal or replacement of assets, the need to improve the safety and usefulness of assets and the community's ability to utilise existing assets. Any upgrades and improvements that increased the recreation and sporting opportunities for the community were highly regarded. It also includes the Section 94 Development Contributions Works Program to improve the parks of Hornsby Shire.

The program schedules essential works required to maintain existing park assets. A backlog of works exists, and this is being addressed by a priority listing of these works in the Parks Capital Works Program. It was agreed that the foreshadowed Parks Capital Works Program up to the end of the 2014/15 financial year would be presented to Council for its consideration at the earliest opportunity.

The items listed on both the Parks Capital Works Program and the Unfunded Works were initially formulated from a survey undertaken as part of the *Sports Facility Strategy* ("SFS") adopted in 2006, or from requests made by sports clubs liaising with Council officers, or from observations made by officers in the course of parks asset management.

In 2008, Council adopted an *Unstructured Recreation Strategy* ("URS"). The strategy did not contain a funding plan and it was suggested in the accompanying report that funding would be derived from allocating some funding in annual capital works programs (such as for playgrounds and dog off leash areas). Some other facilities, such as bicycle tracks within parks, may be funded as part of an improvement program for larger parks. Many of the foreshadowed facilities of the URS such as a network of bridle paths in the rural area, BMX and mountain bike facilities remain unfunded. Such unfunded projects are mentioned in the Unfunded Works document (Attachment 2).

Both the SFS and the URS were formulated as an extension of the *Leisure Strategic Plan* (“LSP”). The LSP was formulated using extensive community surveys and consultation, research and analysis. It involved an investigation into the adequacy of supply of leisure facilities, including recreational and cultural facilities in both outdoor and indoor settings. Where shortfalls in supply were identified, the LSP recommended strategies to address these needs.

The LSP formulated strategies for the future management of a range of leisure-related Council facilities such as parks, indoor recreation facilities, aquatic centres and libraries. For those outdoor recreation facilities that are the responsibility of the Environment Division, the LSP documented a number of key issues including that:

- There are apparent gaps in the provision of different types of open space settings and different types of leisure/community facilities.
- There is an undersupply of facilities for both organised sport, especially for soccer, netball and cricket, and 'unstructured' activities (cycleways and walking trails, picnic areas, dog off leash areas and skate and BMX facilities).

In the case of sportsgrounds, the focus at present is on asset renewal and on upgrading facilities to increase usage by and safety for the public. Proposed works such as irrigation, floodlight improvements and field works are high priorities. It is desirable, if not incumbent upon Council, to replace sub-standard sportsground lighting systems with new systems that meet Australian standards. A lack of irrigation or drainage systems leaves many sportsgrounds exposed to climatic uncertainties and reduces their utility. These sportsground improvement works can assist in addressing the current shortage of playing fields as identified in the SFS. For example, the installation or upgrading of floodlighting systems extends training opportunities.

Proposals for playground works in Attachment 1 involve the complete replacement of a playground, based on condition index reporting from Council's consultants, Playfix. Council has commissioned Playfix to undertake quarterly inspections and reporting regarding the condition and works required to safely maintain Council's playground assets. A complete re-evaluation of the condition rating of all of Council's parks assets is due to be undertaken in this financial year and the more essential works will be listed in the 5 year Parks Capital Works Program.

The improvement works funded from Council's section 94 Development Contributions Plan were based on the findings of the LSP and are intended to provide additional facilities to address the demands of forecasted increases in population. The s94 plan will require extensive review following the determination of Council's Housing Strategy, currently under consideration. The s94 Plan review will necessitate a further review of the 5 year Parks Capital Works Program.

The LSP recommended that some small and unsuitable parks be considered for disposal as that might release resources for the provision of open space and recreation facilities better suited to the needs of the community. Such a process would involve development of an asset investment plan and community consultation. This capital works program and list of unfunded works could form the basis for such an investment plan.

**BUDGET**

In recent years actual funding for Parks Capital Works has ranged from approximately \$710,000 to \$1,000,000 per annum. The majority of this sum (\$710,000) is derived from Council's General Fund, augmented occasionally by Council borrowings. Such funds are further augmented wherever possible with grant funds from the Federal or State governments. Council has in recent years successfully applied for grants to fund stormwater recycling systems at sportsgrounds, replace sub-standard and ageing sportsground lighting systems and replace playgrounds.

If the funding levels of the current and recent financial years are sustained, the capital works in Attachment 1 can be funded. Attachment 2 amounts to a list of backlog work that would remain unfunded at current spending levels.

The financial analysis prepared by asset management consultant, JRA, identifies that an additional budget of \$1.9m per annum is required to replace all worn out open space assets over the next 10 years. This possibly over-represents the situation and assumes the re-establishment of high levels of service and a fixed asset life. Annual or biennial condition assessments will refine this data. A more realistic assessment suggests that an additional \$490k per annum until 2011, tapering off to an average of \$350k per annum over the period 2012-16 would be sufficient to renew critical open space assets.

If no additional budget was forthcoming, assets would deteriorate further, possibly leading to closures of facilities.

Additional funding is allocated in accordance with the schedule contained in the section 94 Development Contributions Plan and the available funds collected through this Plan. Budgets involving s94 need to be determined annually in accordance with available funds and works must be staged as the necessary funds are collected, to allow for each project to proceed in the order of priority contained in the s94 Plan. Council has been advised of the low levels of s94 income in recent years, reflecting a downturn in property development.

Additional funding is also required to progress initiatives in the Unstructured Recreation Strategy, the majority of which are included in Attachment 2.

**POLICY**

The capital works program is in accordance with policy directions set out in the strategy documents mentioned in this report.

**CONSULTATION**

Sporting users were consulted regarding their needs as part of the preparation of the strategy documents mentioned in this report and through the Hornsby Shire Sports Council.

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT:

The Parks Capital Works Program 2010-2015, as shown in Attachment 1 to this Report and the Unfunded Works Program in Attachment 2 to this report be noted and used in the preparation of annual budgets and any investment opportunities for parks capital works.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. Parks Capital Works Program 2010-2015
2. Parks Unfunded Works

File Reference: f2004/06971  
Document Number: D01204381

## 17 PARKS CAPITAL WORKS 2008-2009 JUNE QUARTER PROGRESS REPORT

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### **EXECUTIVE SUMMARY**

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

### **PURPOSE/OBJECTIVE**

This report is to inform Council of the progress of the 2008/09 Parks Capital Works Program as at 30 June 2009.

### **DISCUSSION**

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

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

#### **Rural Sports Facility acoustic monitoring**

Under consent conditions for the Rural Sports Facility (DA 53/2005) there is a requirement for quarterly monitoring of the acoustic performance of the site by an independent acoustic consultant. The conditions require reports to be referred to Council on a quarterly basis for the first year of operation and at determined times thereafter.

Council prepared a Noise Management Plan in late 2008 that sets out the monitoring and reporting regimes. Attachments 2 and 3 include two reports submitted by the Acoustic Consultant, indicating that the monitoring to date has found that the site operations are complying with the requirements of the Development Application. There was a complaint regarding noise from the use of the site early in 2009 but this appears to have been remedied by the steps Council has taken to set the volume controls of the public address system and to remind users of the venue not to arrive until 8 am.

### **BUDGET**

There are no budget implications arising from this report.

### **POLICY**

There are no policy implications arising from this report.

### **CONSULTATION**

No consultation was necessary for the preparation of this report.

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT:

1. The contents of Executive Manager's report EN26/09 be received and noted.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. Parks Capital Progress Report June 08-09
2. Noise Management Plan - May
3. Noise Management Plan - June

File Reference: F2004/06971  
Document Number: D01205853



## **18 TENDER T19/2009 - SUPPLY AND OPERATION OF A COFFEE CART AT FAGAN PARK, GALSTON**

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### **EXECUTIVE SUMMARY**

A tender has been called for the operation of a stationary coffee and refreshments cart in a new building at Fagan Park. Only one tender bid was received and it conforms to the tender invitation. The Fagan Park Plan of Management provides for a refreshment outlet to be supplied to the park. The tenderer is considered capable of providing a refreshment outlet for the benefit of visitors to the park and has submitted a satisfactory tender bid.

### **PURPOSE/OBJECTIVE**

This report provides a recommendation in relation to Tender No. T19/2009: 'Supply and operation of a coffee cart at Fagan Park, Galston'.

### **DISCUSSION**

Council called Tender No. T19/2009: 'Supply and operation of a coffee cart at Fagan Park, Galston' in accordance with the requirements of Council's tendering procedures and the Local Government Act. Advertisements were placed in the Sydney Morning Herald on 16 and 23 June 2009 and the Hornsby Advocate on 18 June 2009. The tender was also advertised through the Tenderlinks web page. Tenders closed on 8 July 2009.

Tender No. T19/2009 sought proposals from suitably experienced people to enter into a licence agreement to operate a coffee and refreshments cart business that will serve coffee, soft drinks, ice creams, cakes and possibly other light refreshments in a new purpose designed building located at Fagan Park, Arcadia Road, Galston.

The tender package included a licence agreement that sets out the terms of an agreement between Council as the Reserve Trust Manager, and the coffee cart operator as the licensee. The tender package advised that the operator will be engaged under licence to manage and operate the facility for a period of up to five years, with an option of extension for a further five years by mutual agreement.

Fagan Park is a Crown Reserve, for which Council has been appointed the Reserve Trust Manager. A preliminary licence document has been forwarded to the Department of Lands and it has advised that the specified terms are acceptable.

A summary of the submission received, together with full evaluation details, has been placed on file.

Submissions were received from the following tenderer:

1. Anthony Avellino and Mario Kolotas

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

- Commercial offer – offer to HSC to operate the coffee cart, including a combination of base fee and percentage revenue
- Business Experience – relevant details in the operation of comparable facilities, organisation structure and experience of key personnel
- Financial Capacity – capability to fund and operate the facility. This will include evidence of latest audited financial statements for the last two financial years
- Marketing Plan – Innovative concepts and strategy to promote and differentiate the coffee cart
- Conformity of the tender with the tender documents and licence compliance
- Accessibility to, and provision of service to, park patrons – the percentage and spread of the opening hours of Fagan Park per week that the coffee cart will operate within
- OH&S management systems
- References – As supplied by the tenderer and with reference to experience undertaking similar business activities.

Council sought and received a review of the submitted tender from an independent business broker to assist in the evaluation process. Additional information was also sought from the tenderer to assist in determining the suitability of the tender proposal.

The attached Confidential Memo ENV 25/09 provides a summary of the evaluation. Full details of the tender evaluation are on file.

The results of the evaluation indicate that the panel considers the tender from Anthony Avellino and Mario Kolotas to present a reasonable proposal. However, the panel has some reservations about the tenderer's level of experience and considers it appropriate for Council to enter into an initial licence agreement of three years, with possible extensions to this term in accordance with the provisions of the licence agreement.

#### **Limited exclusionary licence**

It was made clear from the tender package that from time to time other food and beverage vendors will be permitted to operate within Fagan Park as part of a licensed event for community purposes. Such events will generally be occasional one or two day events and could include community markets, fetes and festivals, school events, Council-sponsored events and the like. The successful tenderer will not be able to require that these competing vendors do not operate as part of such events.

For a number of years there has been a licensed operator selling soft-serve ice creams and drinks on weekends from a mobile van in Fagan Park. This operator holds an annual licence with a very modest monthly fee. The licence that has been drafted for granting to the successful coffee cart tenderer allows the tenderer to ask Council not to permit such licensed commercial operators to continue in the park. The tender bidders have advised that they would prefer that Council prevented other commercial food and beverage vendors from operating in Fagan Park, as such competition would erode the business viability of the coffee cart tenderer.

The operator of the mobile van was aware of the coffee cart tender invitation and chose not to submit a tender bid. He has contacted Council staff asking to be allowed to continue to

operate within Fagan Park. It is intended that this licence will not be renewed upon expiry and that no further licences of a similar type will be issued during the term of the licence to be issued to the successful tenderer.

### **BUDGET**

It is expected a modest income will be generated, once Council has entered into a licence agreement with a coffee cart operator. There is expected to be additional income from boom gate revenue due to the additional attraction provided by the coffee cart.

### **POLICY**

The operation of a coffee cart business in Fagan Park is in accordance with the purpose of the reservation for Fagan Park under the Crown Lands Act 1989. The establishment of a coffee cart business implements an action from the Fagan Park Plan of Management, Council's key policy document for this park. Visitor surveys carried out in the preparation of the Plan of Management showed that a refreshment outlet was the most desired new facility at Fagan Park. Council then received advice from a consulting economist that a coffee cart would be the most viable type of business capable of providing a refreshment outlet at the park.

