



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 9 December, 2009
at 6:30 pm**

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev. Geoff Collison from St. Johns Anglican Church, Beecroft 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 11 November, 2009 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

NOTICES OF MOTION

Page Number 1

Item 1 NOM13/09 ON-LINE COMMUNITY ENGAGEMENT

COUNCILLOR HUTCHENCE TO MOVE

THAT a working party consisting of key staff and interested Councillors be formed to consider Council's approach to on-line community engagement and that a report containing the recommendations from the working party be provided for Council's consideration by the April 2010 Ordinary Meeting. The report should contain an evaluation of opportunities to use services like You Tube, Facebook, Twitter and other online media to promote Council services and activities at a minimal cost. The report should also contain comment on issues associated with the generation and moderation of content for these online communication forums.

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 GM16/09 TENDER FOR LEGAL SERVICES**

THAT:

1. Council adopt the attached *Draft Provision for Legal Services Tender T14/2009*.
2. Tenders be called for the provision of legal services to Council in accordance with *Draft Provision for Legal Services Tender T14/2009*.
3. An interview panel be established comprising of one Councillor from each Ward, the General Manager, the Executive Manager Planning and the Executive Manager Works.
4. Council nominate the Councillors to be on the interview panel.

Page Number 4**Item 3 GM17/09 2010 CONFERENCE - THE AMERICAN SOCIETY OF PUBLIC ADMINISTRATION**

THAT Council approve the attendance of the General Manager at the American Society for Public Administration's 2010 Conference to be held 9-13 April 2010 in San Jose, California, USA and accept the reasonable costs incurred for registration, accommodation and meals.

Page Number 7**Item 4 GM18/09 COMMUNITY STRATEGIC PLAN INCLUDING SPECIAL VARIATION TO GENERAL INCOME**

THAT:

1. Council implement the Department of Local Government's integrated planning and reporting framework by 1st July 2010.
2. Council seek Ministerial approval for a one-off special rate variation of 5.8% as outlined in this report, including a rebate of \$10 for eligible pensioners.
3. If the special variation to general income for 2010/11 is approved, a total sum of \$1,500,000 in the first 2 years of an infrastructure levy be allocated per ward, to be expended on projects determined by ward Councillors in collaboration with ward constituents according to project assessment criteria.
4. If the special variation to general income for 2010/11 is approved as a one-off rate variation of 5.8%, the priority projects nominated in this report be adopted.
5. Council continue to inform, consult and engage with the community regarding planning for the future and the special rate variation until end of February 2010.

CORPORATE AND COMMUNITY DIVISION**Page Number 13****Item 5 CC90/09 WALLAROBBA ARTS AND CULTURAL CENTRE - PROPOSED FEES AND CHARGES**

THAT:

1. The contents of Executive Manager's Report No CC90/09 be received and noted.
2. Council adopt, for the purposes of public exhibition, the draft fees and charges to apply in respect of the use of the Wallarobba Arts and Cultural Centre during the remainder of 2009/10.
3. The draft fees and charges be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act and Council's Public and Community Input Policy.
4. If submissions have been received by the conclusion of the public exhibition period, a further report be prepared for Council's consideration which details the content of all submissions and recommends the final fees to apply for 2009/10.
5. If no submissions have been received at the conclusion of the public exhibition period, the publicly exhibited fees be adopted for the remainder of 2009/10.

Page Number 16**Item 6 CC93/09 HOMELESSNESS - UPDATE ON APPROPRIATE LOCAL GOVERNMENT RESPONSES**

THAT:

1. The contents of Executive Manager's Report No CC93/09 be received and noted.
2. Council's Community Services Branch staff continue to participate in the Hornsby Homelessness Task Force and the production of a Homelessness Action Plan.

Page Number 21**Item 7 CC94/09 REVIEW OF THE HORNSBY MALL CODE**

THAT:

1. The contents of Executive Manager's Report No CC 94/09 be received and noted.
2. Council adopt the revised draft Hornsby Mall Code, as attached to Report No CC94/09, for the purpose of public exhibition for a minimum period of 28 days.
3. Following the public exhibition period, a further report be prepared for Council's consideration providing details of any submissions received.

Page Number 32**Item 8 CC95/09 INVESTMENT AND BORROWING REPORT - OCTOBER 2009**

THAT the contents of Executive Manager's Report No CC95/09 be received and noted.

Page Number 36**Item 9 CC96/09 COUNCILLORS' EXPENSES AND FACILITIES (STATUTORY) POLICY**

THAT:

1. The amended Councillors' Expenses and Facility Policy, as attached to Report No. CC96/09, be adopted for the purposes of public exhibition.
2. If submissions are received, a further report be prepared for Council's consideration which addresses any submissions received in respect of the exhibited Policy.
3. Should no submissions be received, the Policy as attached to Report No. CC96/09 be adopted.
4. A copy of the amended Policy be forwarded to the Division of Local Government.

Page Number 39**Item 10 CC97/09 OUTSTANDING COUNCIL RESOLUTIONS**

THAT the contents of Executive Manager's Report No. CC97/09 be received and noted.

Page Number 41**Item 11 CC98/09 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS**

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

Page Number 44**Item 12 CC99/09 DOCUMENT ACCESS APPLICATIONS 24 SEPTEMBER 2009 - 18 NOVEMBER 2009**

THAT the documents outlined in Attachment 2 of Executive Manager's Report No. CC99/09 remain exempt from release under Council's Document Access Policy.

Page Number 50**Item 13 CC100/09 HORNSBY MALL STRATEGIC PLAN - SIX MONTHLY PROGRESS REPORT - OUTSTANDING KEY ACTIONS**

THAT:

1. The contents of Executive Manager's Report No. CC100/09 be received and noted.
2. Council note the progress of the implementation of the outstanding Key Actions set out in the Plan of Action associated with the Hornsby Mall Strategic Management Plan.
3. Council endorse the establishment of A Beautiful Hornsby Mall Taskgroup as detailed in Report No CC100/09.

Page Number 55**Item 14 CC103/09 2008/09 AUDITED FINANCIAL REPORTS - SUBMISSION RECEIVED FROM MR JOE NAGY**

THAT the contents of Executive Manager's Report No. CC103/09 be received and noted.

Page Number 58**Item 15 CC104/09 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT -
IMPACT ON COUNCIL PROCEDURES**

THAT:

1. The contents of Executive Manager's Report No. CC104/09 be received and noted.
2. Once more detailed information is available, a further report be prepared for Council's consideration addressing the particular issues raised in Council's resolution in respect of CC60/09 and the associated impacts on Council's policies and practices.

Page Number 64**Item 16 CC105/09 LEASE OF COTTAGE - PART OF GALSTON RECREATION
AREA CROWN RESERVE NO D500223 AND R81698 412X GALSTON
ROAD, GALSTON -DURAL AND DISTRICT HISTORICAL SOCIETY
INC.**

THAT:

1. The contents of Executive Manager's Report Nos CC76/09 and CC105/09 be received and noted.
2. Council determine its preferred option in progressing with a proposed lease of the cottage located on part of Galston Recreation Reserve at Galston.

Page Number 69**Item 17 CC106/09 HEADEN PARK HALL, SINCLAIR AVENUE, THORNLEIGH
- PROPOSED LEASE TO HORNSBY WOODWORKING MEN'S SHED
INC**

THAT:

1. The contents of Executive Manager's Report Nos CC61/09 and CC106/09 be received and noted.
2. Council enter into an Agreement to Lease with the Hornsby Woodworking Men's Shed Inc in respect of a five year lease over the existing Hall and Hall extension at Headen Park, Thornleigh subject to :
 - a. The proposed lease to Hornsby Woodworking Men's Shed Inc being publicly advertised (costs to be borne by the Men's Shed) 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 proceed with the Hall extension and delegate the General Manager authority to enter into a lease with Hornsby Woodworking Men's Shed Inc 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. A capital contribution of \$15,000 being payable on signing of the lease.
 - b. Rental for the initial 12 months of tenure to be \$1,500 per annum, in respect of the extended Hall and 50% of the under storage area of the Hall.
 - c. Rental for subsequent years to be as follows:
 - Year 2 - \$1,500 + applicable CPI
 - Year 3 – Year 2 rent + applicable CPI
 - Year 4 – Year 3 rent + applicable CPI
 - Year 5 – Year 4 rent + applicable CPI
 - d. 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.
 - e. The lessee to be responsible for the payment of 50% of any Council rates and water and sewerage rates assessed in respect of the Hall on an area occupied basis.
 - f. 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.
 - g. The Hall to only be used for the purpose of a men's shed.
 - h. The lessee to be responsible for the maintenance responsibilities under the "Community Partnership" category of the Code.
 - i. The lessee to acknowledge Council's support in the provision of the Hall in its annual reports and publications, any advertising and community events.
 - j. The lessee to be responsible to ensure the security of the Hall during the term of their occupation.
 - k. The lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
 - l. The lessee to comply with the conditions of consent from Development Consent No. DA/542/2008.
 - m. The hours of operation for wood working activities to be restricted to 9.00am to 4.00pm Monday to Friday and no more than two occasions each calendar month on a weekend or public holiday between the hours of 10.00am and 3.00pm.

ENVIRONMENT DIVISION**Page Number 75****Item 18 EN38/09 REVIEW OF POLICIES AND CODES - ENVIRONMENT DIVISION**

THAT Council adopt the proposed amendments to Environment Division policies and codes as outlined in Executive Manager's Report EN38/09.

Page Number 78**Item 19 EN55/09 E-WASTE COLLECTION TRIAL**

THAT:

1. Council endorse the commencement of an e-waste drop off service for a trial period of six months as outlined in Report EN55/09.
2. A further report be presented to Council at the conclusion of the trial period, addressing the benefits of the trial and making recommendations in regard to the e-waste trial.

Page Number 82**Item 20 EN56/09 OPEN SPACE MASTERPLAN FOR OLD MANS VALLEY**

THAT:

1. Council endorse the commencement of community consultations for an Open Space Master Plan for Old Mans Valley as set out in Report EN56/09.
2. Council endorse the Option 1 and 2 plans as attached to Report EN56/09 for community discussion. Consultations shall also include the potential development of a range of trails within OMV and beyond.
3. Council confirm the objective of the community consultation is to identify the scope of recreation facilities to be included in the masterplan, within the context that a large flexible sportsground is included in the works.

Page Number 89**Item 21 EN57/09 PROPOSAL FOR A COMMUNITY GARDEN AT DENCE PARK, EPPING**

THAT:

1. Council provide in-principle support for the establishment of a community garden within Dence Park.

2. Council authorise the General Manager to enter into a maximum three year lease for the establishment and operation of a community garden within Dence Park, Epping, on the basis of terms generally outlined in Report EN57/09.

Page Number 95**Item 22 EN58/09 INVESTIGATION INTO THE DEVELOPMENT OF MOUNTAIN BIKE TRAILS WITHIN THE HORNSBY LOCAL GOVERNMENT AREA.**

THAT:

1. Council provide in-principle support to the provision of cross country mountain bike tracks as outlined in Report EN 58/09.
2. Council seek opportunities to fund the provision of cross country mountain bike tracks in Hornsby Shire.
3. Council endorse the preparation of a draft mountain bike trail plan for the Hornsby to Westleigh trail network for public consultation, subject to funds being identified for this work.
4. Council include the potential for a mountain bike track and trailhead location within the Masterplan process for Old Mans Valley.
5. Council continue to work with the Department of Environment, Climate Change and Water and the mountain bike community to develop preferred mountain bike trail options within the Hornsby Shire.

Page Number 102**Item 23 EN59/09 WATER QUALITY MONITORING PROGRAM - ANNUAL REPORT 2008/2009**

THAT the contents of Executive Manager's Report No. EN59/09 be received and noted.

Page Number 106**Item 24 EN61/09 DRAFT NSW COASTAL PLANNING GUIDELINE - ADAPTING TO SEA LEVEL RISE**

THAT Council forward a submission to the Department of Planning based on the issues contained in Executive Manager's Report EN 61/09.

PLANNING DIVISION

Nil

STRATEGY DIVISION*Nil***WORKS DIVISION****Page Number 113****Item 25 WK86/09 NSROC TENDER 10/2009 SUPPLY & DELIVERY OF REGULATORY SIGNS AND STREET NAME BLADES**

THAT Council accept the tenders of RMS Pty Ltd and Artcraft Pty Ltd as Council's preferred suppliers for the supply of Regulatory Signs and Street Name Blades for a two year period with an option to extend for a further twelve months subject to satisfactory performance.

Page Number 116**Item 26 WK87/09 TENDER T22/2009: DESIGN AND CONSTRUCTION - EPPING WATER HARVESTING SCHEMES**

THAT:

1. Council accept the following tenders submitted by Optimal Stormwater Pty Ltd for Tender No. T22-2009: Design and Construction - Epping Oval Water Harvesting Scheme for the lump sum prices as stated in the attached Confidential Memo (WD D&C 41/09):
 - Epping Oval – Conforming
 - North Epping Oval – Alternative
 - Somerville Oval – Alternative
2. The prices to be made public on formal acceptance of the tender.

Page Number 120**Item 27 WK89/09 CLOTHING RECYCLING COLLECTION BINS**

THAT:

1. A policy regarding the placement of recycled clothing collection bins be developed, having regard to the principles set out in Report WK89/09.
2. Council consult with NACRO registered operators in the development of this policy.
3. Subject to any policy that may be adopted, Council continue to permit the placement of recycled clothing collection bins in public places in the Shire.
4. Learning Links be permitted to place a bin, on a trial basis for a 12 month period, in two locations, to be agreed by the Manager, Waste Management and Manager, Assets.

Page Number 124

Item 28 WK90/09 HORNSBY SHIRE CAR PARKING MANAGEMENT STRATEGY - RESOURCING

THAT:

1. Council note the requirement for additional funding of \$38,500 to enable the preparation of a Hornsby Town Centre Car Parking Strategy to progress.
2. Consideration be given to the allocation of funds in the December 2009 budget review to enable the Hornsby Town centre Parking Strategy to proceed.
3. Following the completion of the Hornsby Town Centre Car Parking Strategy, consideration be given to the preparation of a Shire Car Parking Strategy for the rest of the Shire at a cost of approximately \$36,500 with this project to be considered for funding in the 2010/11 budget.

SUPPLEMENTARY AGENDA

PUBLIC FORUM – NON AGENDA ITEMS

CONFIDENTIAL ITEMS

Item 29 EN60/09 ACQUISITION OF LAND FOR CONSERVATION PURPOSES

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 128

Item 30 MN12/09 MAYOR'S NOTES FROM 1 TO 31 OCTOBER 2009

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

QUESTIONS WITHOUT NOTICE

1 ON-LINE COMMUNITY ENGAGEMENT

COUNCILLOR HUTCHENCE TO MOVE

THAT a working party consisting of key staff and interested Councillors be formed to consider Council's approach to on-line community engagement and that a report containing the recommendations from the working party be provided for Council's consideration by the April 2010 Ordinary Meeting. The report should contain an evaluation of opportunities to use services like You Tube, Facebook, Twitter and other online media to promote Council services and activities at a minimal cost. The report should also contain comment on issues associated with the generation and moderation of content for these online communication forums.

Attachments:

There are no attachments for this report.

File Reference: F2009/00853

Document Number: D01293680

2 TENDER FOR LEGAL SERVICES

EXECUTIVE SUMMARY

In 2006, Council adopted a legal services panel to provide advice and services to Council in respect of legal matters. The existing panel primarily provides legal services for 'planning' matters. Since that time, there has been increasing recognition to expand the range of legal services to cover other Council business units.

A new draft legal services tender has been prepared and it is recommended that Council undertakes a new tender process for the provision of legal services.

PURPOSE/OBJECTIVE

This report is submitted to Council to approve the calling of tenders for the provision of legal services.

DISCUSSION

On 9 August 2006, Council resolved to appoint the following legal firms to Council's legal services panel (hereafter, the Panel):

- Abbott Tout Lawyers (now HWL Ebsworth Lawyers);
- Pike, Pike & Fenwick Solicitors;
- Storey & Gough Solicitors; and
- Wilshire & Webb Lawyers.

These firms have most commonly provided legal services for the Planning Division in respect of appeals against development applications and orders. However, Council has also engaged other firms to provide services for insurance, I.T, property, traffic and industrial relations matters. They include DLA Phillips Fox, Matthews Folbigg, Mahony Dominic, Crawford & Duncan, Ingenio Consulting and Workplace Law.

Whilst providing excellent 'planning' services, Council's current Panel may not always have the depth of experience to provide services and advice to Council's other business units. This, coupled with the reduction in the number of planning matters referred to the current Panel, makes it appropriate for Council to undertake a new tender process for the provision of legal services.

The attached '*Draft Tender (T14/2009)*' sets out a proposed tender invitation and tender conditions to facilitate Council's selection of a new legal services panel. Consistent with Council's previous decision regarding the selection process for a legal panel, it is recommended that an interview panel be established comprising one Councillor from each Ward (with Councillors to be nominated by Council), the General Manager, the Executive Manager Planning, and the Executive Manager Works.

BUDGET

There are no budget implications associated with this report.

POLICY

There are no policy implications associated with this report.

CONSULTATION

The *Draft Tender (T14/2009)* was circulated to ExCo and other relevant senior officers for comment prior to the preparation of this report.

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

The General Manager and the Executive Manager Planning are responsible for the preparation of this report.

RECOMMENDATION

THAT:

1. Council adopt the attached *Draft Provision for Legal Services Tender T14/2009*.
2. Tenders be called for the provision of legal services to Council in accordance with *Draft Provision for Legal Services Tender T14/2009*.
3. An interview panel be established comprising of one Councillor from each Ward, the General Manager, the Executive Manager Planning and the Executive Manager Works.
4. Council nominate the Councillors to be on the interview panel.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Draft Provision for Legal Services (T14/2009)

File Reference: F2009/00825
Document Number: D01283106

**3 2010 CONFERENCE - THE AMERICAN SOCIETY OF PUBLIC
ADMINISTRATION**

EXECUTIVE SUMMARY

The American Society for Public Administration is conducting its 2010 Annual Conference from 9 to 13 April, 2010 in San Jose, California, USA.

The Conference is conducted through plenary sessions, concurrent panel sessions, best practices workshops, round table discussion circles, poster sessions and super sessions and is formulated through 15 special interest tracks which cover topics of particular interest including human resources, green policies, fiscal stewardship, social equity, leadership, e government and accountability.

It is considered that the General Manager's attendance at this Conference will assist Council in facing the short and long term challenges within the Shire and developing a more sustainable future.

The General Manager will accept all transport costs associated with his attendance and requests council's support for attendance and for assistance with the conference registration fee, accommodation and meals as applicable to an interstate conference in Australia.

PURPOSE/OBJECTIVE

The purpose of this Report is to obtain Council's approval for the General Manager's attendance at the American Society for Public Administration's Annual Conference – 9-13 April, 2010.

DISCUSSION

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

The value of learning and training is well known and is acknowledged in our Manager's Employment Contract as deserving of Council support.

The American Society for Public Administration, is conducting its 2010 Annual Conference from 9 to 13 April, 2010 in San Jose, California, US.

Attached to this Report is a copy of the Conference Brochure. The Conference is conducted through plenary sessions, concurrent panel sessions, best practices workshops, round table discussion circles, poster sessions and super sessions.

The Conference programme is formulated through 15 special interest tracks which cover the following topics of particular interest:

- Managing human capital: securing the future of public service.
- Does going green require a Kansas tornado? policy possibilities versus fiscal realities of implementing green policies.
- Fiscal stewardship: how the Federal, State and Local Governments implement and enforce tough decisions.
- Positive change for all: achieving social equity in the public service for minorities, women and youth.
- Future challenges for public leadership: professionalism and ethics.
- Transparency: managing e government to engage the public.
- Accountability of outcomes: managing performance and measuring results.

It is considered that the General Manager's attendance at this Conference will assist Council in facing the short and long term challenges within the Shire and developing a more sustainable future.

The General Manager will accept all transport costs associated with his attendance and requests council's support for his attendance and for assistance with the conference registration fee, accommodation and meals as applicable to an interstate conference in Australia.

BUDGET

With the floating and somewhat variable Australian and US dollars, it is not possible to accurately determine the budget implications. The costs to be accepted by Council would only be the conference registration fee, accommodation and meals. The estimated cost based upon \$A = US 90c would be approximately \$2,000. Funds for conferences are available within the allocated budget.

POLICY

There are no policy implications with the adoption of this Report.

CONSULTATION

There was no consultation undertaken in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

The Triple Bottom Line is a framework for improving Council's decisions ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. As briefly shown above, the Conference presentations will contribute to the following Triple Bottom Line considerations.

Governance – Guidance towards a sustainable future
Ecology – Protect and enhance our natural environment
Economy – Resilient local economy & sustainable resource use
Society and Culture – Enhance social and community wellbeing
Human Habitat – Effective community infrastructure and services.

RESPONSIBLE OFFICER

Mr Robert Ball, General Manager

RECOMMENDATION

THAT Council approve the attendance of the General Manager at the American Society for Public Administration's 2010 Conference to be held 9-13 April 2010 in San Jose, California, USA and accept the reasonable costs incurred for registration, accommodation and meals.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. ASPA Annual Conference & Registration (6pages)

File Reference: F2004/05848-02
Document Number: D01290558

4 COMMUNITY STRATEGIC PLAN INCLUDING SPECIAL VARIATION TO GENERAL INCOME

EXECUTIVE SUMMARY

The NSW Department of Local Government's model for integrated planning and reporting includes developing and adopting a Community Strategic Plan (describing the community's ten-year vision/dream for Hornsby), a four-year Delivery Program which operationalises the Community Strategic Plan, and an annual Operational Plan (Budget). Hornsby Shire Council is in a position to signal its intent to adopt the Department of Local Government's new model and commence operating within the model's framework as of 1st July 2010. Congruent with the move towards a Community Strategic Plan is the seeking of approval from the Minister for Local Government for a special variation to general income (an infrastructure levy).

