



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 14 October, 2009
at 6:30 pm**

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Father Robert Borg from St. Bernard's Catholic Church, Berowra 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 9 September, 2009 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

NOTICES OF MOTION

Page Number 1

Item 1 NOM8/09 BEECROFT ROAD SCHOOL ZONES

COUNCILLOR HUTCHENCE TO MOVE

That Council write to the RTA requesting that the 40 km/h School Zones along Beecroft Road between Mount St Benedict College and Cheltenham Girls High School be consolidated into one continuous zone between Pennant Hills Road and The Boulevarde, Cheltenham.

Currently motorists travelling when School Zone restrictions apply need to adjust their speed 6 times in about 2.5 kilometres, which causes additional distraction for motorists in an area congested with pedestrians, turning traffic and bus services.

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 GM15/09 ORGANISATION STRUCTURE****THAT:**

1. The Organisation Structure be determined to consist of five (5) Divisions being:
 - General Manager
 - Corporate & Community
 - Works
 - Planning
 - Environment
2. The General Manager's Division include a Corporate Strategy Branch and a Human Resources Branch.
3. The Development Contribution Plan and Economic Development be transferred to the Planning Division under the management of the Executive Manager Planning.
4. The Manager, Corporate Strategy within the General Manager's Division assume responsibility for the decentralised Customer Service function in accordance with the requirements set out in this Report.

CORPORATE AND COMMUNITY DIVISION**Page Number 4****Item 3 CC76/09 HISTORY COTTAGE, GALSTON RECREATION RESERVE,
412X GALSTON ROAD, GALSTON - PROPOSED LEASE TO DURAL &
DISTRICT HISTORICAL SOCIETY**

THAT:

1. The contents of Executive Manager's Report No CC76/09 be received and noted.
2. Council enter into a further Lease with the Dural & District Historical Society in respect of a five year lease over the existing Cottage at Galston Recreation Reserve, Galston subject to:
 - a) The proposed lease to Dural & District Historical Society being publicly advertised (costs to be borne by the Society) and submissions invited within a period of not less than 28 days.
 - b) A further report being provided to Council should submissions be received objecting to the lease proposal.
3. Subject to the outcome of recommendations 2a and 2b, Council delegate the General Manager authority to enter into a lease with Hornsby Dural & District Historical Society for a five year term in accordance with Sections 46 of the Local Government Act 1993 (Lease/Licence of Community Land) on the following basis:
 - a) Rental for the initial 12 months of tenure to be \$3,900 per annum (excluding GST), in respect of the Cottage.
 - b) Rental to be subject to annual review in accordance with the movement in the Consumer Price Index, with a market review by Council's Valuer at the end of year five.
 - c) The lessee to be responsible for the payment of all costs associated with services provided to the property including but not limited to electricity, gas and water usage.
 - d) The lessee to be responsible for the payment of 50% of any Council rates and water and sewerage rates assessed in respect of the Cottage on an area occupied basis.
 - e) The lessee to maintain throughout the term of the lease a public liability insurance policy for an amount of not less than \$20 million for any one incident, with such policy noting Hornsby Shire Council as an interested party.
 - f) The Cottage to only be used for the purpose as per submission.
 - g) The lessee to be responsible for the maintenance responsibilities under the "Community Partnership" category of the Code.

-
- h) The lessee to acknowledge Council's support in the provision of the Cottage in its annual reports and publications, any advertising and community events.
 - i) The lessee to be responsible to ensure the security of the Cottage during the term of their occupation.
 - j) The lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.

Page Number 12**Item 4 CC79/09 AUGUST 2009 INVESTMENT AND BORROWING REPORT**

THAT the contents of the Executive Manager's Report No CC79/09 be received and noted.

Page Number 15**Item 5 CC82/09 PRESENTATION OF THE 2008/09 AUDITED FINANCIAL STATEMENTS TO THE PUBLIC**

THAT the General Purpose and Special Purpose Financial Reports (including the Auditor's Report) for the year ended 30 June 2009, as presented to the public on 14 October 2009, be adopted.

Page Number 18**Item 6 CC83/09 COMPUTER EQUIPMENT OPERATING LEASE**

THAT:

1. Council approve the proposal to seek quotations from those on the new Local Government Procurement contract and other interested parties in respect of an operating lease for computer equipment as detailed in Report No CC83/09.
2. Upon receipt and evaluation of the quotes, the General Manager be authorised to accept the lowest recommended quote for the lease and complete the necessary documentation.

Page Number 20**Item 7 CC84/09 DOCUMENT ACCESS APPLICATIONS 21 JULY 2009 - 23 SEPTEMBER 2009**

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

Page Number 26**Item 8 CC85/09 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS**

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

ENVIRONMENT DIVISION**Page Number 29****Item 9 EN36/09 ANALYSIS - HORNSBY LOCAL GOVERNMENT AREA POTABLE WATER CONSUMPTION DATA (1998-2008)**

THAT the contents of Executive Manager's report EN36/09 be received and noted.

Page Number 31**Item 10 EN39/09 TREE REMOVAL AT 34 DEAN STREET, WEST PENNANT HILLS**

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney blue gum) located in the front yard of 34 Dean Street West Pennant Hills.

Page Number 34**Item 11 EN41/09 REMOVAL OF ABANDONED AND UNATTENDED SHOPPING TROLLEYS IN THE HORNSBY SHIRE**

THAT the contents of Executive Manager's report EN41/09 be received and noted.

Page Number 38**Item 12 EN42/09 ADOPTION OF THE 2008-2009 ESTUARY MANAGEMENT PROGRAM ANNUAL REPORT**

THAT the 2008/09 Estuary Management Program Annual Report be adopted by Council

Page Number 41**Item 13 EN44/09 WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS PROGRAM**

THAT a further report be submitted to Council prior to the end of April 2010, providing a schedule of programs recommended for inclusion in the WSIP program.

Page Number 46**Item 14 EN45/09 GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL 2009**

THAT Council forward letters of objection to the Game and Feral Animal Control Amendment Bill 2009 to the NSW Premier, the Minister for the Environment, Climate Change and Water, the Minister for Primary Industries and the local State Members of Parliament.

Page Number 50**Item 15 EN46/09 TENDER T25/2009 DERELICT BOAT REMOVAL FROM SANDBROOK INLET, BROOKLYN.**

THAT Council accept the tender of Antoun Civil Engineering (Aust) Pty Ltd, Gilford, for all work under Tender T25/2009, Derelict boat removal from Sandbrook Inlet, Brooklyn.

PLANNING DIVISION

Nil

STRATEGY DIVISION

Nil

WORKS DIVISION**Page Number 54****Item 16 WK74/09 HORNSBY QUARRY AND ADJOINING LANDS**

THAT:

1. The contents of Executive Manager's Report No. WK74/09 be received and noted.
2. Council proceed to invite Expressions of Interest from Consultants for the preparation of the planning and environmental approvals necessary to facilitate the filling of the Quarry pit with VENM.
3. The necessary funding as outlined in the report be funded from the current restricted asset account for the site.

Page Number 61**Item 17 WK75/09 CHERRYBROOK - TRAFFIC AND PARKING MANAGEMENT**

THAT

1. Council note that Cherrybrook Village Shopping Centre management will continue to monitor and take action to improve traffic flow within its car park which in turn is expected to reduce delays at the roundabout at the intersection of Shepherds Drive and Kenburn Avenue.

2. Council staff continue to liaise with Cherrybrook Village Shopping Centre management regarding improvements to traffic flow within the shopping centre carpark.
3. Council note that the need for further improvements to vehicle access to Cherrybrook Village Shopping Centre is a matter for the centre management to consider in the first instance, in liaison with Council.
4. The proposed construction of footpath in Shepherds Drive between the service station and the pedestrian refuge opposite No 68, under the 2009/10 Footpath Improvement Program be noted.
5. A bus shelter be provided in Shepherds Drive adjacent to the Rural Fire Service facility, funded from Restricted Asset as outlined above.
6. Use of the lower car park in Greenway park for commuter parking on a trial basis be noted, with a report provided at the end of the trial period providing details of the use and impact on the adjoining open space facilities, identifying additional works such as lighting and policy amendments that may be required if this initiative is to be made permanent.
7. Information and signage to encourage use of the lower car park in Greenway Park be developed in consultation with the centre management.
8. No further action be taken regarding additional parking restrictions in Shepherds Drive near Shepherds Lane at this time, but the location continue to be monitored and any proposals referred to the Local Traffic Committee when appropriate.
9. A "Parking restrictions near driveways" policy be developed, and referred to the Local Traffic Committee prior to consideration by Council.

SUPPLEMENTARY AGENDA

PUBLIC FORUM – NON AGENDA ITEMS

CONFIDENTIAL ITEMS

Item 18 WK76/09 TENDER T27/2008 - TENDER FOR LEASE OF LAND FOR CONSTRUCTION AND OPERATION OF A GOLF DRIVING RANGE FACILITY

This report should be dealt with in confidential session, under Section 10A (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 67

Item 19 MN11/09 MAYOR'S NOTES - 1 TO 30 SEPTEMBER 2009

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Page Number 70

Item 20 QWNHBG1/09 BUSH PATHWAY IN HORNSBY

QUESTIONS WITHOUT NOTICE

1 BEECROFT ROAD SCHOOL ZONES

COUNCILLOR HUTCHENCE TO MOVE

That Council write to the RTA requesting that the 40 km/h School Zones along Beecroft Road between Mount St Benedict College and Cheltenham Girls High School be consolidated into one continuous zone between Pennant Hills Road and The Boulevard, Cheltenham.

Currently motorists travelling when School Zone restrictions apply need to adjust their speed 6 times in about 2.5 kilometres, which causes additional distraction for motorists in an area congested with pedestrians, turning traffic and bus services.

Attachments:

There are no attachments for this report.

File Reference: F2004/09758

Document Number: D01243786

2 ORGANISATION STRUCTURE

EXECUTIVE SUMMARY

Council at its meeting held on 9 September 2009, resolved “*THAT consideration of Report No. GM14/09 be deferred to the November 2009 Ordinary Meeting to enable a Councillor workshop to be held regarding Council’s Organisational Structure*”.

An Informal Workshop was held and Councillors have requested that the matter be re-submitted to the October Ordinary Meeting of Council for Council’s further consideration

PURPOSE/OBJECTIVE

To enable Council to give further consideration to Report No. GM14/09 and to determine its Organisation Structure in accordance with S332 and 333 of the Local Government Act 1993.

DISCUSSION

Council at its meeting held on 9 September 2009, considered the contents of General Manager’s Report No. GM14/09. At that meeting Council resolved “*THAT consideration of Report No. GM14/09 be deferred to the November 2009 Ordinary Meeting to enable a Councillor Workshop to be held regarding Council’s Organisational Structure*”.

An Informal Workshop was convened on 23 September 2009, to discuss this issue, and further discussion was undertaken preceding the Housing Strategy Workshop on the evening of Wednesday, 30 September 2009.

Following those discussions, the Councillors have requested that Report No. GM14/09 be submitted to the October Ordinary Meeting of Council for Council’s further consideration.

A further copy of Report No. GM14/09 is attached.

BUDGET

There are no budget implications in this Report.

POLICY

There are no direct policy implications in respect of the recommendations contained within the Report.

CONSULTATION

Consultation has been undertaken with Councillors through the convening of an Informal Workshop as resolved by Council on 9 September 2009.

TRIPLE BOTTOM LINE SUMMARY

As this Report substantially provides Council with information for reconsideration, it is considered that no Triple Bottom Line considerations apply which require a sustainability assessment.

RESPONSIBLE OFFICER

The General Manager, Mr Robert Ball.

RECOMMENDATION

THAT

1. The Organisation Structure be determined to consist of five (5) Divisions being:
 - General Manager
 - Corporate & Community
 - Works
 - Planning
 - Environment
2. The General Manager's Division include a Corporate Strategy Branch and a Human Resources Branch.
3. The Development Contribution Plan and Economic Development be transferred to the Planning Division under the management of the Executive Manager Planning.
4. The Manager, Corporate Strategy within the General Manager's Division assume responsibility for the decentralised Customer Service function in accordance with the requirements set out in this Report.

PREVIOUS ITEMS

GM14/09 - Organisation Structure - Ordinary - 9 September 2009

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. REPORT Organisation Structure

File Reference: F2005/00087
Document Number: D01254065

3 HISTORY COTTAGE, GALSTON RECREATION RESERVE, 412X GALSTON ROAD, GALSTON - PROPOSED LEASE TO DURAL & DISTRICT HISTORICAL SOCIETY

EXECUTIVE SUMMARY

Since 1995, the Dural & District Historical Society (the Society) has occupied the former Galston Kiosk and Tearooms (now known as History Cottage), situated on Crown Reserve at Galston Recreation Reserve, 412x Galston Road, Galston under a lease agreement with Council at a peppercorn rental of \$50 per annum, adjusted annually in accordance with the CPI. The charging of a peppercorn rental by Council recognised the contribution that the Society made to the betterment of the building during the term of that lease agreement.