### **CONSULTATION**

The tender has been evaluated in consultation with Council's Commercial Property Manager, Mr Rodney Drummond, Manager of Parks and Landscape, Mr Peter Kemp and Landscape Coordinator, Mr Kurt Henkel.

### **TRIPLE BOTTOM LINE SUMMARY**

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

#### **Working with our Community**

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

#### **Conserving our natural environment**

The coffee cart operation will be accommodated in a new purpose built building that is serviced by appropriate water power and waste water systems that ensure minimal impact on the surrounding environment. A new wastewater system has been installed as a part of the building construction works and it has been sized to ensure it can support the coffee cart operation.

#### **Contributing to community development through sustainable facilities and services**

The tender is for supply of an operation of a coffee cart business that will provide the opportunity for the public to purchase refreshments within Fagan Park. Feasibility studies undertaken by Council prior to the construction of the entry building noted that a modest operation such as a coffee cart would be most viable as an initial facility.

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

The coffee cart business is seen as a facility that will provide basic café facilities consistent with community desires that were identified in park user surveys undertaken in 2002. It is expected to provide significant improvement to the Fagan Park visitor experience.

The development of this facility is identified as a high priority in the Fagan Park Plan of Management and its development is a key component of the Fagan Park Entry Area Masterplan. Both of these documents were adopted by Council after extensive community surveys and consultations with stakeholders where it was recognised that the development of this facility is a high priority for Fagan Park.

#### **Supporting our diverse economy**

The coffee cart operation is expected to support an increase in visitation to Fagan Park by providing appropriate refreshments in association with the new adventure playground and other attractions at the park.

#### **Maintaining sound corporate financial management**

The coffee cart operation is intended to provide a small concession of appropriate scale to be commercially viable in this setting, while providing a modest income opportunity to Council.

#### **Other sustainability considerations**

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

Natural lighting is harnessed through roof sky lighting while ventilation relies on temperature differentials to circulate cool and warm air.

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

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

#### **RESPONSIBLE OFFICER**

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

#### **RECOMMENDATION**

THAT:

1. Council accept the tender submitted by Anthony Avellino and Mario Kolotas.
2. Council prepare a three year licence agreement for the operation of a coffee cart business at Fagan Park, with possible extensions to this term in accordance with the provisions of the licence agreement.
3. Following finalisation of the licence agreement, it be forwarded to the Minister of Lands for endorsement/approval.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. Confidential Memo - Tender T19/2009 Supply and Operation of a Coffee Cart at Fagan Park Galston - *This attachment should be dealt with in confidential session, under s10a (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

File Reference: F2009/00416  
Document Number: D01207007

**19 ACQUISITION OF LOT 2 DP 1139720 - PACIFIC HIGHWAY COWAN -  
ACCESSWAY FOR RURAL FIRE SERVICE**

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**EXECUTIVE SUMMARY**

In accordance with Section 377 of the Local Government Act, Council's resolution to acquire the subject property is required to delegate the authority to Council staff to proceed with the acquisition, on the terms contained within this report.

**PURPOSE/OBJECTIVE**

The purpose of this report is to advise Council of all the relevant facts in order for Council to make an informed decision regarding the recommended acquisition by transfer (at no cost) to Hornsby Shire Council of part of the abovementioned land.

**DISCUSSION**

The Department of Planning has recently advised that pursuant to the development consent for the subdivision of the above property (DA/401/2008), Lot 2 at Pacific Highway, Cowan is to be transferred (at no cost) to Hornsby Shire Council. Lot 2 is to be used for Rural Fire Service access to the adjoining bushland and an existing fire trail. The allotment has an area of 245 m<sup>2</sup> with a minimum width of 6m. The Plan of Subdivision was registered on 15 June 2009 as DP 1139720.

The Department of Planning has forwarded the Transfer to Council for Folio Identifier 2/1139720 for signature to enable registration with the Department of Lands.

**BUDGET**

This is no cost to Council for the transfer to Council. Once transferred, Council will be responsible for the construction and maintenance of the Rural Fire Service access way. Construction has been estimated at \$25K, which will be largely offset by contributions from the Department of Planning (\$10K) and the New South Wales Rural Fire Service (yet to be determined). Maintenance costs have been estimated at an average of \$2K per annum.

**POLICY**

There are no policy issues.

**CONSULTATION**

This report has been prepared in consultation with Council's Manager Property Development Branch and the Executive Manager Works Division.

**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**

This report has been prepared by the Executive Manager Environment, Mr. Bob Stephens. Additional information can be obtained by phoning 9847 6756.

**RECOMMENDATION**

THAT:

1. The General Manager be authorised to execute the Transfer to Council of Lot 2 DP 1139720, Pacific Highway, Cowan.
2. If required by the absence of the General Manager or by legal statute, Council authorise the use of Council's seal on any legal documents in relation to this matter deemed appropriate by Council's legal advisers, subject to review and authorisation by an Executive Manager of Council.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. Location of Lot 2 - DP 1139720 - Pacific Highway, Cowan

File Reference: DA/401/2008  
Document Number: D01209160

## 20 WORKS PROGRESS REPORT - JUNE 2009 QUARTERLY - TRAFFIC AND ROAD SAFETY BRANCH

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### EXECUTIVE SUMMARY

This report provides Council with information on the works and activities undertaken by the Traffic and Road Safety Branch for the period 1 April 2009 to 30 June 2009. The report outlines the numerous and diverse projects undertaken by the Branch during the 2008/09 Annual Operating Program.

### PURPOSE/OBJECTIVE

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

### DISCUSSION

The Traffic and Road Safety Branch comprises 19 staff, i.e. 1 x Senior Traffic Engineer, 1 x Transport Planner, 1 x Assistant Traffic Engineer, 1 Traffic Officer, 1 x Transport Officer, 1 x Road Safety Officer, 9 x Rangers, 1 x Ranger Coordinator, 1 x Branch Secretary, 1 x Administration Assistant and 1 x Manager. The areas of responsibility within the Branch are; Traffic and Transport *Planning*, Traffic *Engineering*, Traffic and Road Safety *Education* and Traffic and Car Parking *Enforcement*. The core activities undertaken within these areas of responsibility are:-

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

### Management and Administration

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

### Traffic Management

Council is the responsible Authority for the management of traffic on public streets within its proclaimed boundaries other than classified roads. However, Roads and Traffic Authority has revoked Council's delegated powers to approve traffic facilities that prevent or restrict



access of vehicles or pedestrians on public roads and approve some categories of parking restrictions near public transport infrastructure.

**Council remains an applicant for the implementation of any restriction, e.g. road closures, turning restrictions, etc., on public roads and “No Parking” and “No Stopping” restrictions on currently unregulated roads within a kilometre of Berowra railway station. These applications are determined by the Roads and Traffic Authority.**

During the period under review 14 items were referred to the Local Traffic Committee for a recommendation as shown in Attachment 1. Throughout all of the above projects the community was consulted and where possible amendments made to suit the community’s needs or requests.

### **Traffic and Transport Planning**

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

Current major projects include:

- \* Hornsby Shire Road Hierarchy Plan Review
- \* Hornsby Station Upgrade
- \* Hornsby CBD and Shire traffic models
- \* Hornsby CBD section 94 review car parking strategy
- \* Hornsby Shire Housing Strategy
- \* Dept Planning Metropolitan North Subregion Strategy
- \* Hornsby Shire Car Parking Strategy Working Paper
- \* Hornsby Shire Integrated Land Use & Transport Strategy Issues Paper
- \* Hornsby Town Centre Car Parking Management Strategy

### **Car Parking Management**

In addition to patrolling on street parking restrictions Traffic Rangers are contracted to patrol private parking areas used by the public. The owners of McDonalds Waitara have reactivated their contract but at a reduced patrol frequency. Thornleigh Market Place have initiated discussions regarding a reduction in the frequency of patrols. Discussions are on going with owners of a small private car park regarding patrols. Staff are also considering requests to patrol private roads subject to minimum criteria being met. 1294 parking spaces in 15 car parking areas within the Shire are currently patrolled as shown in Attachment 1.

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

- \* 227 (158) patrols of schools to enforce parking regulations.
- \* 2835 (2613) infringement notices were issued.
- \* 13 (1) matters were defended in Hornsby Local Court.

(--) denotes activities from April to June 2008.

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

There is one vacant Traffic Ranger position due to be filled in July 2009.

### **Road Safety Education**

The Road Safety Officer (RSO) commenced duties in December 2008. The position is 50% funded by the RTA. In the last quarter the Road Safety Program held a second Safer Senior Drivers Workshop following the initial re-launch of the program held in the previous March quarter. The program has been extremely well received with both workshops fully booked out, attracting positive feedback from participants. At 25% of the population, seniors comprise a higher than average proportion of a typical LGA population. (*Australian Bureau of Statistics 2006 Census*)

The RSO has continued to liaise with schools in the Shire regarding Councils Safety Outside Schools (SOS) program. Road safety at the more than 60 schools in the Shire remains a priority for the Branch. Issues addressed are parking management, pedestrian and public transport access, speeding, and road user behaviour. The SOS program has been enhanced with a new campaign "Park Legally in School Zones" It involved the development of road safety educational material to help promote and encourage safe road user behaviour in school zones, in particular the correct use of parking areas outside schools.

Speeding is the highest contributing factor to road death and injury on our local roads. Council's RSO initiated a speeding campaign in June to address speeding in our local government, coordinating resources of Council, the RTA and Police. Streets with known speeding issues were targeted with Variable Message Boards and Police enforcement. The campaign was picked up by the local media which assisted promoting Council's proactive stance road safety for our Shire.

Council has been successful in securing funding for the following road safety educational programs in 2009/2010 to help further enhance Council's Road Safety Program.

- Hornsby Local Speed Project
- Child Restraint Checking Days
- Graduated Licensing Scheme Workshops (Young Drivers)
- Hornsby Motorcycle Project

### **Bicycle, Pedestrian and Public Transport Facilities and Planning**

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

- Premier's Council for Active Living – local input into NSW Bike Plan to encourage more cycling in Hornsby Shire.
- Audit of all bus stops across the Shire in accordance with Disability Discrimination Act requirements.
- Prioritising bicycle projects for Design and Construction Branch, and providing input into other traffic management and road construction projects to improve pedestrian and bicycle access where possible.

**Development Assessment and advice on Town Planning Issues**

The Traffic and Road Safety Branch provides advice to the Planning Division on 'as needed' basis. During the period under review, traffic comments and impact assessments were made on 6 development applications as shown in Attachment 1.

**BUDGET**

There are no budget implications arising from this report.

**POLICY**

There are no policy implications.

**CONSULTATION**

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

**TRIPLE BOTTOM LINE 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 Council endorse the activities undertaken by the Traffic and Road Safety Branch for the period 1 April 2009 to 30 June 2009.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:****1. Traffic Report**

File Reference: F2004/05959-02

Document Number: D01200927

## 21 WORKS PROGRESS REPORT - JUNE 2009 QUARTER - ASSETS BRANCH

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### **EXECUTIVE SUMMARY**

This Assets Branch Works Progress Report for the June 2009 Quarter provides information to Council regarding the progress of the adopted 2008/09 Assets Branch Programs relating to works maintenance, road pavement and stormwater management in the Shire, and the implementation of asset management systems for sealed road pavement and drainage.

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

### **OBJECTIVE**

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

The report covers work carried out by the Assets Branch of the Works Division for the fourth quarter of the 2008/09 Service Plan ending 30 June 2009. A summary of the works carried out for the whole year as well as corresponding information for the previous year (2007/08) is also provided.

### **WORKS MAINTENANCE**

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

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

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

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

Civil assets maintained by the Works Division include:

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

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

### **Road Shoulder and Unsealed Road**

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

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

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

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

The Key Performance Indicator (KPI), stated as the average maintenance cost per km per year on unsealed roads, is \$11,500. The actual performance for 2008/09 was \$11,650 (2007/08 was \$12,170). The service level, stated as the number of complaints per 100km of unsealed roads, of <20 (less than 20) was 17 for 2008/09 (12 for 2007/08). Slightly more maintenance than budgeted was undertaken.

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

## Drainage

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

**Routine Maintenance** comprises: programmed routine stormwater drainage system checking and clearing by Council crews on an area basis; and on demand drainage structure repair and lining of the side and floor of open drainage channels. The KPI for drainage maintenance, stated as the average maintenance cost per km per year of urban drainage maintenance, is \$3,500. The actual performance for 2008/09 was \$3,010 (2007/08 was \$3,080). Generally, slightly less maintenance was undertaken than budgeted.