Community engagement has demonstrated support for a one-off rate variation (levy) which runs concurrently with both the Catchment Remediation Rate and the Hornsby Quarry Loan Rate. The purpose of the new rate variation is to improve Hornsby's ageing infrastructure and fund new facilities to meet the changing needs of the community, hence the rate would be known as an infrastructure levy. The proposed infrastructure levy, if approved by the Minister in accordance with Section 508 (2) of the Local Government Act 1993, would be a one-off special rate variation of 5.8% and would apply from 2010/11.

PURPOSE/OBJECTIVE

The purpose of this report is to establish Hornsby Council's intent to implement the NSW Department of Local Government's integrated planning and reporting framework for local councils. In undertaking to implement the framework as of 1st July 2010, Hornsby Council is committing to develop a long term Community Strategic Plan and a corporate response to that plan, a Delivery Program. Part of the corporate response includes the seeking of Ministerial approval for a special variation to general income (an infrastructure levy) to improve ageing infrastructure and build new facilities to meet the changing needs of our community.

DISCUSSION

At the Councillors Strategic Planning Weekend in February 2009, Councillors determined a number of specific priorities for 2009/10 including investigation of community preferences for modes of rating to fund the upgrade of recreational facilities and other infrastructure.

This determination was confirmed by Councillors at the September Ordinary Meeting (Report GM13/09), in which it was agreed to pursue a special variation to general income as part of the 2010/11 Management Planning process. It was also agreed to implement activities to engage the community in long term planning and seek feedback from the community regarding any issues or concerns relating to a proposed infrastructure levy.

Consultation activity

Activities to **inform** the community of the proposed rate variation to general income (infrastructure levy) and public consultation for planning the future included:

- Flyer delivered to 46,200 homes with the second quarter rates notice
- Advertisements in the three major newspapers (Hornsby Advocate, Hills News, Northern District Times)
- A large front page article in the Hornsby Advocate
- Prominent signage at five Libraries, Hornsby Aquatic Centre, community centres at Berowra, Cherrybrook, Epping and Pennant Hills as well as five child care centres
- On Council's web site - 20th October to 30th November 2009
- On Bang the Table web site - 20th October to 30th November 2009
- Email notification to
 - 800 community panel members
 - 900 people in bushcare groups
 - 313 people in Over 55's Advocacy group
 - 156 people registered for sustainability notices

The purpose of the information was to alert people to Council's desire to improve the ageing infrastructure and build new facilities to meet the changing needs of the community and encourage community participation in planning for the future of the Shire.

Activities to **engage** the community about the proposed rate variation to general income (infrastructure levy) and **consult** for planning the future included:

- Community engagement study May 2009 (857 residents)
- Social planning consultations May and June 2009 (950 people)
- Youth surveys (face to face) at local cinema, dance festival and other events (103 people aged 13 – 17 years)
- Survey (face to face) of 20 young adults at Hornsby Mall, 29th November 2009
- Primary school children via hand held devices at three local schools, December 2009
- Business survey (243 businesses) by email, October 2009
- Focus groups during September, October and November 2009 (161 attendees)
- Deliberative community meeting on Saturday 21st November 2009 (40 participants)
- Feedback via yoursay@hornsby.nsw.gov.au, 20th October to 30th November 2009
- Moderated forum on Bang the Table web site, 20th October to 30th November 2009

The engagement and consultation activities had a number of purposes. Firstly, to build support for the development of a community strategic plan based on the community's dream/vision for Hornsby while recognising the challenges in delivering that dream/vision. Secondly, to involve people and inform about Council's desire to improve the ageing infrastructure and build new facilities to meet the changing needs of the community. Thirdly, to assist ratepayer understanding of Council's finances and the business case driving the proposed one-off rate variation including the rating options, and fourthly to elicit community preference regarding priority infrastructure projects.

The community meeting and focus groups were based on deliberative principles. Deliberative public engagement is a distinctive approach to involving people in decision-making. It is different from other forms of engagement in that it is about giving participants time to consider and discuss an issue in depth before they come to a considered view. As part of the deliberative process participants were provided with nine issues papers discussing key

issues facing the Hornsby community in 2009 and a summary paper of 'frequently asked questions' about council rates. This background reading provided a context for informed engagement at each consultation.

The rating paper and the nine issues papers were also available from council's web site and the Bang the Table site. The nine issues papers addressed the following contemporary issues in Hornsby:

1. Quality of life
2. Ageing population
3. Housing affordability and suitability
4. Living sustainably
5. Climate change
6. Transport and moving around
7. Infrastructure in Hornsby
8. The local economy
9. The financial sustainability of the organisation

Consultation findings

The findings from consultation and engagement about long term planning for the future of the Shire generally indicate that residents of the Hornsby Shire value the characteristics of the area and are very keen to retain those characteristics in the long term, namely the bushland, the sense of space, the sense of community and the 'village' atmosphere of the local shops. In essence people describe their quality of life as very positive. At the same time people express concern about the increasing population and trend to medium and high density development and the lack of additional infrastructure to cater for new residents. While people recognise the area is well serviced by public transport they are concerned at the lack of accessibility at many transport nodes and the lack of coordination between rail and bus services.

The outcomes from the consultation and engagement about the proposed rate variation indicate that, when residents understand and appreciate the enormity of the problem, the majority support the introduction of a rate variation (infrastructure levy). Approximately 80% of people would prefer an infrastructure levy to be introduced as a new one-off levy in 2010/11 running concurrently with both the Catchments Remediation Rate (CRR) and the Hornsby Quarry Loan Rate (HQLR). The concept of extending the HQLR beyond its current cessation date of 2014/15, thereby negating the need to introduce a new special rate immediately, was seen as unacceptable by most people. Residents much prefer to retain the HQLR as a separate rate with the definite and distinct purpose of funding the compulsory acquisition of the Hornsby Quarry. This may be attributed in part to a desire to own the asset and also a desire to see Council fulfil its earlier commitment to pay the quarry loan by 2014/15.

Other outcomes from the community consultation and engagement about the proposed one-off rate variation include:

- A need for a firm proposal regarding the percentage and/or value of the proposed rate variation (infrastructure levy)
- A desire for monetary consideration for pensioners
- Majority agreement by the community that the Hornsby Aquatic Centre is the highest priority project for funding by an infrastructure levy
- The second priority project is the Hornsby pedestrian over bridge

- The need for a list of infrastructure improvement projects preferred and defined by Council
- The willingness of the community to contribute to the list of possible projects to be funded by a levy
- A wish by the community to be kept appropriately informed of the funding allocation and the projects funded from an infrastructure levy

The results from BangtheTable web site and the Yoursay@hornsby email address differ markedly from the other consultations, probably attributed to the different levels of understanding of the issues and problems.

The information about the availability of these sites was posted to 46,200 ratepayers plus featured in advertising. 500 people viewed BangtheTable (a respectable number) and spent an average of over six and a half minutes each on the site. 171 people downloaded 288 documents yet only 19 people commented. The Yoursay@hornsby received 26 emails, 20 oppose a rate variation, 2 would like more information and 4 support a rate variation. It can be inferred from the low numbers of emails and comments compared to the large number of people advised of these sites, that the community does not consider the proposed rate variation (infrastructure levy) at the proposed rate of 5% - 6% to be an issue of major significance.

Councillor workshop

Councillors were informed of the above findings at an informal workshop on Wednesday 25th November 2009. At that workshop there was informal agreement to proceed to seek approval for a one-off special variation to general income (infrastructure levy) in accordance with Section 508(2) of the Local Government Act 1993, and that eligible pensioners would be offered a \$10 rebate.

It was also agreed that, taking account of community preference and need, the follow three major projects were to be funded by the proposed infrastructure levy:

1. Hornsby Aquatic Centre
2. Hornsby pedestrian over bridge
3. Old Mans Valley for recreation purposes

Councillors also recognised the community desire to nominate ward specific projects and therefore proposed the total allocation of \$1,500,000 per ward in the first 2 years of an infrastructure levy. The projects to be funded would be determined by ward Councillors in collaboration with their constituents and according to project assessment criteria which would include triple bottom line principles and take account of ongoing financial and maintenance implications.

Extent of Infrastructure Levy

During the community consultations to date, residents have been advised of a potential rate increase for an infrastructure levy of 5% to 6%. This figure has not been more precisely defined than being in the vicinity of \$60 to \$70 per week for the average ratepayer.

There is a need for Council to be more precise and it is proposed that the increase be expressed as a one-off special rate variation of 5.8% of the combined Ordinary (residential, farmland, business and CBD business) Rate and the Catchments Remediation Rate (CRR).

The Hornsby Quarry Loan Rate should be excluded from the calculation as this rate will cease after the 2014/15 levy.

Based on the Rating Statement contained within the Management Plan 2009/10 – 2011/12 a one-off special rate variation of 5.8%, as proposed above, would generate an increase in the rate levy of \$3,229,869 prior to any pensioner rebate. As with the Hornsby Quarry Loan Rate eligible pensioners should receive a \$10 reduction on the amount applicable.

All documentation, advertising, marketing and other information relating to the proposed special variation to general income would be based on this figure, and subject to community consultations, would be the amount for which approval would be sought from the Minister for Local Government as part of the 2010/11 Management Planning process and in accordance with Section 508 (2) of the Local Government Act 1993.

Community Strategic Plan

Congruent with seeking approval for a special variation to general income is the move towards developing and adopting a Community Strategic Plan which would describe the community vision/dream for Hornsby to the year 2020. Aligned to the Community Strategic Plan would be a four-year Delivery Program to systematically translate the community's strategic goals into actions. The Delivery Program would be supported by an annual Operating Plan (Budget). The Delivery Program process will replace the requirement for Management Planning, and become a single point of reference for all activities undertaken by Council. All plans, projects and programs should be directly linked to the Delivery Program. In doing so Hornsby Shire Council would fulfil the requirements of the Local Government (Planning and Reporting) Amendment Act 2009.

BUDGET

There are no direct budget implications for this report. The activities to consult and engage the community have and will continue to be funded from within existing budget.

POLICY

There are no policy implications for this report.

CONSULTATION

Face to face consultations have occurred with over 200 residents of Hornsby, and have been ward based as well as interest area based. Broad web consultation has taken place via email and via BangtheTable's independently moderated web forum. Further information is contained in the section titled 'Consultation activity' in the body of this Report.

TRIPLE BOTTOM LINE SUMMARY

A Community Strategic Plan, including a special variation to general income to fund infrastructure improvements, will contribute to community development through the provision of sustainable facilities and services by enhancing the amenity and use of public open space.

Enabling the community, in collaboration with Councillors, to influence the selection of projects in each ward encourages community pride in the area. This proposal will also have a

positive impact on the use of existing infrastructure by upgrading and improving the functionality and public safety of civil assets.

The proposed rate variation (infrastructure levy) will also enable Council to maintain its assets in a financially viable manner.

RESPONSIBLE OFFICER

The responsible officer for this report is Julie Williams, Manager Corporate Strategy, General Manager's Division. She can be contacted on 9847 6790 during business hours.

RECOMMENDATION

THAT:

1. Council implement the Department of Local Government's integrated planning and reporting framework by 1st July 2010.
2. Council seek Ministerial approval for a one-off special rate variation of 5.8% as outlined in this report, including a rebate of \$10 for eligible pensioners.
3. If the special variation to general income for 2010/11 is approved, a total sum of \$1,500,000 in the first 2 years of an infrastructure levy be allocated per ward, to be expended on projects determined by ward Councillors in collaboration with ward constituents according to project assessment criteria.
4. If the special variation to general income for 2010/11 is approved as a one-off rate variation of 5.8%, the priority projects nominated in this report be adopted.
5. Council continue to inform, consult and engage with the community regarding planning for the future and the special rate variation until end of February 2010.

JULIE WILLIAMS
Manager, Corporate Strategy
Strategy Division

ROBERT BALL
General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00024
Document Number: D01290168

5 WALLAROBBA ARTS AND CULTURAL CENTRE - PROPOSED FEES AND CHARGES

EXECUTIVE SUMMARY

Following its consideration of Report No CC55/09 in August 2009, Council resolved to develop the Wallarobba Arts and Cultural Centre within the Homestead building of the existing Willow Park Community Centre complex. Due to the timing of Council's decision, fees and charges for use of the rooms in the new Arts and Cultural Centre were not included in Council's 2009/10 Fees and Charges document.

Draft fees and charges have subsequently been developed in consultation with the Hornsby Shire Arts Reference Committee and have been market tested against those charged in surrounding local government areas for similar facilities.

This Report seeks Council's endorsement for the public exhibition of the draft fees and charges. If any submissions are received by the conclusion of the exhibition period, it is recommended that a further report be prepared for Council's consideration. If no submissions are received, it is recommended that the draft fees and charges be adopted and implemented for the remainder of the 2009/10 financial year.

PURPOSE/OBJECTIVE

The purpose of this Report is for Council to adopt, for the purposes of public exhibition, the proposed fees and charges to apply in respect of use of the Wallarobba Arts and Cultural Centre during 2009/10.

DISCUSSION

At its August 2009 Ordinary Meeting, Council considered Executive Manager's Report No. CC55/09 - Proposed Establishment of Wallarobba Arts and Cultural Centre. The Report, which incorporated a recommendation from the Community, Cultural and Recreation Facilities Task Force that community use of the Homestead within the Willow Park Community Centre be realigned to encourage, foster and grow arts and cultural development within the Hornsby Shire, was adopted by Council.

The location, design and style of the building supports Council's intention to foster, manage and broker arts and cultural development within the Hornsby Shire. The demand for a facility such as this has been unmet for a number of years, largely due to budget constraints. With 13 rooms, the building lends itself to multiple arts and cultural development activities and opportunities during the week and exhibitions/displays on weekends. The facility also provides the necessary infrastructure to support the development of arts and cultural networks within the community.

Since Council's decision to proceed, draft fees and charges for use of the Arts and Cultural Centre have been developed in consultation with the Hornsby Shire Arts Reference Committee and have been market tested against those charged in surrounding local government areas for similar facilities.

The proposed fees and charges identify four key uses of the Arts and Cultural Centre i.e.

- Hire of exhibition space
- Hire of meeting/art production spaces
- Use of the community art studio
- Use of the artist in residence studio - hired to individuals or groups for exclusive use for a fixed period of time (up to three months).

If Council is supportive of the proposed fees and charges, they will be publicly exhibited for a period of 28 days in accordance with the requirements of the Local Government Act. The exhibition period provides members of the public, as well as Councillors and staff, with an opportunity to make submissions in respect of the exhibited fee or charge. In this regard it is noted that in accordance with Council's Policy – Public and Community Input, the period between 20 December and 20 January is not to be counted as part of the exhibition period.

If submissions have been received by the conclusion of the public exhibition period, a further report will be prepared for Council's consideration which details the content of all submissions and recommends the final fees to apply for 2009/10. It is anticipated that such a report would be presented for Council's consideration by the March 2010 Ordinary Meeting.

If no submissions are received, it is recommended that the exhibited fees and charges be automatically adopted for the remainder of 2009/10 i.e. no further report would need to be provided to Council.

BUDGET

There are no adverse budgetary implications associated with this Report.

POLICY

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

CONSULTATION

The proposed fees and charges for Wallarobba Arts and Cultural Centre were developed in consultation with the Hornsby Shire Arts Reference Committee.

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC90/09 be received and noted.
2. Council adopt, for the purposes of public exhibition, the draft fees and charges to apply in respect of the use of the Wallarobba Arts and Cultural Centre during the remainder of 2009/10.
3. The draft fees and charges be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act and Council's Public and Community Input Policy.
4. If submissions have been received by the conclusion of the public exhibition period, a further report be prepared for Council's consideration which details the content of all submissions and recommends the final fees to apply for 2009/10.
5. If no submissions have been received at the conclusion of the public exhibition period, the publicly exhibited fees be adopted for the remainder of 2009/10.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Fees and Charges - Hall Hire

File Reference: F2004/06416
Document Number: D01267369

6 HOMELESSNESS - UPDATE ON APPROPRIATE LOCAL GOVERNMENT RESPONSES

EXECUTIVE SUMMARY

In December 2008, Council considered Report No CC107/08 and requested staff to consider appropriate local government responses to homelessness once the Homelessness Task Force convened by Ms Judy Hopwood MP had reached agreement on a way forward. Also, in February 2009, Council considered the Social Plan Report Card (refer Report No CC04/09) and requested that initial investigations be undertaken in relation to current local government responses to homelessness, specifically those undertaken by Parramatta City Council.

This Report seeks to outline the actions of other local government areas and recommends that Council continue to work with the Hornsby Homelessness Task Force to plan future interventions to reduce homelessness in the Shire. In this regard, the Homelessness Task Force has determined that it will produce a ten year Homelessness Action Plan for the Hornsby region. It is noted that the Hornsby Shire Social Plan commits staff from the Community Services Branch to working with the Task Force to undertake this planning work.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council resolutions associated with Report No CC107/08 and Report No CC4/09, both of which relate to appropriate local government interventions associated with the issue of homelessness.

DISCUSSION

Since Council considered Report No CC107/08 in December 2008, a number of developments have occurred at a State and Federal level in relation to homelessness. The Federal Government, in its White Paper - The Road to Home (released on 21 December 2008), stated that:

Homelessness is everyone's responsibility. Ending homelessness requires sustained long-term effort from all levels of government, business, the not-for-profit sector and the community.

As part of the White Paper, the Government allocated \$1.2 billion over four years in addition to their current investment in homelessness. This represents a 55% increase in investment. By 2020, 50,000 affordable rental homes for low income and moderate income earners, 2,700 homes for people who are at risk of homelessness and approximately 9,000 homes in indigenous communities will be built.

At a State level, an agreement has been reached by all State and Territory governments to work towards two key goals:

1. To halve overall homelessness by 2020
2. To offer supported accommodation to all rough sleepers who need it by 2020

As a result of this commitment by State and Territory governments, the NSW Government recently produced the NSW Action Plan 2009 - 2014: *A Way Home: Reducing Homelessness in NSW*. This document clearly defines the issue of homelessness and documents the NSW State Government's vision, targets and financial commitment to reducing homelessness. The three strategic directions/outcomes are:-

1. Preventing homelessness
2. Responding effectively to homelessness
3. Breaking the cycle of homelessness

In order to review the responses to homelessness by other local government areas, staff have contacted Parramatta City Council, Sydney City Council and Blacktown City Council. Comments in respect of each of those Council's approaches to the issue of homelessness are provided below.

Parramatta City Council

Since March 2009, the Community Capacity Building Team at Parramatta City Council has coordinated the development of the *Parramatta Region Homelessness Interagency*. In May, an 'Affordable Housing Policy' was considered by Council and they resolved to adopt the Policy and the associated implementation plan in an attempt to support people in mortgage/rent stress. More recently, Council resolved to allocate \$25,000 to undertake further work with external organisations to improve the wellbeing of homeless people in the City - as well as residents, workers and visitors to the Council area. Work has also commenced on reviewing the Council's strategic partnership with Housing NSW and NSW Health, including the development of mutually beneficial projects for the next three years. A key outcome of the *'A Way Home: Reducing Homelessness in NSW'* is a collaborative approach to resource sharing and reducing duplication. This partnership work will enable this process outcome to be met.

Sydney City Council

Sydney City Council are part of the Inner City Forum of Lord Mayors (10 councils) who have agreed to work together on the development of Regional Homelessness and Affordable Housing Plans. This Forum has developed *The Inner – Sydney Regional Plan*. Part of this Plan involves negotiating resourcing allocations by State and Federal governments, not for profit, faith based organisations, the private sector and people who have experienced homelessness. Sydney City's Homelessness Unit coordinates an independently chaired homelessness interagency group to address the issue of homelessness within its local government area.

Blacktown City Council

In 2007, Blacktown City Council joined forces with Penrith, Hawkesbury and Blue Mountains Councils. These Councils, along with key government agencies, businesses, 35 local services that address homelessness and over 100 community organisations form the *Nepean Campaign Against Homelessness* (NCAH). NCAH's fundamental aim is to highlight the issues of homelessness and the lack of affordable housing in the area. This advocacy work took place during the 2007 Federal election campaign. Following on from the initial advocacy work, a regional Task Force on homelessness was formed to develop the draft Blacktown City Affordable Housing and Homelessness Strategic Plan. The Plan is "opportunity focussed" and considers the potential to leverage funding for local

infrastructure, services and programs through the State and Federal policies and funding programs. The Task Force has also formed a consortium of local homelessness services from the region who are partnering to establish Nepean Wentworth Supportive Housing, a supportive housing homelessness service model. This model is a way of working that involves collaboration and partnership by a range of non-government organisations who are also sharing resources to address issues.

The draft Blacktown City Affordable Housing and Homelessness Strategic Plan proposes to address the following strategies:

1. Affordable housing

- *Position Blacktown City for funding opportunities*
- *Increase the supply of affordable housing available for purchase*
- *Increase the supply of affordable rental properties*
- *Support for people experiencing mortgage stress*
- *Increase the capacity of the community members to participate in housing*

2. Homelessness

- *Position Blacktown City for funding opportunities*
- *Increase the number of spaces in local emergency and supported accommodation services*
- *Early intervention support for people at risk of homelessness*

Blacktown City Council are also working with Sydney City Council, the Mercy Foundation and Nan Roman (CEO of the US National Alliance to End Homelessness) to better inform their response to homelessness.

Hornsby Homelessness Task Force

In response to 'A Way Home: Reducing Homelessness in NSW', the Member for Hornsby, Ms Judy Hopwood MP has coordinated the Hornsby Homelessness Task Force. Members of the Task Force include members of the community and a variety of different stakeholders including the Ku-ring-gai Local Area Command, Department of Housing, NSW Health, St. Vincent de Paul, the Salvation Army, the Mercy Foundation, Community Drug Action Team (CDAT), faith based groups and staff from Hornsby Shire Council. The Member for Hornsby, informed the NSW Legislative Assembly at its meeting in March 2009 of the Hornsby Homelessness Task Force and its intended aims and objectives. As a result, Ms Hopwood met with the Minister for Housing, Mr. David Borger, who agreed to assist financially with mapping/research into homelessness issues in Hornsby. The Task Force is increasing in membership and the group are beginning to develop a 10 year action plan. This work is being overseen by Felicity Reynolds, CEO of the Mercy Foundation.