The Society has submitted an application to Council seeking a further lease to secure their ongoing occupation of the Cottage. The application has been assessed by Council officers in line with the provisions of Council's Code for the Lease/Licence of Council Land and Buildings to Community Groups (the Code) - see Attachment 1.

The officers' initial assessment determined that the Society should be offered a lease in line with the "Community Partnership" category provisions of the Code. Advice of the results of the assessment was forwarded to the Society who provided a follow up submission arguing that the "Nominal" category of the Code was more appropriate to their circumstances.

Council officers have undertaken a further assessment of all the information provided by the Society and have concluded that the "Community Partnership" category is appropriate. It is noted that the rental associated with the "Community Partnership" category is assessed on 25% of market rental resulting in a rental payable of \$3,900 per annum exclusive of GST. The rental associated with the "Nominal" category would be \$280 per annum exclusive of GST.

Although it is recognised that the Society makes a valuable contribution to the local community, Council officers are required to assess the application and make a recommendation to Council in accordance with the Code. Any decision outside of the parameters of the Code can only be made by Council after it has considered the officers' recommendations as well as taking into account any other issues it believes are relevant to its determination.

Having regard to the officers' assessment of the Society's application, this Report recommends the granting of a five year lease agreement to the Society in accordance with the "Community Partnership" category of the Code.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with details of the assessment of an application from the Society to be granted a long term lease of History Cottage at Galston Recreation Reserve, Galston; and to recommend that Council enter into a five year lease agreement with the Society in terms of the "Community Partnership" category of the Code.

DISCUSSION

Background

Following a public invitation in 1995 which sought expressions of interest from interested parties to occupy the former Galston Kiosk and Tearooms on Crown Reserve at Galston Recreation Reserve (in Galston Road, Galston), Council, at the 9 August 1995 Ordinary Meeting (see Report No CC81/95), resolved to accept the expression of interest from Dural & District Historical Society to lease the Cottage as a meeting hall for use by members of the Society and community organisations, a facility for historical research by the public, a historical library and museum and a kiosk and tearoom.

At the December 1996 Planning Meeting, Council approved Development Application No 268/1996 for alterations and additions to the existing kiosk to accommodate the use of that facility by the Society. The alterations were completed by Council and the fitout was completed by the Society's volunteers at a cost of approximately \$28,000.

The lease agreement was subsequently formalised on the basis of the Society's submission and included a term of five years with a five year option period, a "peppercorn" rental of \$50.00 per annum (exclusive of GST) and the Society being responsible for any outgoings and building maintenance other than structural repairs. The peppercorn rental had regard to the significant monetary and in-kind contribution that the Society was to make to the fitout of the building during the term of the lease as well as other community benefits considered relevant at the time.

In 2002, the Society renewed their lease agreement for a further five years under the same conditions as stipulated in the option period clause in the initial lease. This lease expired on 17 August 2009 and the Society has continued its occupation on a holding over basis.

Society's Request for a New Lease

In 2008, the Society submitted an application requesting a new lease of the Cottage for a period of five years in line with the provisions of Council's Code for the Lease/Licence of Council Land and Buildings to Community Groups. A copy of the application is available on file.

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

An assessment of the lease application received from the Society was undertaken in line with the criteria set out in the Code. The assessment by Council officers determined that the Society should be offered a lease of the Cottage in line with the "Community Partnership" category of the Code. Officers considered that if Council was supportive of granting the Society a lease of the Cottage, the following Heads of Lease arrangements should be applied:

1. **Period of lease** – 5 years
2. **Use of Property** – Dural & District Historical Society, as per submission

3. **Rental as per Code** – \$3,900 per annum exclusive of GST
4. **Rental Review** – Annual CPI adjustments with a market review at the end of five years
5. **Statutory Outgoings** – 50% Payment of any Council and water/sewerage rates, if assessed
6. **Operating Costs** – 100% of electricity, gas, telephone, water usage, etc
7. **Insurance** – Public liability insurance, indemnity \$20 million
8. **Legal fees** – 50% of lease preparation costs
9. **Maintenance as per Code** – Responsible for repairs and maintenance of the premises as shown in the Maintenance Responsibilities Schedule

(In respect of the Statutory Outgoings and Operating Costs, it is noted that no Council rates are levied on the property and the costs associated with the provision of electricity, gas and water to the property are currently being met by the Society.)

Advice of the above draft Heads of Lease arrangement was provided to the Society who have subsequently made a further submission (a copy of which is included as Attachment 2 to this Report) which objects to, and comments on, the assessment undertaken by Council officers. The main issues raised in the submission were the Society's argument that the "Nominal" category of the Code was more appropriate to their circumstances; their limited capacity to commit to a substantial rental obligation; and their belief that Council should take into account the significant financial input made by the Society in upgrading the interior of the facility during the period of the previous lease.

Officer Comments

Category Assessment

In accordance with the provisions of the Code, to be entitled to a "Nominal" category lease, a community group is required to meet the following relevant eligibility criteria:

- a) Satisfy the eligibility criteria under section F of the Code
- b) Provide a high level of community benefit (i.e. provide services to at least four target groups identified in Council's Social Plan)
- c) Provide optimal multiple use opportunities (i.e. fully utilised or nature of use precludes multiple use opportunities)
- d) Responsible for all capital and full maintenance of the property
- e) Has limited revenue raising and grant funding ability net of cost of service (i.e. no access to grants or fund raising opportunities)
- f) May be in need of Council's assistance to become established

Satisfy the eligibility criteria under section F of the Code

Having regard to the Society's initial application and subsequent submission, the officers' assessment is that this criteria is met.

Provide a high level of community benefit (i.e. provide services to at least four target groups identified in Council's Social Plan)

Having regard to the Society's initial application and subsequent submission, the officers' assessment is that this criteria is met.

Provide optimal multiple use opportunities (i.e. fully utilised or nature of use precludes multiple use opportunities)

Having regard to the Society's initial application and subsequent submission, the officers' assessment is that this criteria is met.

Responsible for all capital and full maintenance of the property

The officers' assessment of the Society's initial application and subsequent submission is that this criteria has not been met. In this regard, since taking occupation of the Cottage in 1995, the Society has undertaken the internal fitout to the Cottage and undertaken some minor capital improvements. The group has indicated within their application that they are prepared to commit to similar obligations to maintain the Cottage but that they would not be responsible for full maintenance of the building shell, fences, floorings, building services and drains. As a consequence, responsibility for the ongoing structural repair and maintenance of the building would remain with Council. Given the initial capital investment by Council, and its responsibility for ongoing maintenance costs, as well as the commitment by the Society to undertake only minor repairs, it is clear that the application by the group does not satisfy this criteria. (It should be noted that this criteria point will generally only be met by a group when they construct a building on Council land at their own cost and are subsequently responsible for all minor and structural maintenance of the building.)

Has limited revenue raising and grant funding ability net of cost of service (i.e. no access to grants or fund raising opportunities)

Having regard to the Society's initial application and subsequent submission, the officers' assessment is that this criteria is met.

May be in need of Council's assistance to become established

As the Society is already established, officers consider that this criteria does not apply.

The Council officers' assessment is that as not all of the above criteria have been met, the Society is not eligible to be placed in the "Nominal" category defined in the Code. It is noted that if the "Nominal" category was determined by Council as being applicable, the rental according to the Code would be \$280 per annum (exclusive of GST).

Rental

Since the introduction of the Code in 2007, Council officers have assessed all applications for the lease/licence of Council owned land and buildings by community groups in accordance with the provision of the Code. The purpose of the Code is "to provide Council with a framework for the equitable, efficient and effective lease/licence of its land and building assets to community groups whilst ensuring that financial allocations to community groups reflect Council's commitment to its community development role and to encourage creative, relevant, community driven initiatives within the Shire". The proposed rental category has been determined by Council officers in accordance with the eligibility criteria contained within the Code which has regard to market rental.

To obtain a base market rent, the premises was independently valued by a registered real estate valuer and property consultant, who gave consideration to available broadly based rental evidence within the nearby and surrounding area. This included assessment of such factors as:

- Location
- Building type, size and age
- Parking
- Permitted uses under the relevant zoning
- Traffic, etc.

The assessment concluded that a market rental of \$15,600 per annum (excluding GST) was appropriate in respect of the building. Having regard to the assessment, Council officers recommend that any future lease of the Cottage be in line with the “Community Partnership” category provisions of the Code i.e. a rental equal to 25% of the assessed market rental, or \$3,900 per annum (exclusive of GST).

Although it is recognised that the Society makes a valued contribution to the local community, Council officers are required to assess the application and make a recommendation to Council in accordance with the Code. Any decision outside of the parameters of the Code can only be made by Council after it has considered the officers’ recommendations as well as any other issues it considers relevant to its determination.

Other

It should be noted that the application by the Society, and assessment of such application by Council staff, is for a lease (not licence) of the subject property. In this regard, a lease provides the Society with exclusive use of the Cottage, which can preclude the use of the premises by any other community groups or individuals unless Council’s approval to sub-lease or hire the premises is granted. Although the Society generally occupies the building for only a few days per week, the lease fee calculation is based on full time usage of the property by the Society.

It is also important to note that the peppercorn rental paid under the previous lease had regard to the significant monetary and in-kind contribution that the Society made to the upgrade of the building during the term of that lease. The development of a new lease, and the rental to be paid in respect of that lease, has been assessed in accordance with Council’s Code and has taken into account any further contributions offered in respect of upgrading or maintaining the building during the term of a new lease.

Legislative Considerations

In line with the provisions of Section 47 of the Local Government Act, any proposal to lease community land is required to be publicly notified for a period of not less than 28 days and Council must consider all submissions received prior to the granting of any lease. If submissions are received following the public exhibition period, a further report will be provided for Council’s consideration. The subject premises are situated on Crown Land, and as such, any lease would also be subject to the approval of the Minister administering the NSW Crown Land’s Act 1989.

BUDGET

The granting of a lease of the History Cottage to the Society on the basis recommended by Council officers will realise an additional minimum rental income to Council of approximately \$3,830 per annum. The charging of such a rental would also result in a modest reduction in the level of foregone rental provided to community groups across the Shire.

POLICY

This Report has been prepared having consideration to the Code for the Lease/Licence of Council Land and Buildings to Community Groups. It is noted that future renewals of leases/licences to community groups for use of Council buildings will also need to have regard to the Community and Cultural Facilities Strategic Plan which is currently in draft form and on public exhibition.

CONSULTATION

There has been consultation with representatives of the Society and officers of Council's Community Services Branch in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

The proposed lease will be publicly advertised for a period of 28 days and a further report provided for Council's consideration should any submissions be received.

Contributing to community development through sustainable facilities and services.

The granting of a lease to the Society in line with the officers' recommendation will provide an ongoing facility for the collection of historical information for the residents of Hornsby Shire.

Supporting our diverse economy.

The granting of a lease to the Society has no negative impacts on the Shire's economy.

Maintaining sound corporate and financial management.

The granting of a lease to the Society will provide a modest financial return to Council to assist in the long term protection of this community asset and potentially will provide a long term cost saving due to addressing the health and well being of the forecast increase in the aging population.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are Mrs Robyn Abicair - Manager Administration Services Branch and Mrs Leonie Cooke - Property Officer who may be contacted on 9847-6608 and 9847-6725 respectively.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC76/09 be received and noted.
2. Council enter into a further Lease with the Dural & District Historical Society in respect of a five year lease over the existing Cottage at Galston Recreation Reserve, Galston subject to :
 - a) The proposed lease to Dural & District Historical Society being publicly advertised (costs to be borne by the Society) and submissions invited within a period of not less than 28 days.
 - b) A further report being provided to Council should submissions be received objecting to the lease proposal.
3. Subject to the outcome of recommendations 2a and 2b, Council delegate the General Manager authority to enter into a lease with Hornsby Dural & District Historical Society for a five year term in accordance with Sections 46 of the Local Government Act 1993 (Lease/Licence of Community Land) on the following basis:
 - a) Rental for the initial 12 months of tenure to be \$3,900 per annum (excluding GST), in respect of the Cottage.
 - b) Rental to be subject to annual review in accordance with the movement in the Consumer Price Index, with a market review by Council's Valuer at the end of year five.
 - c) The lessee to be responsible for the payment of all costs associated with services provided to the property including but not limited to electricity, gas and water usage.
 - d) The lessee to be responsible for the payment of 50% of any Council rates and water and sewerage rates assessed in respect of the Cottage on an area occupied basis.
 - e) The lessee to maintain throughout the term of the lease a public liability insurance policy for an amount of not less than \$20 million for any one incident, with such policy noting Hornsby Shire Council as an interested party.
 - f) The Cottage to only be used for the purpose as per submission.
 - g) The lessee to be responsible for the maintenance responsibilities under the "Community Partnership" category of the Code.
 - h) The lessee to acknowledge Council's support in the provision of the Cottage in its annual reports and publications, any advertising and community events.
 - i) The lessee to be responsible to ensure the security of the Cottage during the term of their occupation.
 - j) The lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.