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

## Footpath and Footway

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

**Routine Footpath Maintenance** comprises programmed routine inspection and repair of isolated section/s of footpath, and programmed re-sheeting of segments of footpaths with asphaltic concrete to eliminate minor trip edges or concrete grinding to address moderate trip edges. The 413km footpath network is inspected at least once a year by Council crews or a contractor. During the June quarter, repairs to footpaths totalled 163 sq. metres. The total area of footpath repairs for 2008/09 was 1,377 sq metres (2007/08 was 1,299 sq metres). The KPI for footpath maintenance, stated as the average maintenance cost per km per year, is \$2,700. The performance for 2008/09 was \$2,450 (2007/08 was \$2,200). The Service Level stated as the number of reported trip and fall incidents on footpaths per 100km of <20 (less than 20) per year was 10 for 2008/09 (no data for 2007/08 as this is a new KPI).

**Footpath Reconstruction** comprises programmed reconstruction by contract for segments of various types of footpaths ranging from concrete slabs to asphalt, brick, tile and heritage slabs. The Service Level for this program is 2.0km of footpath reconstruction. No footpath reconstruction was undertaken during the June quarter. Sixteen (16) sections totalling 1.87km were reconstructed for 2008/09 (13 sections totalling 1.9km for 2007/08).

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

## Roadside Furniture

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

**Street Name and Traffic Signs** routine maintenance comprises programmed installation of new advisory and directional signs, and on demand repair/replacement of street name and traffic signs. During the June quarter, 229 signs were maintained and 12 new signs were erected. The total for 2008/09 was 901 signs maintained and 67 new signs erected (2007/08 was 1,310 signs maintained and 84 new signs erected).

**Guide Post and Safety Fences** routine maintenance comprises programmed installation of new guide posts and safety fences and on demand repair/replacement of guide posts and safety fences. During the June quarter, 109 guide posts and 439 metres of safety fences were maintained. The total for 2008/09 was 255 guide posts and 1,215 metres of safety fences maintained, and 167 metres of new safety fences and 100 new guide posts erected (2007/08 was 147 guide posts and 1,022 metres of safety fences maintained, and 67 metres of new safety fences and 23 new guide posts erected).

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

### **Foreshore Facilities**

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

**Routine Maintenance** comprises programmed routine inspection and minor repairs of public wharves, pontoons, boat ramps and tidal baths by Council crews and specialist contractors, and on demand minor repair works. During the June quarter, all 14 facilities have been inspected. Pressure cleaning of boat ramp and fish cleaning table were also carried out at Parsley Bay and Berowra Waters during the June quarter. Pest inspection and bait replacement at Brooklyn Baths were also undertaken in June 2009 with no activity detected.

**Upgrading/Replacement** normally comprises programmed major repairs/upgrading on public wharves, periodic replacement of pontoons and periodic reconstruction of sea walls by contract. The replacement of 4 wharf piles and the reconstruction of a section of the adjacent timber seawall at the Brooklyn Public Wharf commenced as scheduled in late March 2009 and was completed on 13 June 2009. The Dangar Island Wharf part decking replacement was undertaken as scheduled in March 2009. The Parsley Bay West Pontoon Replacement commenced in mid June and was completed on 25 June 2009.

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

### **PAVEMENT MANAGEMENT**

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

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

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

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

- \* The KPI for the sealed road network, stated as the percentage of road network rated in "Good/Very Poor" condition, are >68/<2 (greater than 68% / less than 2%). The performance for 2008/09 was 80.7% / 0.4% (2007/08 was 78.2% / 1.0%) These percentages have remained relatively constant due to the Roads to Recovery and RTA REPAIR Program Funding.
- \* The KPI for sealed roads, stated as the average maintenance cost per km, is \$8,300 per year. The performance for 2008/09 was \$8,410 (2007/08 was \$8,200) due to more work undertaken with the additional funding from the Federal and State Governments.

### Road Resurfacing

Road resurfacing comprises programmed Reclamite surface treatment, and asphaltic concrete (AC) and flush seal resurfacing by contract. The programmed resurfacing is 183 roads totalling 308,000 square metres. The performance for 2008/09, shown within brackets, was 104 roads totalling 198,187 m<sup>2</sup> (2007/08 was 126 roads totalling 217,447m<sup>2</sup>) and was as follows:

- \* Asphaltic Concrete resurfacing 69 roads - 86,450 m<sup>2</sup> (32 roads - 51,011 m<sup>2</sup>)
- \* Flush Seal resurfacing 34 roads - 70,100 m<sup>2</sup> (16 roads - 47,399 m<sup>2</sup>)
- \* Reclamite surface treatment 80 roads - 151,450 m<sup>2</sup> (56 roads - 99,777 m<sup>2</sup>)

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

### Preparation for Resurfacing

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

The programmed preparation works was 45 roads totalling 20,600 m<sup>2</sup>. The performance for 2008/09, shown within brackets, was 41 roads totalling 15,928 m<sup>2</sup> (2007/08 was 45 roads totalling 17,416m<sup>2</sup>) and was as follows:

- \* Heavy Patching with AC 34 roads - 3,850 m<sup>2</sup> (38 roads - 5,238 m<sup>2</sup>)
- \* Pavement Stab. with Cement 11 roads - 16,750 m<sup>2</sup> (3 roads - 10,690 m<sup>2</sup>)

### Pothole Repairs

Pothole repair comprises programmed inspection and filling of potholes with AC on 12 patrol area basis by a Council crew with a Flocon truck. During the June 2009 quarter, 470 potholes were repaired in 74 roads and consumed approximately 29.1 tonnes of asphaltic concrete. The total pothole repairs for 2008/09 were 2,388 potholes repaired on 483 roads



and consumed approximately 154.9 tonnes of asphaltic concrete (2007/08 were 3,328 potholes repaired on 492 roads and 146.9 tonnes of asphaltic concrete).

### **Road Restorations, Hydrants and Carpark Maintenance**

This activity comprises programmed restoration of road openings by public utility authorities and plumbers in asphaltic concrete, raising of hydrants, and carpark maintenance involving some pavement and pothole repair by Council crew, line marking and resurfacing by contractors. During the June 2009 quarter, restorations were carried out on 163 roads totalling 2,556 m<sup>2</sup> and 8 services adjustments were carried out on 2 roads. The total restorations carried out for 2008/09 was 260 roads totalling 3,560 m<sup>2</sup> and 19 services adjustments on 7 roads (2007/08 84 roads totalling 1,211 m<sup>2</sup> and 35 services adjustments on 13 roads).

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

### **STORMWATER MANAGEMENT**

Stormwater management major activities include:

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

The Service Level, stated as the cumulative percentage of 1,309 known properties subject to stormwater inundation benefiting from Improvement programme is 52.1%.

Progress of programmed activities for Stormwater Management is generally in accordance with the adopted programme given in Gantt Chart D. The broad scale Overland Flow Study for the urban areas of the Shire was substantially completed during the June 2009 quarter. This study is part of the Floodplain Risk Management Plan Development and will culminate with the preparation of Flood Planning Levels Map for the Shire. Draft Flood Maps that have been prepared were under review during the June quarter. The broad scale study will be extended into a full flood study following discussions with the Department of Environment and Climate Change (DECC) and \$23,000 grant funding from that Department. The full study has been programmed for 2009/10.

Major Drainage improvement works have not been undertaken in 2008/09 as the allocated funding has been placed in a restricted asset account towards the Hornsby CBD Drainage Project Stage 1. Construction will commence only when sufficient funds have been accumulated. Based on updated cost estimates, fresh strategies will need to be formulated in order for construction to commence in the near future.

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

## **ASSET MANAGEMENT SYSTEMS**

Three asset management systems are currently being maintained/implemented:

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

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

### **Pavement Management System (PMS)**

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

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

Other PMS development activities include: preparation of valuation for AAS27 requirements; update of feedback system for data updating; preparation of Grants Commission report, and development of PMS-GIS interface to enable graphical access to PMS data. The auditing and uploading of data collected was undertaken as scheduled in January 2009 followed by optimization of the roads that should be considered for inclusion in the draft Pavements Maintenance Programme for 2009/10 in March 2009. Site inspection of the proposed roads in the draft programme was undertaken during the June quarter.

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

### **Drainage Asset Management System (DRAMS-PIPEPAK)**

The Drainage Asset Management System (DRAMS-PIPEPAK) consists of stormwater drainage asset data in respect of the location and condition of the pits and pipes.

The location of 18,331 pits in Council's stormwater drainage system was collected using a global positioning system (GPS) and the collection of the pit and pipe condition was undertaken manually by field inspection. The DRAMS database was converted to the updated version named PIPEPAK in February 2003.

PIPEPAK implementation activities include: GPS and condition data audit, update of feedback system for data updating; development of PIPEPAK model; formatting PIPEPAK for AAS27 requirements; and development of PIPEPAK-GIS interface for graphical access to PIPEPAK data. Investigation into the use of the Council's Online SAM (strategic asset management) package to replace PIPEPAK was undertaken during the December/March quarter. Implementation has been put on hold pending a decision on its future usage by Council. Updating of pit location and data for two catchments were undertaken by Council's contractor during the June quarter.

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

### **Footpath Management System (FMS)**

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

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

The collection of footpath condition and inventory data by a contractor was undertaken as scheduled during the March quarter. The collected data was audited and uploaded into the system during the June quarter.

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

### **BUDGET**

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

### **POLICY**

There are no policy implications.

### **CONSULTATION**

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

### **TRIPLE BOTTOM LINE SUMMARY**

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

A TBL assessment is not required for this progress report.

### **RESPONSIBLE OFFICER**

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

### **RECOMMENDATION**

THAT the contents of Executive Manager's Report No. WK55/09 be received and the achievement of the 2008/09 Assets Branch Programmes be noted.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Gantt Chart A - 2008/09 Northern District Works Maintenance Program as at 30 June 2009
2. Gantt Chart B - 2008/09 Southern District Works Maintenance Program as at 30 June 2009
3. Gantt Chart C - 2008/09 Pavement Works Maintenance Program as at 30 June 2009
4. Gantt Chart D - 2008/09 Stormwater Management Program as at 30 June 2009
5. Gantt Chart E - 2008/09 Asset Management System Implementation Program as at 30 June 2009

File Reference: F2004/05959-02  
Document Number: D01205502

## 22 EPPING AQUATIC CENTRE - SUNDAY TRADING

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### **EXECUTIVE SUMMARY**

At Council's Ordinary Meeting held 8 July 2009, it was resolved to keep the Hornsby Aquatic Centre open on Sundays. It was further resolved that a report be prepared for Council's consideration at the August 2009 Ordinary Meeting outlining the financial and operational implications of the proposal to open the Epping Aquatic Centre on Sundays commencing 13 September, 2009.

Arising from further consideration of attendances and a request from the Epping RSL youth swimming club, it is proposed that Epping Aquatic Centre open on September 13 between the hours of 7.00 am and 11.00 am. This is three weeks prior to the scheduled opening date of Sunday 4 October 2009.

### **PURPOSE/OBJECTIVE**

The purpose of this report is to advise Council of the financial and operational implications arising from opening the Epping Aquatic Centre three (3) weeks earlier than previously resolved by Council.

### **DISCUSSION**

At its meeting of 8 July 2009, Council resolved in report WK42/09 as follows:

THAT:

1. The Hornsby Aquatic Centre remain open on Sundays from 7.00 am to 4.00 pm during the months of July, August and September, with normal trading hours resuming from the October long weekend.
2. A report be prepared for Council's consideration at the August 2009 Ordinary Meeting outlining the financial and operational implications of the proposal to open the Epping Aquatic Centre on Sundays commencing 13 September, 2009.

Arising from Council's resolution, further consideration has been given to opening the Epping Centre three weeks earlier than the scheduled date of Sunday 4 October 2009.

To open the Epping Aquatic Centre on a Sunday between the hours of 7.00 am and 11.00 am incurs a cost to Council of approximately \$400.00 in wages, plus heating costs of approximately \$150.00 with the pool blankets removed.

It would be envisaged that the RSL would have approximately 30 swimmers at \$4.00 per swimmer and 30 members of the public may use the centre during these hours, a total return to Council of approximately \$240.00. Given these figures, Council would be subsidising Sunday trading at a cost of \$300.00 per Sunday.

There are no significant operational issues arising from a decision to open the Centre earlier than resolved.

Consideration has been given to the option of the club being requested to extend its season, as the Centre is open in May, however in view of the relatively small cost of opening, it is now proposed that, for the 2009/10 season, the Centre open on Sundays as requested. It is further proposed that attendances and takings be monitored over this period, and the matter be considered further by Council in April 2010, as part of a review of the currently approved winter closures.

### **BUDGET**

The proposed course of action will result in Council contributing approximately \$900.00 in subsidising the early opening. This can be absorbed within the current budget for the Centre.

### **POLICY**

There are no policy implications arising from this decision.

### **CONSULTATION**

Consultation has been taken with the Centre Supervisor.