Summary and Way Forward

As a result of documenting a number of local government responses to homelessness, a number of essential themes have emerged. These include the need for a coordinated, integrated, multi-agency approach to addressing the issue of homelessness. At a community level there is a need for community development work to be undertaken with local services, service coordination, lobbying and advocacy. At a strategic level, formal partnerships are required with peak bodies and State Government departments such as the Department of Housing and Department of Health in order to progress responses to homelessness. Local government can also actively seek to influence the availability of affordable housing through policy work. This approach is not considered herein as it is noted that affordable housing was

a consideration in the draft Hornsby Housing Strategy. All of these features will no doubt be addressed in the forthcoming 10 year action plan that will be produced by the Hornsby Homelessness Task Force.

Previous reports on this subject have recommended that an appropriate Council commitment to homelessness be governed by the activities initiated by the Hornsby Homelessness Task Force. The Hornsby Shire Social Plan 2010 - 2014 reinforces this approach. The Hornsby Homelessness Task Force is still formulating an appropriate local (10 year) strategy and the Social Plan recommends that Council consider the contents of this plan in determining further commitments. As such, it is recommended that Council's commitment to the Homelessness Task Force continue and that Community Services Branch staff actively engage in the development of this Plan with Task Force partners.

BUDGET

Council's existing Community Services resources are currently being reorganised in order to implement the Social Plan 2010 - 2014. Given that the issue of homelessness is nominated as an issue in the Social Plan, any actions undertaken will be funded from existing resource allocations.

POLICY

There are no policy implications associated with this Report. Should Council wish to consider Affordable Housing or Low Cost Housing Policies in the future, these issues should be thoroughly researched and considered at that point.

CONSULTATION

The following consultation has occurred in the preparation of this Report:

External

- Members of the Hornsby Homelessness Task Force

Internal

- Sharon Mizzi – Coordinator, Youth Services
- James Farrington – Manager, Town Planning Services

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

The information contained in this Report has been obtained through consultation with a number of relevant stakeholders.

Conserving our natural environment

The information contained in this Report does not impact negatively on our natural environment.

Contributing to community development through sustainable facilities and services

The recommendations contained in this Report contribute to community development outcomes as detailed in the Social Plan 2010 - 2014. The Plan also encourages and facilitates participation by all members of the community.

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

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

Supporting our diverse economy

The information contained in this Report will not adversely impact on the economy of the Shire.

Maintaining sound corporate and financial management

The recommendations contained in this Report are proposed to be funded within existing budgets and grants.

Other Sustainability Considerations

The recommendations contained in this Report seeks to plan a clear and concise framework by which Council can provide support to addressing the issue of homelessness in the Shire. There should be no negative impacts either for Council or the community.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Manager, Community Services Branch – Mr David Johnston and the Manager, Community Development – Ms Lisa Cahill. They can be contacted on 9847-6800 and 9847-6779 respectively.

THAT:

1. The contents of Executive Manager's Report No CC93/09 be received and noted.
2. Council's Community Services Branch staff continue to participate in the Hornsby Homelessness Task Force and the production of a Homelessness Action Plan.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00786
Document Number: D01280234

7 REVIEW OF THE HORNSBY MALL CODE

EXECUTIVE SUMMARY

In May 2009, Council adopted a Plan of Action (see Report No CC94/09) to assist in the finalisation of Key Actions associated with the Hornsby Mall Strategic Management Plan (HMSMP). The Taskgroup associated with Strategy Six of the HMSMP - A Hornsby Mall That Functions Well - has recently concluded a comprehensive review of the contents of the Hornsby Mall Code (The Code).

The review included consultation with key stakeholders and had regard to operational experience over the past eight years. A revised Code has been developed incorporating a number of amendments and enhancements based on these considerations. The amendments to the Code are intended to maintain the Mall's relevance in the current market and ensure its efficient and effective ongoing management.

The endorsement of Council is now sought to place the attached revised Code on public exhibition for a period of 28 days. Following the public exhibition period, a further report incorporating details of submissions received will be prepared for Council's consideration.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with an opportunity to consider proposed changes to the Hornsby Mall Code and to recommend that the revised Code be placed on public exhibition.

DISCUSSION

At the 12 December 2001 Ordinary Meeting (see Report No CC88/01) Council adopted the Hornsby Mall Code and related fees and charges which had been developed to assist in the management of a broad range of issues associated with the refurbished Hornsby Mall. The Code deals with topics such as: whether certain activities are permitted or not permitted within the Mall boundaries; whether those activities require a development consent, licence agreement or permit; the fees which apply to the licence agreements or permits; which activities require specific consideration by Council via a report; the level and type of insurance cover required by those who make application for licences or permits; etc. Since that time, Council has considered a number of reports concerning minor amendments to a number of provisions within the Code to ensure the ongoing efficient and effective management of this prime community asset.

A Key Action under Strategy Six - A Hornsby Mall That Functions Well - contained within the adopted HMSMP, identifies that a review of a number of provisions contained within the Code, in particular, the lease/licence of public space, vehicle access and the operation of permanent markets, be carried out. Following the establishment of the Strategy Six Taskgroup in June 2007, a review of the provisions mentioned above was undertaken by the Taskgroup. During this review, the opinion was formed that having regard to the period of time that had elapsed since Council first adopted the Code, it would be prudent to conduct a comprehensive review of all provisions contained within the Code.

A revised Code has now been developed by the Taskgroup and is attached for Council's consideration. The revised Code incorporates input from both internal and external stakeholders, community feedback and operating experience within the Hornsby Mall over the past eight years.

It should be noted that the revised Code incorporates significant differences to the original Code in terms of layout and content. Accordingly, to assist in the identification of the proposed amendments, Council officers have included the original Hornsby Mall Code as Attachment 1, and the revised Hornsby Mall Code as Attachment 2, to this Report.

In conducting a review of the Code the Taskgroup considered that the layout of the document should be amended to clearly articulate the various provisions and requirements of Council which apply to the Hornsby Mall. The revised layout has been designed to allow visitors and users of the Hornsby Mall to conveniently locate and understand the requirements and guidelines that apply when visiting or using the Mall.

Details concerning the various sections of the Code are provided below.

PART A: INTRODUCTION

This section of the Code has been updated by the Taskgroup to provide a synopsis of intent and aims of the Council concerning the management of activity within the Hornsby Mall.

PART B: ACTIVITIES

Section B.1 Prohibited Activities

This section of the Code has been amended by the Taskgroup to reflect recent decisions of Council in terms of no smoking in pedestrian malls and the inclusion of the Hornsby Mall as an alcohol free zone. Having regard to current operating experience, it is considered that no other amendments are required to this section of the Code.

Section B.2 Activities Requiring Permits

Item B.2.1 Busking

Since implementation of the Code in 2001, the activity of busking in the Hornsby Mall has proved very popular for performers and visitors alike, creating a unique ambience. During school holidays and Christmas periods, a number of the Shire's youth have had the opportunity to showcase their musical and other talents. To assist in meeting the ongoing demand for this activity, this section of the Code has been expanded to include "circle busking performances", where there is a requirement for the audience to stop and watch or participate in the performance. In addition, clearer guidelines have been incorporated having regard to current operating experience and relevant provisions from similar codes operating in other local government areas, such as the City of Sydney.

Item B.2.2 Commercial Displays/Stalls/Promotions

Although there has generally been reasonable interest in the conduct of this activity, it is noted that there have been instances where applications have been declined based on the existing requirement that such activities should not be in direct competition with businesses

in the Hornsby CBD and the Hornsby Mall area. While supporting the rationale behind this requirement, the Taskgroup is of the opinion that the inclusion of the following criteria under this activity type will assist in ensuring that there is no detrimental affect on existing Hornsby CBD and Hornsby Mall businesses whilst maximising the opportunities for commercial displays/stalls and promotions in the Hornsby Mall:

Criteria One: The written approval of any direct competitor/s operating in the Hornsby Mall to conduct the proposed activity has been obtained, or

Criteria Two: The proposed activity will, in the opinion of the Council or Council's delegated nominee, enhance economic development of the Hornsby Mall and/or Town Centre.

Item B.2.3 Community & Council Displays/Stalls/Promotions (excluding Charitable Fundraising)

This activity has proved very popular with community groups and visitors since the Hornsby Mall reopened in 2001. While a number of Council departments have also used the Hornsby Mall to promote the local environment and enhance the quality of life of residents, this activity had not previously been specifically outlined within the Code. In order to support Council's open and accountable policies, the Taskgroup have expanded this section of the Code to incorporate the use of the Hornsby Mall by Council departments who conduct activities/events for the benefit of the Hornsby Shire community.

Item B.2.4 Charitable Fundraising Appeals including Traders

The conduct of fundraising appeals in its various forms is governed by the NSW Charitable Fundraising Act 1991. This section of the Code has been amended to ensure compliance with the relevant provisions of the above Act and address issues that have arisen in the past with traders and their collection representatives. In this regard, limitations have now been placed on the number of bookings a trader can make within a period of one month, and the number of representatives that a trader is allowed to have operating in the Hornsby Mall at any one time.

Item B.2.5 Short Term Display of Banners, Bunting and Signs

Since 2001, interest in conducting this type of activity in the Hornsby Mall has been disappointing. While there has been no clear evidence to explain the low level of interest, it is considered that the requirement to obtain development consent may act as a disincentive, in terms of process and time. The Taskgroup is of the opinion that this activity should still be encouraged and remain as a permitted activity in the Hornsby Mall. In order to further encourage this activity, the Taskgroup will hold discussions with officers of the Planning Division in an attempt to streamline the relevant planning requirements.

Item B.2.6 Distribution of Handbills, Pamphlets, Giveaways and the Like

This activity has also proved very popular with both commercial and community organisations/groups since the Hornsby Mall reopened in 2001. The Taskgroup have amended this section of the Code to address issues that have arisen in the past in terms of the frequency of bookings by applicants undertaking this activity in the Mall and limiting the number of representatives who undertake the activity at any one given time. In addition an extra sub activity has been included to allow the conduct of this activity on a roaming basis around the water sculpture.

Item B.2.7 Public Address System

With a public address system to be installed in the Hornsby Mall in the near future, the Taskgroup consider that short term users of the Hornsby Mall should have the opportunity to make use of this new facility. The public address system has been designed to ensure the control of noise levels throughout the Hornsby Mall and to allow regulation of sound generation in each of the quadrants of the Mall. The public address system will also have the ability to generate emergency response warnings and will allow recorded and live broadcast ambient music to be played.

Item B.2.8 Vehicular Access

Since 2001, vehicular access into the Hornsby Mall has created a number of difficulties in terms of balancing the rights and safety of pedestrians within the Hornsby Mall against the need for vehicles to enter the pedestrian domain for various commercial and community purposes. While the provisions of the current Code have generally allowed a fair balance, the issue of delivery access for certain retail and commercial establishments adjoining the Mall has highlighted an apparent shortcoming within the Code. Recent examples relate to the delivery of newspapers to the Hornsby Mall newsagent and delivery of plate glass to the picture framing business proprietor.

The Taskgroup has given careful consideration to this issue and is of the opinion that while vehicular access into the Hornsby Mall during peak pedestrian periods should continue to be restricted it would be appropriate to provide disadvantaged adjoining business proprietors access to the Hornsby Mall outside normal operating hours. Disadvantaged business proprietors are defined as “*proprietors who do not have other dedicated delivery or loading dock areas*”. In this regard, the Taskgroup considers that this section of the Code should be amended to allow vehicular access to disadvantaged adjoining Hornsby Mall business proprietors during the period between midnight and 5.00am only.

The Taskgroup has also incorporated a number of minor clarifications/enhancements under this section of the Code in terms of the period of time vehicles are able to remain in the Mall and potential liability issues associated with registered and unregistered vehicles.

Item B.2.9 Amusement Rides, Devices and the like

Whilst there has been a reasonable level of interest for this activity, it should be noted that to date, applicants have mainly conducted this activity as part of a larger event, such as Kids in the Mall, etc. It is considered that this activity should still be encouraged within the Hornsby Mall and a number of minor clarifications/enhancements have been incorporated under this section of the Code in terms of risk management, occupational health and safety, and activities involving the use of animals and native fauna.

Item B.2.10 Roaming and Static Professional Entertainers

While the current Code allows entertainment activities in a broad sense, it is considered that in order to support the objectives of the HMSMP, it would be prudent for Council to identify the type/s of professional entertainment activities that should be supported to occur within the Hornsby Mall. Accordingly, a new section (i.e. Section B.2.10 Roaming and Static Professional Entertainers) has been inserted into the Code which identifies the types of entertainment that are considered appropriate to occur within the Hornsby Mall. A number of

guidelines to assist in managing the operation of entertainment within the Hornsby Mall have also been included.

Item B.2.11 Short Term Entertainment Events

As part of the consultation phase in the development of the HMSMP, feedback was received from both commercial and community stakeholders concerning the processes involved in obtaining permission to conduct an event within the Hornsby Mall. A number of locally based community service groups expressed frustration at the need to obtain development consent and an activity permit to undertake an event in the Hornsby Mall. In addition, the costs associated with both approvals made it unviable for non profit organisations to hold an event in the Hornsby Mall. Similar comments were also received from a regular commercial operator who pointed out that these additional requirements made holding events within the Hornsby Mall unattractive and difficult to justify.

In an attempt to address the concerns mentioned above and maintain consistency with the objectives outlined in the HMSMP, the Taskgroup has developed a new section (i.e. Short Term Entertainment Events) within the Code to assist in streamlining the approval process for potential event holders wishing to undertake the following event categories within the Hornsby Mall:

Category One: Seasonal Event:

Events which occur seasonally/annually and are clearly identifiable and generally accepted as community wide occurrences that foster community belonging (e.g. Christmas, Easter, National Days, School Holidays, Mothers and Fathers Day, Aboriginal Reconciliation Day and the like.)

Category Two: Themed Event:

Events themed to generate a festive or fete atmosphere showcasing a product or theme targeted to certain sections of the community. (e.g. Sport Registration days, Garden Festivals, Food and Wine Expos and the like.)

Category Three: Charity Event:

Events designed to engage the community to support community groups and charitable organisations with awareness or fundraising opportunities. (e.g. service club activities, bush fire appeals and the like.)

Category Four: Ambience and Atmosphere Event

Events designed to create an inviting and pleasant atmosphere to enhance and highlight the experiences of visitors to the Hornsby Mall. (e.g. Carillion Playing, roving/static entertainment, amusement devices, demonstrations, musicians, theatre and the like.)

Category Five: Landmark Event:

Events that will position Hornsby Mall as a venue that hosts national and international celebrities, unique entertainment and niche market events. (e.g. celebrity appearances, outside TV and radio broadcasts, national road shows).

A detailed description of each event category listed above is included in the Code.

In addition, the Taskgroup has formulated a set of guidelines that a prospective event holder would need to comply with when undertaking one of the event categories listed above.

Should Council be supportive of the implementation of this new section within the Code, Council officers would then commence action to seek development approval to allow the proposed event categories to be conducted within the Hornsby Mall.

Item B.2.12 Minor Works on Properties Adjacent to the Mall

Over the past six years, a number of applications have been received seeking authority to use sections of the Hornsby Mall to undertake works on adjoining properties. Such works have involved minor repairs to under awning signage and shop fronts through to total refurbishment and construction of shopfronts on adjoining Hornsby Mall properties.

The Taskgroup is of the opinion that applications to conduct this type of activity within the Hornsby Mall will be ongoing and have, therefore, expanded the scope of the guidelines in an attempt to ensure that Council's interests are protected in terms of risk management, occupational health and safety, waste management and vehicular access.

Item B.2.13 Public Speaking, Including Candidates Seeking Election to Various Offices

Since the inclusion of this section in the Code in 2003, only one person has submitted an application to conduct this activity in the Hornsby Mall. Nevertheless, the Taskgroup is of the opinion that this activity should continue to be encouraged and as such have included two additional guidelines to assist in managing this activity, in terms of receiving details of the proposed speech topic and restricting the use of amplification equipment.

Item B.2.14 Miscellaneous Use

Minor amendments to this section of the Code have been incorporated to reflect changes made by the Taskgroup to other activity sections set out in the Code. An additional provision has been included to allow Council, or Council's delegated nominee, the right to refuse and/or impose any special conditions considered appropriate in respect of a miscellaneous use application.

B.3 Activities requiring Development Consent, Licences and Other Approvals

Item B.3.1 Long Term Advertising Banners

Since 2001, the level of interest in conducting this type of activity in the Hornsby Mall has been disappointing. Again, while there would appear to be no clear evidence to explain the low level of interest, it is considered that the requirement to obtain development consent may act as a disincentive, in terms of process and time. The Taskgroup are of the opinion that this activity should still be encouraged and remain as a permitted activity in the Hornsby Mall. It should be noted that the Taskgroup will hold discussions with officers of the Planning Division in an attempt to streamline the relevant planning requirements.

Item B.3.2 Outdoor Seating Areas

Minor changes have been incorporated to this section of the Code to reflect the existing legislative provisions and the revised Hornsby Mall Outdoor Seating Code adopted by Council at the April 2009 Ordinary Meeting.

Item B.3.3 Markets

In accordance with the provisions of the Code adopted by Council in 2001, the conduct of markets in the Hornsby Mall is supported on the proviso that any market is of a high standard and compatible with the ambience of the Mall and the adjacent commercial activity. Since 2003, a weekly Organic Food market has operated within the Hornsby Mall providing an opportunity for local residents to conveniently purchase organic produce. The existing market operator is currently conducting the market on a three monthly hold over basis subject to the approval of the General Manager.

Feedback from community consultation undertaken as part of the development of the HMSMP indicated general support for the operation of markets within the Hornsby Mall, however, some functional and practical issues had been identified in respect of the location of the Organic Food Market within the Mall. It should be noted that a usage audit, undertaken in 2007 by a consultant urban designer to analyse the operational and functionality aspects of the quadrant areas of the Hornsby Mall, noted the following key findings:

- The scale and geometry of the Hornsby Mall limits significant outdoor staged activities often associated with major shopping centres
- Emergency vehicle access requirements limit options for locating temporary facilities for events and activities (i.e. stalls, stages, Christmas tree)
- The market stalls are very popular and add colour and interest to the Hornsby Mall. Greater flexibility in the location and extent of these stalls could be achieved through redesign of some of the Hornsby Mall elements
- The nature of day to day activities in the Florence Street West quadrant limits options for major event staging, with the markets tending to clash with café uses. This results in the area being more suitable as a back up space for larger markets where they do not fit solely in the Florence Street quadrant
- Seating bays in Hunter Street South could be used for extending market stall locations.

Taking into consideration the findings mentioned above and community feedback received, the Taskgroup is of the opinion that while the operation of markets add a certain vibrancy to the Hornsby Mall the nature of certain built elements and other operational constraints does hamper opportunities to attract a broad range of market operations. In an attempt to balance these competing issues, the Taskgroup has incorporated additional guidelines within the Code to assist in attracting potential market operators that can be accommodated within the useable space. In this regard, provision has now been made to allow the Hunter Street South seating bays to also be used for market operations. Provision has also been made to allow a market operator to incorporate up to a maximum of five stalls on any one given market day to sell products and services that directly compete with adjoining retail and commercial business. In addition, the guidelines have now been expanded to allow a market operator to undertake ancillary activities including the distribution of handbills, roaming and static entertainment and installation of bunting and banners as part of the approved market.

To further assist in the management of market operations, guidelines have been included in the Code indicating specific days (i.e. Monday to Friday only) and times (i.e. 9.00am to 5.00pm) which are considered appropriate for the operation of markets. Reference has also been made to the number, size and site location of stalls, vehicular access and requirements in terms of car parking and the provision of adequate toilet facilities. (N.B. No provision for weekend markets has been made due to previous difficulties associated with planning approval requirements, particularly parking)

Should Council be supportive of the implementation of the revised guidelines outlined above in respect of the operation of markets within the Hornsby Mall, Council officers would then commence action to seek development approval to streamline the approval process for market operations within the Hornsby Mall.

Item B.3.4 Long term Commercial Displays & Promotions

Since 2001, the level of interest in conducting this type of activity in the Hornsby Mall has been disappointing. Again, while there would appear to be no clear evidence to explain the low level of interest, the Taskgroup considers that the requirement to obtain development consent may act as a disincentive, in terms of process and time. The Taskgroup is of the opinion that this activity should continue to be encouraged and remain as a permitted activity in the Hornsby Mall. It should be noted that discussions will be held with officers of the Planning Division in an attempt to streamline the relevant planning requirements.

Item B.3.5 Free Standing Kiosks and Automatic Teller Machines

As above, the level of interest in conducting this type of activity in the Hornsby Mall has been disappointing and there would appear to be no clear evidence to explain the low level of interest. Again, the Taskgroup considers that the requirement to obtain development consent may act as a disincentive, in terms of process and time. It is considered that this activity should continue to be encouraged and remain as a permitted activity in the Hornsby Mall. It should be noted that discussions will be held with officers of the Planning Division in an attempt to streamline the relevant planning requirements.

Item B.3.6 Other Activities

Having regard to current operating experience, the Taskgroup considers that no amendments are required to this section of the Code.

PART C: OTHER MATTERS

C.1. Facilities and Services

Item C.1.1 Amphitheatre

Having regard to current operating experience, the Taskgroup considers that no amendments are required to this section of the Code.

Item C.1.2 Garbage and Litter

Having regard to current operating experience, the Taskgroup considers that no amendments are required to this section of the Code.

Item C.1.3 Security

This item has been amended to incorporate Council's recent decision to accept a sponsorship proposal to conduct a trial CCTV scheme in the Hornsby Mall for a period of two years.

Item C.1.4 Inspections and Compliance

Having regard to current operating experience, the Taskgroup considers that no amendments are required to this section of the Code.

Item C.1.5 Mall Maintenance and Cleaning

Having regard to current operating experience, the Taskgroup considers that no amendments are required to this section of the Code.

C 2. Other*General Guidelines*

The Taskgroup has amended this item to reflect various changes made to other sections of the Code and operating experience to date.

PART D: DEFINITIONS

This part has been amended to reflect changed or new terminology which has been incorporated into the revised Code.