GARY BENSLEY
Executive Manager
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

Attachments:

1. Code - Lease Licence of Council Land and Buildings to Community Groups
2. Submission by Dural & District Historical Society dated 26 June 2009

File Reference: F2004/08060
Document Number: D01240416

4 AUGUST 2009 INVESTMENT AND BORROWING REPORT

EXECUTIVE SUMMARY

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

This Report indicates that the total investment income for the July 2009 - August 2009 period was \$225,000 compared to the budgeted income for the same period of \$150,000. Of the year to date investment income earned, 28% 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 - August 2009

- The At-Call and Term Deposits achieved an annualised return of 4.03% for the month compared to the benchmark of 3.00%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market return of 61.68% for the month compared to the benchmark of 64.17%. 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.
- 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 5.31% for the month compared to the benchmark of 3.02%.
- Direct investments in Collateralised Debt Obligations achieved an annualised return of 3.78% for the month compared to the benchmark of 3.02%.
- The Capital Guaranteed Notes achieved an annualised return of 0.26% for the month compared to the benchmark of 3.02%. Due to poor performance over recent months the Capital Protected Notes coupons, with the exception of the Longreach PIU Fund, have not been accrued.

- For total investments, the annualised return for the month is 4.52% compared to the benchmark of 4.41; and the year to date return after fees is 4.73% compared to benchmark of 4.50%

Economic/Financial Conditions

Official data shows that Australia's Gross Domestic Product (GDP) grew by 0.6% over the June quarter of 2009. This followed the unexpected rise of 0.4% during the three months prior. These figures suggest that Australia might have avoided a technical recession. Australia's economy has thus far outperformed most other developed nations, as \$AUD 12 billion in government handouts boosted consumer spending, which accounts for about 60% of GDP. The unemployment rate remained at 5.8% in July 2009 after Australian employers unexpectedly added 32,000 (mainly part-time) workers from June.

With the improving domestic and global economies, it now appears that the next interest rate movement will be upward. The chance of higher interest rates later this year and in 2010 has pushed the Australian dollar to a fresh ten-month peak against the US dollar, closing at US84 cents for the month.

August 2009 was another month of consolidation across global equity markets. Speculation that the global recession was nearing an end allowed investors' confidence levels to remain at elevated levels. The domestic equity market continued its strong rally, with the S&P/ASX 200 Index gaining 5.5% in August and 33.9% for the past six months.

Borrowings

In respect of borrowings, the weighted average interest rate payable on loans taken out from 2000 to 2009, based on the principal balances outstanding, is 6.69%. The Borrowings Schedule, as at 31 August 2009, is attached to this Report.

BUDGET

Total investment income for the month of August 2009 was \$225,000. The budgeted income for the period was \$150,000. Of the investment income, approximately 28% 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 the Executive Manager's Report No CC79/09 be received and noted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. HSC Investment Portfolio as at 31 August 2009
2. HSC Borrowings Schedule as at 31 August 2009

File Reference: F2004/06987
Document Number: D01244642

5 PRESENTATION OF THE 2008/09 AUDITED FINANCIAL STATEMENTS TO THE PUBLIC

EXECUTIVE SUMMARY

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

At the Ordinary Meeting held on 9 September 2009, Council received the 2008/09 Reports and resolved to refer them for audit. Council also delegated authority to the General Manager to fix the date at which the Financial Reports and Auditor's Report would be presented to the public. Following receipt of the Auditor's Report, the General Manager determined that such presentation would occur at the 14 October 2009 Ordinary Meeting.

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

Following formal presentation of the Financial and Auditor's Reports to the public at the 14 October 2009 Meeting, members of the public, in accordance with Section 420 of the Local Government Act, have seven days, i.e. until 21 October 2009, to make submissions about the Reports.

PURPOSE/OBJECTIVE

The purpose of this Report is for Council's 2008/09 General Purpose and Special Purpose Financial Reports, including Auditor's Reports, to be presented to the public in accordance with Section 419(1) of the Local Government Act. Council's external auditor, Dennis Banicevic of PricewaterhouseCoopers, has indicated that he will be available to make a presentation on the Reports and Council's financial position at the Meeting

DISCUSSION

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

At the Ordinary Meeting held on 9 September 2009, Council considered Report No CC72/09 and resolved that:

- 1. The General Purpose and Special Purpose Financial Reports for 2008/09, distributed under separate cover, be received, noted and referred for audit.*
- 2. The Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the Financial Reports.*

3. *The Financial Reports be authorised for “presentation to the public” on receipt of the Auditor’s Reports.*
4. *The General Manager be delegated authority to fix the date of the Ordinary Meeting at which the Financial Reports are formally “presented to the public”.*

Following that Meeting, the 2008/09 General Purpose and Special Purpose Financial Reports were signed and referred to PricewaterhouseCoopers. PricewaterhouseCoopers have subsequently issued an Audit Report and identified no issues, other than minor presentation matters, which required changes to the Financial Reports.

Following receipt of the Auditor's Report, the General Manager authorised, in accordance with the above resolution, that presentation of the Reports to the public would occur at the 14 October 2009 Ordinary Meeting. As a result, public notices were placed in local newspapers and on Council's website in accordance with Section 418 of the Act.

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

Following formal presentation of the Financial and Auditor's reports to the public at the 14 October 2009 Meeting, members of the public, in accordance with Section 420 of the Local Government Act have seven days, i.e. until 21 October 2009, to make submissions about the Reports. Such submissions must be in writing and must be referred by Council to the Auditor.

BUDGET

There are no budget implications arising from this Report.

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the General Purpose and Special Purpose Financial Reports (including the Auditor's Report) for the year ended 30 June 2009, as presented to the public on 14 October 2009, be adopted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. General and Special Purpose Financial Reports (including Auditor's Report) 2008/09

File Reference: F2009/00176
Document Number: D01245352

6 COMPUTER EQUIPMENT OPERATING LEASE

EXECUTIVE SUMMARY

Council currently has a requirement for an operating lease in respect of computer equipment acquired up to June 2009 with a capital value of \$128,913. As quotations for operating lease arrangements fluctuate depending on current interest rates and are normally firm for a short period of time, it is proposed that quotations be sought and that, on receipt and evaluation of the quotes, the General Manager be delegated authority to accept the lowest on behalf of Council.

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council approval to obtain quotes to enter into a sale and leaseback operating lease arrangement for computer equipment acquired up to June 2009 and to authorise the General Manager to accept the lowest quote.

DISCUSSION

Policy No POL00225 - Lease Financing (last endorsed by Council on 8 April 2009), allows the utilisation of operating lease finance in respect of the acquisition of equipment, such as computers, which have a significant risk of technological obsolescence.

In October 2003, Council entered into Master Lease Agreements for its operating lease requirements with Alleasing Pty Ltd and CIT Group (Australia) Ltd through the NSW Department of Commerce's Local Government Lease Facility. Following the expiry of the Agreements in April 2007, Council has continued to obtain quotes as necessary from Alleasing Pty Ltd and CIT Group (Australia) Ltd whilst awaiting the establishment by Local Government Procurement of a new contract for operating leases. The establishment of this contract has now occurred.

Council currently has a requirement for operating lease finance in respect of computer equipment acquired up to June 2009 with a capital value of \$128,913. As quotations for operating lease arrangements fluctuate depending on current interest rates and are normally firm for a short period of time, it is proposed that quotations for operating lease finance in respect of the computer equipment be sought from those on the new Local Government Procurement contract and other interested parties and that, on receipt and evaluation of the quotes, the General Manager be delegated authority to accept the lowest quote on behalf of Council.

BUDGET

The 2009/10 Budget includes provision of lease repayments in respect of the proposed lease.

POLICY

The use of an operating lease for this purpose is in accordance with Policy No POL00225.

CONSULTATION

In the preparation of this Report, consultation occurred between the Manager, Financial Services, the Manager Information Systems and the Senior Operations Accountant.

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.

Lease repayments at this level are sustainable. The approximate repayments of \$38,000 per annum for four years are accommodated in the Information Systems Branch Budget.

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT

1. Council approve the proposal to seek quotations from those on the new Local Government Procurement contract and other interested parties in respect of an operating lease for computer equipment as detailed in Report No CC83/09.
2. Upon receipt and evaluation of the quotes, the General Manager be authorised to accept the lowest recommended quote for the lease and complete the necessary documentation.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/07422
Document Number: D01245635

7 DOCUMENT ACCESS APPLICATIONS 21 JULY 2009 - 23 SEPTEMBER 2009

EXECUTIVE SUMMARY

At its Ordinary Meeting of 12 March 1997, Council adopted a Document Access Policy to facilitate access by members of the public to documents held by Council. The Policy was last reviewed at the Ordinary Meeting of 8 April 2009 and a copy of the current version is included as Attachment 1. The Policy is made having regard to Section 12 of the Local Government Act which requires that Council consider restrictions placed on access to information, and the reasons for such restrictions, within three months of the original request. This Report allows such consideration by Council and recommends that the relevant documents as outlined in Attachment 2 to this Report remain exempt from release under Council's Document Access Policy.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with the opportunity to review restrictions that have been placed on access to information under Council's Document Access Policy during the period 21 July 2009 – 23 September 2009 and to make the reasons for those restrictions publicly available.

DISCUSSION

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

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

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

Applications Received 21 July 2009 – 23 September 2009

There were 206 applications processed under Council's Document Access Policy in the period 21 July 2009 – 23 September 2009. The time taken to process these 206 applications was 371 hours. An additional 33 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 16 calendar days.

Restricted Access

Following receipt of applications under the Document Access Policy, files are reviewed by the Information Access Officer or the Freedom of Information Officer of the Administration Services Branch, to determine if any documents fall within any of the exceptions outlined in Paragraphs 3(a) - 3(k) of the Policy and if access should be restricted. Of the 206 applications processed in the period, 13 applications resulted in restricted access to Council files. In total, 39 documents from those restricted access applications fell within the provisions of paragraphs 3(a) - 3(k) of the Document Access Policy.

Review of Access

A schedule of the 39 restricted access documents that fell within paragraphs 3(a) - 3(k) of the Document Access Policy is set out in Attachment 2. 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.

The documents to which access was restricted fell into the following categories of Council's Document Access Policy:

- Contrary to the Public Interest (PI) -11 documents*
- Personnel Matters (PS) – 0 documents*
- Personal Hardship (PH) – 0 documents*
- Trade Secrets (TS) – 0 documents*
- Prejudice the maintenance of the Law (PL) – 0 documents*
- Security of Council (SC) – 0 documents*
- Breach of an Act (BA) -18 documents*
- Plans and Specifications (RP) -7 documents*
- Commercial Privilege (CP) -1 document*
- Commercial Advantage (CA) – 0 documents*
- Legal Professional Privilege (PR) -2 documents*

Specific allocation of each restriction as it applies to the applications received during this reporting period is provided as part of the attached schedule. Further explanatory notes in respect of all the restricted access categories are provided below:

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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

Freedom of Information Applications

During this reporting period, five new Freedom of Information (FOI) applications were received. One application was brought forward from the previous period. Three applications have been determined within this reporting period and three applications are being carried forward. In addition, work was carried out on three Internal Reviews and five External Reviews of FOI determinations.

The total time spent by Council staff on processing FOI applications during this reporting period was approximately 36 hours. Details of allocation of this time are included in the table below. It should be noted that of the total 36 hours, 21 hours was spent processing applications submitted by one applicant.

Description	Number of hours expended
Processing of FOI application/s	20 hours
Processing of Internal Reviews	6 hours
Processing of External Reviews	10 hours

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 371 hours invested in processing the 206 Document Access applications, extra time was also spent carrying out various ad-hoc functions in relation to Document Access, Freedom of Information and Privacy matters e.g. photocopying documents, explaining 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 298 hours. The time spent researching and compiling information for Council's Annual Report to the Minister was 16 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 as the demand for this service has remained high throughout this reporting period.

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. As this Report simply provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officers responsible for preparation of this Report are Council's Freedom of Information Officer - Stephen Waller, telephone 9847 6749, and the Administration Coordinator – Natalie Cook, telephone 9847 6011.

RECOMMENDATION

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

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Document Access Policy
2. Schedule of Documents
3. Processing Volume for Document Access Applications

File Reference: F2006/00479-02

Document Number: D01248016

8 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

The purpose of this Report is to table the Disclosure of Pecuniary Interests and Other Matters Returns lodged by Councillors/Designated Persons who have left, commenced with, or internally transferred to a relevant position within Council. The second purpose of this report is to table the Disclosure of Pecuniary Interests and Other Matters Returns of all Councillors and Designated Persons for the period ending June 2009.