### **TRIPLE BOTTOM LINE SUMMARY**

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

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

### **RESPONSIBLE OFFICER**

The responsible officer is Mr Scott Hewitt, Manager Aquatic and Recreation Facilities, telephone 9477 3855, 9.00 am to 5.00 pm, Monday to Friday.

### **RECOMMENDATION**

THAT

1. The Epping Aquatic Centre commence Sunday trading from 13 September 2009, with operating hours of 7.00 am to 11.00 am, with normal summer trading hours resuming from the October long weekend.
2. Arrangements for the operation of Council's Aquatic Centres over the winter 2010 period be reviewed in April 2010.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/08950  
Document Number: D01205845

## **23 BUILDING CAPITAL WORKS PROGRAM 2008/2009 - JUNE 2009 QUARTERLY REPORT**

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### **EXECUTIVE SUMMARY**

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

### **PURPOSE/OBJECTIVE**

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

### **DISCUSSION**

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

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

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

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

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

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

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

### **BUDGET**

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



**POLICY**

There are no policy implications.

**CONSULTATION**

Consultation has been carried out with the following:

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

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No WK57/09 be received and noted.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Building Capital Works for 2008/2009 June 09 Report

File Reference: F2004/05958  
Document Number: D01209799

## **24 WORKS BUILDING SERVICES - GRAFFITI AND VANDALISM JUNE 2009 QUARTERLY REPORT**

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### **EXECUTIVE SUMMARY**

The Engineering Services Branch has the responsibility to ensure that all of Council's buildings are maintained in a safe and functional condition and conforming to legislative requirements.

This report provides Councillors with progress information relating to the costs of graffiti and vandalism associated with the maintenance of Council's buildings.

### **PURPOSE/OBJECTIVE**

The purpose of this report is to provide information to Council on graffiti removal and vandalism repair to Council's buildings incurred in the provision of the asset maintenance service.

### **DISCUSSION**

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

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

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

Vandalism to Council's buildings typically costs Council \$80,000 per year and occurs to amenities blocks, public toilets, bus shelters and community centres in the form of damage to windows, doors and locks. Graffiti typically costs \$100,000 per year.

A graffiti removal service is provided for Council's buildings and aims to remove illegal graffiti within 12 to 48 hours depending on the offensiveness of the vandalism.

Rapid removal requires systematic monitoring and cleaning of sites or facilities affected by graffiti and graffiti recurrence.

Rapid removal discourages graffiti vandalism because:

- It removes the vandal's thrill associated with seeing their name or work on public display.

- It demonstrates that a site is being monitored and cleaned there is an increased risk of detection.
- Vandals will continue to return to and damage a site if it is ignored.

Currently two methods of graffiti removal are used on Council properties:

- Painting out graffiti on painted surfaces.
- On other surfaces, removing graffiti with a high pressure water blaster and heat gun using specialist graffiti removal products.

<i>TYPE</i>	<i>COST</i> <i>July 2008 – June 2009</i>
Graffiti	\$100,545
Vandalism	\$101,791
	<hr/>
TOTAL	\$202,336

### **BUDGET**

Costs of vandalism and graffiti are included in Council's budget.

### **POLICY**

There are no policy implications associated with this report.

### **CONSULTATION**

Consultation regarding vandalism and graffiti is carried out with relevant Responsibility Centre 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.

### **RESPONSIBLE OFFICER**

The responsible officer for preparation of this report is the Engineering Services Manager, Peter Powell, on telephone 9847 4803.

### **RECOMMENDATION**

THAT the contents of Executive Manager's Report No 58/09 be received and noted.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/00728  
Document Number: D01209827

## 25 PEDESTRIAN BRIDGE OVER GEORGE STREET, HORNSBY

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### EXECUTIVE SUMMARY

Council is advised of the need to undertake repairs to the George Street pedestrian overbridge at Hornsby. Replacement of this bridge is considered a priority for Council. Council is further advised that staff have commenced preliminary investigations regarding an appropriate replacement structure. Endorsement of the expenditure incurred in undertaking these repairs is recommended.

### PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of the repairs to the George Street pedestrian overbridge that have been undertaken, and to seek endorsement of the expenditure incurred.

### DISCUSSION

As part of its Asset Management Program, Council arranged an inspection of the structural adequacy of the pedestrian overbridge across George Street in Hornsby in October 2008. The purpose of this inspection was to assess the general condition of the bridge. The report noted that a number of cracks should be further investigated. On receipt of this advice, Council commissioned further testing of the bridge to better understand the behaviour of the central span under various load conditions. Field tests, mathematical and computer modelling were undertaken and confirmed earlier observations that the central span was subject to some movement but was safe. However, concern was expressed regarding the condition of that part of the bridge supporting the central span. Following review of this report, Council consulted with the engineer commissioned to undertake the initial inspection of the bridge, and agreed that further monitoring should take place.

Following this period of monitoring, Council officers considered the results and a further report in April 2009. Arising from this report, it was agreed that work should be undertaken to address these concerns. Council commissioned consulting engineers Cardno to undertake an independent assessment and propose a design solution. In view of the need to undertake the work without delay, a contractor was commissioned to fabricate the necessary supporting steel work. This was installed on the evening of 27 – 29 July 2009. The concurrence of the Roads and Traffic Authority (RTA) to the proposed works was obtained prior to commencing the fabrication and installation works. Council will note that the works as installed have reduced the clearance for traffic by approximately 200mm. Appropriate signposting has been put in place advising motorists of the change.

As Council is aware, the current bridge does not have the capacity to adequately cope with the volumes of pedestrians currently using the bridge at peak times. Preliminary investigations into the design of an appropriate replacement structure have been commenced by Council staff. The result of these investigations will be reported to Council in due course. As Council would be aware, the existing bridge presents a poor image at an important gateway point to the Hornsby town centre. It is considered that any new design should recognise the significance of this location and make an appropriate architectural/urban design statement. A replacement bridge is considered to be a priority for Council.

The overbridge provides an essential link between the east and west sides of Hornsby. A grade separated pedestrian access across George Street, a state arterial road maintained by the RTA, enables this to occur in relative safety. The overbridge also services the railway station, bus interchange and taxi rank. Pedestrian counts undertaken by Council confirm that a significant majority of usage of this structure involves access to public transport facilities. Consultation with the RTA and Railcorp regarding financial assistance towards a replacement structure is proposed.

### **BUDGET**

The cost of repairs to the structure is estimated at \$50,000. This work is currently unbudgeted. As the work qualifies for funding under the Federal Government's Roads to Recovery Program, it is proposed that the repair works be funded from this program. The third Roads to Recovery Program commenced on 1 July 2009, and covers the period from July 2009 to June 2013. A report to Council recommending the allocation of funds under this program for other road related projects is in preparation.

### **POLICY**

There are no policy implications arising from this decision.

### **CONSULTATION**

Consultation has been undertaken with the Manager Design and Construction and various consulting engineers responsible for providing professional advice in this project. The RTA has also indicated its concurrence to the necessary works.

### **TRIPLE BOTTOM LINE SUMMARY**

#### **Working with our Community**

The community was informed of the work through an article in the Advocate newspaper prior to commencement. The repair work was carried out at night to minimise inconvenience and delays to pedestrian and vehicular traffic. The repair work ensures that the community has access to public transport facilities and a link between the east and west sides of Hornsby. Council now has sufficient time to design and construct a new footbridge with full public and business consultation.

#### **Conserving our natural environment**

The works have prolonged the life of the bridge. The contractor used erosion control measures and exhaust emissions and noise were minimised.

#### **Contributing to community development through sustainable facilities and services**

The repair to the footbridge enhances pedestrian safety and allows ample time for a new bridge to be designed and constructed. Without the repair work the footbridge would have to be closed causing considerable disruption to pedestrians.

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

The repairs have given Council time to develop a scheme for a new footbridge over George Street that once completed will provide a significant improvement on the existing facility. Ample time is now available for public and business consultation to achieve the most effective design.

**Maintaining sound corporate financial management**

The repair works are considered to be a cost effective solution in the management of this structure. A number of alternative solutions were considered and the most cost effective selected. The repairs carried out were essential otherwise the middle section of the bridge would need to be removed and pedestrians routed via the pedestrian lights on George Street at either Pacific Highway or Burdett Street. An opportunity is now available to explore various funding options for a new bridge.

**Other sustainability considerations**

Efficient and safe pedestrian access over George Street is now preserved.

**RESPONSIBLE OFFICER**

The responsible officer is the Executive Manager, Works Division Mr Maxwell Woodward, telephone 9847 6665.

**RECOMMENDATION**

THAT

1. The contents of Executive Manager's Report WK59/09 be received and noted.
2. The action taken and expenditure incurred be endorsed.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

There are no attachments for this report.

File Reference: F2008/00710  
Document Number: D01211823

## 26 HORNSBY QUARRY AND AJOINING LANDS

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### EXECUTIVE SUMMARY

This report provides Council with information regarding further consideration of its resolution of 16 July 2008. Preliminary investigations into the possibility of filling of the quarry pit are reported on, and it is concluded that if Council is to fill the quarry pit, VENM material only should be used. In order to progress the beneficial use of the Old Mans Valley lands, it is proposed that a concept plan be prepared, acknowledging the potential for the quarry pit to be filled over an extended period. The Expression of Interest process embarked on in 2007/08 is further considered and actions to finalise the process are proposed. Finally, Council is advised of progress regarding the de-watering of the quarry pit, as recommended by its consultants Pells Sullivan Meynink.

### PURPOSE

The purpose of this report is to inform Council of activities taken pursuant to resolution WK42/08 and to seek direction from Council regarding actions to progress the future use of these lands, and to finalise the Expression of Interest process, (EOI 24/2007) undertaken by Council.

### BACKGROUND

At the meeting of 16 July 2008, the former Council resolved in its report WK42/08 as follows:

*THAT*

1. *Council agrees in principle to the following future directions for the former Hornsby Quarry and Old Man Valley precincts:*
  - *The two areas will be principally for public recreation and open space.*
  - *Any residential/commercial development that might be considered will have minimal impact in terms of its location, density and effect on the primary purpose of the site. This implies scope for complementary uses such as an "eco-lodge", cafe/restaurant and appropriate community/educational facilities.*
2. *Subject to Development Consent and assessment of environmental impacts, Council recognises the need to ensure the safety and amenity of future generations and, in order to achieve this aim, considers the most appropriate short term actions to be:*
  - *Improve the batter around the rim of the quarry void in order to eliminate unstable edges and steep drops.*
  - *Fill the quarry void to a level that ensures public safety and maximum use of public space (estimated RL 90) and that significant parts of the diatreme remain exposed.*



- *Acceptable fill material to be either virgin excavated natural material (VENM), Class 2 waste, or a combination of both.*
  - *Some fill to be obtained through improvements to rim batter and the remainder to be sourced and managed by professional waste management contractors at no cost to Council.*
  - *Maintain a strong and active security policy, in particular prevention of unauthorised access to the quarry void and immediate vicinity.*
  - *Ensure that the mean water level does not exceed that recommended by Pells Sullivan Meynink.*
3. *That a further report be prepared for the incoming Council that identifies the next steps in the process and the financial implications arising from these steps.*

At this meeting, the former Council also considered a report on the Expression of Interest (EOI) process undertaken to assist in it determining the appropriate use of the former quarry and Old Mans Valley lands and resolved to advise respondents in the terms of that report. Resolution WK43/08 refers.

The then newly elected Council took the opportunity following the September 2008 elections, to review progress at a briefing for new Councillors on 26 November 2008.

At its meeting of 17 December 2008, Council resolved (MM10/08) to proceed with lowering of the water level in the quarry, in accordance with the recommendation of its consultants, Pells Sullivan Meynink.

Council further considered this matter at a Workshop on 28 January 2009, where it requested further advice to assist it in understanding issues relating to the possible filling of the site.

On 25 March 2009, Councillors were addressed by representatives of GHD Pty Limited following its review of options for filling the former quarry pit. Following this briefing, Councillors considered the matter further at a workshop on 22 April 2009, and agreed that a report be prepared summarising the deliberations that had occurred to date, and proposing a way forward.

This report now identifies the issues agreed by Council as requiring consideration and resolution, to make progress in the matter.

### **1. Review of In-principle Decision – Resolution WK42/08**

The positions discussed by Councillors on each part of the former Council's resolution are in bold.