PART E: ATTACHMENTS

The following plans, which support certain amendments to items set out in the revised Code, have now been included:

- Attachment 1: Site and Emergency Access Plan
- Attachment 2: Specimen Risk Management Plan
- Attachment 3: Stage Location Plan
- Attachment 4: Market Stall Layout Plan

Having regard to the protocols of Council's Public and Community Input Policy, it is recommended that the revised Code, if adopted by Council, be placed on public exhibition to ensure an appropriate opportunity is provided to all relevant stakeholders and interested parties to comment on the revised Code. Any comments received will be incorporated in a further report to Council.

In this regard it is noted that the provisions of Council's Public and Community Input Policy prohibit the inclusion of the period between 20 December and 20 January as part of the exhibition period.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

Should Council resolve to publicly exhibit the revised draft Hornsby Mall Outdoor Seating Code, such exhibition will be in line with Council's Public and Community Input Policy. No other Policies are affected by this Report.

CONSULTATION

In the preparation of this Report, the taskgroup has had consultation with relevant Council officers and various commercial and community Hornsby Mall stakeholders.

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 the by reporting upon Council's strategic themes. The following Triple Bottom Line considerations apply to this Report:

Working with our community

The Hornsby Mall Code has been reviewed to assist in the ongoing management of day to day activities within the Hornsby Mall and support the objectives of the adopted Hornsby Mall Strategic Management Plan. The revised Code will be publicly exhibited and comments invited. The document will also be displayed on Council's website, and at Council's libraries to provide the community opportunity to express their views regarding the revised Code.

Maintaining sound Corporate and financial management

The revised Code sets clear guidelines for a responsible and accountable approach to the management of activities within the Hornsby Mall, contributing to its continued maintenance and long term financial viability.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Manager, Administration Services Branch - Robyn Abicair - 9847 6608, and the Manager, Commercial Property - Rod Drummond - 9847 6589.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC 94/09 be received and noted.
2. Council adopt the revised draft Hornsby Mall Code, as attached to Report No CC94/09, for the purpose of public exhibition for a minimum period of 28 days.
3. Following the public exhibition period, a further report be prepared for Council's consideration providing details of any submissions received.

ROD DRUMMOND
Manager - Commercial Property
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Hornsby Mall Code
2. Hornsby Mall Code - November 2009 Revision

File Reference: F2005/00289
Document Number: D01281249

8 INVESTMENT AND BORROWING REPORT - OCTOBER 2009

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. In this regard, investments are generally held for the medium to long term.

This Report indicates that the total investment income for the financial year to date October 2009 was \$473,000 compared to the budgeted income for the same period of \$300,000. Of the year to date investment income earned, 32% relates to external restriction such as 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 - October 2009

- The At-Call and Term Deposits achieved an annualised return of 4.27% for the month compared to the benchmark of 3.25%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market return of -22.06% for the month compared to the benchmark of -21.64%. 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 5.43% for the month compared to the benchmark of 3.05%.
- Direct investments in Collateralised Debt Obligations (CDO's) achieved an annualised return of 3.78% for the month compared to the benchmark of 3.05%. It is noted that on 20 September 2009, the CDO named "Isosceles" matured, ensuring the return of the full amount of the invested capital to Council.
- The Capital Guaranteed Notes achieved an annualised return of 0.26% for the month compared to the benchmark of 3.05%. 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 2.55% compared to the benchmark of 2.38%; and the year to date return after fees is 4.02% compared to the benchmark of 3.89%.

In respect of CDO's, Report No CC80/08 provided Council with advice in respect of the possible impact on corporate linked CDO's of the worsening economic conditions at the time - now referred to as the Global Financial Crisis or GFC. This advice related to the effect of credit events on capital invested by Council in CDO's. Since that time, the Finance and Strategy Task Force has been provided with regular updates about the status of CDO's and other components of Council's investment portfolio. The most recent update was at the 18 November 2009 meeting. Based on credit events in October 2009, the CDO known as PURE has incurred a decline in capital value on maturity. Initial advice is that the amount of capital impacted is 7.63% of Council's investment, which equates to \$38,187. The credit events will also impact on current coupon receipts and will result in a reduction in future amounts received by 7.63%.

In respect of Capital Guaranteed products, it should be noted that the Manager, Financial Services is undertaking a review of options in conjunction with Council's independent investment adviser and will be keeping the Task Force and Council informed as the project progresses and any action is taken.

Economic/Financial Conditions

STATEMENT BY GLENN STEVENS, GOVERNOR (MEDIA RELEASE 3 NOVEMBER 2009) MONETARY POLICY

At its meeting today, the Board decided to raise the cash rate by 25 basis points to 3.5 per cent, effective 4 November 2009.

The global economy has resumed growth. With economic policy settings likely to remain expansionary for some time, the recovery is likely to continue during 2010 and forecasts have been revised higher. The expansion is generally expected to be modest in the major countries, due to the continuing legacy of the financial crisis. Prospects for Australia's Asian trading partners appear to be noticeably better. Growth in China has been very strong, which is having a significant impact on other economies in the region and on commodity markets. For Australia's trading partner group, growth in 2010 is likely to be close to trend.

Sentiment in global financial markets is much better than earlier in the year. Nonetheless, the state of balance sheets in some major countries remains a potential constraint on their expansion.

Economic conditions in Australia have been stronger than expected and measures of confidence have recovered. Some spending has probably been brought forward by the various policy initiatives. With those effects now diminishing, these areas of demand may soften somewhat. Some types of capital spending are likely to be held back for a while by financing constraints, but it now appears that private investment will not be as weak as earlier expected. Medium-term prospects for investment appear, moreover, to be strengthening. Higher dwelling activity and public infrastructure spending are also starting to provide more support to spending. There have been some early signs of an improvement in labour market conditions. The rate of unemployment is now likely to peak at a considerably lower level than earlier expected.

Inflation has been declining for the past year. In underlying terms, inflation should continue to moderate in the near term, but now will probably not fall as far as earlier thought. Headline CPI inflation on a year-ended basis has been unusually low because of temporary factors, and will probably rise somewhat over the coming year. Both CPI and underlying inflation are expected to be consistent with the target in 2010.

Housing credit growth has been solid and dwelling prices have risen appreciably this year. Business borrowing has been declining as companies have sought to reduce leverage in an environment of tighter lending standards. For many business borrowers, increases in risk margins are still coming through. The decline in credit has been concentrated among large firms, which have had good access to equity capital and, more recently, to debt markets. Share markets have recovered significant ground.

The Board noted that the rise in the exchange rate is likely to constrain output in the tradeables sector and dampen price pressures. Nonetheless, growth is likely to be close to trend over the year ahead and inflation close to target. With the risk of serious economic contraction in Australia now having passed, the Board's view is that it is prudent to lessen gradually the degree of monetary stimulus that was put in place when the outlook appeared to be much weaker. The adjustments at the October and November meetings will work to increase the sustainability of growth in economic activity and keep inflation consistent with the target over the years ahead.

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 October 2009, is attached to this Report.

BUDGET

Total investment income for the financial year to date ending October 2009 was \$473,000. The budgeted income for the period was \$300,000. Of the investment income, approximately 32% relates to external restrictions (Section 94) and is, therefore, restricted.

POLICY

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

CONSULTATION

Initial investments and reallocation of funds are made where appropriate, after consultation with Council's financial investment adviser and fund managers.

TRIPLE BOTTOM LINE SUMMARY

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

Council's Investment Strategy does recognise, however, the desirability of "ethical" or "socially responsible" investments and has invested in such products in the last year. These are referenced in the Investment Portfolio in Attachment 1. Council will continue to review new products, subject to funds availability and asset allocation and credit quality parameters contained in the Strategy.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No CC95/09 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 Oct 2009
2. HSC Borrowings Schedule as at 31 Oct 2009

File Reference: F2004/06987
Document Number: D01281475

9 COUNCILLORS' EXPENSES AND FACILITIES (STATUTORY) POLICY

EXECUTIVE SUMMARY

In accordance with Section 252 of the Local Government Act (the Act), Council is required to review its policy regarding the payment of expenses and provision of facilities to Councillors on an annual basis. Once such review is complete the adopted policy is to be forwarded to the Division of Local Government (DLG).

A thorough review of Council's current Councillors' Expenses and Facilities Policy has been completed and the updated Policy is included as Attachment 1 to this Report, with proposed amendments shown in *track changes*. The review of the Policy has regard to the "Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW", issued recently by the DLG. The proposed changes to the Policy reflect the intent and considerations of the Guidelines.

It is recommended that Council adopt the attached amended Policy for the purposes of public exhibition, and a copy of the amended Policy be provided to the DLG.

PURPOSE/OBJECTIVE

The purpose of this Report is to comply with Section 252 of the Local Government Act; to provide Council with the opportunity to consider the proposed amendments to its Councillors' Expenses and Facilities Policy; and to seek Council's endorsement of the amended Policy attached to this Report for the purposes of public exhibition.

DISCUSSION

In 2005, the DLG conducted a review of a number of Councillor expenses and facilities policies of councils across NSW. This review revealed a high level of variability in format and content, the scope of expenses and facilities provided as well as the level of payment provided to Councillors. To address these issues, amendments were made to the Local Government Act and the Local Government Regulation. It was at this time that the first version of the "Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW" was developed by the DLG.

In 2007, a further review was conducted and feedback received from councils identified the need for clarification in a number of areas. As a result, in October 2009, Circular No. 09-36 was issued by the DLG notifying councils of the release of revised Councillor Expenses and Facilities Guidelines. A copy of the Circular and updated Guidelines is included as Attachment 2 of this Report.

The DLG Circular states that councils are required to submit their expenses and facilities policies to the DLG by 30 November each year. However, due to the late release of the Circular and Council's meeting schedule, this deadline was unable to be met. As a consequence, an extension was sought and granted by the DLG which allows Council to submit the amended Councillors' Expenses and Facilities Policy by the end of December 2009.

The majority of amendments proposed to the Policy simply reflect the intent of the updated Guidelines, providing more specific clarification on a number of issues. The changes reinforce a number of key points of the Guidelines but do not substantially alter the provisions of the Policy.

In addition, some grammatical and formatting changes have been made to the Policy, in particular the movement of the sections on “Interstate Travel” and “Overseas Travel” to follow directly on from the section headed “Travel Arrangements and Expenses”.

Section 253 of the Local Government Act requires that Council must give public notice of its intention to amend a policy for the payment of expenses or provision of facilities to Councillors, allowing 28 days for the lodgement of public submissions.

In this regard it is noted that in accordance with Council’s Policy – Public and Community Input, the period between 20 December and 20 January is not to be counted as part of the exhibition period.

BUDGET

There is provision within Council’s adopted budget for the payment of Councillor expenses and facilities that fall within the provisions of the subject Policy.

POLICY

This Report proposes amendments to the Councillors’ Expenses and Facility Policy. Should Council resolve to adopt the amended Policy for the purposes of public exhibition, the public exhibition process will be undertaken having regard to Council’s Public and Community Input Policy.

CONSULTATION

The preparation of this Report has had regard to DLG Circular 09-36 of 7 October 2009 and the associated Guidelines. Consultation has taken place with relevant staff members and the Executive Manager, Corporate and Community Division.

TRIPLE BOTTOM LINE SUMMARY

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

As this Report simply responds to legislative requirements and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Manager, Administration Services Branch – Robyn Abicair, and the Administration Coordinator – Natalie Cook. They can be contacted on 9847 6608 and 9847 6011 respectively.

RECOMMENDATION

THAT:

1. The amended Councillors' Expenses and Facility Policy, as attached to Report No. CC96/09, be adopted for the purposes of public exhibition.
2. If submissions are received, a further report be prepared for Council's consideration which addresses any submissions received in respect of the exhibited Policy.
3. Should no submissions be received, the Policy as attached to Report No. CC96/09 be adopted.
4. A copy of the amended Policy be forwarded to the Division of Local Government.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Circular to Councils 09 36 - Release of revised Councillor Expenses and Facilities Guidelines
2. Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW
3. Councillors' Expenses and Facilities Policy - Final Amended Version Showing Changes

File Reference: F2006/00032
Document Number: D01282093

10 OUTSTANDING COUNCIL RESOLUTIONS

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

The purpose of this Report is to provide details in respect of Council resolutions up until the end of August 2009 which have not been substantially implemented.

DISCUSSION

In accordance with the Council Resolutions Policy, each Division has carried out a review of any resolutions up until the end of August 2009 which have not been substantially implemented. This has resulted in the attached spreadsheet being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

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

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

BUDGET

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

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC97/09 be received and noted.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Council Resolutions - as at 31 August 2009

File Reference: F2005/00112
Document Number: D01283807

11 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS

EXECUTIVE SUMMARY

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

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

PURPOSE/OBJECTIVE

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

DISCUSSION

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

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

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

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

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

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

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns at the Ordinary Meeting held on 14 October 2009 - Report No. CC85/09. Since that time, seven additional Returns have been lodged with the General Manager and are now tabled as required by the Local Government Act.

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
7/10/2009	Programme Director - Greenway Park Childhood Education Centre	Internal Transfer
7/10/2009	Assistant Cook - Greenway Park Early Childhood Education Centre	New Employee
1/10/2009	Cook – Greenway Park Early Childhood Education Centre	New Employee
26/10/2009	Manager - Environmental Sustainability & Health Team	Internal Transfer
21/10/2009	Strategic Town Planner	New Employee
30/10/2009	Risk and Insurance Manager	Resignation
09/11/2009	Acting Risk and Insurance Manager	New Employee

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: D01285406

12 DOCUMENT ACCESS APPLICATIONS 24 SEPTEMBER 2009 - 18 NOVEMBER 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 24 September 2009 – 18 November 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 24 September 2009 – 18 November 2009

There were 145 applications processed under Council's Document Access Policy in the period 24 September 2009 – 18 November 2009. The time taken to process these 145 applications was 262 hours. An additional 41 applications were received but not finalised at the time this Report was written.

A total of 20 applications included requests for information contained in files which are located at the Planning Division File Storage Compactus at Thornleigh. Access to this storage area is temporarily unavailable which impacts on the ability for staff to deal with these requests. All 20 applicants were advised of the current unavailability of access to the documents they requested. Of these, one applicant indicated that they did not wish to pursue their application, four applicants have not responded to correspondence regarding this status and as such their applications are deemed to have been withdrawn. (N.B. These five applications have been included in the count of 145 applications processed during the period)

The remaining 15 applications are being held in abeyance until the documents required to complete their processing become available from the storage facility at Thornleigh. It should be noted that the Manager, Administration Services is in the process of establishing with relevant stakeholders the required steps and responsibilities associated with resolving the issue of access to the facility. The other 26 applications of the 41 which were received but not finalised at the time of writing of this Report will be included in the report for the next processing period.

The processing time service goal for Document Access Applications is targeted as being less than the time allowed for a determination of an application under the Freedom of Information Act (currently 21 calendar days). The average processing time for applications received in the current reporting period was 14 calendar days.

Restricted Access

Following receipt of applications under the Document Access Policy, files are reviewed by the Information Access Officer or the Freedom of Information Officer of the Administration Services Branch, to determine if any documents fall within any of the exceptions outlined in Paragraphs 3(a) - 3(k) of the Policy and if access should be restricted. Of the 145 applications processed in the period, 11 applications resulted in restricted access to Council files. In total, 58 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 58 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) - 0 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) - 19 documents
Plans and Specifications (RP) - 5 documents
Commercial Privilege (CP) - 0 documents
Commercial Advantage (CA) – 0 documents
Legal Professional Privilege (PR) - 34 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, seven new Freedom of Information (FOI) applications were received. Three applications were brought forward from the previous period. Four applications have been determined within this reporting period and six applications are being carried forward. In addition, work was carried out on three Internal Reviews of FOI determinations.

The total time spent by Council staff on processing FOI applications during this reporting period was approximately 65.5 hours. Details of allocation of this time are included in the table below. It should be noted that of the total 65.5 hours, 43 hours was spent processing applications submitted by one applicant.

Description	Number of hours expended
Processing of FOI application/s	56.5 hours
Processing of Internal Reviews	9 hours
Processing of External Reviews	0 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 262 hours invested in processing the 145 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. In addition, time was also spent on research for and communication with applicants whose applications have been held in abeyance due to documents being currently unavailable. The time utilised on these activities was approximately 323 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 Executive Manager's Report No. CC99/09 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: D01287060

13 HORNSBY MALL STRATEGIC PLAN - SIX MONTHLY PROGRESS REPORT - OUTSTANDING KEY ACTIONS

EXECUTIVE SUMMARY

At the 13 May 2009 Ordinary Meeting, Council adopted a Plan of Action table to assist in the timely completion of the outstanding Key Actions contained within the Hornsby Mall Strategic Management Plan (HMSMP). Council also resolved that reports outlining the progress on the implementation of the outstanding Key Actions be provided for consideration on a six monthly basis, commencing December 2009.

A table has been prepared which outlines progress achieved in the implementation of the outstanding Key Actions for the period ending 30 November 2009. Comments regarding certain outstanding Key Actions are also provided in the DISCUSSION section of this Report.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide information and seek Council's endorsement in respect of progress, as at 30 November 2009, on the implementation of the outstanding Key Actions contained within the Plan of Action table associated with the HMSMP.

DISCUSSION

At the 13 May 2009 Ordinary Meeting (see Report No CC32/09) Council, as the interim Hornsby Mall Leadership Group, adopted a Plan of Action table to assist in the timely completion of outstanding Key Actions contained within the HMSMP. The Plan of Action identified the uncompleted Key Actions from the past two 12 month Operational Plans and categorised each Key Action under one of three headings indicating a proposed completion timeframe. Council requested that reports outlining the progress on the implementation of the Key Actions be provided for consideration on a six monthly basis, commencing December 2009.

Attached to this Report is a table that provides a summary of the progress on the implementation of the uncompleted Key Actions for the period to 30 November 2009. Detailed comments concerning the progress of certain Key Actions for the period to 30 November 2009 are provided below:

Plan of Action: May 2009 to November 2009

Key Action 1.2 Establish Hornsby Mall Leadership Group Taskgroups

Strategy Four: A Beautiful Hornsby Mall

As previously reported, Council officers considered that as the Key Actions included under this Strategy related to the installation of physical improvements within the Hornsby Mall, it would be prudent to defer establishing this Taskgroup until relevant funds to carry out the works had been identified.

As part of the adopted 2009/2010 Budget, funding from the 2007-2011 Section 94 Contribution Plan has been allocated for the installation of a number of physical improvements within the Hornsby Mall. These improvements consist of planter boxes at the Mall entrances, new garbage and recycling bins throughout the Mall and new balustrades around a number of the existing outdoor seating areas. Accordingly, Council officers are of the opinion that it would now be appropriate to form the Strategy Four Taskgroup to assist in the implementation of the above infrastructure. Taking into consideration the nature of the proposed works, it is considered that members of this Taskgroup should be limited to Council's Manager, Commercial Property and relevant officers of Council's Asset Branch and Parks and Landscape Team. Involvement of, and consultation with, other stakeholders would occur on an "as needs" basis in line with Council's usual community consultation guidelines. The establishment of the Taskgroup for Strategy Four, comprising Council officers referred to above is, therefore, submitted for Council's endorsement.

Key Action 2.1 Image Campaign

At the July 2009 meeting of the A Vibrant Hornsby Mall Taskgroup, it was agreed that due to ongoing difficulties experienced in forming a quorum of key stakeholders for meetings and current resourcing issues it was not practical to undertake a marketing survey at the present time. In the circumstances, the Taskgroup requested that the Manager, Commercial Property incorporate this matter for consideration in preparation of the 2010/11 Hornsby Mall budget.

Key Action 3.4 Monitoring

At the June 2009 Ordinary Meeting (see Report No CC21/09) Council endorsed a CCTV sponsorship proposal to install and trial a CCTV scheme in the Hornsby Mall. The trial will operate for a period of two years with a further report to be provided for the consideration of Council at the end of this period.

Key Action 3.6 Education Programs

At the May 2009 meeting of the Hornsby Mall Safety Group, it was agreed that due a change in focus of the executive of the Hornsby Business Alliance (formerly Hornsby and District Chamber of Commerce and Industry) the implementation of an education program would now be undertaken in partnership with the community policing officer of the Kuring-gai Local Area Command. It is anticipated that an appropriate education program will be developed and implemented early in 2010.

Key Action 4.1 Beautification of entrances

As part of the adopted 2009/10 Budget, funding from the 2007-2011 Section 94 Contribution Plan has been allocated for the installation of planter boxes at the entrances to the Hornsby Mall. Officers of Council's Parks and Landscape Team are currently investigating design options in respect of the planter boxes. At this point in time it is anticipated that the new planter boxes will be installed prior to the end of the 2009/10 financial year.

Key Actions 6.1, 6.2, 6.3 and 6.5 Lease/Licence of Public Space, Vehicle Access and Permanent Markets

Report No CC94/09, which is also to be considered at the 9 December 2009 Ordinary meeting, seeks endorsement from Council to place a revised Hornsby Mall Code on public

exhibition. This revised Hornsby Mall Code incorporates a review of the above Key Actions undertaken by the Strategy Six - A Hornsby Mall That Functions Well Taskgroup.

Plan of Action: December 2009 to November 2011

Key Action 1.4 Develop a Financial Management Plan for Sustainable Funding Solutions

Should Council be supportive of the establishment of the Strategy Four – A Beautiful Hornsby Mall Taskgroup - action to develop an appropriate Financial Management Plan will be undertaken during the preparation of the 2010/11 Hornsby Mall budget.

Key Action 2.4 Small Business Joint Marketing Venture

At the July 2009 meeting of the A Vibrant Hornsby Mall Taskgroup, it was decided that in light of the change in focus of the executive committee of the Hornsby Business Alliance (formerly Hornsby and District Chamber of Commerce and Industry) no further action will be implemented in respect of the Mall Passport proposal. It was also agreed that Council officers would investigate whether any opportunities exist to implement this Key Action in association with Council's Economic Development Strategy.

Key Action 3.1 Hornsby Mall Ambassadors

With funding identified for the implementation of this Key Action reallocated by Council as part of the 2009/10 Management Plan, it was agreed by the Hornsby Mall Safety Group that the matter will be held in abeyance until appropriate funding has been identified.