DISCUSSION

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

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

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

- require all Councillors and Designated Persons who hold that position at 30 June in any year to submit Returns to the General Manager by 30 September in that year (i.e. they are lodged under S449(3)). These Returns are usually tabled at the October Ordinary Meeting of Council in that year;

- require newly elected Councillors or newly appointed Designated Persons to lodge Returns to the General Manager within three months of their election/appointment (i.e. they are lodged under S449(1)). These Returns are tabled at the next available Ordinary Meeting of Council; and
- require those Councillors or Designated Persons who are leaving Council (because of retirement, resignation, etc) to lodge Returns to the General Manager by their last day with Council. These Returns are tabled at the next available Ordinary Meeting of Council.

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

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns in accordance with this section of the Act at the Ordinary Meeting held on 10 June 2009 - Report No CC43/09. Since that time, one additional Return has been lodged with the General Manager and is now tabled as required by the Local Government Act. Details of this Return are as follows:

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
22/07/2009	Town Planner	Resignation

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

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters under Section 449(3) at the Ordinary Meeting held on 12 November 2008. In preparation for the Report being tabled at tonight's Meeting, a list of Designated Persons was circulated on 7 July 2009 to Executive Managers and Branch Managers for updating. The updated list was forwarded to the General Manager for approval on 29 July 2009. On 4 August 2009, Memo No. 31/09 requesting completion of the Pecuniary Interest disclosure form, together with the Self Help Guide No. 08/71 from the Department of Local Government, was distributed to Councillors/Designated Persons with a request that the completed disclosure form be returned to the Administration Services Branch by 17 August 2009. Several subsequent reminders have been communicated to Councillors/Designated Persons to ensure that disclosure forms are lodged.

At the time of writing this Report, 19 Disclosures of Pecuniary Interest and Other Matters Returns have not been submitted to the Administration Services Branch in accordance with the above requirements. Eight of these Returns are in respect of Designated Persons who are currently on leave. The Administration Services Branch has been, and will continue to, take appropriate steps to follow up all outstanding Returns. Should further Returns be received prior to Council's consideration of this Report, advice will be provided to Councillors in the form of a Late Item Memo.

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

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

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

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00480
Document Number: D01249626

9 ANALYSIS - HORNSBY LOCAL GOVERNMENT AREA POTABLE WATER CONSUMPTION DATA (1998-2008)

EXECUTIVE SUMMARY

This report presents water consumption data over a 10-year period (1998-99 to 2007-08) for the Hornsby Local Government Area (LGA) and Council's own operations. The analysis demonstrates Council's commitment to reducing water consumption. Council's water consumption has significantly reduced from 181,074kl in 1998-99 to 152,838kl in 2007-08 and represents a saving of about \$53k based on current Sydney Water charges.

On a shire-wide basis, water consumption in units/flats and houses has also been substantially reduced over the past 10 years, despite an increase in the number of dwellings. The average per residential dwelling consumption has reduced from 264kl (1998-99) to 188kl (2007-08).

Industrial, commercial and "other" sectors have also had a reduction of 8.5mls per year in total consumption. Average annual consumption per property has remained unchanged at 2.9kl per annum.

Hornsby's water consumption per capita per day for all sectors was 292 litres in 2007-08 against the Sydney-wide average of 306 litres per person per day.

PURPOSE/OBJECTIVE

The objective of this report is to identify the water consumption patterns of the Hornsby LGA over a 10 year period, in order to monitor the demand for potable water usage.

DISCUSSION

The attached analysis provides graphical information on water consumption trends based on Sydney Water's data, and examines in detail variables such as population, residential housing densities, industrial development, rainfall statistics, water saving technologies, and community uptake of Sydney Water's water saving incentives.

BUDGET

There are no budgetary implications arising from this report.

POLICY

There are no policy implications arising from this report.

CONSULTATION

Extensive consultation has been undertaken with Sydney Water's Project Officer, Every Drop Counts Business Program, Water Conservation and Recycling, who has supplied the water consumption data used in the attached Analysis for the Hornsby LGA.

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.

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 officers are Dr Ross McPherson, Manager Water Catchments, telephone 9847 6708 and Katie Clarke, Special Projects Officer, telephone 9847 6845, hours 8.30 am – 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT the contents of Executive Manager's report EN36/09 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Analysis of the Hornsby LGA Water Consumption Trends

File Reference: F2008/00519
Document Number: D01231873

10 TREE REMOVAL AT 34 DEAN STREET, WEST PENNANT HILLS

EXECUTIVE SUMMARY

This report recommends that Council refuse the application for consent to remove one *Eucalyptus saligna* (Sydney blue gum) located in the front yard of the property at 34 Dean Street West Pennant Hills. The applicant has appealed previous decisions to refuse consent by the Parks and Landscape Team and has requested that the matter be referred to an Ordinary Meeting of Council. The applicant's blue gum is considered to be part of a surrounding blue gum high forest vegetation community. This community is listed as a critically endangered ecological community by the NSW Scientific Committee.

PURPOSE/OBJECTIVE

The owner of the property seeks Council approval to remove one *Eucalyptus saligna*.

DISCUSSION

The applicants purchased the property on 6 March 2004. An application was lodged on 24 April 2004 requesting permission to remove one Sydney blue gum. The resident claimed the blue gum "posed a danger". An inspection was undertaken by Council's then Tree Management Officer, Scott McSweeney, who denied approval to remove the tree. Permission was granted to crown thin the tree by up to 25% of the foliage.

A letter was submitted by the applicants on 15 November 2005 requesting another inspection of the tree, claiming damage to the adjoining property. No supporting evidence from a qualified builder or arborist was attached to the letter. A second inspection of the blue gum was undertaken by then Tree Management Officer, Aroha Rzepecky, on 1 December 2005. Consent to remove the blue gum was again denied.

The residents again submitted an application to remove the tree on 14 December 2007. An inspection was undertaken by Council's Tree Management Officer, Robert Woodward, who denied approval to remove the tree. The applicants cited the fact that several branches had fallen in the previous year or so. There is evidence of two minor branch failures from the lower canopy. Both branches are approximately 70mm in diameter. All other branches have been removed to a height of 12 metres from the ground.

Branch failure history and concerns about further branch failure are not considered to be compelling reasons to allow the removal of this tree.

No supporting evidence has been provided by the applicant to permit Council officers to justify the removal of the blue gum.

The rear section of the property is mapped by Council as a critical endangered ecological community, blue gum high forest (BGHF). Today blue gum high forest is among the most threatened ecological communities in Australia. With less than 4.5% of its pre-1788 distribution remaining, and less than 1% in conservation reserves, it has been listed as a critically endangered ecological community under both the *Environment Protection and*

Biodiversity Conservation Act 1999 (Cwlth) and the *Threatened Species Conservation Act 1995* (NSW).

The remaining remnants of blue gum high forest are located in the local government areas of Ku-ring-gai, Ryde, Hornsby, Parramatta and Baulkham Hills.

BGHF community also consists of individual and small clumps of trees with no native understorey. These clumps and individual trees provide important connectivity for the community and fauna. Consultants Peter and Judy Smith, in supplying expert advice to Council on the flora of the Shire, have not mapped small clumps of trees as they don't necessarily view them all to be considered as restorable bush land. However this does not mean that they are not considered BGHF remnants. It is very clear that when looking at the aerial photos that this clump/tree is part of the surrounding community and as such should be considered as part of BGHF.

The canopy of the subject Sydney blue gum tree contributes to the general tree canopy when viewed from Dean Street and as such contributes to the aesthetic value and public amenity of the area.

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

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

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

Tree details

Species:	<i>Eucalyptus saligna</i>
Common Name:	Blue Gum
Height:	22 metres
Age Class:	Mature

BUDGET

There are no budgetary implications arising from this decision.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

There is no requirement for consultation in this matter.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney blue gum) located in the front yard of 34 Dean Street West Pennant Hills.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Request letter to Council
2. Photo of tree

File Reference: TA/1413/2007
Document Number: D01241936

11 REMOVAL OF ABANDONED AND UNATTENDED SHOPPING TROLLEYS IN THE HORNSBY SHIRE

EXECUTIVE SUMMARY

Abandoned and unattended shopping trolleys detract from the visual amenity and may pose unsafe situations to pedestrians using public footways and to motorists using roads.

The present retrieval and management systems initiated by shopping centre managers, shopping retailers and trolley collection contractors are not being carried out to the agreed standard.

Monitoring by the Waste Management Services Branch has highlighted that the incidence of abandoned shopping trolleys is at an unacceptable level. The number of abandoned shopping trolleys found in public places varies from between 30 and over 90 on any day.

To address this situation, the Waste Management Services Branch will shortly advise all relevant parties of its intention to impound abandoned trolleys. It is considered this option provides the best chance of ensuring that the shopping trolley problem is managed more effectively.

Other options to address the problem were canvassed, including:

- issuing fines to people found to have abandoned a trolley
- issuing an order to a trolley operator or retailer to remove a shopping trolley from a public place.

These options are resource intensive and are considered less effective than the impounding option.

PURPOSE/OBJECTIVE

The purpose of this report is to provide details of alternative enforcement options to prevent or reduce the incidence of abandoned and unattended shopping trolleys in public places.

DISCUSSION

Council has consulted and worked with shopping centre managers, shopping retailers, trolley trackers and trolley collection contractors over a long period in an attempt to prevent the incidences of abandoned shopping trolleys in public places. In summary Council has:

- impounded shopping trolleys periodically since the late 1990s. This approach ceased due to improvements in shopping trolley management.
- issued information brochures to all residents in proximity to the Westfield Shopping Centre advising them of their obligations regarding the return of shopping trolleys.
- monitored the number of abandoned shopping trolleys in public places over the past three to four years.

The Westfield Shopping Centre became a focus for an increased number of abandoned shopping trolleys due to the expansion of the Hornsby Shopping Centre and increased numbers of residential units in the areas. Council worked in partnership with the Westfield Centre Management, shopping retailers, Trolley Trackers and trolley collection contractors in an attempt to prevent the incidence of abandoned shopping trolleys. Some strategies investigated included the installation of trolley wheel locking devices, installation of bollards, grids and coin operation. These strategies were rejected due to cost, inadequate area for building alterations and the variation of trolleys between shopping retailers.

Other strategies that have been employed include the installation of signs in shopping centres, pamphlet distribution, information on the back of shopping docket, store announcements and “shoulder tapping” shoppers seen leaving shopping centres with trolleys loaded with purchases.

The number of abandoned shopping trolleys was significantly reduced as a result of the above actions. However, over the past 12 months approximately 30 to 90 shopping trolleys have been found in public places on those days where monitoring had been undertaken by Council.

It is now appears appropriate that Council undertake appropriate action to address the problem and to remind retailers and others of their responsibilities. The enforcement options available for Council include:

1. Impound abandoned trolleys under the *Impounding Act 1993*. Pursuant to the *Impounding Act 1993* Council may further require a fee for the release of trolleys to the business owner. The release fee for the current 2009/10 period is \$60 per trolley. Council may further sell or dispose of any unclaimed trolleys after 28 days.
2. Issue on-the-spot fines under the *Impounding Act 1993* to any person found abandoning a shopping trolley in a public place. Maximum penalty is \$110.
3. Issue an Order under the *Local Government Act 1993* to any person to remove a shopping trolley from a public place. Maximum penalty for failure to comply with an order is \$220.

The options to issue an on-the-spot fine under the *Impounding Act 1993* or to issue an Order under the *Local Government Act 1993* is considered cumbersome and time consuming. Council does not have the resources to follow shoppers to their homes on the chance that they will abandon a shopping trolley and to issue an on-the-spot fine. Nor is it considered effective to issue an Order to a retailer to remove abandoned trolleys.

The most appropriate option appears to be to re-introduce a procedure for impounding shopping trolleys and to continue discussion with the retailers until the situation improves.

BUDGET

The actual cost of the initiative will depend on how many trolleys are impounded, the period for which the program operates and the number of trolleys released from impounding. The current view is that the initiative is not expected to exceed \$3,000. This expenditure can be provided from the 2009/2010 budget of the Waste Management Services Branch.

POLICY

Council does not have a formal policy for abandoned or unattended shopping trolleys. Council has utilised the *Code of Practice for the Management of Shopping Trolleys* produced by the Local Government & Shires Association of NSW when working with shopping centre management, shopping retailers and trolley collection contractors in preventing or reducing the incidence of abandoned shopping trolleys in public places.

CONSULTATION

Council has previously consulted with shopping centre managers, shopping retailers including Woolworths, Coles, Kmart, Target, FreschCo, Dan Murphy and Harris Farm, Trolley Trackers and trolley collection contractors in devising education and strategies to prevent the abandonment of shopping trolleys in public places. It was agreed between all parties that impounding of abandoned shopping trolleys would be a last resort.