THAT

1. *Council agrees in-principle to the following future directions for the former Hornsby Quarry and Old Man Valley precincts:*
  - *The two areas will be principally for public recreation and open space.*  
**Noted and to form the basis for any subsequent concept plan for the site.**

- *Any residential/commercial development that might be considered will have minimal impact in terms of its location, density and effect on the primary purpose of the site. This implies scope for complementary uses such as an “eco-lodge”, café/restaurant and appropriate community/educational facilities.*

**To be reviewed following preparation of any first draft concept plan for the site, and when preliminary cost estimates have been formulated.**

2. *Subject to Development Consent and assessment of environmental impacts, Council recognises the need to ensure the safety and amenity of future generations and, in order to achieve this aim, considers the most appropriate short term actions to be:*

- *Improve the batter around the rim of the quarry void in order to eliminate unstable edges and steep drops.*

**This would be an unnecessary cost at this time. Action should be limited to maintaining existing security, access and monitoring arrangements at the site in accordance with the SWMS.**

- *Fill the quarry void to a level that ensures public safety and maximum use of public space (estimated RL 90) and that significant parts of the diatreme remain exposed.*

**Fill to RL 90 will cover the diatreme. However, it will improve safety at the site and maximise available public open space. This decision can be deferred for the time being, given the likely lengthy time frame (10 years plus), in which filling may occur, but should be considered in the context of planning for the future of the site.**

- *Acceptable fill material to be either virgin excavated natural material (VENM), Class 2 waste, or a combination of both.*

**VENM only is recommended, for the reasons discussed in the GHD Report referred to below.**

- *Some fill to be obtained through improvements to rim batter and the remainder to be sourced and managed by professional waste management contractors at no cost to Council.*

**Not considered appropriate at this time. Unless required for other operational reasons and where financially viable, it is considered that any movement of fill on site should be minimised for cost reasons.**

- *Maintain a strong and active security policy, in particular prevention of unauthorised access to the quarry void and immediate vicinity.*

**Noted and in hand as previously resolved.**

- *Ensure that the mean water level does not exceed that recommended by Pells Sullivan Meynink.*

**Installation of pumping equipment is currently proceeding, and pumping is expected to commence in late August 2009.**

## 2. Proposal to Fill the Quarry Pit

Part 2 of Council's resolution WK42/08 proposed that, subject to the appropriate planning consents and assessments of environmental impact, Council consider filling of the quarry pit. This action was envisaged in the interest of public safety, and also in order to make optimum use of the area now owned by Council. In addition to some site works, the option of filling the quarry pit with Class 2 waste (non putrescible waste) or virgin excavated natural material (VENM) or a combination of both, were to be considered.

To assist in understanding the issues, Council engaged GHD Pty Limited to provide advice on options to fill the quarry pit with either non putrescible solid waste or VENM. In addition to a number of technical concerns, potential environmental issues and other long term liabilities, GHD provided advice on the likely timing of such a project, market considerations and environmental approvals that would be needed for such a proposal to progress. The GHD report is not included as an attachment to this report as it has been previously distributed to Councillors. A copy, edited to remove references to material which is considered commercial in confidence, pursuant to Section 10A (2) (c) or (d) of the Local Government Act, has been made available to the community on Council's website.

The GHD report considers options for use of the two materials referred to above. An analysis of the options was developed (Table 5) and is included as Attachment 1 to this report.

The GHD advice concludes that there is a trade off between financial benefits and potential environmental impact associated with each of the two scenarios.

Filling the quarry void with non putrescible waste has the potential to generate a net royalty to Council, according to the EOI process. In comparison, the potential revenue from filling the quarry with VENM would result in a lower royalty to Council.

The cost of approvals, site development, site operation, post closure management, and carbon pollution would be significantly higher for non putrescible waste landfilling than for filling with VENM.

Other significant issues that were identified include:

- Obtaining approval to landfill the quarry void with non putrescible waste would likely be more costly than for VENM, take a longer period of time (up to five years), and would involve a much more extensive approval process;
- The local environmental impact of the proposal e.g. traffic, noise, will be largely dependent on the rate of filling. Both proposals will have similar impacts if they occur at the same rate of filling;
- A major project requiring disposal of one million tonnes of VENM (over a 12 month period) would have greater short term traffic and noise impacts than steady filling of the void at a rate of say 500,000 tonnes per year with non putrescible waste;
- Even at a high filling rate (e.g. 500,000 tonnes per year), the filling and the consequent local impacts, would likely occur for more than 12 years. At a modest rate of filling (50,000 t/yr) it would take greater than 100 years to fill the site, however traffic impacts would be comparable to or less than those which occurred whilst the quarry was in operation;

- Filling the quarry void with non putrescible solid waste would place additional constraints on the final end use of the site, which would affect the site for a long period of time, possibly 30 to 50 years after landfilling has stopped;
- Filling the quarry void with non putrescible solid waste presents a long term risk to the local environment (for 30 to 50 years), due to potential landfill leachate and landfill gas emissions, which also makes the Council/landfill owner liable for Carbon Pollution Reduction Scheme (CPRS) emissions from the landfill for this period; and
- Filling the quarry void with non putrescible waste presents a number of technical challenges in regard to leachate and landfill gas management, due to the nature of landfilling in an 80m deep quarry void, although these are considered to be technically manageable.

Having regard for the conclusions of the GHD report, Council now needs to consider whether to proceed with filling the pit in the manner initially proposed. It can be seen that:

1. The approval process for either option will take some time.
2. Risks associated with filling with non putrescible waste are significant, and there is no guarantee that approval will be achieved in a reasonable time frame, or that the necessary environmental safe guards can be achieved.
3. Filling with VENM has fewer risks both in the environmental approvals process and impact on the environment.
4. In the absence of a significant infrastructure project, volumes of VENM are likely to be smaller.

On this basis, it is considered that Council should reconsider its position regarding non putrescible waste and adopt an in principle position, subject to necessary environmental approvals, that if filling is to be pursued, it be on the basis of VENM material only.

The opportunity may exist for a State sponsored major infrastructure project to provide VENM material that could be used to fill the quarry pit at a faster rate that would otherwise be the case. Council should consider whether to position itself to take advantage of such a possibility by commencing the approval process in the near future. Other issues arising from consideration of the material now available to Council are as follows:

- For operational reasons, use of the crusher plant site should be considered in conjunction with the future use of the quarry pit.
- For cost reasons, fill should not be moved from the south west fill area of Old Mans Valley unless necessary for safety or other operational reasons.
- The question of approvals requires careful consideration. An Environmental Impact Statement and rezoning will be required prior to approval of any fill activity. This is a costly process and will take time to pursue.

Council could further consider licensing the filling of the quarry pit. Approvals could be considered as a condition of the licence of the fill operation, but such action may limit Council's future options and result in a lower return to Council.

- Council's advice regarding likely quantities of fill material and potential rates of filling indicate that it is not essential to determine a final level at this time. This issue could be determined as part of the EIS process referred to above, if proceeded with.

Arising from consideration of the GHD report, it is now appropriate that Council consider the following in principle decisions.

- 2.1 That any fill proposal consider VENM material only.
- 2.2 That movement of material in the quarry pit and immediate surrounds be limited to that necessary for safety, other operational reasons, or where financially viable, and to
- 2.3 Proceed to obtain the necessary planning and environmental approvals that will enable the quarry pit to be filled with VENM material to a level to be determined as part of that process.

There is no budget impact on the in principle decisions, however the preparation of the necessary applications for planning and environmental approvals will incur significant expenses that are yet to be quantified and funded.

### **3. Preparation of Concept Plan for Old Mans Valley Lands**

Council has long accepted the view that the potential for the best use of the Old Mans Valley lands will be best achieved if their use is considered in conjunction with that of the quarry pit. The closely related and contiguous nature of this area is such that planning should proceed for both lands as a single unit.

However, whilst it is possible to plan for the use of the site as a whole, there is some risk associated with proceeding in this manner. It is possible that filling operations may require access to the quarry pit through Old Mans Valley. Options for the development of recreation opportunities will need to allow for any reasonable access requirements for fill operations. Such constraints may influence the type and location of recreation facilities that can be provided in the short term, but are unlikely to preclude any recreation options being developed prior to the completion of any filling of the quarry pit. This course of action would enable Council to take advantage of any future grant opportunities and future s94 contributions that may eventuate for the development of recreation infrastructure and open space, and also take advantage of any VENM that may be available from major infrastructure projects in the future.

Accordingly, it is proposed that Council now commence preparation of a Master Plan for the site, focussing on Old Mans Valley, and providing in that plan for the potential use of the quarry pit and immediate surrounding lands as a fill site. In such planning, it will be necessary to identify appropriate access roads, and also to acknowledge that access to the quarry pit through Old Mans Valley may be required. The following in principle decision is now proposed.

- 3.1 That preparation of an overall Master Plan for the quarry and Old Mans Valley lands commence, having regard to the potential filling of the quarry pit and Council's in principle decision that the two areas be principally for public recreation and open space.

There will be a budgetary impact arising from this decision, and the cost of the necessary staff resources can be funded from the restricted asset set aside for quarry activities. It is

proposed that a further report be prepared detailing the resources required, key milestones and the timetable associated with the preparation and exhibition of a range of options for the provision of public recreation and open space on the lands.

#### **4. Finalisation of EOI Process**

At its meeting of 16 July 2008, the former Council considered a report on responses received from a request for expressions of interest to assist Council in determining the appropriate use of the former quarry site. Fifteen responses were received. Consultants APP Corporation were engaged to undertake the EOI process and present an assessment of those responses for consideration by Council. A recommended course of action in respect of each response was proposed, and agreed to by Council. In that report, responses from three companies were to be further considered:

1. Geofill Services
2. TransPacific Industries Group
3. WSN Environmental Solutions

Each proponent was advised that its proposal would be further considered in the context of a strategic direction that may be agreed to by Council that envisages filling of the quarry void. That further consideration has now taken place.

There is now further information available to Council regarding the option of filling with non putrescible material and/or VENM. On the basis of the additional information now available to Council, it is appropriate that these responses be further considered.

Council is in receipt of further information regarding two of the respondents. This correspondence has been separately distributed to Councillors on a confidential basis, pursuant to Section 10A (2) (d) of the Local Government Act.

It is noted that there has been a significant shift in the local and global economic climate since the expressions of interest were invited. This is considered to have had significant impact on development and other activities. This is not reflected in the responses that were received. As the recommendation before Council is to only consider VENM landfill, there is only one potential response available for further consideration. In the current economic climate, this is not considered sufficiently competitive for Council to be confident that, if it were to be further pursued, the most advantageous result for Council would be achieved. Accordingly it is proposed that the Expression of Interest process be concluded, and that Council decline to invite tenders from any of the applicants. The respondents referred to above should be advised as follows:

1. Waste Services Network and TransPacific Industries Group – the respondents be thanked for their proposal and advised that Council no longer proposes to consider non putrescible waste as an option for filling the quarry pit.
2. Geofill Services – this respondent be thanked for its proposal and advised that Council proposes to consider further opportunities for filling the quarry pit with VENM. The respondent be invited to submit a response to any tender or Expression of Interest that may be subsequently invited.

A number of other respondents were advised that their proposals would be further considered following the adoption of a concept plan for the sites. Due to the time that will elapse before

a plan is adopted and/or is able to be implemented, it is not considered to be in Council's interest to proceed to tenders at this stage. Each remaining respondent should be invited to respond to any EOI or tender that may be invited at the time.

In order to finalise the EOI process, it is now proposed that Council resolve as follows:

- 4.1 In respect of the Expressions of Interest submitted by TransPacific Industries Group and WSN Environmental Solutions, each respondent be thanked for its proposal and advised that it has been considered by Council and will not be further pursued as Council has decided not to pursue a solution involving non putrescible waste, and Council declines to invite tenders from any of the applicants.
- 4.2 In respect of the proposal submitted by Geofill Services, the respondent be thanked for its submission and be advised that Council declines to invite tenders, and may at a later date invite fresh tenders or a further Expression of Interest on the basis of revised documentation. Further, that the respondent be invited to submit a response at the appropriate time.
- 4.3 In respect of the proposals submitted by AV Jennings Developments, Community Church Hornsby, Hornsby Conservation Society, Ku-ring-gai District Soccer Association and Northern Metro Cricket Council, Lend Lease Developments, Community Church Hornsby and Pacific Hills Christian School and Pacific Hills Christian School, the respondents be advised that Council declines to invite tenders from any of the applicants. Further that each applicant be invited to consider whether a response is appropriate in the event that an EOI or tender process is invited in future.

There is no budgetary impact associated with these recommendations.

## **5. Dewatering of Quarry**

The water level in Hornsby Quarry is at the maximum water level recommended by PSM, RL40. Council proposes to reduce and maintain the water level to approximately RL26, i.e. a reduction of approximately 14 metres. A Review of Environmental Factors (REF) has been completed and Council has received concurrence from the appropriate State authorities.

Approval from DECC (EPA) was granted in 2009. The Department of Water and Energy (DWE) has issued the necessary licence. The Mine Safety Operations Branch of the NSW Department of Primary Industries has also been consulted.