Key Action 4.2, 4.3 and 4.4 Improved Signage, Landscaping and Public Seating

Should Council be supportive of the establishment of the Strategy Four – A Beautiful Hornsby Mall Taskgroup, action to develop an appropriate implementation timetable in respect of the above infrastructure will be undertaken by the Taskgroup during preparation of the 2010/11 Hornsby Mall budget.

Key Action 4.5 Community Art

Advice received from Council's Arts and Cultural Development officer has indicated that the draft Public Art Policy is still under review by the Hornsby Shire Arts Reference Committee and it is anticipated that a further report on the matter will be submitted for Council's consideration in the first half of 2010. In the circumstances, action in respect of this Key Action will be deferred until adoption of the Public Art Policy by Council.

Plan of Action: December 2011 and Beyond

Key Actions 5.2 and 5.4 Shop Front Improvements and Targeted Tenancy Strategy

Advice received from Council's Research and Policy Development Officer has indicated that due to a change in focus of the executive committee of the Hornsby Business Alliance (formerly Hornsby and District Chamber of Commerce and Industry) no further initiatives have been implemented at this point in time. Accordingly, Council officers will now

investigate potential opportunities to address the Key Actions in association with Council's Economic Development Strategy.

Key Action 5.7 Integrating Hornsby Town Centre

Advice received from Council's Research and Policy Development Officer has indicated that preparation of a masterplan for an Integrated Town Centre is still proceeding. In the circumstances, action in respect of this Key Action will be deferred until adoption of the masterplan.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

This Report has consideration to the Hornsby Mall Strategic Management Plan adopted by Council in August 2006 and the Section 94 Contributions Plan 2007 - 2011.

CONSULTATION

There has been consultation in the preparation of this Report with officers of Council's Corporate Strategy and Community Services Branches.

TRIPLE BOTTOM LINE SUMMARY

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

A TBL assessment is not required for this quarterly progress report.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC100/09 be received and noted.
2. Council note the progress of the implementation of the outstanding Key Actions set out in the Plan of Action associated with the Hornsby Mall Strategic Management Plan.
3. Council endorse the establishment of A Beautiful Hornsby Mall Taskgroup as detailed in Report No CC100/09.

ROD DRUMMOND
Manager - Commercial Property
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Plan of Action

File Reference: F2005/00923
Document Number: D01287701

14 2008/09 AUDITED FINANCIAL REPORTS - SUBMISSION RECEIVED FROM MR JOE NAGY

EXECUTIVE SUMMARY

At the 14 October 2009 Ordinary Meeting, Council requested that a report be prepared in respect of the issues raised in a submission from Mr Joe Nagy about Council's 2008/09 Audited Financial Reports.

Following discussion with Council's external auditor, and having regard to Section 420 of the Local Government Act, this Report indicates that no amendments to Council's 2008/09 Financial Reports are required as a consequence of Mr Nagy's submission. The Manager, Financial Services will, however, directly respond to Mr Nagy and provide a copy of such response to the Finance and Strategy Task Force for their information.

It is recommended that the Report be received and noted.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council's resolution of 14 October 2009 regarding a submission received from Mr Joe Nagy in respect of Council's 2008/09 Audited Financial Statements.

DISCUSSION

At its meeting of 14 October 2009, Council considered Report No CC82/09 and resolved that:

1. *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.*
2.
 - a) *Mr Nagy's submission, distributed to Councillors at the Ordinary Meeting of 14 October 2009, be received and noted.*
 - b) *A report, covering the issues raised in the submission, be prepared for Council's consideration at the next available Ordinary Meeting.*

In responding to Council's resolution, reference has been made to the specific requirements contained in Section 420 of the Local Government Act. That Section deals with submissions made in respect of a council's audited financial reports. Section 420 states that:

- (1) *Any person may make submissions to the council with respect to the council's audited financial reports or with respect to the auditor's reports*
- (2) *A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.*

- (3) *The council must ensure that copies of all submissions received by it are referred to the auditor.*
- (4) *The council may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the Council's financial reports.*

In accordance with the requirements of Section 420, Mr Nagy's submission was referred to Council's auditor for comment. The auditor has responded by indicating that there is nothing in Mr Nagy's submission which warrants any amendment of Council's 2008/09 Financial Reports. Based on that advice, no action is proposed to be taken in respect of Mr Nagy's submission.

The Manager, Financial Services will, however, respond to the various questions raised by Mr Nagy in his submission, with a copy of such response being provided to the Finance and Strategy Task Force for their information.

BUDGET

There are no budget implications associated with this Report.

POLICY

There are no policy implications associated with this Report. Council has followed the requirements of Section 420 of the Local Government Act regarding submissions received in respect of Council's 2008/09 Financial Reports.

CONSULTATION

This Report has been prepared in consultation with Council's external auditor.

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

The responsible officer is the Manager, Financial Services, Mr Glen Magus who can be contacted on telephone 9847 6635 between 8.30 am – 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC103/09 be received and noted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00176

Document Number: D01290283

15 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT - IMPACT ON COUNCIL PROCEDURES

EXECUTIVE SUMMARY

At its August 2009 Ordinary Meeting, Council resolved in part that a report be prepared outlining the anticipated impacts of the Government Information (Public Access) Act (GIPA Act) on Council's processing of applications from members of the public to access information, as well as on Council's policies regarding customer service and complaints handling.

Although the GIPA Act was assented to in June 2009, it is not expected to commence until early in 2010. Whilst some preparations have been made, the full impact of the Act will not be able to be determined until closer to the date of its commencement. As such, this report provides an update on the status of the implementation of the new GIPA Act and includes information that has become available since the Act was assented.

It is recommended that a further report be prepared for Council's consideration closer to the date of the commencement of the GIPA Act when greater detail regarding its application can be more accurately anticipated.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council's resolution in respect of Report No. CC60/09 at the 12 August 2009 Ordinary Meeting and provide as much detail and information as is possible at this point in time.

DISCUSSION

At the 12 August 2009 Ordinary Meeting, Council considered Report No. CC60/09 – Document Access Applications 23 May 2009 – 20 July 2009 and resolved in part that:

2. *At the relevant time, but no later than three months, the General Manager report to Council, outlining the anticipated impacts of the Government Information (Public Access) Act 2009 and Department of Local Government Circular 09/29 - Practice Note No 9 - Complaints Management in Councils.*
3. *The report in part 2 above, is to address amongst other issues the Act's and Practice Note's impact upon Council's processing of applications under the Freedom of Information Act and Council's Document Access Policy.*
4. *The report in part 2 above, is also to address impacts on Council's policies, including "Customer Service" and "Complaints Handling".*

The GIPA Act was assented in June 2009, however, it is not expected to commence until early in 2010, probably around the end of March. It should be noted that the Regulations associated with the GIPA Act have not yet been developed.

The ability to assess the impact of the implementation of the GIPA Act on Council's processes and other policies relies largely on the understanding of its operational detail. Such impact cannot be properly comprehended until full training has been undertaken by practitioners. The development of appropriate training material, guidelines and sessions relies on the Regulations and other associated documentation being in place and available for reference. In this regard, most organisations closely associated with the practical application of the Act have not encouraged training in respect of the operation of the Act at this stage. In this regard, it is noted that discussions and comments on training sessions which have been undertaken at this early stage has highlighted significant shortfall and inaccuracies being provided by some training bodies.

Consequently, it is evident that the level of detail required in the understanding of the GIPA Act and its consequent interaction with Council policies and processes, is not yet achievable. Whilst some preparations have been made, the full impact of the Act will not be able to be determined until closer to the date of its commencement when the associated Regulations and training are available.

In the interim, information is provided below in respect of the involvement and progress of Council staff to date in the preparation for implementation of the Act, and a broad level view of associated implications as can be ascertained at this point in time.

History

In April 2008, the Office of the NSW Ombudsman announced that a review would be undertaken of the Freedom of Information (FOI) Act. The review was to address, in part, inconsistencies and overlap of the FOI Act with other associated legislation e.g. Section 12 of the Local Government Act (LGA) and the Privacy and Personal Information Protection Act (PPIPA). Such issues had caused confusion and concern in the navigation and correct application of the FOI Act, a matter about which public sector agencies, and local governments in particular, had repeatedly expressed concerns.

The Office of the Ombudsman called for comments in June 2008 prior to drafting an amended Act, and staff of Council's Administration Services Branch replied by providing a detailed submission regarding various aspects of the FOI Act. In September 2008, Council officers responded to a Summary of Issues Paper, providing detailed response to 139 questions posed by the Ombudsman. In May 2009, a public consultation draft of the amended Act, titled the Open Government Information Bill, was provided to public sector agencies for comment. Council's Administration Services Branch staff once again responded to a call for submissions and provided detailed comments in respect of the Ombudsman's recommendations. In June 2009, the Department of Premier and Cabinet introduced the Government Information (Public Access) Bill 2009 to Parliament. The Bill was assented in on 26 June 2009 but is not, as yet, in force.

The current expectation is that the GIPA Act will commence in March 2010. Prior to this, a number of administrative, operational, and logistical issues need to be addressed and put in place by various Government agencies. The most significant of these is the establishment of the Office of the Information Commissioner (OIC), including an appointment to the position of Information Commissioner. In the interim, much preparation is underway amongst local councils, practitioners and affected public sector areas.

Implications of the New Act

The new GIPA Act applies to State and local government bodies and covers the provision of information held by those agencies to members of the public. It essentially replaces the Freedom of Information (FOI) Act 1993 and includes a specific section – Schedule 5 – which applies exclusively to local governments. This Schedule is almost a complete replication of Section 12 of the Local Government Act, which will be repealed from that Act once the GIPA Act commences.

The GIPA Act carries a presumption in favour of disclosure of government information and has a focus on proactive release of such information. It should be noted that the Act has shifted emphasis from that of *documents*, as was the case under FOI, to *information*. Some of this proactive release of information is mandatory and there is an expectation of the availability of much of this information via councils' websites. This new direction will have many implications for Council, including the requirement for greater use, update, and review of its website and the associated technical considerations.

The expected availability to the public of the majority of information held by Council has a broad implication across the organisation as a whole and it should not be assumed that the impacts will be limited to only those staff involved in managing specific requests for information. Some other areas of Council that will be affected are those that undertake tenders; those that process development applications; those who maintain the website; etc.

Whilst the detailed effect of the new Act cannot be fully appreciated until such time as it is in practical use, a broad understanding of the impacts can be obtained by reviewing the relevant legislation and associated documentation. In this regard, the attached document "*The NSW Government Information (Public Access) Act – Exciting times for information managers*" was presented at an LGMA Governance Network Special Interest Group meeting attended by the Manager, Administration Services and the Executive Manager Corporate and Community.

The paper, prepared by a well respected consultant (Mr Peter Timmins) specialising in the subject matter of public access to government held information, provides a useful overview and broad level synopsis of the GIPA Act, and is provided for Council's information. It should be noted that the document was prepared by Mr Timmins as a conference/discussion paper and does not constitute legal advice. The paper is also available at www.foi-privacy.blogspot.com.

Actions To Date

As alluded to above, the Manager, Administration Services and the Executive Manager Corporate and Community are active members of the LGMA Governance Network Special Interest Group. This Group, in recognising the significant changes and preparation which needs to be undertaken in implementing the new GIPA Act, has formed a sub group – the GIPA Working Party, of which both staff are also members. This Group was formed in October 2009 and has since met on three occasions, during which time significant steps have been made towards ensuring a smooth transition to, and consistent application of, the GIPA Act across NSW local councils.

As the chair of the Working Party, the Manager Administration Services has been in contact with the OIC. As a result, representatives of the OIC attended the last Working Party meeting and have indicated a willingness to work with the Working Party to assist with the implementation of the GIPA Act. It appears that the OIC is taking an interactive approach, and the Working Party is enthusiastic about the consultative and supportive attitude

demonstrated by the OIC. Some of the main points that have come out of discussions with the OIC are:

- The Office of the Information Commissioner has been formally established
- It will eventually include a staff of approximately 30 personnel working in two main areas – Policy and Good Practice, and Compliance and Review
- There is a focus to complete the recruitment process for the Policy and Good Practice section as a first priority and in this respect some staff have already been appointed. Recruitment for the Compliance and Review section will follow at a later stage
- Ms Maureen Tangy has been appointed as Acting Information Commissioner and replaces Judge Ken Taylor who had previously been acting in the position
- The recommendation for appointment of a permanent Information Commissioner is expected to be considered by Parliament at its final session for 2009 i.e. early December. If appointment does not occur at that time, there will be a delay of the appointment until February 2010
- The OIC are developing a checklist to assist agencies prepare for the implementation of the GIPA Act
- The OIC are also developing a number of templates e.g. letters and application forms for use by agencies. Members of the GIPA Working Party are being consulted and have had input to these documents
- An “issues log” has been created covering the broad application of the GIPA Act across all sections of the public sector. The GIPA Working Party has raised specific issues of its own and will continue to liaise with the OIC in respect of concerns that are particular to local government
- The OIC have developed a well set out and informative website which is frequently being updated to reflect latest developments, issues addressed and other relevant information. The website address is: www.informationcommissioner.nsw.gov.au
- A set of guidelines for agencies preparing for implementation of the GIPA Act has been created by the OIC and will continue to be updated as previously highlighted issues are resolved
- It is not yet determined whether the OIC itself will run training programs, however, at the very least, the OIC is likely to establish a panel of training providers to ensure consistent and accurate advice is relayed to practitioners. This will address the training issues raised earlier in this Report
- A request from the Working Party to defer a commencement of the Act until July 2010 i.e. the beginning of the 2010/11 financial year, is being considered by the OIC. Such deferral would align with legislative reporting requirements and significantly ease the administrative burden when agencies are required to meet the requirements of the new Act
- There is a need to take into consideration the application of some form of limitation on the number and frequency of applications

Summary

It is considered that with the level of Council staff involvement in the Working Party and close liaison with the OIC, Council is well placed to remain up to date with the progress and planning required for effective implementation of the Act. This positioning will also enable Council to contribute thoughts and ideas, and address issues as they arise, with the OIC, who appear to be in favour of a collaborative approach to ensure a smooth transition to the commencement of, and practical application of, the GIPA Act.

A further report to Council at an appropriate later time will incorporate significantly greater detail and will examine the impact of the GIPA Act on Council's policies and practices as detailed in the referenced resolution.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no current policy implications associated with this Report. However, once the GIPA is implemented, there will be a requirement to review Council's Document Access Policy.

CONSULTATION

The preparation of this Report has had regard to discussions with other local councils, particularly those associated with the LGMA Governance Network Group and the GIPA Working Party, the Office of the Information Commission, various subject matter experts, and appropriate Council staff.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The Officer responsible for the preparation of this Report is the Manager, Administration Services Branch - Robyn Abicair - who can be contacted on 9847 6608.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC104/09 be received and noted.
2. Once more detailed information is available, a further report be prepared for Council's consideration addressing the particular issues raised in Council's resolution in respect of CC60/09 and the associated impacts on Council's policies and practices.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Conference Paper by Peter Timmins - GIPA - Exciting Times for Information Managers

File Reference: F2004/07299

Document Number: D01290544

16 LEASE OF COTTAGE - PART OF GALSTON RECREATION AREA CROWN RESERVE NO D500223 AND R81698 412X GALSTON ROAD, GALSTON - DURAL AND DISTRICT HISTORICAL SOCIETY INC.

EXECUTIVE SUMMARY

At the 14 October 2009 Ordinary Meeting, Council deferred consideration of Report No CC76/09 which dealt with a proposal to grant the Dural and District Historical Society a further lease of the cottage located on part of Galston Recreation Reserve. The deferral was to allow the Community, Cultural and Recreation Facilities Task Force to meet with the Society to discuss issues that the Society had with the proposed terms of the new lease.

The Task Force met with representatives of the Society on 24 November 2009 and this has resulted in the Task Force suggesting an alternative recommendation that Council may wish to consider in respect of the matter. That alternative is that Council invites expressions of interest from the Society and other interested parties in respect of a lease of the cottage and, when an assessment of the expressions of interest has been completed, a further report be prepared for consideration by the Task Force and subsequently by Council.

Alternative recommendations are provided within the body of the Report and are submitted for Council's decision on its preferred course of action.

PURPOSE/OBJECTIVE

The purpose of this Report to respond to Council's deferral of Report No CC76/09 at the 14 October 2009 Ordinary Meeting and present two options for Council's consideration which have arisen from a meeting between the Community, Cultural and Recreation Facilities Task Force and the Dural and District Historical Society.

DISCUSSION

At the 14 October 2009 Ordinary Meeting, Council considered Report No CC76/09 (see attached) which dealt with a proposed lease of the cottage located on Crown Reserve No D500223 and R 81698 - 412x Galston Road, Galston and resolved:

THAT consideration of Report No CC76/09 be deferred to allow the matter to be further investigated by the Community, Cultural and Recreation Facilities Task Force in consultation with the Dural and District Historical Society Inc.

The matter was subsequently listed as an item for discussion at the 24 November 2009 meeting of the Community, Cultural and Recreation Facilities Task Force when members of the Dural and District Historical Society were invited to make a presentation and to ask and answer questions. The main issue raised by the Society was the proposed increased rental that would be payable in respect of a new lease, and in particular, how Council's valuer had determined the market rent. The Society asked to be provided with the estimated maintenance costs for which they would be responsible over the five year period of a new lease and also indicated that part of the building was used by a local Computer Pals group on certain days of the week under an arrangement with the Society.

In respect of the issue of rental, the Task Force noted that under the terms of the previous lease, the Society had been charged a “peppercorn” rental (as well as being responsible for any outgoing and building maintenance other than structural repairs). The peppercorn rental had regard to the significant monetary and in-kind contribution (approximately \$28,000) that the Society made to the fitout of the building at the commencement of the lease approximately 10 years ago. As part of its discussion, the Task Force indicated that different views that existed in respect of a “market rental” could only be effectively resolved through Council providing the Society and other interested parties an opportunity to express an interest in respect to a lease of the property for the next five years. As such, the Task Force decided that it would make such a suggestion to Council through this Report and propose an alternative resolution for consideration.

Option 1 – Amended Original Recommendation – from Report No CC76/09

It is noted that the original recommendation in respect of Report No CC76/09 was amended by a Late Items Memo at the 14 October 2009 meeting because of the incorrect reference in the Report to the cottage being located on community land. As the cottage is on Crown land, and not community land, there is no requirement for Council to go through an advertising process in respect of a proposed lease. As such, the recommendation in terms of an assessment of the Society’s application for a lease under Council’s Code for the Lease/Licence of Council’s Land and Buildings to Community Groups is amended to read that:

1. *The contents of Executive Manager’s Report Nos CC76/09 and CC105/09 be received and noted.*
2. *Council, as Reserve Trust Manager, enter into a further five year lease with the Dural and District Historical Society in respect of the existing cottage at Galston Recreation Reserve, Galston subject to :*
 - 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.*
 - 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.*
3. *The lease will be subject to approval by the Minister administering the Crown Lands Act.*

Option 2 - Alternate Recommendation – following the Task Force meeting with the Dural and District Historical Society

As mentioned above, following its meeting with the Dural and District Historical Society, the Task Force decided that it would suggest an alternative recommendation to Council for consideration in respect of this matter. This alternative would be to provide the Society and other commercial and community groups an opportunity to lodge expressions of interest in respect of a lease of the cottage. For community groups, the expressions of interest should make reference to Council's two related strategic documents i.e. the Community and Cultural Facilities Strategic Plan and the Code for the Lease Licence of Council's Land and Buildings to Community Groups. In this regard, an important component of the Strategic Plan is the goal of maximising utilisation of community facilities through making them available to multiple users for multiple purposes where possible.

Following receipt of expressions of interest, Council would need to make an assessment of the offers and weigh up its alternatives in a manner which had regard to Council and community benefits. As such, the alternative proposed by the Task Force for Council's consideration is that:

1. *The contents of Executive Manager's Report Nos CC76/09 and CC105/09 be received and noted.*
2. *Council invite expressions of interest from the Dural and District Historical Society, as well as any other interested commercial and community groups, in respect of a lease of the cottage located at Galston Recreation Reserve, Galston.*
3. *As part of the expression of interest process, the Dural and District Historical Society and community groups be encouraged to make reference to the contents of Council's two related strategic documents i.e. the Community and Cultural Facilities Strategic Plan and the Code for the Lease Licence of Council's Land and Buildings to Community Groups. In this regard, an important component of the Strategic Plan is the goal of maximising utilisation of community facilities through making them available to multiple users for multiple purposes where possible.*
4. *At the conclusion of the expression of interest process, a report be prepared for consideration by the Community, Cultural and Recreation Facilities Task Force and subsequently by Council.*

BUDGET

Council currently receives a "peppercorn" rental in respect of this property. The granting of a new lease is expected to realise additional income for Council.

POLICY

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

CONSULTATION

There has been consultation with representatives of the Dural and District Historical Society and the Community, Cultural and Recreation Facilities Task Force in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

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

Contributing to community development through sustainable facilities and services.

The granting of a lease provides an opportunity for this facility to be used by the community in a sustainable manner.

Supporting our diverse economy.

The granting of a lease would have no negative impacts on the Shire's economy.

Maintaining sound corporate and financial management.

The granting of a lease will provide a modest financial return to Council to assist in the long term protection of this community asset.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report Nos CC76/09 and CC105/09 be received and noted.
2. Council determine its preferred option in progressing with a proposed lease of the cottage located on part of Galston Recreation Reserve at Galston.

ROD DRUMMOND
Manager - Commercial Property
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Report CC76/09 - Proposed Lease to Dural & District Historical Society

File Reference: F2004/08060
Document Number: D01290683

**17 HEADEN PARK HALL, SINCLAIR AVENUE, THORNLEIGH - PROPOSED
LEASE TO HORNSBY WOODWORKING MEN'S SHED INC**

EXECUTIVE SUMMARY

At its 12 August 2009 Ordinary Meeting, Council resolved to enter into a lease agreement with the Hornsby Woodworking Men's Shed for use of the Headen Park Hall in Sinclair Avenue, Thornleigh.

Subsequent to Council's resolution, members of the Men's Shed sought a variation to the terms of the proposed lease. That variation, which results in a greater return to Council during the period of the lease, was discussed by the Community, Cultural and Recreation Facilities Task Force on 24 November 2009. The Task Force agreed that they would support the variation and propose such to Council.