Council has notified shopping centre managers, shopping retailers and trolley collection contractors of the details of Council's shopping trolley monitoring.

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

Council has worked with the community by providing information and advice regarding the benefits to the environment and public safety in preventing shopping trolleys from being abandoned or unattended.

Conserving our natural environment

Removal of abandoned and unattended shopping trolleys will enhance the aesthetic environment.

Contributing to community development through sustainable facilities and services

The removal of abandoned and unattended shopping trolleys will contribute to community values by enhancing the visual amenity around shopping centres and residential areas and provide a safer environment for pedestrians and motor vehicles.

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

The removal of abandoned shopping trolleys will enhance the natural environment, a key requirement on Council's Management Plan. It will also promote the wellbeing of the local community by enhancing the aesthetics of an area and improving public safety.

Supporting our diverse economy

The majority of abandoned shopping trolleys are found around the Hornsby CBD. The improvements to public safety and aesthetic amenity gained through the removal of abandoned shopping trolleys will enhance the appeal of the area to potential businesses and tourists, thus promoting commerce in the CBD.

Maintaining sound corporate and financial management

There are sufficient funds available in the Waste Management Services Branch budget to cover the cost of the removal of abandoned shopping trolleys.

RESPONSIBLE OFFICER

The responsible officer is Ian Harwood, Operations Supervisor, Waste Management Services Branch, who can be contacted on 9847 4879, 9am to 5pm Monday to Friday.

RECOMMENDATION

That the contents of Executive Manager's report EN41/09 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08769
Document Number: D01243154

12 ADOPTION OF THE 2008-2009 ESTUARY MANAGEMENT PROGRAM ANNUAL REPORT

EXECUTIVE SUMMARY

Hornsby Shire Councils' Estuary Management Program provides an integrated and strategic approach to the management of estuarine assets. These assets are protected through the implementation of strategies contained within the Lower Hawkesbury Estuary Management Plan (2008) which was adopted by Council on 11 March 2009. The Estuary Management Annual Report for 2008/09 provides summary information on the implementation of Hornsby Shire Council's estuary management program. Projects that were completed or commenced in 2008-2009 include:

Capital works

- Capital works to rehabilitate foreshore areas and improve Crosslands Reserve
- Foreshore cleanup to remove rubbish
- Derelict boat removal from Sandbrook Inlet
- Still Creek Landcare support

Education

- Estuarine education initiatives
- Marine pest education days at Mooney Mooney and Brooklyn
- Estuary open day at Fenwicks Marina
- World migratory bird day
- On site disposal education for riverside settlements

Recreational

- Improvements and consolidation of recreational fishing sites along Singleton Road

Planning and Monitoring

- Seagrass communities mapped
- Seagrass marker buoys deployed within Brooklyn Harbour
- Brooklyn Sewage Treatment Plant monitoring
- Remote probes monitoring
- QX monitoring
- Benthic habitat mapping and geomorphic characterisation

The majority of these projects are supported financially by the Department of Environment and Climate Change and Water, the Hawkesbury Nepean Catchment Management Authority, NSW Maritime, Innovation and Industry NSW and Hornsby Shire Council. During 2008/09 external grant funding was received from the following sources:

Organisation	Project Title	Funding Received
Hawkesbury Nepean CMA	Estuaries CSO and incentives project-Project Staff	\$46,000
Hawkesbury Nepean CMA	Remediation of foreshore vegetation to improve biodiversity	\$47,273
Hawkesbury Nepean CMA	Estuaries CSO and incentives project-Capital Works	\$65,000
Dept Environment and Climate Change	Restoration and Protection of Hawkesbury River Foreshore impacted by recreational fishing	\$21,000
Dept Environment and Climate Change	Estuarine vegetation restoration of the Lower Hawkesbury River	\$25,000
Dept Environment and Climate Change	Estuarine Education series for the Lower Hawkesbury	\$10,500
Dept Environment and Climate Change	Estuarine modelling of the Lower Hawkesbury Estuary	\$50,000
	Total	\$264,773

PURPOSE/OBJECTIVE

The purpose of this report is to present to Council the 2008/09 Annual Report for the Hawkesbury Estuary Management Program.

DISCUSSION

For further information about the Hawkesbury Estuary Management Program and project details please refer to the attached Annual Report.

BUDGET

There are no budget implications for the presentation of this report.

POLICY

The Hawkesbury Estuary Management Program is implemented according the required actions contained within the adopted Lower Hawkesbury Estuary Plan (11/03/2009).

CONSULTATION

Consultation occurred with staff members to complete project descriptions and budget details as required within the annual report.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

This report provides readily accessible information about Councils Estuary Management Program to the Community.

Conserving our natural environment

This report provides information on activities that have been undertaken to protect estuarine assets and reduce the risk of further degradation of these assets within the Shire.

Contributing to community development through sustainable facilities and services

This report provides details on projects that have been implemented to enhance the amenity and use of public open spaces within the vicinity of the estuary.

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

Enacting the requirements of this plan fulfils Councils' strategic objectives for estuary management within the Shire.

Supporting our diverse economy

This report provides details on actions that have been undertaken to protect estuarine assets, specifically water quality, visual amenity and recreational pursuits. Maintenance of these assets provides direct support to estuarine industries (for example, commercial fishing and aquaculture), tourism and local community well being.

Maintaining sound corporate and financial management

This report details actions that have been implemented during the 2008/09 financial year. All projects undertaken have been financed with 50/50 contributions from external sources.

RESPONSIBLE OFFICER

Mr Peter Coad, Team Leader- Estuary Management, Water Catchments, 8.30am – 5pm, Monday to Friday, telephone 9847 6766 or email pcoad@hornsby.nsw.gov.au.

RECOMMENDATION

THAT the 2008/09 Estuary Management Program Annual Report be adopted by Council

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. 2008/09 Estuary Management Program Annual Report

File Reference: F2004/06902

Document Number: D01243286

13 WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS PROGRAM

EXECUTIVE SUMMARY

The Department of Environment, Climate Change and Water (DECCW) has announced the introduction of the *Waste and Sustainability Improvement Payments Program* (WSIP) which will run until 30 June 2017.

To qualify for the payments participating councils are required to comply with a range of general and specific requirements identified by DECCW. In return they will be eligible for funding from the WSIP for a range of waste and sustainability initiatives. The projects must be for **new** and **unfunded** initiatives.

DECCW has specified that the funding must be applied to the following broad areas:-

- Waste
- Biodiversity
- Water
- Energy
- Climate change
- Transport
- Sustainable purchasing actions.

DECCW will rule out any project it does not consider appropriate.

Current estimates suggest that Hornsby Council could be eligible for an average of \$1m per year over a 7 year period.

The Environment Division is currently preparing a list of projects that would qualify for the first year of the WSIP. This list will be provided under separate cover to Councillors prior to being submitted to DECCW. DECCW requires this information by the end of October 2009.

A list of projects for the remaining period of the WSIP will be provided to Councillors under separate cover prior to being formally presented to the Ordinary meeting of Council in April 2009. DECCW requires this list of projects by the end of April 2009.

PURPOSE/OBJECTIVE

This report provides an overview of the DECCW's Waste and Sustainability Improvement Payments program and the requirements that Council must meet if it wishes to participate.

DISCUSSION

In July 2009 DECCW announced the introduction of the "Waste and Sustainability Improvement Payments Program" (WSIP) which will run until 30 June 2017.

The WSIP program is available to councils in the Sydney Metropolitan Area (SMA) as well as councils in the Lower Hunter, Illawarra, Shoalhaven, Blue Mountains, Wollondilly and 19 other councils north to the Queensland border. The program is funded from waste levies that councils pay to the NSW state Government. During the period 2010-2017 waste levies will increase incrementally by \$10 per tonne each year. Participating councils will receive payments from a set pool of funds extracted from the waste levy income.

Funding

The allocation of funds under this scheme are provided for under Part 5A, Clause 46e of the *Protection of the Environment Operations (Waste) Regulation 2005*. The following table provides an approximation of the payments Council could expect each year. Estimated payments have been calculated using the ratio between the pool of funds and the current population of the local government area. It will vary as the population of an area changes within the SMA over the seven year period. The payment may also increase if the number of councils electing to participate in the program decreases.

Table 1: Estimate of DECCW funding that might be generated from the WSIP Program

Year	Pool (\$'000,000)	Estimated Hornsby Payment (\$,000)
2009/10	\$19.8	\$602
2010/11	\$26.6	\$800
2011/12	\$32.8	\$990
2012/13	\$36.2	\$1,100
2013/14	\$38.8	\$1,117
2014/15	\$40.5	\$1,230
2015/16	\$42.6	\$1,290

Requirements of DECCW

The improvement program is restricted to waste and sustainability programs. To qualify for the payment Council must undertake certain actions. These include:

A. Fulfil the following general requirements:-

- Kerb side collection of recycling
- Complete and submit an annual waste report
- Complete the annual waste data survey provided by the DECCW
- Do not exceed a 5 year term if entering into landfill contracts
- Undertake a waste audit in line with the DECCW format
- All bin lids existing and new to conform to the approved colour standard
- Have a Development Control Plan (DCP in place that incorporates the *Waste Not DCP*.
- All new medium density developments to have dry recycling as part of their development consent.
- Develop and adopt a *Strategic Waste Action Plan* that contains performance Improvement Milestones that will contribute to Council reaching the 2014 municipal waste target. This must be submitted to DECCW for assessment.

- Submit the Department's *Waste Action Tool* with evidence that Council has adopted the plan by April 2010
- Submit a list of actions or programs that Council intends to recommend as programs under the WSIP program in 2009/2010
- At the end of each year submit a report showing how the milestones and payments have been used plus agreed measureable outcomes
- General Manager signs and returns the certificate confirming participation by 30 August 2009.

B. Fulfil the specific 2009/10 sustainability requirements as follows:-

- Develop a Sustainability Action Plan or policy of similar nature, which contains measurable actions and targets to improve a council's and the local government area's environmental bottom line that includes waste, biodiversity, water, energy, climate change, transport and sustainable purchasing actions
- Submit a list of actions which Council intends to utilise the WSIP payment in 2009/10 or for the entire seven year period of the scheme
- Submit at the end of the year a report showing how the milestones and payments have been used plus agreed measureable outcomes.

It will be necessary for Council to determine the projects that it wishes to nominate for the 2009/2010 payment prior to the end of October 2009.

Timetable 2009/2010

To fulfil the initial requirements there are certain deadlines that must be met. These are as follows:

- An application form signed by the General Manager must be submitted to DECCW by 31 August 2009. This has been completed.
- A list of actions that the improvement payment will cover during the year must be submitted by 30 October 2009, including both waste and sustainability actions.
- The waste action plan must be submitted on the DECCW *Waste Action Plan Tool* template by 30 April 2010.
- The sustainability action plan or policy of similar nature must be submitted by 30 June 2010.
- A report must be submitted explaining how the WSIP was used during 2009/2010.

Additional Information

If Council accepts the terms and conditions that apply to the incentive payment and fails to deliver, funds will have to be refunded or suspended until agreement is reached as to what rectification action is required.

It is also important to note that all projects nominated must be acceptable to DECCW. In addition:

1. The projects must be **new** – i.e. not projects that have been started previously or are being partially funded by other DECCW programs or grants.
2. DECCW will rule out any project it considers not appropriate.

3. DECCW has indicated that it will be flexible when assessing the *Action Table* due to the limited time given to prepare - Council will be able to discuss with DECCW any need to reconfigure the programs
4. Evidence must be provided confirming that programs have been started by the end of the financial year
5. Funding can be carried over from year to year provided it is clearly indicated that programs will run past the end of the financial year or extend over one or more years
6. Funding is not to be used as a supplement for programs that would otherwise have been funded by Council.

BUDGET

There are no budget implications contained within this report. All programs undertaken will be new and currently unfunded by Council.

POLICY

The actions required under the program outlined are not affected by any Council policy. There will be a requirement for Council to adopt a revised *Waste Strategy* by the end of April 2010.

CONSULTATION

There has been little time to discuss the WSIP with other stakeholders. The Environment Division is currently preparing a list of potential projects which it expects to distribute to councillors for comment. Other Divisions within Council will be asked to identify projects that could be included on the list of potential projects. An initial list for 2009/10 will be provided in October 2009 and extended list for the remainder of the 7 year period provided prior to the Ordinary Meeting of Council in April 2010.

TRIPLE BOTTOM LINE SUMMARY

This report is an information report and does not require a Triple Bottom Line component.

RESPONSIBLE OFFICER

The responsible officer for this report is Rob Holliday, Manager Waste Management Services Branch, telephone 9847 4816 between the hours of 8.30 am and 4.00 pm, Monday to Friday.