The major works to be completed to pump the quarry void are as follows:

1. Upgrade internal quarry roadway to allow access for delivery vehicles to platform area at RL46 and to diesel storage tank.
2. Undertake quarry wall stabilisation, including rock bolting, de-scaling of loose rocks and provision of mesh rock fall protection.
3. Clean existing diesel storage tank.
4. Construct diesel supply line from diesel storage tank to RL46.
5. Provide platform/safe work area at RL46 – safety barriers (jersey kerb with fence on top) and soft material in fall area.
6. Install security barriers
7. Install generator.

8. Install pump with floatation chamber.
9. Repair pipeline from top of quarry to discharge point
10. Clean out monitoring chamber.
11. Modify outlet in Old Mans Creek.

The attached plan shows detail locations of the proposed works. Council's geotechnical consultants (PSM) have advised Council of associated works considered necessary for the protection of staff working in the vicinity and these works have been put in hand as part of the project.

Funds for the necessary works, estimated to be in the order of \$450,000, for the works described above. There will also be an annual cost of approximately \$100,000 for fuel, maintenance and monitoring of the work. This will be sourced from the Quarry Restricted Asset. The necessary equipment is being ordered and work commenced in June 2009.

### **BUDGET**

The proposed actions and resolutions that will incur expenditure can be funded from the quarry restricted asset, as referred to throughout the report.

### **POLICY**

There is no impact on existing policies of Council.

### **CONSULTATION**

This report has been prepared following a series of Councillor Workshops, and consideration of expert and legal advice, and in consultation with the Executive Committee. Other Branch Managers have been consulted in the preparation of the report.

### **TRIPLE BOTTOM LINE SUMMARY**

This report provides Council with information and a suggested way forward for further consideration. Triple Bottom Line assessments will be undertaken at the appropriate time as environmental approvals are pursued.

### **RESPONSIBLE OFFICER**

The Executive Manager, Works Division, Maxwell Woodward, telephone 9847 6665.

### **RECOMMENDATION**

THAT

1. Any proposal to fill the quarry pit consider VENM material only.
2. Movement of material in the quarry pit and immediate surrounds be limited to that necessary for safety, other operational reasons or where financially viable.
3. The necessary planning and environmental approvals that will enable the quarry pit to be filled with VENM material to a level to be determined as part of that process be pursued.



4. Preparation of an overall Master Plan for the quarry and Old Mans Valley lands commence, having regard to the potential filling of the quarry pit and Council's in principle decision that the two areas be principally for public recreation and open space.
5. In respect of the Expressions of Interest submitted by TransPacific Industries Group and WSN Environmental Solutions, each respondent be thanked for its proposal and advised that it has been considered by Council and will not be further pursued as Council has decided not to pursue a solution involving non putrescible waste, and Council declines to invite tenders from any of the applicants.
6. In respect of the proposal submitted by Geofill Services, the respondent be thanked for its submission and be advised that Council declines to invite tenders, and may at a later date invite fresh tenders or a further Expression of Interest on the basis of revised documentation. Further, that the respondent be invited to submit a response at the appropriate time.
7. In respect of the proposals submitted by AV Jennings Developments, Community Church Hornsby, Hornsby Conservation Society, Ku-ring-gai District Soccer Association and Northern Metro Cricket Council, Lend Lease Developments, Community Church Hornsby and Pacific Hills Christian School and Pacific Hills Christian School, the respondents be advised that Council declines to invite tenders from any of the applicants. Further that each applicant be invited to consider whether a response is appropriate in the event that an EOI or tender process is invited in future.
8. A further report be prepared detailing the actions, sources of funding and further investigations necessary to obtain approval to fill the quarry pit with VENM material.
9. A further report be prepared detailing the resources required and a timetable for the preparation and exhibition of a range of options for the provision of public recreation and open space on the lands comprising the Quarry and Old Mans Valley.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Analysis of Options - VENM, Non-putrescible Waste
2. Quarry Pumping Arrangements

File Reference: F2004/08984-06  
Document Number: D01213919

## 27 ALLEGATION OF BREACH OF COUNCIL'S CODE OF CONDUCT

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### **EXECUTIVE SUMMARY**

Council has received two complaints alleging a breach of its Code of Conduct, initially by the Mayor and certain members of staff, in relation to the use of Council's resources and subsequently by the Deputy Mayor in relation to his handling of the first complaint. Council considered a report on this matter at its meeting of 10 June 2009. At this meeting Council resolved to receive the complaints, and defer consideration to enable Councillors to receive a briefing from their legal advisor, and to consider other matters raised at the meeting. Councillors subsequently met on a number of occasions to consider the complaints and to determine an appropriate course of action, given that the procedure for assessment of the complaints, as set out in Council's Code of Conduct, could not be followed in this instance. The complaints are now referred to Council for determination.

### **PURPOSE**

The purpose of this report is to advise Council further regarding two complaints alleging a breach of Council's Code of Conduct (the Code), and for Council to determine an appropriate course of action.

### **BACKGROUND**

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 the Code 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 the Executive Manager Works assist the Deputy Mayor as required in this process. The Deputy Mayor subsequently assessed the complaint in accordance with Clause 16 of the Code and advised Mr Richmond of his findings.

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

The Code contains procedures for investigating alleged breaches. Both the Mayor and General Manager, depending on 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. Given the conflicts of interest that were identified on receipt of the complaints, the Mayor and Deputy Mayor have both excluded themselves from further participation in the assessment or consideration of the matter. The General Manager has excluded himself from dealing with the matter. The Code is silent on the procedure to be followed in such cases. Legal advice was therefore sought to assist Council in its consideration and investigation and will be referred to as appropriate.

This report has been prepared by the Executive Manager Works in his role as advisor to Council in this matter, and reflects Councillors' consideration and subsequent recommendation in this matter.

## **CONSIDERATION**

### **The Complaints**

The first complaint alleges that the Mayor, and certain members of Council's staff had breached Section 10.12 of the Code by the publication of Mayoral columns and The Bushland Shire News during a period described by Mr Richmond as a "caretaker" period (nominated by the Department of Local Government) which ran from 4 August 2008 to the date of the 2008 local government elections.

Section 10.12 of Council's Code of Conduct is as follows:

#### *"Use of Council Resources*

*You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use of lawfully authorised and proper payment is made where appropriate".*

The second complaint alleges that the Deputy Mayor had an undisclosed conflict of interest in making the preliminary assessment of the first complaint because he was on the same "ticket" as the Mayor in the 2008 local government elections.

The Councillors in their consideration of the complaints noted that the material referred to in the first complaint by Mr Richmond had been published in the lead up to the 2008 local government elections.

### **Council's Code of Conduct**

The relevant version of Council's Code of Conduct was adopted on 9 July 2008. The Code incorporates all the requirements of the Model Code of Conduct that is required by the Department of Local Government to be adopted by all Councils. The Code sets out the standards of conduct required of Council officers. The Code also contains complaint handling procedures, complaint assessment criteria and associated operating guidelines, which are to be used to guide the management of complaints about breaches of the Code.

In its consideration of the complaints, Councillors have been guided by the expectation of the Department of Local Government that Council is primarily responsible for determining whether the actions of its members constitute a breach of the Code. Council has also been guided by the requirements of the Code that complaints be considered in the first instance through a process of preliminary assessment and a decision made as to whether investigation by an independent person is warranted.

Section 7 of the Code deals with conflicts of interest, i.e. where a reasonable and informed person would perceive influence by a private interest when carrying out a public duty. Any such conflict must be managed. Councillors noted that Section 7.12 of the Code states that the political views of a Councillor do not constitute a private interest

Section 15.3 of the Code states that where the complaint concerns the conduct of Council's staff (other than the General Manager), the General Manager is responsible for making inquiries into the complaint and determining the matter.

Section 15.8 of the Code states that where the complaint concerns the conduct of the Mayor, the General Manager is to assess the complaint against the criteria in Section 16 in order to determine whether to refer the matter to the Conduct Review Committee/Reviewer.

Section 15.10 of Council's Code of Conduct states that where the complaint concerns the conduct of the General Manager, the Mayor is to assess the complaint against the criteria in Section 16 in order to determine whether to refer the matter to a Conduct Review Committee or Reviewer.

The General Manager declared that a reasonable person could be held to perceive a conflict of interest if he were to undertake a preliminary assessment of the first complaint with respect to Council's employees. Consequently, the Executive Manager, Works Division, was requested to deal with the allegations concerning the Council employees (excluding the General Manager), and to determine the matter.

Councillors were advised of the first complaint following its receipt in December 2008. The General Manager and the Mayor each declared that a reasonable person could be held to perceive a conflict of interest if they were to undertake a preliminary assessment of the first complaint with respect to each other. Councillors were also advised that Section 231(3) of the Local Government Act provides that the Deputy Mayor may exercise any function of the Mayor if the Mayor is prevented from doing so.

Following informal discussion among themselves, Councillors agreed that it was appropriate in this situation for the Deputy Mayor to undertake an assessment of the first complaint (using the power conferred by Section 231(3)) in respect of the conduct of the Mayor and General Manager, as required by Section 15.8 and 15.10 of the Code. It was noted at the time that there was no requirement in the Code for such a decision to be made at a formal meeting of Council. Councillors noted in their subsequent discussions that the Code requires only that findings following any investigation of the complaints should be considered by the Council. There is no requirement for complaints to be reported to Council following their assessment.

### **Criteria for Assessing Complaints**

Section 16 of the Code provides that in assessing a complaint, regard will be had to the following grounds:

- (a) whether there is any prima facie evidence of a breach of the code of conduct;*
- (b) whether the subject matter of the complaint relates to conduct that is associated with carrying out of the functions of civic office or duties as general manager*
- (c) whether the complaint is trivial, frivolous, vexatious or not made in good faith*
- (d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct;*
- (e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police;*
- (f) whether there is an alternative and satisfactory means of redress;*
- (g) how much time has elapsed since the events the subject of the complaint took place;*

- (h) *how serious the complaint is and the significance it has for council;*
- (i) *whether the complaint is one of a series indicating a pattern of conduct.*

In their consideration, Councillors noted that the assessment of a complaint is a preliminary action required by the Code in order to determine the seriousness of the complaint, with Section 16.2 providing that where complaints have been assessed as not having sufficient grounds to warrant referral to the Conduct Review Committee or Reviewer, they can be finalised by the General Manager or Mayor. Councillors noted that this action was discharged by the Deputy Mayor as agreed, with the Deputy Mayor making a number of recommendations regarding future actions in relation to material published in the lead up to an election.

### **Initial Consideration of Complaints – First Complaint**

In their consideration of the complaints, Councillors noted action taken in respect of the persons subject of the complaints, and by others on being made aware of the complaints.

#### ***Council Employees (excluding General Manager)***

The Executive Manager Works was responsible for the investigation of the complaint in relation to three Council employees, and concluded as follows:

*“That the staff involved in the complaint were merely carrying out their duties and that they were not subject to any inappropriate influence or direction.”*

This part of the investigation was dealt with as a staff matter, pursuant to section 15.3 of the Code. Details will remain confidential, as the General Manager (or nominated person) is responsible for determining such complaints. Arising from this conclusion, it was determined that no further action was warranted regarding the conduct of the staff. Mr Richmond was subsequently advised of this finding by the Deputy Mayor in his response dated 3 March 2009.

#### ***The Mayor and General Manager***

In their consideration of the finding contained in the Executive Manager’s report concerning the other staff, Councillors noted the implication that, following the finding of the Executive Manager Works that the staff were not subject to any inappropriate influence or direction, that neither the Mayor nor General Manager issued any inappropriate influence or direction.

#### ***The Electoral Commissioner***

In their consideration of Mr Richmond’s complaint, Councillors noted correspondence with the Electoral Commissioner. Councillors were advised that the Electoral Commission had reviewed the publications that were the subject of the complaint and formed the view that, as the material was published during the prescribed period, the publication should have contained appropriate details regarding authorisation of the material. The Electoral Commissioner made no finding regarding the appropriateness of the publication, but noted that such action may have contravened advice issued by the Department of Local Government in circulars relating to actions by Councils in the lead up to the 2008 election.

While Councillors noted this advice, they were cognisant of the absence of any intent on the part of the Mayor or Council staff in relation to the action taken.

### ***The Department of Local Government***

The Department of Local Government corresponded with Council regarding the publication of the documents in question and advised Council by letter dated 24 February 2009, that the Department had concluded there was:

*“no intention by Council to mislead electors in relation to the casting of their votes by submitting articles in the above publications during the regulated period prior to the elections.”*

The Department further clarified its role by letter dated 1 June 2009 by stating as follows:

*“The Department would like to confirm that Council itself is primarily responsible for determining whether the actions of its members and staff constitute a breach of the standard of behaviour set out in its adopted Code of Conduct.”*

Councillors have noted the conclusions of the Department in relation to intent, to the publication of material, and the requirement that Council should determine whether the action of its members and staff constitute a breach of the Code.