This Report provides details of the proposed variation and suggests that Council adopt a recommendation which incorporates the relevant changes to the original resolution associated with this matter.

PURPOSE/OBJECTIVE

The purpose of this Report is to bring forward a suggestion from the Community, Cultural and Recreation Facilities Task Force that a variation proposed by the Hornsby Woodworking Men's Shed in respect of their lease of Headen Park Hall be accepted.

DISCUSSION

At the 12 August 2009 Ordinary Meeting, Council considered Report No CC61/09 – Headen Park Hall, Sinclair Avenue, Thornleigh – Proposed Lease to Hornsby Woodworking Men's Shed Inc (see attached) and resolved that:

1. *The contents of Executive Manager's Report No CC61/09 be received and noted.*
2. *Council enter into an Agreement to Lease with the Hornsby Woodworking Men's Shed Inc in respect of a five year lease over the existing Hall and Hall extension at Headen Park, Thornleigh subject to :*
 - a) *The proposed lease to Hornsby Woodworking Men's Shed Inc being publicly advertised (costs to be borne by the Men's Shed) 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 proceed with the Hall extension and delegate the General Manager authority to enter into a lease with Hornsby Woodworking Men's Shed Inc 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 \$2,500 per annum, in respect of the extended Hall and 50% of the under storage area of the Hall.*
- b) *Rental for subsequent years to be as follows:*
 - Year 2 - \$3,000*
 - Year 3 - \$3,500*
 - Year 4 - \$4,000*
 - Year 5 - \$4,500*
- 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 Hall 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 Hall to only be used for the purpose of a men's shed.*
- 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 Hall in its annual reports and publications, any advertising and community events.*
- i) *The lessee to be responsible to ensure the security of the Hall 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.*
- k) *The lessee to comply with the conditions of consent from Development Consent No. DA/542/2008.*
- l) *The hours of operation for wood working activities to be restricted to 9.00 am to 4.00 pm Monday to Friday and no more than two occasions each calendar month on a weekend or public holiday between the hours of 10.00 am and 3.00 pm.*

Subsequent to Council's resolution, members of the Men's Shed contacted Council staff and members of the Community, Cultural and Recreation Facilities Task Force seeking a variation of the terms of the proposed lease. This led to a meeting between the Executive Manager, Corporate and Community Division, the Manager, Community Development and representatives of the Men's Shed on 6 November 2009 at which the Men's Shed proposed variation was discussed. Essentially, the variation was that points 3 a) and b) of Council's resolution of 12 August 2009 be replaced by the following:

3. *Subject to the outcome of recommendations 2a and 2b, Council proceed with the Hall extension and delegate the General Manager authority to enter into a lease with Hornsby*

Woodworking Men's Shed Inc 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) *A capital contribution of \$15,000 being payable on signing of the lease.*
- b) *Rental for the initial 12 months of tenure to be \$1,500 per annum, in respect of the extended Hall and 50% of the under storage area of the Hall.*
- c) *Rental for subsequent years to be as follows:*
 - Year 2 - \$1,500 + applicable CPI*
 - Year 3 – Year 2 rent + applicable CPI*
 - Year 4 – Year 3 rent + applicable CPI*
 - Year 5 – Year 4 rent + applicable CPI*

At the conclusion of the 6 November 2009 meeting, the Executive Manager, Corporate and Community Division agreed to take the proposed variation to the 24 November 2009 meeting of the Community, Cultural and Recreation Facilities Task Force for consideration and, depending on the Task Force's views, possible further consideration by Council.

As part of the discussion of the proposal by the Task Force at its 24 November 2009 meeting, a table showing a comparison between the original resolution of Council and the proposal from the Men's Shed was tabled. It is repeated below for Council's information.

<u>Type of Payment</u>	<u>Council Resolution of 12 August 2009</u>	<u>Men's Shed Proposal</u>
Capital Contribution	\$0	\$15,000
Year 1 Rental	\$2,500	\$1,500
Year 2 Rental	\$3,000	Year 1 Rental + applicable CPI
Year 3 Rental	\$3,500	Year 2 Rental + applicable CPI
Year 4 Rental	\$4,000	Year 3 Rental + applicable CPI
Year 5 Rental	\$4,500	Year 4 Rental + applicable CPI
	\$17,500	\$22,500 + applicable CPI increases i.e. approximately \$23,044 based on a CPI of 3.5% over the term of the lease

Based on the increased return to Council over the period of the lease (see bold figures at the bottom of each column), the Task Force agreed to suggest to Council that the proposal from the Men's Shed be accepted.

It should be noted that the Men's Shed also asked that the payment of rental under a new lease be monthly in advance rather than yearly in advance. As this matches the arrangements in respect of the Men's Shed current occupation of the premises, the Task Force considered the request to be reasonable. The Manager, Commercial Property has subsequently indicated that he has no issues with such an arrangement.

Based on the above, it is suggested that Council accept the proposed amendment and adopt the recommendation below which incorporates the relevant changes to the original resolution of Council.

BUDGET

The granting of a lease of the Headen Park Hall to the HWMS on the basis recommended will realise an estimated income of \$23,044 (inclusive of GST) to Council over the term of the proposed lease. This will also result in a modest reduction in the level of foregone rental provided to community groups across the Shire.

POLICY

Report No CC61/09, which is attached to this Report, was prepared having regard to the Code for the Lease/Licence of Council Land and Buildings to Community Groups.

CONSULTATION

There has been consultation with the Community, Cultural and Recreation Facilities Task Force, representatives of the Men's Shed and various Council officers 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 extension to the Hall involves a close working relationship between Council and members of Men's Shed. 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 Men's Shed in line with the recommendation will provide an ongoing woodworking facility for the Over 55 targeted group of residents of Hornsby Shire and an enhanced provision of services.

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

The granting of a lease to the Men's Shed will promote the wellbeing of the Shire's growing aging population as outlined in the Strategic Plan for Older People 2005-2010, by providing opportunities for the diverse range of people in the community to access a woodworking facility and gain social interaction benefits.

Supporting our diverse economy.

The granting of a lease to the Men's Shed has no negative impacts on the Shire's economy. In fact, while Men's Sheds play a significant and practical role in addressing men's health and social issues, many projects may act as a catalyst in stimulating the community's economic activities.

Maintaining sound corporate and financial management.

The granting of a lease to the Men's Shed 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 wellbeing of the forecast increase in the aging population.

Other sustainability considerations

The existence of the Men's Shed ultimately promotes greater social cohesion.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report Nos CC61/09 and CC106/09 be received and noted.
2. Council enter into an Agreement to Lease with the Hornsby Woodworking Men's Shed Inc in respect of a five year lease over the existing Hall and Hall extension at Headen Park, Thornleigh subject to :
 - a. The proposed lease to Hornsby Woodworking Men's Shed Inc being publicly advertised (costs to be borne by the Men's Shed) 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 proceed with the Hall extension and delegate the General Manager authority to enter into a lease with Hornsby Woodworking Men's Shed Inc 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. A capital contribution of \$15,000 being payable on signing of the lease.
 - b. Rental for the initial 12 months of tenure to be \$1,500 per annum, in respect of the extended Hall and 50% of the under storage area of the Hall.
 - c. Rental for subsequent years to be as follows:
 - Year 2 - \$1,500 + applicable CPI
 - Year 3 – Year 2 rent + applicable CPI
 - Year 4 – Year 3 rent + applicable CPI
 - Year 5 – Year 4 rent + applicable CPI
 - d. 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.

- e. The lessee to be responsible for the payment of 50% of any Council rates and water and sewerage rates assessed in respect of the Hall on an area occupied basis.
- f. 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.
- g. The Hall to only be used for the purpose of a men's shed.
- h. The lessee to be responsible for the maintenance responsibilities under the "Community Partnership" category of the Code.
- i. The lessee to acknowledge Council's support in the provision of the Hall in its annual reports and publications, any advertising and community events.
- j. The lessee to be responsible to ensure the security of the Hall during the term of their occupation.
- k. The lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
- l. The lessee to comply with the conditions of consent from Development Consent No. DA/542/2008.
- m. The hours of operation for wood working activities to be restricted to 9.00am to 4.00pm Monday to Friday and no more than two occasions each calendar month on a weekend or public holiday between the hours of 10.00am and 3.00pm.

ROD DRUMMOND
Manager - Commercial Property
Corporate and Community Division

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Report CC61/09 - Proposed Lease to Hornsby Woodworking Men's Shed Inc

File Reference: F2004/06466
Document Number: D01293227

18 REVIEW OF POLICIES AND CODES - ENVIRONMENT DIVISION

EXECUTIVE SUMMARY

Council's policy on the Adoption, Alteration and Review of Policies and Codes states that each Division of Council has a two month period in the first and third year of each term of Council in which to carry out a review of all policies and codes under their control and recommend any proposed amendments to Council. In accordance with the policy, a review of the policies and codes of the Environment Division has now been completed and is submitted for Council's consideration.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with the outcomes of the review conducted in relation to the policies and codes of the Environment Division (i.e. Waste, Sustainability and Health, Parks and Landscape, Bushland and Biodiversity and Water Catchments) and to seek Council's approval to the proposed amendments.

DISCUSSION

The last full review of policies and codes pertaining to the Environment Division was conducted in June 2006 (Report EN 51/06) and a review is now due as part of the timetable agreed to by ExCo.

Policies and codes relevant to the division are listed in the tables below, grouped by branch. The 'Review Status' column of each of the tables indicates whether or not amendments are proposed by staff. Where amendments are proposed they are shown on the attached copy of each policy and code, with deletions shown by ~~striketrough~~ and additions shown by underlining. Explanations in respect of the proposed amendments are provided below the table. For the purposes of this report, minor grammatical changes which do not alter the intent of the policy or code have not been treated as amendments requiring explanation.

Code - Compliance - Environment Division	Environment	10/11/2006	POL00163
Code - Brooklyn and Dangar Island Sewerage Scheme Connection	Environment	14/02/2007	POL00164
Code - Green Offsets	Environment Development	04/09/2008	POL00169
Code - Greywater Reuse	Environment	10/10/2007	POL00170
Code - Landscape - Development and Building Approval	Environment	05/11/2005	POL00173
Code - Mount Kuring-gai Sewerage Scheme Connection	Environment	14/12/2007	POL00176
Code - Triple Bottom Line	Environment	13/07/2005	POL00179
Policy - Water Conservation	Environment	12/08/2004	POL00270

Code - Managing Contaminated Land	Environment	01/10/2006	POL00280
Code - Bushcode	Environment	08/11/2006	POL00282

Code - Sustainable Energy for New Council Assets	Sustainability	10/10/2004	POL00167
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Policy - Cleaning - Council Buildings	Waste and Cleaning	11/08/2006	POL00186
Policy - Cleanliness - Public Places	Waste and Cleaning	11/08/2006	POL00187
Policy - Litter Bins - Design and Location in Public Places	Waste and Cleaning	11/08/2006	POL00228
Policy - Waste Containers	Waste and Cleaning	11/08/2006	POL00267
Policy - Waste Service - Provision of	Waste and Cleaning	11/08/2006	POL00268
Policy - Waste Storage - Proposed Developments	Waste and Cleaning	11/08/2006	POL00269

Policy – Sullage Collection	Sullage	11/08/2006	POL00262
Policy – Sullage Depot	Sullage	11/08/2006	POL00263

Bushcode

The major amendment in the Bushcode is to include a ‘Hygiene Procedure’ to prevent the further spread of the soil borne pathogen *Phytophthora cinnamomi* which is a major threat to vegetation and is found in the Sydney Region and at some sites in Hornsby Shire. Other amendments are to delete the Appendix repeating State Government legislation, as this operates independently of Council policy and is provided elsewhere to Bushcare volunteers. The ‘On- site Working Procedures’ has expanded sections that relate to the need to complete a site hazard assessment before each work session; and to specify that in addition to a number of working conditions already outlined that volunteers should not work in extremes of wind, heat and rain. The Bushcode ‘Safety Procedure’ in addition to Council providing equipment for volunteers’ safety, has now added that volunteers are to be attired in their own closed in shoes and clothing suitable for working in bushland. Under ‘Native Plants’ the Bushcode has been amended to add that the Group Leader is responsible to meet the maintenance requirements of plantings particularly over the establishment period, and that empty pots and racks are to be returned to the Nursery. Under the section on ‘Pile Burns’ the Bushcode states they will be carried out by the Rural Fire Service or the NSW Fire Brigade, to which has been added ‘trained Council staff’.

BUDGET

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

POLICY

The contents of this report concern the policies and codes of the Environment Division.

CONSULTATION

The policies and codes have been reviewed and amendments proposed by the managers and relevant staff of the Waste Team, Environmental Sustainability and Health Team, Parks and Landscape Team, Bushland and Biodiversity Management Team and Water Catchments Team.

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 Robert Stephens, Executive Manager Environment, telephone 9847 6686, 8.30am to 5pm, Monday to Friday.

RECOMMENDATION

THAT Council adopt the proposed amendments to Environment Division policies and codes as outlined in Executive Manager's Report EN38/09.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Bushcode Policy Update - December 2009

File Reference: F2009/00644
Document Number: D01255156

19 E-WASTE COLLECTION TRIAL

EXECUTIVE SUMMARY

Electronic waste (e-waste) is growing at a rate three times higher than general municipal waste. Many local government councils are now either recycling e-waste or, like the Shore Regional Organisation of Councils ("SHOROC"), simply banning it from cleanups.

Hornsby Council has been conducting e-waste drop off collections since 2005. In recent years these collections have been held every six months. The volume and number of residents attending these services have not diminished, suggesting a continuing interest and demand for e-waste recycling.

This report proposes to trial an additional service which would allow residents to drop off e-waste at the Waste Office at Thornleigh during business hours and on one night (possibly Tuesdays) each week until 7.30pm. This trial would be for a six month period and is a precursor to consideration of a decision to ban e-waste from the two annual clean up services currently provided.

A report will be brought back to Council addressing the benefits of the trial and recommending a course of action in respect to the e-waste trial.

PURPOSE/OBJECTIVE

The purpose of this report seeks Council's endorsement to undertake a trial e-waste collection service as a precursor to consideration of a decision to ban e-waste from the annual clean up services.

DISCUSSION

Electronic waste (e-waste) is a growing concern, not only because of its impact on the environment but also the volumes of e-waste being generated. At the present time it is estimated that e-waste is growing at three times the rate of general municipal waste.

Council has been operating e-waste collections since 2005. Since that time the frequency of e-waste collections has increased from a one off trial to two e-waste drop off weekends each year.

Initially it was believed that there would be a large demand for the service and that once the backlog of stored e-waste was removed the demand would decrease. The demand and volume of e-waste being delivered to the drop off days has remained very high as has the amount of e-waste still being left out for the six monthly cleanups.

Council's first e-waste collection (2005) was held over a six week period at various locations and 42.5 tonnes of electronic material was collected. The last collection weekend held in August 2009 resulted in 44.5 tonnes being collected, with an estimated 1,300 residents attending. The February 2009 collection weekend recorded similar volumes and attendance.

It is evident that the amount of e-waste generated is not decreasing and that there is a demand for a collection service.

On 5 November 2009 Australian environment ministers agreed to the National Waste Policy at the 20th meeting of the Environment Protection and Heritage Council (EPHC) in Perth. The National Waste Policy sets the agenda for waste and resource recovery in Australia over the next ten years. One of the major waste items included was e-waste. While the policy states that it will act on e-waste it is unclear when this will happen and it is unlikely that it will happen over the next two or three years.

There are and have been ongoing calls for a container deposit system to be introduced for e-waste but that has been spoken about for nearly ten years and still has not been resolved. In the interim the problem remains with local government to address.

Visual audits of the Shire's six monthly cleanup services indicate that up to 30% of households that place material out for the cleanup service include at least one piece of e-waste. The ABS has identified that Hornsby Shire residents have a high internet and home computer usage compared to other local government areas.

The e-waste problem is likely to persist and ultimately Council will need to address banning this material from cleanups. However, prior to taking such a decision alternatives must be provided to residents to allow them to responsibly dispose of e-waste. A drop off facility provided by Council is one such option.

Why recycle e-waste?

Many councils are now either recycling e-waste to recover scarce non renewable resources or like the SHOROC councils simply banning it from cleanups to avoid the potential for the extremely toxic components to leach into ecosystems from landfills. Not recycling e-waste leaves no other option than to have it sent to landfill or dumped in our bushland areas with potential long term environmental consequences.

Typically found in e-waste products are hazardous materials such as:

- Lead
- Cadmium
- Chromium
- Brominated flame retardants
- Polyvinyl chloride (PVC)
- Beryllium
- Mercury
- Arsenic.

By recycling e-waste the vast majority of the waste can be recovered and reused, specifically:-

- Nickel
- Copper
- Lead
- Zinc
- Indium

Proposed Service

The Waste Management Services Branch is proposing to 6 month trial of a service that would allow domestic households in the shire to drop off their e-waste, Monday to Friday, between the hours of 8.30am and 4.00pm at the Thornleigh Waste Office. In addition, it will also accept e-waste one specified night (possibly Tuesdays) each week until 7.30pm for those residents who are unable to bring the product in during normal working hours. The Waste Management Services Branch will continue to conduct two e-waste collection days each year.

At the completion of the trial a report will be brought back to Council canvassing the benefits and problems associated with the trial. The number of participants who made use of the service, the quantities deposited at the drop off facility, the extent of illegal dumping at the Thornleigh Depot out of hours and the amount of e-waste remaining in cleanups will be canvassed in the report.

If the service is considered beneficial it could be extended to the more remote areas of the shire. The Council would also be asked to consider banning e-waste from the two annual clean up services currently provided.

BUDGET

There are no budget implications contained within this report. The cost of e-waste collections is factored into the 2009/2010 Domestic Waste Budget based on volumes. The service may generate a slightly higher cost, but this can be met by the Domestic Waste Management Reserve if required. In any case it is unlikely that the additional cost, if any, will exceed \$20,000.

POLICY

This report is not affected by any Council policy.

CONSULTATION

No external consultation was undertaken 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.

Working with our community

The provision of e-waste services is seen as working with the community. There is a high demand for e-waste collection and recycling services within the shire if the services are ceased, the reasons for doing so will be communicated to residents.

Conserving our natural environment

Recycling of hazardous material found in e-waste will prevent further detrimental affects on the environment.

Contributing to community development through sustainable facilities and services

By participating in a recycling program such as this, the community are openly supporting and contributing to waste reduction and reuse. Even by supporting the recommended actions of the LGA, support is given to encouraging the state government to act on this issue.

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

The transparent waste management services will promote well being in the knowledge that all residents are being provided with appropriate services or at least seeking action to improve the services needed.

Supporting our diverse economy

By participating in waste reduction activities, the cost of recycling e-waste will eventually fall. In the meantime, encouraging the imposition of levies to retrieve and appropriately dispose of e-waste will have a long term financial benefit.

Maintaining sound corporate and financial management

The notion of having manufacturers financially support the recovery and reprocessing of unwanted computers will take away the cost imposed on Local Government to undertake this activity.

Other Sustainability Considerations

The report is about making manufacturers more responsible for the life cycle costs of e-waste.

RESPONSIBLE OFFICER

The responsible officer is Rob Holliday, Manager, Waste Management Services Branch, telephone 9847 4816, hours 8.00 am and 4.00 pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council endorse the commencement of an e-waste drop off service for a trial period of six months as outlined in Report EN55/09.
2. A further report be presented to Council at the conclusion of the trial period, addressing the benefits of the trial and making recommendations in regard to the e-waste trial.

ROBERT STEPHENS

Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08823-02

Document Number: D01282101

20 OPEN SPACE MASTERPLAN FOR OLD MANS VALLEY

EXECUTIVE SUMMARY

This report advises on the findings of preliminary investigations for the development of an Open Space Masterplan for Old Mans Valley by firstly identifying that the site falls within a larger study area of Council managed land.

It notes that this land provides good opportunities but also serious constraints. A large part of it will not be available for open space development until the currently proposed filling operation for Hornsby Quarry is completed.

Old Mans Valley lands provide an opportunity to develop a range of open space facilities based on known recreation demands that are identified in current Council documents. This includes uses that require large areas of open space such as sportsgrounds, parklands and playgrounds and trails.

Alternative sites within the shire where large scale open space facilities may be developed are limited. If a sportsground and parkland are not accommodated in Old Mans Valley, Council will have difficulty accommodating this type of open space facility expansion elsewhere and would be unlikely to afford to acquire alternative suitable sites.

Community consultation is proposed to occur in February and March 2010 where options for the development of Old Mans Valley can be discussed with the community. It is recommended that two design options setting out possible development scenarios for the Old Mans Valley lands are put forward for consideration by the community.

PURPOSE/OBJECTIVE

The purpose of the report is to inform Council of progress in developing an Open Space Masterplan for Old Mans Valley and to seek endorsement from Council for the project to proceed to public consultation.

DISCUSSION

This report advises on progress to date in developing an Open Space Master Plan for Old Mans Valley in response to the following resolution of Council at the August Ordinary Meeting (WK60/09) where it was resolved in part:

“*THAT:*

- 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.*

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.*

At the October Ordinary Meeting of Council a report was put forward (Wk74/09) that identified a program and budget for the open space master plan investigations.

The following is a summary of the works completed to date:

Council staff have:

- reviewed available background material
- engaged consultants to assist in undertaking community consultation
- briefed the Community, Cultural and Recreation Facilities Task Force meeting on 21 October 2009 with site context, analysis and indicative options plans

Findings of the investigations undertaken to date

The Old Mans Valley (OMV) lands fall within a larger area of open space managed by Council which includes Hornsby Park, the recently acquired Hornsby Quarry lands and other parcels to the east and west of the quarry. Collectively this well defined valley has been identified as the study area. Refer to Attachment 1 to view a plan of the study area and the OMV lands.

The study area is seen as having the potential to provide a wide range of open space recreation opportunities, particularly due to its size and proximity to high density housing in Hornsby and Waitara.

There are no parcels of Council owned or managed land available for future development that are large enough to provide new sportsgrounds, informal parkland or other recreation facilities that may be accommodated in an area of this size and character.