RECOMMENDATION

THAT: A further report be submitted to Council prior to the end of April 2010, providing a schedule of programs recommended for inclusion in the WSIP program.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08801
Document Number: D01244239

14 GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL 2009

EXECUTIVE SUMMARY

The Hornsby Shire Bushland Management Advisory Committee resolved at its meeting of 18 August 2009 to request that Council write a letter of objection to the *Game and Feral Animal Control Amendment Bill* ("the Bill"). The Bill will amend the *Game and Feral Animal Control Act 2002* and open National Park estate land for the hunting of exotic and native game animals. It will allow the breeding and holding of existing and new exotic species for use in private game reserves. It is highly likely that some of these species, assessed as extremely invasive by the Vertebrate Pests Committee, will escape game reserves and spread into National Park estate land and Council parks and reserves. Historically, the introduction of animals for hunting in Australia has resulted in the spread of foxes, rabbits, pigs and deer on both public and private land, with many native species now being under threat of extinction due to predation or grazing competition from such exotic species. Should the proposed amendments be enacted there is potential for a significant negative impact on native fauna within National Park estate land and Council owned and managed land within Hornsby Shire and. This report examines the amendments and supports the resolution of the Hornsby Shire Bushland Management Advisory Committee that Council to write a letter of objection to the Bill.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council of the introduction into Parliament of the *Game and Feral Animal Control Amendment Bill 2009* and its potential effect within the Shire of Hornsby.

DISCUSSION

The Hon R.L. Brown, MLC and member of the Shooters Party in the NSW Legislative Council introduced the *Game and Feral Animal Control Amendment Bill 2009*. The first and second reading of this Bill occurred in the Legislative Council on 3 June 2009. The Hornsby Shire Council Bushland Management Advisory Committee (BMAC) met on 18 August 2009. During this meeting it was resolved by the Committee that BMAC request Council to write a letter of objection to the Shooters Party's *Game and Feral Animal Control Amendment Bill* (Attachment 1).

The *Game and Feral Animal Control Act 2002* supports the objectives

- To provide for the effective management of introduced species of game animals
- To promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on private land.

The 2002 Act does not list any native game animals and does not allow hunting in National Parks estate land.

The *Game and Feral Animal Control Amendment Bill 2009* amends the 2002 Act objectives to include

- To enable the Minister responsible for National Park estate land to make that land available for the hunting of game animals by licensed game hunters
- To expand the list of game animals to include native game animals that are listed, to impose special requirements in relation to the hunting of those animals by licensed game hunters
- To provide for the operation of private game reserves under the authority of a licence granted by the Game Council.

These amendments redefine the meaning of ‘public land’ to include National Park estate land rather than exclude it as specified in the 2002 Act. It also includes a list of 27 species of native animals, and other non-native, that are considered ‘game animals’ under the amended Act (Attachment 2).

Opposition to this Bill from community based non-government organisations (NGOs) was swift, with media releases and letters to the Minister for Climate Change and the Environment and the Minister for Primary Industries occurring within two weeks of the reading of the Bill in Parliament. The NGOs opposing the bill include The Wilderness Society, Total Environment Centre Inc, Nature Conservation Council of NSW, Humane Society International, Colong Foundation for Wilderness, WIRES, National Parks Association, NSW Wildlife Council and the Invasive Species Council.

The points of concern include:

- The opening up of all National Parks estate land provides an incentive to release additional feral animals to improve hunting opportunities, as has occurred with foxes, rabbits, pigs and deer
- The creation of game reserves on private land will further allow the establishment of feral animals in NSW, with many exotic bird species readily escaping into public land (including National Park estate land). The Bill specifically exempts landholders from any responsibility for the escape of birds, in clear recognition that this will occur.
- Amendment of the *Prevention of Cruelty to Animals Act 1979* to allow animals to be captured and then released to be shot by hunters shortly after
- The negative implications of exotic species invasion and impacts on native species are potentially so widespread under the proposed Bill; this is in direct contradiction to good examples where hunters have positively contributed to feral animal control when they are used as part of a highly targeted specific control program to supplement other control methods or in small areas with easy access.

The Vertebrate Pests Committee (an organisation set up under the Australian Department of Agriculture, Fisheries and Forestry with members of all Australian states and territories, CSIRO and New Zealand coordinating policy and planning solutions to pest animal issues) has assessed the risk of introducing non-native game animals into private game reserves. Many of the animals listed in the Bill have been assessed as ‘extreme’ risks (Attachment 3). Game reserves can act as a potential springboard for invasive species, increasing the potential for new invasive species to enter and establish new populations in public land. The Bill also conflicts with the NSW Invasive Species Plan 2008-2015, the first goal of which is to prevent

the establishment of new invasive species. The most effective way is to prevent their initial incursion.

Hornsby Shire is known as the Bushland Shire, with over 35 000 hectares of bushland. More than 50% of the shire is land reserved under the National Parks estate and thus affected by this Bill. The key areas of concern of relevance to residents and the Council include:

- The National Park estate contains a vast array of walking tracks, fire trails and untracked sections of bush which are regularly used for recreation. With extensive and ever increasing use of bushland for recreation by bushwalkers, long distance joggers and cyclists of many varieties, there is a significant concern about the public safety risk to people should hunting occur in these areas.
- The development of private game reserves will allow the housing and breeding of new exotic species, to be released onto the game reserves. Many of the exotic species listed in the Bill have been assessed as 'extreme' invasive risks. The Bill also indemnifies game reserve owners when exotic species escape, strongly suggesting that it is inevitable that there will be escapees that are then likely to populate National Park estate land and Council parks and reserves. This action also contradicts the objectives of the NSW Invasive Species Plan, which is to prevent the initial incursion of invasive species.
- The second reading speech indicates the purpose of the Bill to be consistent with the objectives of the *Game and Feral Animal Control Act 2002* which includes '*to provide for the effective management of introduced species of game animals*'. Historically the action of hunters undertaking 'conservation' hunting to control feral animals in National Park estate and other lands has not been successful. Rather, recreational shooting of feral animals has only been effective when supplementing other control methods or in small areas. Hunting in National Park estate land as proposed will not effectively reduce the existing population of feral animals in Hornsby Shire.
- By proposing the hunting of 27 species of native animals within National Park estate, the Bill is fundamentally opposed to the objects of the *National Parks and Wildlife Act, 1974* in particular '*(1)(a) the conservation of nature, including, but not limited to, the conservation of (ii) biological diversity at the community, species and genetic levels.*' The bill is also inconsistent with the first objective of the Hornsby Biodiversity Conservation Strategy 2006: '*to conserve species, populations and communities of native plants and animals, and allow for their continued evolution and survival in the Hornsby Shire in context of the region.*'

BUDGET

There are no financial matters associated with this report.

POLICY

The report is consistent with Council policy.

CONSULTATION

Consultation has been held with members of the Bushland Management Advisory 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 provides Council with information and does not proposed any actions which will require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officer responsible for preparation of this report is Mr Mark Hood, Environmental Scientist – Bushland Assessments, who available on 9847 6008, Monday to Friday.

RECOMMENDATION

THAT Council forward letters of objection to the Game and Feral Animal Control Amendment Bill 2009 to the NSW Premier, the Minister for the Environment, Climate Change and Water, the Minister for Primary Industries and the local State Members of Parliament.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. BMAC Minutes of Meeting 18 August 2009
2. Extract from Game and Feral Animal Control Amendment Bill 2009 - Schedule 3
3. Invasive Animals Cooperative Research Centre Media Release

File Reference: F2004/09257
Document Number: D01247389

15 TENDER T25/2009 DERELICT BOAT REMOVAL FROM SANDBROOK INLET, BROOKLYN.

EXECUTIVE SUMMARY

The foreshores of Sandbrook Inlet, Brooklyn are impacted by large derelict boats and assorted derelict waterway structures that have been abandoned by owners. The majority of these boats and structures are located on the foreshore of Long Island, which is dedicated as a nature reserve under management of the Department of Environment, Climate Change and Water (DECCW).

Derelict boats in Sandbrook Inlet have been identified as a problem through extensive consultation carried out as part of the development of the Lower Hawkesbury Estuary Management Plan (2008). The boats have been derelict on the foreshore for many years. Local knowledge suggests that some boats have been present for more than ten years. NSW Maritime has undertaken a formal notification process to identify owners and request removal of derelict boats. There are six boats where the owners could not be identified. The removal of these boats is the subject of this tender.

Local people, estuary committee members and local historians have been consulted on this project. All boats have been assessed in terms of ecological, social and historical value. Their removal presents no compromise to these values.

Funding for the removal of these boats has been sourced from the Hawkesbury Nepean Catchment Management Authority and the Department of Environment, Climate Change and Water.

The report recommends that Council accept the tender of Antoun Civil Engineering (Aust) Pty Ltd, Gilford, for all work associated with the removal of the six derelict boats from Sandbrook Inlet, Brooklyn.

PURPOSE/OBJECTIVE

The purpose of this report is to provide details of the tenders received and a recommendation of acceptance of Tender T25/2009 by a suitably qualified and experienced contractor to remove six derelict boats from Sandbrook Inlet.

DISCUSSION

Tender T25/2009, Derelict boat removal from Sandbrook Inlet, Brooklyn was advertised between 7 July 2009 and 5 August 2009. Four tender submissions were received by the closing time of 10:30am on 5 August 2009 (File F2009/00473). These were from the following companies:

- Antoun Civil Engineering (Aust) Pty Ltd, Gilford
- Miss Piggy Barges, Wobby Beach, Hawkesbury River
- Transpacific Industries Group Ltd, Kooragang Island

- Enviropacific Services, Wickham

The tenders were evaluated based on stipulated criteria as follows:

- Trading terms, discounts, invoices and payments
- OH&S system
- Past performance and experience
- Delivery, lead times and timeframes
- Suppliers capability and capacity
- Quality assurance systems
- Local business and industry
- Staff experience, qualifications and licenses
- Understanding our requirements
- References
- Sustainability information
- Company profile, ABN and financial details
- Contract program/implementation plan
- Account management and contact details
- Warranties
- Traffic and navigation plan
- Price

The attached confidential evaluation summary (Memo ENV 30/09) details the evaluation process and costings for each tender.

The results of the evaluation indicate that the preferred tenderer is Antoun Civil Engineering (Aust) Pty Ltd, Gilford.

BUDGET

There is sufficient money set aside for this project. Funding has been made available from the Hawkesbury Nepean Catchment Management Authority (HNCMA) and Department of Environment, Climate Change and Water (DECCW). The recommended contractor's tender is within this budget. Refer to attached Memo (ENV 30-09) for budget details.

POLICY

This report and tendering process has been made in accordance with Council's tendering policies and procedures. Implementation of this project satisfies strategic actions required within the Lower Hawkesbury Estuary Management Plan (2008). The project requirements and tender documentation were prepared in consultation with NSW Maritime, the Hawkesbury Nepean Catchment Management Authority and the Land and Property Management Authority.

CONSULTATION

The four tenders submitted were evaluated by relevant internal and external staff.

They included:

Peter Coad Team Leader (Estuary Management), Hornsby Shire Council

Ruth Williams Catchment Officer, Hawkesbury Nepean Catchment Management Authority
Jamie Wright Environmental Scientist (Estuary), Hornsby Shire Council.

In addition, Louise Byrne, OH&S Officer, Hornsby Shire Council reviewed the OH&S Tender checklists/documents from compliant tenderers.

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

This project implements Strategy 2S of the Lower Hawkesbury Estuary Management Plan (2008), which was developed in consultation with the local community and industry.

To ensure accountability and transparency the tender was advertised between 7 July 2009 and 5 August 2009. Advertisements were placed in the Sydney Morning Herald, Hills News, Northern District Times and the Hornsby Advocate. Tender documents were available online through Tenderlink.com.

Conserving our natural environment

The project will enhance the natural environment of Sandbrook Inlet by protecting the endangered saltmarsh community, reducing the source of waterway pollutants including heavy metals and petrochemical residues and removing impediments to marine fauna movement.

The project will enhance the broader natural environment by recycling metal salvaged from the boats.

Contributing to community development through sustainable facilities and services

This project will contribute to community values by enhancing the visual amenity of Sandbrook Inlet and providing a safer navigable area for waterway users.

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

This project will enhance the natural environment, a key vision of Council's Management Plan. Local heritage will be maintained through the creation of a memorial using a section of the "Surprise", (a derelict transport boat), at a suitable location in Brooklyn Park, Brooklyn.

The project will promote the wellbeing of the local community by enhancing aesthetics and improving public safety.

Supporting our diverse economy

Sandbrook Inlet is the primary location of house boat and marina businesses in the Lower Hawkesbury. The improvements to waterway safety and aesthetic amenity gained through the project will enhance the appeal of the area to potential businesses and tourists, thus promoting commerce in the region.

Maintaining sound corporate and financial management

The project will improve the value of our natural and aesthetic assets.