### ***The Deputy Mayor’s Assessment***

As agreed by Councillors, the Deputy Mayor acted to assess the first complaint and concluded that no further action should be taken regarding the complaint. The Deputy Mayor made recommendations concerning the publication of editions of the Bushland Shire News in the lead up to any future election, and requested that the General Manager ensure that staff are aware of the terms of any circulars that may be issued in future by the Department of Local Government concerning the actions of Councils in the lead up to Local Government elections. The Deputy Mayor further requested that all publications in such periods be carefully reviewed for compliance with any such circulars.

### **The Second Complaint**

The second complaint alleges that the Deputy Mayor had an undisclosed conflict of interest when making a preliminary assessment of the first complaint because he was on the same “ticket” as the Mayor in the 2008 elections (Section 7 of the Code refers). Councillors considered that this complaint focussed on the electoral relationship between the Mayor and the Deputy Mayor, also noting that the election had concluded and that Councillors of varying political persuasion comprise the current Council.

Councillors then considered the relationship between the Deputy Mayor and the General Manager and noted that there was no relationship which could be reasonably perceived as a private interest that would give rise to a conflict of interest which would require disclosure. On this basis, Councillors have formed the view that there is no undisclosed conflict of interest with respect to the Deputy Mayor’s preliminary assessment of the first complaint regarding the conduct of the General Manager. On this basis, Councillors consider that the Deputy Mayor’s conclusion of the first complaint with respect to the General Manager should stand as there is no basis for the second complaint.

In relation to the complaint regarding the conduct of the Mayor, Councillors considered legal advice confirming that the Code gives the Council the function of determining whether or not a breach of the Code has been committed by a Councillor. This is emphasised in Section

7.12 of the Code, which provides that the political views of a Councillor do not constitute a private interest (a private interest would require disclosure), and noting the observations concerning the composition of the Council. On this basis, Councillors concluded that there was no conflict of interest on the part of the Deputy Mayor. Further, the Deputy Mayor was authorised to act as the Mayor as provided by Section 231(3) of the Local Government Act.

In the second complaint, Councillors noted that Mr Richmond took issue with a number of comments made by the Deputy Mayor in his assessment. Councillors considered each response from Mr Richmond, and concluded that there was no new material provided that would justify review of the assessment.

### **Meeting with Mr Richmond**

In their consideration of the complaints, Councillors considered that it would be advantageous to meet with Mr Richmond, with a view to enable Councillors to better understand Mr Richmond's complaints, and to discuss them in an informal, confidential environment. Accordingly, Councillors Smart and Russell met with Mr Richmond on 1 July 2009. The Executive Manager Works was also in attendance, together with Mr Richmond's invited guest.

Mr Richmond provided background to his complaint, and outlined the outcome he was seeking. Discussion was wide ranging, covering a number of topics of concern to Mr Richmond. In his remarks, Mr Richmond indicated that he was satisfied that his complaints in respect of Council staff (other than the General Manager) had been appropriately dealt with. The Councillors in attendance conveyed a number of concerns raised by Councillors in previous discussions, and outlined possible courses of action. Mr Richmond indicated that he would be satisfied only with the complaints being referred for consideration by an independent person.

It was agreed that Councillors would further consider their position following the meeting and that the matter would be formally considered at the next Ordinary Meeting of Council. Councillors subsequently met to receive an oral report of the meeting as part of their consideration of Mr Richmond's complaints.

### **Action Taken by Councillors**

In its consideration of the complaints, Council noted the following material:

1. Council's Code of Conduct adopted July 2008.
2. Mr Richmond's first complaint dated 11 December 2008.
3. Assessment by Executive Manager Works relating to the conduct of three staff named in Mr Richmond's first complaint.
4. Correspondence dated 24 February 2009 from the Department of Local Government (together with correspondence from Council that gave rise to this correspondence).
5. Deputy Mayor's report and assessment of first complaint, dated 3 March 2009.
6. Deputy Mayor's reply to Mr T Richmond dated 3 March 2009.

7. Mr Richmond's second complaint dated 13 March 2009.
8. Further correspondence from Mr Richmond dated 25 March 2009.
9. Department of Local Government Circulars No. 08-24 and 08-37.
10. Correspondence from the Department of Local Government dated 1 June 2009.
11. Correspondence with the Electoral Commissioner dated September 2008 (various items).
12. Various legal advices from DLA Philips Fox dated 8 May, 11 May and 24 June 2009.

Council has also taken the following actions in its consideration of this matter:

1. Consideration of the matter at the Ordinary Meeting 10 June 2009.
2. Discussions 17 June 2009, with solicitor present.
3. Discussions 24 June 2009, considering further legal advice.
4. Meeting with Mr Richmond and two Councillors, 1 July 2009.
5. Discussions 15 July 2009, where subjects of each complaint were interviewed prior to a review of the issue.

### **Assessment of the Complaints**

In its consideration of the action to be taken regarding the complaints, Councillors considered whether to refer the complaints to a Conduct Reviewer/Conduct Review Committee, or to review the complaints as Council. Councillors had regard to correspondence from the Department of Local Government which indicated that Council may wish to consider referring the complaints for external assessment. Councillors also had regard to telephone advice from the Ombudsman's office in which a similar option had been proposed. Councillors considered the advice of the Department that Council is primarily responsible for determining whether the actions of its members and staff constitute a breach of the standards set out in the Code, with legal advice that confirmed that the Code clearly gives the Council (comprised of both political allies and political opponents and also persons who might be considered politically neutral) the function of determining whether or not a breach has been committed by a Councillor.

Councillors also met with the Mayor and General Manager to discuss the substance of their roles as alleged in Mr Richmond's complaint. The Deputy Mayor also met with Councillors to discuss his assessment of the first complaint.

Following consideration of this advice, the material and actions referred to above, Councillors have (in the absence of the Mayor, Deputy Mayor and General Manager) proceeded to review the complaints. Councillors have concluded that in respect of the second complaint, the Deputy Mayor had no conflict of interest in relation to the conduct of either the Mayor or the General Manager, and accordingly he was able to make an assessment of the first complaint. Council considered the additional material provided by Mr Richmond in



the second complaint and concluded that there was no additional material that would warrant reassessment of the first complaint.

When considering the first complaint, Councillors only had regard to the section of Council's Code referred to by Mr Richmond in his complaint, that is, Section 10.12. A reading of this section suggests that intent, or a deliberate action is required to be evident in order to constitute a breach. Councillors noted and concurred with the contents of the Department of Local Government's correspondence dated 24 February 2009, which noted that there was no intention by Council to mislead electors in the publications that were the subject of the complaint. Councillors noted that while the material referred to in Mr Richmond's complaint had been published, it considered that the Deputy Mayor had given due consideration to this aspect of the complaint in his assessment, and now considers that the recommendations of the Deputy Mayor are appropriate in the circumstances. Further, that it would be good business practice for the Deputy Mayor's recommendation to be adopted. In the circumstances, Councillors consider that no additional action is warranted at this time.

### **Conclusion**

The Councillors have now concluded as follows:

1. The Deputy Mayor did not have a conflict of interest when he made his assessment of Mr Richmond's first complaint.
2. There was no new material advanced in Mr Richmond's second complaint dated 13 March 2009 which would warrant a review of the Deputy Mayor's assessment of the first complaint.
3. Mr Richmond's second complaint does not warrant referral for independent assessment or investigation.
4. In his assessment of the first complaint, the Deputy Mayor did not consider the General Manager in breach of Section 10.12 of Council's Code of Conduct. Further, the Deputy Mayor did not consider the Mayor in breach of Section 10.12 of Council's Code of Conduct.

Councillors have made these conclusions following legal advice that the Code gives Council the function of determining whether or not a breach of the Code has been committed. Councillors consider that the Local Government Act empowers the Deputy Mayor to act in place of the Mayor to make an assessment. Further, the Deputy Mayor acted diligently with proper direction, advice and with the knowledge and agreement of Councillors.

### **BUDGET**

There are no budgetary implications arising from this report.

### **POLICY**

Council currently has no formal policy regarding the publication of material in the lead up to local government elections, but takes note of legislative requirements and any advice or guidelines issued by appropriate authorities. It is now proposed that a Policy be developed to deal with this issue.

**CONSULTATION**

Council's legal advisor has been consulted in relation to this report, and considers that the recommendation that follows can lawfully be made.

**TRIPLE BOTTOM LINE**

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. As this Report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

**RESONSIBLE OFFICER**

This report has been prepared by the Executive Manager Works at the direction of the Councillors (excluding the Mayor and Deputy Mayor) who have considered Mr Richmond's complaints, as detailed above.

**RECOMMENDATION**

THAT

1. Having considered Council's Code of Conduct and the matters outlined in this report, Council considers that the publication of Mayoral Columns and Bushland Shire News was in good faith as part of normal business process, did not constitute a breach of Council's Code of Conduct, and does not warrant referral to a Conduct review committee or sole reviewer.
2. The Deputy Mayor's assessment of Mr Richmond's first complaint was undertaken in good faith and with Councillors' agreement.
3. The Deputy Mayor's report in respect of the first complaint is noted and no further action is proposed.
4. Mr Richmond's second complaint has been addressed and does not warrant referral for independent assessment or investigation.
5. There would be no good purpose in pursuing the complaints any further.
6. A Policy be developed concerning the publication of material in the lead up to local government election.
7. The complainant, Department of Local Government and Ombudsman be advised accordingly.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/07038-02  
Document Number: D01213969

## 28 CODE OF CONDUCT - COMPLAINT HANDLING ISSUES

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### **EXECUTIVE SUMMARY**

Council has requested advice regarding the establishment of its conduct review panel and also regarding the referral of complaints to the Department of Local Government (the Department). Details of the action taken by Council in the establishment of its Conduct Review Panel are provided. Advice regarding the referral of complaints to the Department is also provided. It is concluded that Council has acted appropriately.

### **PURPOSE**

The purpose of this report is to advise Council regarding issues raised by Mr Waite in his public forum address at Council's Ordinary Meeting of 10 June 2009, concerning the establishment of Council's Conduct Review Committee and the referral of matters to the Department.

### **BACKGROUND**

At its meeting of 10 June 2009, Council considered a report concerning an allegation of a breach of Council's Code of Conduct. Prior to its consideration of this matter, Council was addressed by Mr Waite in public forum. The procedure followed by Council in the establishment of Council's Conduct Review Committee, and the referral of matters, such as that under consideration by Council at that time, to the Department were raised in Mr Waite's remarks. Council resolved to seek legal advice in respect of the issues raised by Mr Waite.

As resolved by Council, legal advice was sought from Council's solicitors DLA Phillips Fox (Mr C Drury). The advice, dated 24 June 2009, was distributed to Councillors during discussions on Wednesday, 24 June 2009.

#### **Establishment of Conduct Review Panel**

Council considered this matter at its meeting of 10 December 2008 via report GM12/08. A copy (excluding attachments) is attached for Councillors information.

In Circular 08-38 dated 20 June 2008, the Department advised Council regarding the revised Model Code of Conduct for Local Councils in NSW. Among other changes advised at that time, Conduct Review Committees or individual conduct reviewers were introduced as an option for dealing with the more serious complaints and/or complaints about repeated breaches of conduct standards in Councils. The changes meant that general managers or Mayors would no longer be members of a Conduct Review Committee but would act in an advisory capacity to the Conduct Review Committee or a sole Conduct Reviewer.

Section 15 of Council's Code of Conduct details the action to be taken by Council in respect of the appointment of persons who are to act as members of a conduct review committee or as a sole reviewer (the Code also provides for the Mayor or general manager to make decisions regarding the referral of complaints to a committee or sole reviewer).

In order to comply with these requirements, Councils were required to establish a panel of suitably qualified persons, from among whom a selection could be made as required.

The Department provided the following information in Circular 08-38 to assist Councils:

*“The council must appoint three or more persons to act in the role as conduct reviewers.”*

*“Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council.”*

*“Council should ensure that it undertakes a process to appoint conduct reviewers even though it does not have any complaints on foot....”*

*“Conduct reviewers may act in that role for more than one Council.”*

*“Conduct reviewers do not need to be residents of the local government area of the council that has appointed them.”*

*“Councils may decide to work with their regional organisation of councils or strategic alliance partners to appoint conduct reviewers to act for the member Councils. Each member council will need to appoint the conduct reviewers for their council.”*

*“Conduct review committees must consist of three or more members. Council should consider appointing more than three persons to act as conduct reviewers as circumstances may arise when one or more conduct reviewers are not available to participate in a matter, or may be precluded from considering a matter because of a conflict of interest or a reasonable apprehension of bias.”*

In considering the establishment of conduct review panels, the NSROC General Managers proposed that a regional approach to the appointment of a Conduct Review Panel be adopted, to reduce duplication of resources and to assist in ensuring consistency across the region. Two General Managers were nominated to conduct an Expression of Interest process. Public advertisement occurred and an assessment made using predetermined criteria. Council was advised via report GM12/08 dated 10 December 2008, where it was resolved as follows:

*“THAT*

*1. The applicants identified within this report be endorsed for inclusion in a panel for subsequent selection to a Conduct Review Committee or as a sole Reviewer as necessary and appropriate.”*

Twelve persons were accordingly endorsed.