The recreational use of the entire study area is a long term vision that will only be realised after the currently proposed filling operation for the quarry lands is completed.

The investigations have also highlighted a range of site specific opportunities and constraints.

Site opportunities

A review of the site conditions in the broader study area has highlighted the following opportunities:

- The broader open space setting of OMV, the quarry and Hornsby Park sets an important gateway landscape to Berowra Valley Regional Park.
- The study area is close to Hornsby Station and town centre where there is a significant and growing area of high density housing.
- The study area provides walking trail links to Berowra Valley Regional Park and the Great North Walk.
- The OMV site has significant disturbance from weed infestation and filling. In restoring these areas there is a valuable opportunity to develop substantial open space facilities within a larger bushland setting.

Site constraints

The major constraints in the broader study area include:

- safety issues associated with the quarry, preventing use of these lands until they are stabilised.
- safety issues associated with the proposed transport of fill material to the quarry and the route of haul roads potentially through OMV, unless haul roads can be situated so as not to divide OMV and disrupt potential activities there.
- limited access and development potential of the open space areas, due to steep sloping of much of OMV.
- fill areas in OMV not being sufficiently stable and requiring expensive engineering work on steep embankments, particularly adjacent to the existing level areas in OMV.
- the presence of bushland areas, many of high quality. These include the Glen Forest Critically Endangered Ecological Community occurring primarily downstream of the quarry, near Rosemead Road.
- the characteristic lack of noise in the valley suggesting the likelihood of sensitivity to noise generating activities.
- the presence of heritage items, although where these occur within OMV they do not restrict its potential for open space development.

This range of opportunities and constraints collectively demonstrates that the broader study area is a valuable gateway landscape in close proximity to a significant town centre and transport interchange. It is also noted that much of this large parcel of land has very limited potential for recreation development due to steep slopes, significant areas of bushland and the requirement to undertake substantial expenditure and construction to create open space facilities within the OMV lands.

Review of background material

It is noted that there have been numerous open space proposals for the OMV site, including proposals for the development of sportsgrounds or informal parkland.

This review of the previous reports and studies has assisted in setting the context to understanding the recreation settings, the open space development potential of the study area and the constraints that exist on the site.

Recreation Demands

In undertaking an investigation into the potential of the quarry and Old Mans Valley to accommodate a range of recreation facilities, it has emerged that the key question is to decide the appropriate mix of recreation facilities.

Council documents that assisted in setting a direction include:

- Leisure Strategic Plan (2002);
- Sports Facility Strategy (2006)
- Unstructured Recreation Strategy (2008)
- Current Housing Strategy work (2009)

Leisure Strategic Plan

The Leisure Strategic Plan identifies that there is strong demand for additional recreation facilities and there is a shortage of lands for the development of these to respond to growing

population. It demonstrated that there is limited Council owned or managed land for accommodating additional facilities.

The Parks and Landscape Team notes that there are very limited opportunities for new sportsgrounds and parklands in large open space settings as the available under-developed parkland consists primarily of small parcels that have limited potential for recreation use, or bushland.

If sportsground and park facilities are not incorporated into OMV, Council would have very limited opportunity to accommodate future demand for them in other landholdings and is unlikely to be able to afford the acquisition of additional large landholdings.

Sports Facility Strategy

The Sports Facility Strategy highlights specific gaps in the availability of active sports facilities in the shire, particularly sportsgrounds for cricket, soccer and softball codes. It also identifies potential sites where additional sports facilities could be developed within the shire. Opportunities for new sports facility sites are limited to:

- Sportsgrounds where a shared agreement can be reached with a local school to use school land outside school hours
- New sports facility sites that are north of Berowra
- The remaining development of Brickpit Park
- Old Mans Valley

OMV is the most conveniently located site to serve the sports needs of Hornsby Shire.

Unstructured Recreation Strategy

The Unstructured Recreation Strategy provides for the planning of a range of unstructured recreation activities undertaken for pleasure, outside of organised use. These include, among other things:

- BMX and mountain biking
- Walking for recreation
- Dog socialisation and exercise
- Playgrounds

The OMV and surrounding study area provide a good opportunity for accommodating various forms of recreation, including cycling and walking, dog socialising and exercise and playground or park facilities.

Trails that may be developed on the OMV site include mountain bike singles trails, bitumen cycle paths and walking trails. Each of these are very distinct in their form and are likely to follow different alignments.

Following on from Council's adoption of the Unstructured Recreation Strategy a draft report was recently prepared by World Trail that identifies OMV and the quarry as land that is highly suitable for mountain bike singles trail development. The World Trail report sees OMV and the quarry lands as a key starting point for a mountain bike trail network that could extend some distance across the shire.

The key to incorporation of any trails will be finding alignments that do not compromise the development of the site for other recreation facilities. Trail alignments in buffer or batter

areas will need to make allowance for the steep slopes and consider issues associated with road crossings.

Housing Strategy

The amended Housing Strategy (2009) identifies opportunities for the development of an additional 2600 dwellings in predominantly high density housing over a ten year time frame.

This projected population growth will generate demand for two additional sportsgrounds and two large specialty parks.

It is anticipated that approximately 21% of the population growth is expected to be in the Hornsby and Waitara area and a further 25% in Asquith. It is also considered significant that the OMV lands occur adjacent to Hornsby Town Centre and are within 1 kilometre of Hornsby Railway Station and are therefore highly accessible from other areas of the shire.

Community Consultation

Council has engaged consultants to assist in undertaking the community consultation. It is recommended that there be a range of approaches to the consultations including a 'Bang the Table' on-line forum, public forums and a deliberative workshop. Council will receive a report following this process with recommendation on how to proceed at OMV.

The consultation is programmed to occur during February and March 2010, with the findings of the consultation expected to be reported to the April Ordinary Meeting of Council.

Plans for exhibition

Council staff have prepared presentation material to assist in the consultations. This material illustrates the site context, opportunities and constraints of the study area and OMV.

Attachment 2 includes two indicative concepts for the development of OMV that have been prepared to assist in generating community discussion:

- Option 1 indicates the potential development of OMV to accommodate a large sportsground, a smaller senior soccer field and an indoor sports complex similar in size to the existing Brickpit indoor centre.
- Option 2 indicates a large sportsground and informal parkland, including a small lake and regional playground, with barbeque and picnic facilities.

On the basis of the above discussion it is considered appropriate to commence explaining to the community the range of opportunities and constraints that are available for the development of these lands for open space uses, using the indicative concepts and on the basis that there is an expectation that at least one large, flexible sportsground is developed on the site.

In addition, it is considered appropriate to discuss at the consultations the potential to develop walking, paved cycle and single mountain bike trails in the OMV lands. This should focus on identifying the potential for these trails and associated track heads to be developed alongside other recreation facilities that are identified in the two indicative concept plans.

BUDGET

Funding of \$100,000 has been identified for preparation of an Open Space Masterplan for Old Mans Valley in Council's Management Plan.

POLICY

The discussion section explains the implications of policy for the development of open space at OMV.

CONSULTATION

Council's Community, Cultural and Recreation Facilities Task Force, Manager Design and Construction, Manager Planning Services have been consulted on the matters discussed in this report. The Task Force supported taking options 1 and 2 to community consultation.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Council's Landscape Coordinator, Mr Kurt Henkel who can be contacted on 9847 6887 between 8.30am and 5.00pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council endorse the commencement of community consultations for an Open Space Master Plan for Old Mans Valley as set out in Report EN56/09.
2. Council endorse the Option 1 and 2 plans as attached to Report EN56/09 for community discussion. Consultations shall also include the potential development of a range of trails within OMV and beyond.
3. Council confirm the objective of the community consultation is to identify the scope of recreation facilities to be included in the masterplan, within the context that a large flexible sportsground is included in the works.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Hornsby Quarry and Old Mans Valley Study Area Included under separate cover
2. Option 1 and 2 plans for Old Mans Valley

File Reference: F2004/07932

Document Number: D01282202

21 PROPOSAL FOR A COMMUNITY GARDEN AT DENCE PARK, EPPING

EXECUTIVE SUMMARY

The Epping Community Garden Group (“ECGG”) has submitted a proposal to Council for a community garden to be established within Dence Park, Epping utilising a long-decommissioned bowling green. The ECGG is seeking to lease this portion of Dence Park for a preferred period of five years.

The report considers the benefits of community gardens, the suitability of the site, examines the issue of the strategic value of the site and makes a recommendation to enter into a lease or licence with ECGG for three years to allow the community garden to proceed.

PURPOSE/OBJECTIVE

At the 21 October 2009 meeting of Council's Community, Cultural and Recreation Facilities Task Force (“the Task Force”) the proposal for the creation of a community garden at Dence Park, Epping was discussed.

In its discussions, the Task Force agreed that community gardens are desirable and worthy of support. However, there were some reservations about making a commitment to the use of this valuable piece of open space, due to the future housing plan for Epping that is being prepared by the NSW government. The impact of this plan upon housing densities in Epping is as yet unknown, as is what implications this may have for the future use of open space.

The Task Force asked for a report to be prepared for consideration by Council, discussing the community garden proposal. Due to the opportunities associated with this strategic land holding, the Task Force indicated that the proposal should be submitted for Council's consideration and canvass the possibility of a one year lease with no option.

DISCUSSION

Background

Dence Park is located at 26x Stanley Road, Epping and is owned by Hornsby Shire Council. The land is zoned Open Space A (Public Recreation) and classified as Community Land. The park contains the Epping Aquatic Centre, Epping Creative Centre, informal open space (including a decommissioned bowling green), bushland and a sealed car park (Attachment 1). Dence Park adjoins Lane Cove National Park and contains significant bushland habitat that is a part of Terrys Creek bushland corridor. The park is heritage listed and is regarded as being of local heritage significance with the swimming pool complex, a World War II memorial and significant trees (bunya pines).

A women's bowling club operated at Dence Park during the 1960s and 1970s. It is thought to have merged with the Epping Bowling Club in Blaxland Road approximately 30 years ago and the Dence Park bowling green became disused. Council subsequently demolished a fence around it and a supporting shed. The bowling green has since been a site for informal local recreation.

In March 2009 Council officers were approached by the Epping Beecroft Climate Action Group (“EBCAG”) seeking to form a community garden at Dence Park, Epping. Subsequently, members from EBCAG formed the ECGG. The ECGG currently has over fifty members.

Preliminary discussions and an onsite meeting at Dence Park were held with members of the ECGG and Council officers. The ECGG formulated a proposal and sent a draft copy to the Council in July 2009 for consideration (Attachment 2). The proposal specifies utilising the decommissioned bowling green at Dence Park, Epping as a community garden site, as shown on the location map (Attachment 3). Participation in the garden is proposed to be restricted to members. It is proposed that the garden be fenced but that the gate be unlocked in the hope that non-members will respect the garden.

Alternative areas within Dence Park were investigated for use as a community garden site, however the ECGG determined that the bowling green, was the most suitable open space for their proposal. No other park has been considered for the garden by the group and none are considered by the Parks and Landscape Team to be more suitable.

Following an article in The Northern District Times in May 2009, Council has been contacted by several Epping residents who have advised that the old bowling green is used for casual recreation and they have expressed concern that the community garden would remove the only flat land in the park for informal, recreational use. These uses include informal ball sports for children and dog walking. The nearest grassed, open space of significance size is Forest Park, located 630m away in Forest Grove, Epping.

In recent years, Council has been approached with proposals to develop community gardens on community land within Hornsby Shire. The aim of developing such gardens is to provide an opportunity to provide accessible, strategically located gardens that allow community participation in a healthy activity and also contribute to community waste management and education.

Community gardens could be developed as a component of parks where such development does not dominate open space to the exclusion of other demonstrable needs. Community gardens are not permissible within natural areas.

Council has one active community garden called the Eco Garden, located within Fagan Park, Arcadia Road, Galston. The Eco Garden is currently managed by the Council’s Waste Team and it employs several part time gardeners to manage it on a day to day basis. The garden is visited by schools and community groups and is an ecological garden used by Council to promote educational, productive and sustainable ideas. The Eco Garden originally started out as a community run garden but membership numbers declined and the community group dissolved in 2008.

For community gardens to be successful they must be well supported by the community, easily accessible to residential areas, secure, visible, have good access to solar and water resources, and have secure tenure to allow a reasonable term of use. Limiting the lease with ECGG to one year for the community garden would barely allow the establishment of the garden and supporting infrastructure to be established. The ECGG has indicated that their start up cycle would be a one year period, allowing time to establish memberships, apply for grants and install any necessary, basic infrastructure to get the garden established.

ECGG has expressed their wishes for a minimum five year lease, but will settle for a three year lease (Attachment 4).

The State Government has commenced a study into a housing strategy for Epping. Depending on the outcome of that, there could be more demand placed upon existing open space land in Epping, and Council may arrive at a position where the former bowling green will be required for a recreation purpose that allows more intensive use, or more flexible use than will occur with the existence of a community garden. However, the infrastructure required for a community garden is not very substantial nor expensive. It would not be enormously costly to remove any buildings or garden structures from the site, if required, and this possibility need not be a deterrent to the establishment of a community garden now.

At the conclusion of a three year lease, Council would be in a position to review the success of the garden and decide whether the lease should be extended or terminated for the land to be utilised for another purpose, subject to developments in the housing strategy for Epping.

Dence Park is considered therefore to be a suitable park for the establishment of a community garden on the former bowling green.

BUDGET

Council has no funding identified to assist with this proposal. The ECGG are not seeking funding from Council and will raise the funds necessary for this proposal through grant applications, local business assistance and garden membership fees. Council has offered to supply in-kind support such as technical advice and mulch. The group is suggesting a peppercorn lease payment. As discussed under the policy section of this report, a nominal rental of \$280 per annum (adjusted to the Consumer Price Index) could be considered suitable because of the proposed low level of call upon Council resources, other than the occupation of the space at Dence Park.

The legal fees to draw up a lease agreement between Council and the ECGG would cost up to \$1000.

POLICY

Dence Park is covered under the Generic Plan of Management for Community Land and Crown Reserves, Planning District One, 2004 (PoM). This superseded the Dence Park Plan of Management 2000, which identified several options for future development of Dence Park including the construction of a community garden, croquet green and a children's playground.

The Local Government Act requires that any lease or licence of community land be expressly authorised by a plan of management. Leases and licences formalise the use of community land by groups, or by commercial organisations and individuals providing facilities or services for public use.

Activities must be compatible with the zoning of the reserve and provide benefits, services or facilities for users of the land. The terms and conditions of a lease should ensure property management and maintenance, and that the interests of Council and the public are protected.

The PoM allows for leases to be established for the development of community gardens where they comply with the core objectives of the Local Government Act and where considered appropriate by Council. A community garden meets the core objectives of

community land categorised as a Park. The core objectives of community land categorised as a park are:

- a. “To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities
- b. To provide for passive recreational activities or pastimes and for the casual playing of games
- c. To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.”

Under Section 65 (3)(e) of State Environment and Planning Policy Infrastructure (2007) a garden, because it is considered to be ‘landscaping’ does not require development consent.

Council’s Policy POL00174 - Code for the Lease/Licence of Land and Buildings to Community Groups applies. ECGG is considered to be a community group for the purposes of the Code. The community garden would provide a community benefit that complies with the provisions of the Code. ECGG has confirmed that it will be set up in accordance with, and be able to comply with the provisions of the Code. ECGG will provide and maintain the infrastructure. It would seem appropriate that EECG not be charged a market rental or a proportion of a market rental for the land, and instead is charged the nominal rental under the code of \$280, adjusted annually to the Consumer Price Index.

CONSULTATION

To date, no community consultation has been undertaken by Council, other than direct communication with ECGG. However, consultation and publicity carried out by ECGG appears to have brought the matter to the attention of several of the closer neighbours of Dence Park. Some of these have been in contact with Council about the matter.

As the proposal does not require development consent, a standard Review of Environmental Factors (REF) would be prepared by the Parks and Landscape Team. This would be exhibited for comment on Council’s website and the nearest neighbours to Dence Park would be notified in writing about the exhibition. The REF would discuss any environmental impacts and how these would be reduced, and it would also discuss site selection and why the chosen site is considered to be the best.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our Community

The community garden proposal for Dence Park has been generated by the local community, through the coordination of ECGG. The proposal from ECGG mentions community consultation has been undertaken by the group to gather community support and input for the community garden.

Conserving our natural environment

A community garden meets the core objectives of community land categorised as a Park. The location of the proposed garden is on the decommissioned bowling green and no natural areas at Dence Park would be altered.

In response to climate change, the establishment of a community garden can make a positive contribution by reducing greenhouse gas emissions through the recycling of organic matter and plant cultivation.

Contributing to community development through sustainable facilities and services

Community gardens provide a multitude of benefits to users including social interaction, educational information and recreational activities whilst minimising greenhouse gas emissions through localised food production.

Some may argue that the members of the proposed community garden stand to benefit from such a use of a public reserve, providing them with food. That may be so in some sense, however, the community garden is primarily for participation in recreation, community interaction and learning about sustainability. Any use of a public reserve for a recreation purpose benefits both the individual and society more generally.

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

A community garden meets key sustainability principles included within the *Hornsby Shire 2020 Our Framework for a Sustainable Future 2009*. A community garden creates a strong sense of belonging, producing a healthy and interactive community, in a safe and valuable public space.

Supporting our diverse economy

A community garden is a creative use of resources, producing food which reduces the need for members to purchase food from interstate or overseas whilst minimising their carbon footprint for food production. Australian food prices are some of the highest in world, and producing food for the local community will help to off-set the high cost of living.

Maintaining sound corporate financial management

ECGG has not sought funding from Council for the establishment of the community garden. Council will provide technical advice and in-kind support.

Other sustainability considerations

Council has created a Planning Web encompassing key community values, sustainability principles and our vision and aims for a sustainable Hornsby Shire. The establishment of a community garden puts these aims into practise by:

- encouraging sustainable resource use
- enhancing our social and cultural wellbeing
- guiding our community towards a sustainable future.

RESPONSIBLE OFFICER

The responsible officer is Julia Morton, Assets Officer, Parks and Landscape, telephone 9847 6934, hours 9.00 am to 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council provide in-principle support for the establishment of a community garden within Dence Park.

2. Council authorise the General Manager to enter into a maximum three year lease for the establishment and operation of a community garden within Dence Park, Epping, on the basis of terms generally outlined in Report EN57/09.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Location Map - Dence Park, Epping
2. Draft Proposal Epping Community Garden Project
3. Location Map - Proposed Community Garden Area - Dence Park, Epping
4. Email - Comments regarding length of lease for Community Garden Proposal

File Reference: F2004/08950
Document Number: D01282563

22 INVESTIGATION INTO THE DEVELOPMENT OF MOUNTAIN BIKE TRAILS WITHIN THE HORNSBY LOCAL GOVERNMENT AREA.

EXECUTIVE SUMMARY

At the Ordinary Meeting of 10 December 2008 Council considered the Executive Manager Environment's Report EN49/08 regarding the Hornsby Shire Unstructured Recreation Strategy and resolved to adopt the Strategy, to further investigate the development of mountain bike trails within the Hornsby local government area and to report to Council the results of investigations into mountain bike trails.

This report details the results of investigations to develop mountain bike (MTB) trails within the Hornsby local government area. Council's Bushland and Biodiversity Team, members of the MTB community, Hornsby Shire Mountain Bike Alliance, and the consulting firm World Trail have together progressed these investigations. The consultants were asked to focus on one type of MTB discipline known as cross-country. Typically such trails are approximately 8-20 km in length and consist of mostly narrow natural surface trails known as 'singletrack.' These are of a similar width to a bush walking track but are specifically designed for MTBs.

The World Trail Report in Attachment 1 is presented for background information and should be considered a concept plan only. The World Trail Report is not exhaustive in terms of possible trail locations- it focuses on areas of current use and potential trail routes for mountain biking near the highly populated urban areas of Hornsby Shire. Further, the proposed track routes presented in the report are indicative only; they are not accurately aligned. The concept maps show a combination of existing trails and unmade proposed links. Some of the track alignments would require adjustment to avoid socially and environmentally sensitive areas if they were to be built.

The World Trail report found the priority areas to be:

- Old Mans Valley and the Hornsby Quarry lands
- Joes Mountain
- Tunks Ridge
- Near Ginger Meggs Park
- Dog Pound Creek
- Hayes Park

These fall into three broad areas- Hornsby to Westleigh, Tunks Ridge, Dural and Hayes Park, Galston. Focusing on Council owned land, the consultants believe that Old Mans Valley and the quarry lands offer the most in terms of suitability for mountain biking. It would include a track head and provide the start of a trail network of 8 kilometres to Westleigh. Further consideration of the location of such a trail and track head would need to be incorporated into consideration of other land uses on the site, including master planning for open space, filling of the quarry and land instability issues. Nonetheless, it offers a location close to the Hornsby CBD population and the start of a trail network. The World Trail report provides an independent investigation and concepts which can form the basis of a more detailed 'Draft

Trail Plan', focusing on Council lands to be presented to the community for consultation early in 2010 in parallel with the master plan for Old Mans Valley and the Hornsby Quarry.

PURPOSE/OBJECTIVE

To report on the results of investigations into the development of mountain bike trails for Council's consideration, as required by recommendation 3 from Report EN49/08, and to make recommendations to Council based on these results.

DISCUSSION

The Unstructured Recreation Strategy 2008 (URS) recognised the importance of unstructured recreation. Council supplies a range of facilities for most, but not all, of these recreational pursuits. The URS sets out future policy directions for the provision of additional facilities. Over 150 submissions were received during the public exhibition of the URS. All of the submissions called for more MTB facilities. Given the demonstrated popularity of mountain biking, Council authorised further investigation into the development of MTB trails within the Hornsby local government area. Currently there are no MTB facilities or trails set aside for public use in the Hornsby Shire.

The following is a summary of investigation tasks completed to date. Council staff have:

- reviewed available background material including submissions from the MTB community
- engaged consultants to investigate which, if any, areas in Hornsby Shire are suitable for cross-country mountain biking and to estimate the cost of potential trail routes, provide advice about trail signage and future maintenance and management of the trails
- identified potential funding sources for a MTB facility
- briefed the Bushland Management Advisory Committee of Council

Findings of the investigations undertaken to date

Many locations in Australia have good quality MTB facilities that are publicly accessible, yet in Sydney there are none to match facilities that exist in places like Canberra, Newcastle, Adelaide, Hobart, Victoria and other locations. Each of these has been built to the International Mountain Bike Association (IMBA) standards and these standards are regarded as international best practice. They also use the IMBA Trail Difficulty Rating System in their signage and promotion of the trails. Several of these venues are on National Park estate.