Funding has been sourced from the NSW State Government. These funds will be managed in accordance with Council's procurement policies and procedures.

Implementation of the project should reduce the trend of dumping, thus reducing future removal costs.

RESPONSIBLE OFFICER

Peter Coad – Team Leader (Estuary Management) Water Catchments Team.
Phone 9847 6766, Hours 9:00 am to 5:00 pm, Monday to Friday.

RECOMMENDATION

THAT Council accept the tender of Antoun Civil Engineering (Aust) Pty Ltd, Gilford, for all work under Tender T25/2009, Derelict boat removal from Sandbrook Inlet, Brooklyn.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Memo ENV 3009 Confidential Memo and Tender Evaluation - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2009/00473
Document Number: D01232026

16 HORNSBY QUARRY AND ADJOINING LANDS

EXECUTIVE SUMMARY

Council at its Ordinary meeting of 12 August 2009 resolved to go ahead with seeking approval for filling the quarry with VENM and to prepare a masterplan for a range of options for the provision of public recreation and open space on the lands comprising the Quarry and Old Mans Valley. Council also dealt with the Expressions of Interest (EOI) for future use and management of the site by deciding to conclude the process by not going to tender on any of the submissions.

Preparation of a masterplan for the site is underway and a timetable is provided which concludes with a report scheduled to go to Council at the March 2010 Ordinary meeting. Documentation for calling of tenders for consultants to seek approval for filling the quarry void with VENM has now been completed and will be advertised commencing Tuesday 20 October, 2009. Companies who submitted an EOI have been advised of Council's decision to conclude the process and not go to tender.

The preparatory work for pumping the water out of the quarry is almost completed with the pumping scheduled to commence in November 2009.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with an update on progress with Hornsby Quarry and Adjoining Lands in response to Council's resolution in considering report WK60/09, and other matters.

DISCUSSION

Council at its meeting of 12 August, 2009 resolved:

THAT:

- 1. Council fill the quarry pit with 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. In accordance with Council's adopted policy position in Report No. WK42/08, Council prepare a master plan for Old Mans Valley that identifies the preferred range and staging of recreation and leisure facilities. The master plan shall be prepared in consultation with the community, have due regard to potential recreation and other uses on the adjoining quarry lands and be reported to Council no later than the Ordinary meeting in March 2010.*

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. *The Hornsby Quarry/Old Mans Valley public recreation and open space development, together with the redevelopment of the Hornsby Aquatic Centre, be referred to the Community, Cultural and Recreation Facilities Task Force as items for consideration, to pursue and to monitor progress.*
10. *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.*

The following comments are made in respect to each part of Council's resolution:

1. *Council fill the quarry pit with VENM material only.*
This is noted and only future proposals for filling with VENM will be considered. Documentation for calling of tenders for consultants to seek approval for filling the quarry void with VENM has now been completed and will be advertised commencing Tuesday 20 October, 2009.
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.*
This is noted and needs to be considered in maintaining the quarry area, the future filling, and in the preparation of a masterplan for the site.
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.*
Documentation for calling of tenders for consultants to seek approval for filling the quarry void with VENM has now been completed and will be advertised commencing Tuesday 20 October, 2009. As part of this process the consultant will be required to

undertake the preparation of a preliminary justification report and consultation with the Department of Planning (DOP) to seek a determination by the Minister for Planning as to whether a proposal to fill the Quarry constitutes a major project for the purposes of Section 75B of *Environmental Planning and Assessment Act, 1979 (the Act)*.

Part 3A of *the Act* outlines the assessment and approval process for all major projects where the Minister for Planning is the consent authority. Under the provisions of Section 75B of *the Act*, development may be declared a major project by virtue of a State Environmental Planning Policy (SEPP) or by order of the Minister published in the Government Gazette.

SEPP (Major Projects) 2005 outlines the types of development declared a major project for the purposes of Part 3A of *the Act*. The Schedule to the SEPP identifies “*resource recovery or waste facilities*” as a major project. Council notes that in 2007 the Minister formed the opinion that a proposal for the redevelopment of a quarry at Greystanes for commercial and residential purposes was a major project under the SEPP. This determination may provide justification for the Hornsby Quarry site similarly being declared a major project.

Should the proposal constitute development under Part 3A, the Minister may consider an application that would otherwise be prohibited under the current zoning of the land. Therefore, the Minister may be in a position to approve a concept plan for the use of the Quarry under Part 3A without the need to rezone the land before hand. Stage 1 involves obtaining confirmation from the DOP and ultimately the Minister that this process is applicable to the filling of the Quarry.

Should the Minister determine that the development is not a major project and will not be considered under Part 3A of *the Act*, the rezoning and reclassification of the land will be required before a development application could be progressed for the filling of the Quarry pit. The consultant will be required to undertake the necessary work to seek approvals under this scenario should approval under Part 3A not be considered appropriate.

Preliminary discussions have taken place with senior staff at the Department of Planning and Council’s Executive Manager Planning.

4. *In accordance with Council’s adopted policy position in Report No. WK42/08, Council prepare a master plan for Old Mans Valley that identifies the preferred range and staging of recreation and leisure facilities. The master plan shall be prepared in consultation with the community, have due regard to potential recreation and other uses on the adjoining quarry lands and be reported to Council no later than the Ordinary meeting in March 2010.*

Council’s Parks and Landscape Team has commenced the master planning process for the site and are currently on target for reporting to Council by the Ordinary Meeting in March 2010. Council’s Community, Cultural and Recreation Facilities Task Force was briefed on 25 August 2009. The following is the program for the preparation and exhibition of the masterplan:

A. Review background information - Late August / September

Parks and Landscape Team are currently reviewing available information and developing plans for the site.

B. Task force presentation - 20 October

Sketch plans outlining open space development options and presentation material will be discussed with the Council Task Force at the 20 October meeting.

C. Presentation plans for consultations finalised - Early November

Plans (masterplan and brief analysis drawings) will be finalised for presentation following the October Task Force meeting.

D. Community Consultations - Late November / early December through to end of January

Consultation meetings with community and groups such as Sports Council will occur in late November / December, with plans exhibited through to end of January with submissions from the community accepted up to the end of January. It is proposed that consultation will be wide-ranging and will employ a variety of methods. The plans will be exhibited on Council's website and through such forums as 'Bang the Table'.

E. Review community submissions & preparation of a report to Council - January / February

The Parks and Landscape Team will review community submissions and prepare a report to Council in February 2010 with recommendations of a preferred option to proceed reported to the 17 March 2010 Ordinary Meeting.

Resources

It is noted that various studies of the Quarry and Old Mans Valley sites have occurred in the past and these contain useful information that sets many of the parameters for the development potential of the lands for leisure and recreation facilities. Council also has a number of policy documents including the Leisure Strategic Plan, Sports Facility Strategy and Unstructured Recreation Facility Strategy that provide direction on the scope of recreation facilities of which there is unmet demand.

Investigations of the range of leisure and recreation facilities that could be accommodated on the site shall consider the findings of these strategies and other ideas that may be accommodated on the sites. The work will primarily be undertaken utilising Council's staff resources. External assistance may be sought from specialist consultants to address the following aspects of the masterplan development:

- public consultation facilitators;
- quantity surveyor services;
- environmental studies including flora and fauna and acoustic assessment; and
- geotechnical and engineering investigations.

Preparation of presentation material will utilise in-house resources.

A budget allocation of \$100,000 will be required to complete these tasks.

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.*

TransPacific Industries Group and WSN Environmental Solutions have been advised in accordance with this part of the resolution.

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.*

Geofill Services have been advised in accordance with this part of the resolution.

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.*

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 have been advised in accordance with this part of the resolution.

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. Documentation for calling of tenders for consultants to seek approval for filling the quarry void with VENM has now been completed and will be advertised commencing Tuesday 20 October, 2009. The further investigations necessary will be identified by the proposed consultant and reported to Council during the approvals process.*

Other issues

Pumping water from quarry

The water level in the quarry has now reached the stage recommended by Council's geotechnical engineer where pumping out is required to maintain freeboard below RL 40.

Preliminary works have now been completed for the installation of the pump to lower the water level in the quarry. These works include:

- Providing safe access for the installation and maintenance of the equipment. Rock bolting, scaling, and meshing works, together with providing concrete barriers and fencing where appropriate.
- Regrading access roads.
- Purchase and modification of a shipping container to house the equipment.
- Purchase and delivery of a generator
- Ordering a pump which is currently being shipped to Australia.
- Construction of fuel lines.
- Modifications to the existing pipe work discharging to Old Mans Creek.
- Water quality testing.

The total expenditure to date is approximately \$240,000. The forecast cost to complete the work is approximately \$160,000, and the annual running and maintenance cost are estimated to be in the order of \$100,000. There is currently funding of only \$50,000 for these works with the remaining funds recommended to come from the existing restricted asset account for the site. Based on the above estimates and forecast costs, funding required for 2009/2010 is \$410,000.

At this stage it is envisaged that the pump will be operational in early November 2009.

BUDGET

As outlined above, funding of \$100,000 is required for the completion of the masterplan for the site. Funding requirements to progress the environmental approval process to fill the quarry pit are unknown at this stage, and will be dependent on the response to the EOI that is now recommended to proceed. The cost is expected to be significant. An amount of \$410,000 is required in 2009/2010 for pumping the water out of the quarry. It is recommended that these amounts be funded from the current restricted asset account for the site.

POLICY

There are no policy implications.

CONSULTATION

The report has been prepared in consultation with the Parks and Landscape Team staff.

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 Robert Rajca who can be contacted on telephone 9847 6675 between 8.30am - 5.00pm, Monday to Friday.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. WK74/09 be received and noted.
2. Council proceed to invite Expressions of Interest from Consultants for the preparation of the planning and environmental approvals necessary to facilitate the filling of the Quarry pit with VENM.
3. The necessary funding as outlined in the report be funded from the current restricted asset account for the site.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08984-06
Document Number: D01247083

17 CHERRYBROOK - TRAFFIC AND PARKING MANAGEMENT

EXECUTIVE SUMMARY

Council deferred consideration of report WK34/09 at the Ordinary Meeting of 8 July, 2009 to enable further investigation and consultation to occur. The report, included as Attachment 1, reviews the operation of traffic and parking facilities in the area broadly defined by Greenway Park, the Cherrybrook Village Shopping Centre Purchase Road and Shepherds Drive.

Issues considered in Report WK34/09 include:

- The operation of the roundabout at the intersection of Shepherds Drive and Kenburn Avenue
- Cherrybrook Shopping Village access and parking
- Parking in Shepherds Drive on the approach to the roundabout
- Parking within Greenway Park
- Parking displaced onto local streets
- Pedestrian access to shops
- Parking near The Manor
- Traffic at schools on Purchase Road
- Intersection of New Line Road and Shepherds Drive/County Drive

The report concluded that traffic and parking in the area under review generally operates in accordance with prescribed traffic management standards used for urban areas.

Additional investigation and discussion with stakeholders in September 2009 has concluded that further reductions in traffic delays experienced in Shepherds Drive will depend on improvements to traffic flow within the Cherrybrook Village Shopping Centre Car Park. In addition, commuter parking could be directed to underutilized sections of Greenway Park during weekdays. A number of improvements to infrastructure are proposed in the current 2009/2010 Works program to facilitate better use of these parking areas.

The Local Traffic Committee has reviewed the need for additional parking restrictions in Shepherds Drive near Shepherds Lane and Glamorgan Way and has recommended that further parking restrictions cannot be justified at this time.

PURPOSE/OBJECTIVE

This report has been prepared to review the recommendations of Report WK34/09 in light of the resolution which stated that - .

- A. Consideration of Executive Manager's Report No. WK34/09 be deferred to enable further consultation and investigations to occur.