Council’s solicitor has advised that in his opinion, the NSROC Councils acted sensibly and properly in the manner in which they coordinated the calling of Expressions of Interest and in the making of recommendations to all constituent Councils.

It is considered that Council’s action in establishing its Conduct Review Panel was appropriate, and no further action is considered necessary.

## **Referral of Matters to the Department of Local Government**

The Department of Local Government holds the position that Council itself is primarily responsible for determining whether the actions of its members and staff constitute a breach of the standards of behaviour set out in its adopted Code of Conduct. It is also a matter for Council to determine what should occur in cases of a breach of those standards. This was confirmed by the Department in its advice to Council dated 1 June 2009.

Council also understands that the Department does not normally intervene in Code of Conduct matters before a Council has had an opportunity to deal with them. The Department would normally only intervene in circumstances where it is apparent that the Council has failed to correctly apply its Code of Conduct, or where the Department is exercising its powers under the misbehaviour provisions of the Act. In discussions with officers of the Department, it was indicated by the Department that it would be premature to refer matters to the Department prior to Council considering such matters.

The Model Code of Conduct reflects the Department's expectation that Councils are responsible for their own conduct, and provides for a range of actions that are designed to reflect the seriousness of complaints. To change these requirements would require a policy change at State Government level. No further action is considered necessary.

### **BUDGET**

There are no budgetary implications arising from this report.

### **POLICY**

There are no policy implications arising from this report.

### **CONSULTATION**

Council's legal advisor has provided advice in relation to this report. The Executive Manager Corporate and Community Services and General Manager have also been consulted.

### **TRIPLE BOTTOM LINE**

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

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

### **RESPONSIBLE OFFICER**

This report has been prepared by the Executive Manager Works, telephone 9847 6665.

### **RECOMMENDATION**

THAT the information contained in Executive Manager's report No. WK62/09 be received and noted.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Code of Conduct Review Panel - Report GM12/08

File Reference: F2004/07037  
Document Number: D01214002

## **29 WORKS PROGRESS REPORT - MARCH QUARTER 2009 - DESIGN AND CONSTRUCTION BRANCH**

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### **EXECUTIVE SUMMARY**

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

### **PURPOSE/OBJECTIVE**

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

### **DISCUSSION**

#### **Improvement Program**

Construction works are carried out under Council's various Improvement Programs namely: Local Roads, Footpaths, Stormwater Drainage, Traffic facilities and Special Projects. In addition to this, the Design and Construction Branch is involved in other works such as Catchment Remediation projects for the Water Catchments Team of the Environment Division and civil works for the Parks and Landscape Team.

The team is also involved in the project management of major building works such as the Berowra Rural Fire Station and the Cherrybrook Community Cultural and Child Care Centre.

The Gantt charts for the programs listed above, together with comments in the right hand column as to the status of each project, are attached. Any changes in the timing of construction for any project from the adopted program, is shown on the Gantt charts by shading the construction period shown on the previously adopted program.

#### **Significant Impacts**

A number of projects in the Footpath Improvements and Traffic Facilities programs were not completed in 2008/2009 and have been deferred until 2009/2010.

This was partly due to the additional footpath projects included in this years program, from the additional funding received from the Federal Government under the Regional and Local Community Infrastructure Program (RLCIP) and delays in obtaining RTA's comments and approvals for various Traffic Facility projects.



These projects included:

#### Footpath Improvements

- Pennant Hills Road, Thornleigh – north side Dartford Road to opposite Stuart Avenue
- Malton Road, North Epping – Boundary Road to north end (west side)

#### Traffic Facilities

- Church Street, Mt Kuring-gai – pedestrian refuge
- Pretoria Lane, Hornsby – cycleway
- Ray Road, Epping – Kandy Avenue – blisters, median and line marking
- Pennant Hills Road – cycleway – Duffy Avenue to Dartford Road

The Design and Construction Branch has had number of staff vacancies in the Design Team. These staff vacancies have impacted on preconstruction activities for the 2009/2010 Program. Some additional temporary resources are being sought with a view of catching up on programs. Progress in this regard will be monitored and further reported in the future.

#### **Tenders / Contracts**

Tenders to be called during the June quarter include:

1. Stabilisation of Road Pavements
2. Minor Asphalt Works
3. Water Harvesting Scheme – Berowra Oval

Current contracts include:

1. Minor Asphalt Works
2. Stabilisation of Road Pavements
3. Supply and Delivery of Precast Concrete Drainage Products
4. Plumbing Services
5. Construction and Reconstruction of Vehicular Crossings and Footpaths
6. Sprayed Bituminous Surfacing
7. Patching of Road Pavements with Full Depth Asphalt
8. Greenway Park Community Centre Upgrade and Construction of Childcare Centre
9. Construction of Hornsby Ku-ring-gai District Rural Fire Centre and Emergency Facility
10. Design and Construction of Public Pontoon Kangaroo Point Brooklyn
11. Construction of Underground Tanks Greenway Park Cherrybrook
12. Supply and Lay Asphaltic Concrete
13. Construction of Civil Engineering and Infrastructure Works for the Rural Sports Facility, Galston
14. Architectural Services for Development of a Fire Control District Office - Berowra Waters Toll Gates Site
15. Pavement Marking (NSROC)
16. Supply of Metal Drainage Grates, Access Covers and Litter Traps
17. Minor Asphalt Works
18. Stabilisation of Road Pavements
19. Grass Cutting of Roadsides
20. Electrical Services

21. Material Testing and Site Investigation
22. Supply and Delivery of Precast Concrete Drainage Products
23. Supply and Delivery of Road Materials
24. Supply and Delivery of Concrete
25. Concrete Form and Finish
26. Construction of Galston Skate Park
27. Cherrybrook Community Childcare Facility – Consultant to Finalise Plans and Documentation

### **Customer Satisfaction Surveys**

In order to ensure that the Design and Construction Branch is informing the community of the projects it undertakes, designs are now available to the community on Council's website. In order to ensure that the Branch is meeting the needs of our customers, at the completion of most Local Road projects, customer satisfaction survey forms are sent to residents in the vicinity of the works. Of the fifty four survey forms that have been returned, 79% of residents rate projects as very good/good. A summarised copy of the results is attached to the report.

### **Vehicular Crossing Construction**

The Design and Construction Branch is also responsible for issuing plans and specifications and supervising vehicular crossing construction. Property owners have the choice of using a contractor from Council's Authorised Contractors List, or pay Council to construct vehicular crossings on their behalf. There are currently 46 Authorised Contractors, including five new contractors authorised during the quarter.

During the June quarter 73 plans and specifications were issued and 1 crossing was constructed by Council's contractors.

### **BUDGET**

The Berowra Waters Road project under the Local Road Program originally received \$290,000 grant funding under the RTA's REPAIR Program. An application was made to the RTA for further funding and notification was only received in June 2009 that additional funding totalling \$52K will be made available.

Some individual projects have incurred additional costs to that originally budgeted. There are various reasons for this, but in most cases this comes as a result of the fact that at the time of setting budgets, detailed costs estimates for all projects are generally not available. Individual projects budgets are therefore often set using historical unit rates for similar works. Some projects have also incurred costs higher than budgeted due to latent conditions associated with excavations and increases in material and tipping costs.

Where additional costs are incurred on a project, and savings in other projects within a program are not sufficient to cover these costs, the scope of works is cut back on some projects within that program to ensure that the overall program budget allocation is met within a reasonable variation.

### **POLICY**

There are no policy implications.

**CONSULTATION**

This report has been developed in consultation with the respective program managers in the Works and Environment Divisions.

**TRIPLE BOTTOM LINE SUMMARY**

A triple bottom line checklist is not required for this type of report.

**RESPONSIBLE OFFICER**

The responsible officer is the Manager, Design & Construction, Mr Rob Rajca who can be contacted on telephone 9847 6675 between 8.30am - 5.00pm, Monday to Friday.

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. WK64/09 be received and noted.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Gantt Charts
2. Summary of Local Road Projects Customer Survey

File Reference: F2004/05959-02  
Document Number: D01214298

### **30 ENGINEERING SERVICES - BUILDING CAPITAL WORKS PROGRAM 2009/2010**

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#### **EXECUTIVE SUMMARY**

Council's Management Plan 2009/2010 provides the proposed Building Capital Works for 2009/2010. This report provides Council with additional information and a program for the projects for the period 1 July 2009 to 30 June 2010.

#### **PURPOSE/OBJECTIVE**

This report presents the 2009/2010 Engineering Services – Building Capital Works Program to be undertaken by the Building Services Team of the Engineering Services Branch for Council's adoption.

#### **DISCUSSION**

The Engineering Services Branch is responsible for the asset management of Council's Public Buildings. As part of this asset management role, it undertakes various building capital works as presented on the attached Gantt Chart.

The program includes works on general buildings, Community Services buildings, and Aquatic Centres' buildings.

#### **BUDGET**

The budgetary considerations of this report are shown in Council's budget for 2009/2010. The total amount of the program is \$963,500.

#### **POLICY**

There are no policy implications.

#### **CONSULTATION**

Consultation has been carried out with the following:

- David Johnston – Manager, Community Services
- Samantha Colbert – Community Centre and Hall Co-ordinator
- Scott Hewitt – Aquatic and Recreation Facilities Manager
- Cheryl Etheridge – Manager, Library Services
- Dana Spence – Co-ordinator, Parks Assets

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT

1. The contents of Executive Manager's Report No WK66/09 be received.
2. Council adopt the program attached to this report.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Engineering Services - Building Capital Works for 2009/2010 Report

File Reference: F2004/05958  
Document Number: D01214949

### 33 MAYOR'S NOTES FROM 1 TO 30 JUNE 2009

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Saturday 6 June – The Mayor attended Berowra Soccer Club's 50<sup>th</sup> Anniversary Dinner Dance at Hornsby RSL Club.

Thursday 11 June – The Mayor attended Hornsby Shire Council's 2009 Photographic Competition Presentation Night at Hornsby Library.

Friday 12 June – The Mayor attended the Thornleigh Normanhurst Residents Group Public Meeting on the Housing Strategy at Thornleigh Community Centre.

Saturday 13 June – The Mayor attended the "Seduced by Colour" Art Exhibition at Hornsby Art Gallery.

Thursday 18 June – The Mayor attended Sydney Water's Council Partnership Pilot Program Launch at Parramatta.

Saturday 20 June – The Mayor officiated at Discount Party Warehouse's 3<sup>rd</sup> Birthday Sale at Dural.

Saturday 20 June – The Mayor officiated at Hornsby Dance Eisteddfod at Cherrybrook High School.

Saturday 20 June – The Deputy Mayor, on behalf of the Mayor, and Mrs Evans attended the Lions Club of Sydney North West 2009 Changeover Dinner at King Crab Village Seafood Restaurant, Carlingford.

Sunday 21 June – Wednesday 24 June – The Mayor and General Manager attended the 2009 National General Assembly in Canberra.

Thursday 25 June – The Mayor attended the second meeting of the Australian Council of Local Government at Parliament House, Canberra.

Friday 26 June – The Deputy Mayor, on behalf of the Mayor, opened the "Artists on the River" Exhibition at Hornsby Art Gallery.

Saturday 27 June – The Mayor and Councillor Chopra attended the launch of the Hornsby Shire Council Centenary Publication "A Century in the Shire: The story of Hornsby Masonic Lodge 262 and its role in the Shire 1909-2009" at Turramurra Masonic Centre, Turramurra.

Saturday 27 June – The Mayor announced the winner of the People's Choice Award at the 52<sup>nd</sup> Annual Exhibition of North Shore Craft Group at Ku-ring-gai Town Hall, Pymble.

Sunday 28 June – The Mayor presented the Keys to the Shire of Hornsby to Hornsby RSL Sub Branch and 22 Battalion Australian Army Cadets Sydney North at Hornsby Cenotaph as part of the celebrations commemorating the 90<sup>th</sup> Anniversary of Hornsby RSL Sub Branch. The Mayor also attended the Official Luncheon at Hornsby RSL Club.

Monday 29 June – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Monday 29 June – The Mayor attended Hornsby & Ku-ring-gai Freemasons 100 Year Celebration Dinner at Turramurra Masonic Centre, Turramurra.

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

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