- B. Following on from undertaking the actions below, a further report be prepared for Council's consideration in three months, on Cherrybrook traffic issues. The report is to fully review Report No. WK34/09's recommendations in light of feedback received from the consultation and investigation.
1. A stakeholder meeting to occur with the Executive Managers of Environment and Works, the Managers of the Parks and Landscapes and Traffic and Road Safety Branches, the Mayor, B Ward Councillors, other interested Councillors, the Manager of Cherrybrook Village, and a senior representative of Mirvac (owner of Cherrybrook Village), to discuss:
 - (a) Identification of traffic flow and on-site parking solutions within Cherrybrook Village that would have the effect of reducing traffic queues backing into Shepherds Drive from the entry of Cherrybrook Village.
 - (b)
 - (i) The long-term value of a second entry/exit point into Cherrybrook Village.
 - (ii) Clarification of the costs involved in Council investigating the required work, community consultation and zoning for a second entry/exit point into Cherrybrook Village. This investigation to include all reasonable options including those that involve the shopping centre's own landholdings. The impact of these options on the public realm to be costed.
 2.
 - (a) Council note that, apart from the entrance to The Manor, parking spaces are currently removed from near local roadway entrances on Shepherds Drive between New Line Road and Kenburn Avenue.
 - (b) The removal of parking (and erection of appropriate signposting) on either side of the entrance to The Manor be referred to the Hornsby Local Traffic Committee for review and consideration.
 3. Council refer to the Hornsby Council Local Traffic Committee consideration for 'clearway' parking along Shepherds Drive (west side) from Shepherds Lane to Kenburn Avenue during morning and afternoon peak hours and all day Saturday.
 4. Council determine a commuter parking strategy for Cherrybrook with a view of minimising the impact of on-street parking in the Shepherds Drive area between Shepherds Lane and Macquarie Drive and adjoining local roads. This strategy is to include identification of the potential use of the lower overflow northern car park of Greenway Park as a commuter parking space during business hours Monday to Friday, preservation of the primacy of Greenway Park parking spaces for sporting field users, a plan for encouraging off-street parking behaviours and indicative costing.
- C: The issues identified in the report prepared in accordance with B. above be further considered in the context of the Hornsby Shire Parking Strategy report and Integrated Land Use Transport Strategy (ILUTS) reports currently under preparation.

DISCUSSION

A meeting of the Cherrybrook Traffic and Parking Stakeholders was held at Cherrybrook Community Centre at 9 am Wednesday 2 September, 2009. The notes of the meeting are included as Attachment 2. The stakeholder meeting discussed the action items identified in the resolution relating to Report WK34/09 and are listed under.

Action Item B. 1. (a)

Cherrybrook Village Shopping Centre management has agreed to trial any further changes to parking and traffic flow within the car park over the Christmas period, in consultation with Council. Shopping Centre management has agreed to provide feedback on the trials prior to the next Stakeholder meeting to be held in February or March 2010.

Action Item B. 1. (b)

Shopping centre management is unable to commit to the principle of a second entry to the shopping centre car park at this stage, and future improvements to vehicle access may not necessarily involve the use of Greenway Park. Accordingly, progression of a planning proposal will be a matter for shopping centre management to consider when it determines major changes to entry arrangements are required. Council will be able to provide advice early in the planning process to assist with concept development. If a second entry to Cherrybrook Village is required and involves using part of Greenway Park, Council will require a concept plan before it is able to calculate the cost on the public realm and identify the various planning and administrative actions that may be required.

Action Item B. 2. (b) and B. 3.

The Local Traffic Committee met on site on 12 September 2009 to observe afternoon school peak traffic flows in Shepherds Drive and Shepherds Lane and to consider the need for additional parking restrictions in Shepherds Drive. The Committee recommended that further parking restrictions should not be provided at either of the locations discussed in the report at this stage. A full copy of Local Traffic Committee report LTC25/2009 is included as Attachment 3 to this report.

Action Item B. 4.

The Stakeholder Meeting identified a number of actions that would make parking within the eastern part of Greenway Park more attractive for commuters.

The provision of a bus shelter in Shepherds Drive at the existing bus stop near the Rural Fire Service station may encourage bus commuters to this area. Investigation and consultation with potentially affected residents has commenced. Funds to enable this shelter to be constructed have not been allocated at this stage, and the work is not listed in any current works program. However, Council has established a restricted asset with the proceeds of the Adshel funded bus shelter program, to provide such facilities where an Adshel shelter containing advertising cannot be provided. The estimated cost of \$18,000 can be met from this source.

Extension of footpaving on the northern side of Shepherds Drive between the Caltex service station and the pedestrian refuge east of the fire station will improve pedestrian access in the

area. This project is included in the 2009/2010 Footpath Improvement Program (estimated cost \$10,000).

Eastwood Police have raised concerns regarding lighting levels and possible antisocial behaviour in the section of Greenway Park being considered for commuter parking. At this stage it is proposed to monitor the uptake of commuter parking within Greenway Park over the summer daylight saving period to determine whether improvements to the existing lighting or other work to improve personal safety is warranted. The cost of additional lighting in this location has not been estimated in detail, however, having regard for site conditions (existing levels of lighting, supply availability, existence of fill, desired standard of lighting etc), it is likely that a budget in excess of \$60,000 may be required.

The Traffic and Road Safety Branch is liaising with the Parks and Landscape Team to identify appropriate promotion of the commuter parking facility in the underutilised lower parking area within Greenway Park. An opportunity exists to utilise the resources of the Cherrybrook Shopping Centre to promote the facility. Discussions are required with the Centre management and the Parks and Landscape Team to clarify this opportunity. Signs will advise motorists using the upper car park near the community centre that additional parking is available and supplementary signage in Shepherds Drive will direct vehicles into the lower car park. These signs will clearly indicate that use of the lower car park as a commuter car park is being trialled. Future use of the lower car park may need an amendment to the Plan of Management. The lower car park will only be available Monday to Friday for commuters and suitable arrangements will be put in place to ensure that this is the case.

BUDGET

As outlined above, the construction of the proposed bus shelter in Shepherds Drive is unfunded. Funds are available in restricted asset account 977 to enable this work to proceed. Any other works can be funded from current budgets.

POLICY

There are no policy implications arising from this report.

CONSULTATION

The Executive Manager Environment, Manager Engineering Services, Manager Parks and Landscapes Team, Traffic Officer Eastwood Police and Cherrybrook Village Shopping Centre Management were consulted 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

This report was prepared by Council's Manager Traffic and Road Safety, Mr Lawrence Nagy telephone 9847 6524.

RECOMMENDATION

THAT

1. Council note that Cherrybrook Village Shopping Centre management will continue to monitor and take action to improve traffic flow within its car park which in turn is expected to reduce delays at the roundabout at the intersection of Shepherds Drive and Kenburn Avenue.
2. Council staff continue to liaise with Cherrybrook Village Shopping Centre management regarding improvements to traffic flow within the shopping centre carpark.
3. Council note that the need for further improvements to vehicle access to Cherrybrook Village Shopping Centre is a matter for the centre management to consider in the first instance, in liaison with Council.
4. The proposed construction of footpath in Shepherds Drive between the service station and the pedestrian refuge opposite No 68, under the 2009/10 Footpath Improvement Program be noted.
5. A bus shelter be provided in Shepherds Drive adjacent to the Rural Fire Service facility, funded from Restricted Asset as outlined above.
6. Use of the lower car park in Greenway park for commuter parking on a trial basis be noted, with a report provided at the end of the trial period providing details of the use and impact on the adjoining open space facilities, identifying additional works such as lighting and policy amendments that may be required if this initiative is to be made permanent.
7. Information and signage to encourage use of the lower car park in Greenway Park be developed in consultation with the centre management.
8. No further action be taken regarding additional parking restrictions in Shepherds Drive near Shepherds Lane at this time, but the location continue to be monitored and any proposals referred to the Local Traffic Committee when appropriate.
9. A "Parking restrictions near driveways" policy be developed, and referred to the Local Traffic Committee prior to consideration by Council.

MAXWELL WOODWARD

Executive Manager

Works Division

Attachments:

1. REPORT Cherrybrook - Traffic and Parking Issues Review
2. Cherrybrook Stakeholders Meeting - 2 September, 2009
3. LTC 25/2009 - Shepherds Drive, Cherrybrook

File Reference: F2004/09848

Document Number: D01248039

19 MAYOR'S NOTES - 1 TO 30 SEPTEMBER 2009

Tuesday 1 September – The Mayor attended the Hornsby and Upper North Shore Advocate 2009 Business Achiever Awards Presentation Dinner at Asquith Leagues Club.

Friday 4 September – The Mayor and Councillor Chopra attended the Opening Ceremony of Free Seniors Yoga by Spirit of India Inc at Pennant Hills.

Friday 4 September – The Mayor attended a lunch with Mr Brad Hazzard MP, State Shadow Planning Minister, at The Epping Club.

Saturday 5 September – The Mayor, Deputy Mayor, Councillors Russell, Chopra and Hutchence officially launched the Galston Springfest Parade at Galston.

Saturday 5 September – The Mayor attended the HDNA Grand Final Junior Presentation at Pennant Hills Netball Courts.

Saturday 5 September – Councillor Chopra, on behalf of the Mayor, attended the HDNA Grand Final Senior Presentation at Pennant Hills Netball Courts.

Friday 11 September – The Deputy Mayor, on the Mayor behalf, and Councillor Hutchence attended the meeting with representatives of Parramatta City Council at Parramatta City Council

Friday 11 September – The Mayor, Councillor Smart, Councillor Russell and Councillor Browne attended the Rural Fire Service Annual Dinner at Hornsby RSL Club.

Saturday 12 September – The Mayor and Mrs Berman attended the Sri Lankan Food Fair at Roselea Community Centre.

Saturday 12 September – The Mayor, Deputy Mayor and Councillor Chopra officially launched the Federal Funded Lighting Upgrade at North Epping Oval.

Monday 14 September – The Mayor attended the Rotary Club of Beecroft Seniors and Retirees Luncheon at Pennant Hills Golf Club.

Wednesday 16 September – The Mayor and Deputy Mayor attended an afternoon tea to celebrate 40 years of Pennant Hills Neighbour Aid at West Pennant Hills Sports Club.

Wednesday 16 September – The Mayor and Mrs Berman attended Mount Colah Public School's Variety Night performance at Asquith Boys High School Hall.

Thursday 17 September – The Deputy Mayor, on behalf of the Mayor, and Councillors Hutchence and Martin attended a meeting with representatives of the Department of Planning and Parramatta City Council at Parramatta.

Monday 21 September – The Deputy Mayor, on behalf of the Mayor, attended the Cherrybrook Community Centre AGM.

Tuesday 22 September – The Mayor attended the Lorna Hodgkinson Sunshine Home Board Meeting at Parliament House.

Thursday 24 September – The Deputy Mayor, on behalf of the Mayor, attended the Beecroft Community Centre AGM.

Friday 25 September – The Mayor attended the Sydney Symphony Orchestra Recital at Bupa Dural.

Friday 25 September – The Mayor met Ms Jayme Paris, Bronze Medallist from the 2008 Beijing Paralympics games, in Hornsby during her ride from Sydney to Newcastle to raise money for Northcott Disability Services.

Friday 25 September – The Mayor attended a Retirement Dinner for Mr Colin May, Principal of Arden Anglican School, at The Epping Club.

Friday 25 September – The Deputy Mayor, on behalf of the Mayor, attended the West Epping Community Centre AGM.

Saturday 26 September – Mrs Berman, on behalf of the Mayor, drew the major prizewinner at St Patrick's Catholic School Fete at Asquith.

Saturday 26 September – The Mayor attended Beecroft Rugby Club's Annual Presentation Night at The Epping Club.

Sunday 27 September – The Mayor, Deputy Mayor and Councillors Chopra and Hutchence attended the Chinese Moon Festival Concert and Social Dance at Hornsby RSL Club.

Sunday 27 September – The Mayor attended Council's Music in the Park Event at Forest Park, Epping.

Sunday 27 September – The Mayor presented the Hornsby Cup Bowling Trophy at North Epping Bowling & Community Club.

Monday 28 September – The Deputy Mayor, on behalf of the Mayor, attended the Pennant Hills Neighbour Aid AGM.

Monday 28 September – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Monday 28 September – The Mayor, Deputy Mayor and Councillor Hutchence attended the NSROC Sydney Morning Herald Public Transport Consultation Meeting at Macquarie University.

Monday 21 September – The Deputy Mayor, on the Mayor's behalf, attended the Cherrybrook Community Centre AGM.

Tuesday 29 September – The Mayor attended the 2009 Australian Junior Squash Championship Finals at Thornleigh.

Wednesday 30 September – The Mayor, Deputy Mayor and Councillor Chopra attended the Opening of the Over 55 Expo at Epping Leisure & Learning Centre.

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

File Reference: F2004/07053

Document Number: D01253743

20 BUSH PATHWAY IN HORNSBY

ASKED BY COUNCILLOR MILLS

TO THE EXECUTIVE MANAGER, ENVIRONMENT DIVISION:

Drawing attention to a recent press article regarding a bush pathway in Hornsby, please advise of the status of this path and a recommended course of action for its ongoing use.

Answer

The land these steps are on is an unmade road. The steps were constructed by the local bush care group to facilitate entry to a bush regeneration site. It was not constructed to facilitate use by the surrounding residents who may use it as a short cut. Use of the track and steps for increased pedestrian use would require the steps and access track to be reconstructed to a much higher standard and should only be contemplated if it could be established that there was a pressing need for such a facility.

Notwithstanding, the Bushland and Biodiversity Team is examining whether the track and steps should be upgraded to cater for use by the local bush care group. Building the steps and track to a basic bush care standard (as opposed to a high pedestrian access route standard) has been estimated at approximately \$30k. This work would only take place if the safety of the bush carers' was compromised and there was a budget for the work.

File Reference: F2009/00002
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