There is a significant amount of unauthorised trail created by walkers and MTB riders in bushland owned by Hornsby Council, Department of Environment Climate Change & Water (DECCW – which includes the National Parks and Wildlife Service NPWS) and Land and Property Management Authority (formerly known as Department of Lands) within the shire. Access to fire trails by MTBs is currently permissible, however it is singletrack that is popular with MTB riders who do not find fire trails suitable or interesting. Purpose built cross-country MTB trails typically consist of approximately 70% singletrack and 30% fire trail. Land managers are aware that there are many singletrack trails built in bushland areas illegally and often poorly designed.

The World Trail investigations examined a number of sites and of those, found the priority areas to be Hornsby to Westleigh (individual trails that make up a network including Old Mans Valley and the Hornsby Quarry lands, Joes Mountain, Ginger Meggs and Dog Pound Creek), Tunks Ridge, Dural and Hayes Park, Galston. Importantly, in addition to the trails

identified, the consultant's report identifies several crucial links. The most important one is on Council land, being the link from Old Mans Valley near Quarry Road, Hornsby to near the end of Rosemead Road and Joes Mountain Fire Trail, where Council land meets the Berowra Valley Regional Park.

Whilst Old Mans Valley and the Hornsby Quarry lands are highly suitable for mountain bike facilities, including a track head and the start of a trail network of 8 kilometres to Westleigh, it is essential that any detailed investigations run in parallel with the current masterplanning exercise for Old Mans Valley to ensure that it is properly considered in the context of other open space planning options, quarry filling and stability requirements for the site. It offers further connections to additional trails (existing and potential) on NPWS and Sydney Water land, but needs to be more thoroughly considered in terms of detailed locations, avoidance of conflicts and staging of construction.

Currently DECCW is reviewing MTB management on a policy level and is seeking local on-ground solutions within National Parks and Regional Parks in the northern Sydney region. Council officers have been in discussion with DECCW staff and their NPWS Local Area Manager about these changes and about Council's feasibility study for MTB trails. It was agreed by both parties that the scope of Council's feasibility study should include Berowra Valley Regional Park given the close connection it has with Council owned bushland reserves and trails. In a recent media release from DECCW titled *National Parks & Wildlife Service and mountain bikers meet*, NPWS Regional Manager Chris McIntosh said "the meeting was held to discuss the impacts of MTB riding and to examine what opportunities exist for more sustainable and more enjoyable MTB tracks in Sydney's northern bushland".

Given the current developments, it would be beneficial if Council continues to liaise with NPWS and other neighbouring land managers to ensure a coordinated approach to better management of MTB trails. Trails such as Tunks Ridge occur in Berowra Valley Regional Park, and the important trail links between Hornsby Council lands and Berowra Valley Regional Park.

Cost of proposals

No detailed planning or cost estimates have been prepared for the MTB facilities discussed in the World Trail report. Some indicative costs for trails on Council land given by the consultant are shown below.

***Cost estimates for professional design and construction by World Trail Pty Ltd.**

1. Hornsby to Westleigh Network

Old Mans Valley Trail (excluding northern side of Quarry area)	\$84,000 - \$167,000 **
Ginger Meggs Trail	\$20,000 - \$40,000
Valley Trail	\$9,000 - \$18,000
Dog Pound Trail	\$40,000 - \$80,000

Total for above network of trails excluding cost of link \$153,000 - \$305,000

2. Hayes Park Trail - Galston \$87,000 - \$174,000

* World Trail P/L has offered the option of working with supervised volunteers as a way of reducing construction costs.

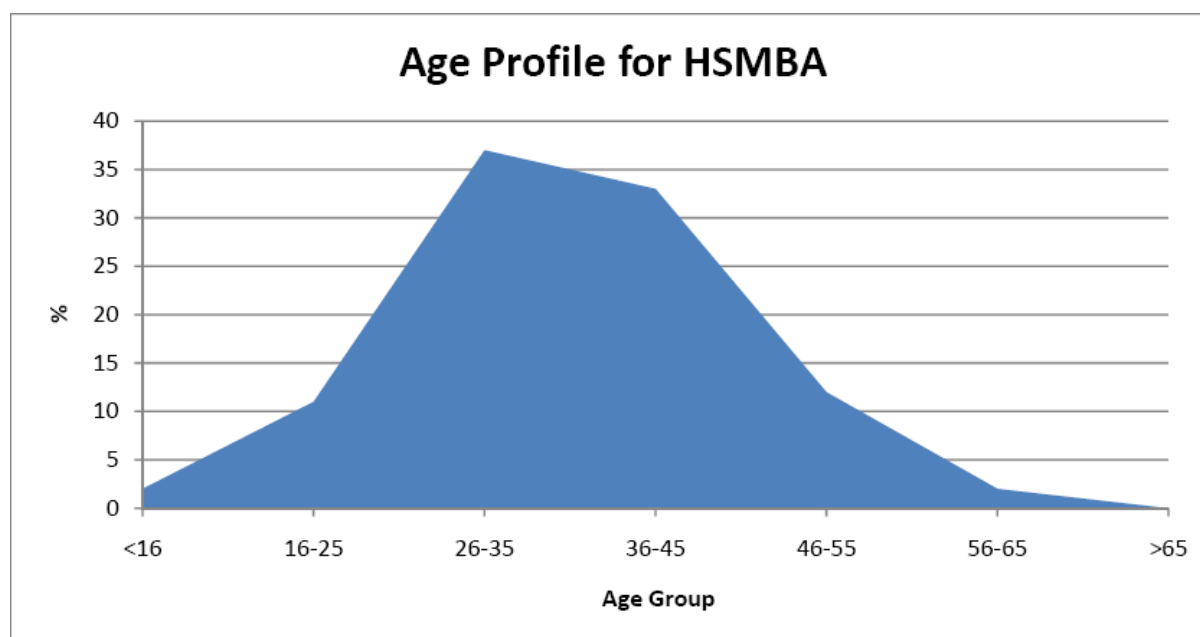
** Another option for a trail outside the unstable lands of the quarry area (Old Mans Valley) would be a cheaper interim solution that offers flexibility in its trail routing to cater for future

developments. It is likely to cost significantly less than the minimum figure above of \$84,000 and less again if volunteers were to assist under supervision.

Community Participation and Stewardship

The National Director of IMBA Australia was present at the recent NPWS meeting; IMBA Australia supports sustainable trail alignments and is interested in providing advice to NPWS and Hornsby Council. The IMBA model is based on a community development approach to trail network implementation and maintenance. Building the capacity of local MTB riders to maintain and protect these proposed trails and the adjacent bushland is key to the long term success of a recreational trail network. Models of sustainable trail design, construction and maintenance are well established. Frequently, MTB facilities have community participants that are trained trail volunteers who monitor trail condition and assist the land manager with trail maintenance.

Locally the Hornsby Shire MTB Alliance (HSMBA) has offered Council its support and assistance in relation to the construction and maintenance of MTB facilities. This group has 460 registered members and contains riders of all skills level and all ages (under 16 to over 65). Members include riders who have been trained in the construction and design of trails and have experience in trail building. 280 members have registered to assist in construction and maintenance while 36 members of this group have nominated themselves to attend training workshops to formally learn the IMBA Trail Solutions techniques.



The community stewardship of a trail network can introduce a number of positive outcomes such as:

- Youth participation
- Activity increases in Hornsby residents
- Reduced maintenance costs for land managers
- Reductions in antisocial behaviour in unmanaged reserves
- Appreciation of scenic bushland areas and environmental values
- Potential for community events

Consultation undertaken on behalf of the NSW Government in 2004–05 identified a strong community desire for parks and trails as places to enjoy a healthy, outdoor lifestyle. The

current emphasis on the Metropolitan Greenspace Program (MGP) is to encourage councils to enter into partnerships to develop regional trails projects across their local government boundaries. In 2008, MGP delivered \$2.4 million to councils across Sydney on a dollar-for-dollar basis for the embellishment of Sydney's trails and open space.

Trail networks can produce economic benefits. Given its central location, an MTB facility accessible from the Hornsby CBD would place it well as a tourism drawcard for MTB riders who could provide significant business input for Hornsby. Many MTB venues in Australia are known as tourism assets. For example Mount Stromlo in Canberra has had over 300,000 visitors since 2007; a venue in Victoria called You Yangs has 60,000 visitors per annum. The development of quality trail networks can attract cycle tourists and a diverse age group of non-tourist riders, but can also lead to the appreciation of property values, as the benefit of living next to a good trail network becomes more valued by property owners.

Proactive Management

Land managers are responsible for managing legal and illegal use of public lands. Often, attempted prohibitive management of MTB riding has failed - some of these cases are well documented in the Sydney area. Hornsby Council's Bushland and Biodiversity Team is aware of the difficulty and expense of closing unauthorised walking tracks and bike trails. Poorly designed trails damage bushland and degrade it further over time. More often than not, forced track closure in bushland is ineffective. A proactive approach of providing well designed purpose built MTB trails would address some of these problems.

BUDGET

The provision of a high quality MTB facility will be dependent upon submissions for budget phase-ups or grant applications, or a combination of both funding sources. Fortunately recreational trail projects are eligible under both Greenspace and Sport and Recreation grant programs.

Future reviews of the Section 94 Plans will take into account the policy directions contained within the Unstructured Recreation Strategy, however it is likely to be several years before this funding could be made available. Subsequent stages of MTB facilities could potentially be sourced from s94 contributions; this is being investigated by at least one other Council in northern Sydney.

The development of new facilities requires funding for annual maintenance costs. This is typically 5% per annum of capital costs. There is good potential that both construction and maintenance costs for MTB trails can be reduced with the involvement of a community group or cycling club. A submission has been received from the MTB community who have formed a group, HSMBA, and they have offered assistance in this regard as detailed above.

POLICY

The report is in accordance with policy directions set out in the Unstructured Recreation Strategy 2008.

CONSULTATION

The MTB feasibility investigation has been developed by the Bushland and Biodiversity Team, assisted by World Trail Pty Ltd and the Hornsby Shire MTB Alliance. Consultation has been undertaken with Council's Parks and Landscape Team, the Bushland Management

Advisory Committee, the Traffic and Road Safety Branch, DECCW (NPWS) and IMBA Australia.

Close consideration has been given to information on the current condition and future development of the Hornsby quarry area and adjacent lands.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

The URS identifies a strategy for the delivery of a range of additional recreation facilities for Hornsby Shire. It has been developed through building upon community surveys undertaken for the Leisure Strategic Plan. HSMBA and Council staff have been working closely to gather information on track options, trail needs, rider demographics and regional context.

Conserving our natural environment

The consultants report on preferred MTB trail options locates facilities within or close to bushland, bringing people to bushland for the purposes of recreation, and it is hoped this will promote community appreciation and understanding of bushland preservation. These facilities will need to be carefully designed to minimise potential environmental impacts, provide MTB facilities and progress closure of unauthorised tracks.

Contributing to community development through sustainable facilities and services

A range of community benefits are discussed on page three of this report, primarily that there will be improved opportunities for recreation activity and better access to healthy activity options. A proposal to develop a MTB facility addresses a shortfall for a high demand activity, currently there are no MTB facilities or trails set aside for public use in the Hornsby Shire. Authorised MTB trail facilities would relieve the pressure on some walking tracks.

Models of sustainable MTB trail design, construction and maintenance are well established in other parts of Australia.

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

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

Consultation undertaken on behalf of the NSW Government in 2004–05 identified a strong community desire for parks and trails as places to enjoy a healthy, outdoor lifestyle and, as such, the current emphasis for the Metropolitan Greenspace Program is to encourage Councils to enter into partnerships to develop regional trails projects across their local government boundaries.

Supporting our diverse economy

The provision of recreation facilities enhances the quality of life for a community and this is often a prime consideration for new businesses wishing to relocate. Development of new facilities involves capital investment and subsequent engagement of suppliers and contractors. As discussed in the report MTB facilities have the potential for significant tourist influx.

Maintaining sound corporate and financial management

Further work will be required in the preparation of detailed capital cost estimates and maintenance budgets. Facilities will only be provided when sufficient funds and sufficient community support has been secured for the long term.

Other Sustainability Considerations

An MTB facility proposal will seek to integrate social, economic and environmental considerations.

RESPONSIBLE OFFICER

The responsible officer is Council's Bushland Management Operation Coordinator, Mr Anthony Newling, who can be contacted on telephone 9847 6839 between 9.00am and 5.00pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council provide in-principle support to the provision of cross country mountain bike tracks as outlined in Report EN 58/09.
2. Council seek opportunities to fund the provision of cross country mountain bike tracks in Hornsby Shire.
3. Council endorse the preparation of a draft mountain bike trail plan for the Hornsby to Westleigh trail network for public consultation, subject to funds being identified for this work.
4. Council include the potential for a mountain bike track and trailhead location within the Masterplan process for Old Mans Valley.
5. Council continue to work with the Department of Environment, Climate Change and Water and the mountain bike community to develop preferred mountain bike trail options within the Hornsby Shire.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

- | | |
|--------------------------------------------------------------------|-------------------------------|
| 1. Feasibility Study for a Mountain Bike Facility in Hornsby Shire | Included under separate cover |
|--------------------------------------------------------------------|-------------------------------|

File Reference: F2008/00693
Document Number: D01283491

23 WATER QUALITY MONITORING PROGRAM - ANNUAL REPORT 2008/2009

EXECUTIVE SUMMARY

During the year 2008-2009, the Water Catchments Team has progressed with the Water Quality Monitoring Program. The annual report for this program is attached and provides an overview of program. Once adopted by Council, this report will be placed on Council's website for public information and viewing.

The program provides support for Council's environmental activities such as the Catchment Remediation Rate (CRR) Capital Works Program, Estuary Management Program and Total Water Cycle Management Strategy.

Water quality of creeks and the Berowra estuary was compared with National Water Quality Guidelines for 'slightly to moderately disturbed ecosystems'. Based on the Guideline values for three key water parameters the measured water quality ratings for the Shire's creeks and estuary during 2008-2009 were "Good" at 47% of our sampling sites and "Poor" at 53% of sites. Unfortunately, the upper sections of creeks closer to intensive industrial, urban and rural developments and to the sewage treatment plants, have been historically highly disturbed, and much work remains to be done if they are to returned to the 'slightly to moderately disturbed' category. However, trend analysis of Total Nitrogen concentrations in freshwater creeks over the last decade indicate that approximately 40% of sites are improving, 40% of sites are not changing and about 20% are degrading.

There were localised improvements in water quality resulting from the CRR program. For example the constructed wetlands at Clarinda Rd, Hornsby and at the Lakes of Cherrybrook removed a significant fraction of nutrients and bacteria; water treatment facilities at a number of old landfill sites reduced nutrient concentrations in leachate waters; and stormwater harvesting projects provided valuable, good quality irrigation water to replace potable water supply.

PURPOSE/OBJECTIVE

For Council to adopt the Water Quality Monitoring Program – 2008/2009 Annual Report.

DISCUSSION

Water Quality Monitoring Program – 2008/2009 Annual Report

Hornsby Shire Council established a water quality monitoring program in 1994 to assess the impact of land use on waterways within the Shire through time and to monitor the performance of Council's catchment remediation programs. The water quality data is utilised by Council for prioritising remediation works, for environmental assessments, catchment modelling and education programs, and is made available to the Community and interested Authorities through the Annual Reports and Council's web site.

During the 2008-2009 period water quality was monitored at 60 sites. Most water sampling sites have been selected on the basis of different land use types, including urban, industrial, rural, bushland and estuarine, with the aim of assessing ecosystem health downstream of these land uses. Estuarine recreational swimming areas were tested during the summer season. Water was also tested to assess performance of catchments remediation devices, of water reuse projects and of devices to treat leachate at old landfill sites. The water quality was compared with reference sites (at undeveloped catchments in National Parks) and with Guidelines for slightly to moderately disturbed waterways set down in the National Water Quality Management Strategy and by the National Health and Medical Research Council. The chosen Guidelines reflect a Community expectation that creek ecosystems in the Shire's bushland areas should be maintained in a good condition. Unfortunately, the upper sections of creeks close to intensive industrial, urban and rural developments have been historically highly disturbed, and much work remains to be done to return them to the 'slightly to moderately disturbed' category.

Physical, Chemical and Bacterial Monitoring

At each site the physico-chemical measurements of temperature, conductivity, salinity, pH, dissolved oxygen and turbidity were recorded in-situ with a portable water quality analyser. General observations on appearance, odours, nuisance organisms, flows and weather were also recorded. Water samples were simultaneously collected for laboratory testing for suspended solids, bacteria and nutrients and other selected water quality parameters. In order to assure the integrity of the results obtained, all probe measurements and sample collections were carried out according to strict quality control procedures. Laboratory based testing was done by a laboratory using analysis methods accredited by the National Association of Testing Authorities.

Biological Monitoring: Planktonic Algae

Estuarine waters at Berowra Waters have been surveyed since 1997 for chlorophyll-a and algal (phytoplankton) species as part of Council's algal bloom investigations. During the 2008-2009 period samples were collected monthly at two sites in Berowra Waters. In addition, during the summer swimming season, algal monitoring was carried out at Crosslands and Brooklyn as part of Council's recreational water quality monitoring program. The algal analyses were carried by a specialist laboratory to provide information on diversity and abundance of algae species.

Continuous monitoring of planktonic algal growths is undertaken in Berowra Waters for Council by Manly Hydraulics Laboratory. The solar powered sensor is moored near Calabash Bay and enables real-time monitoring for development of potentially harmful algal blooms – results can be viewed in real time on the internet.

Water Quality Findings

Creeks located in areas with the least disturbance, or furthest downstream from land developments, usually had water quality which satisfied the current environmental water quality Guidelines. The two "reference" creeks, referred to as Murray Anderson and Smugglers Creeks, and located within undeveloped catchments within Kuring-gai and Marramarra National Parks respectively, were classified as healthy according to Guideline criteria; these sites provide a good baseline against which to compare other creeks in the Shire.

Based on three key water parameters the measured water quality ratings for the Shire's creeks and estuary during 2008-2009 were "Good" at 47% of our sampling sites and "Poor" at 53% of sites. Overall the trends and ranges of contaminant levels at most creek sites were similar to the last few years. Creeks close downstream of urban and rural areas did not satisfy the water quality Guideline for ecosystem values most of the time; they suffered from occasional moderate levels of contaminants during both wet or dry times, in particular elevated nutrient nitrogen and faecal bacteria. The highest concentrations of ammonia and faecal bacteria contamination were present in sampling sites close downstream to industrial areas, particularly the Thornleigh Industrial area

draining into Larool Ck. The creeks below urban and industrial areas suffer additional physical stress from frequent 'flash-flooding' as a result of rainfall rapidly running off the extensive areas of impervious surfaces in the highly developed catchments.

Bacterial contamination: Elevated bacterial counts were regularly found in most creeks, especially after rain. Occasionally this could be explained by the influence of animals (e.g. pets, ducks, horses, stock). However, the main sources of faecal bacteria were believed to be from leaking sewerage infrastructure and from sewer system overflows into creeks during wet weather. The latter occurs after heavy rain from numerous designed overflow points and from by-passes at the sewage treatment plants. Animal husbandry, use of manures in market gardens and septic seepages were considered to be the prime sources of faecal bacteria in rural residential developments. These problems remain despite ongoing auditing of septic systems by Council officers and quick response repairs by Sydney Water when the Community reports sewer problems.

Nutrient contamination: Using Total Nitrogen alone as a key indicator of environmental health of the waterways, results over the last decade of sampling freshwater creeks indicate that approximately 40% of sites are improving, 40% of sites are not changing and about 20% are degrading. The nutrient measurements of total nitrogen and oxidised nitrogen were regularly above Guideline values in all creeks draining urban and rural areas. Residual nitrogen nutrient concentrations were relatively high in Sewage Treatment Plant discharges to Waitara and Calna Creeks, and downstream in the receiving waters of Berowra Creek and the Berowra Estuary. Notwithstanding the major improvements in nitrogen nutrient removal resulting from upgrades to the major sewage treatment plants (STPs) earlier this decade, the levels of oxidised nitrogen in 2008-2009 remained well above ecosystem Guideline values downstream of the STPs. Sources of nutrients, other than STP outputs, in creeks below urban and rural areas, were considered to be from fertilisers, manures, eroding soils, animal faeces or sewerage/septic seepages. High nitrogen and phosphorus levels in some rural creeks continued to stand out.

Estuarine Monitoring: Total nitrogen, oxidised nitrogen and chlorophyll-a were slightly elevated in the Berowra Creek estuary at Crosslands Reserve and Berowra Waters. Algal phytoplankton remain diverse and numerous in the estuary, but problematic species were not detected at harmful concentrations, and problem algal blooms did not develop during the reporting period. Recreational water quality ranking was Good (low risk) at Brooklyn Baths but Poor (moderate risk) at Crosslands. Generally swimming in the upper Berowra Estuaries is not recommended for 3 to 5 days after heavy rain due to increased likelihood of bacterial contamination arising from sewer system overflows and from stormwater runoff from developed areas.

Water quality improvement projects: Water quality monitoring supported Council's Catchments Remediation Rate Capital Works Program and selected projects developed under Council's Total Water Cycle Management Strategy. During this reporting year water testing showed that the constructed wetlands at Clarinda Rd, Hornsby and at the Lakes of Cherrybrook reduced concentrations of nutrients (40 to 60%) and Faecal coliform bacteria (60 to 70%) in urban stormwater runoff. Monitoring showed that, after treatment of backwash water at Council's aquatic centres, the treated water was of suitable quality for reuse. Bio-reactor and wetland treatment facilities at the rehabilitated Foxglove landfill site reduced nutrient concentrations in collected leachate. Stormwater harvesting facilities near sports fields and at Council's nursery were providing valuable irrigation water to replace potable water supplies with monitoring showing that the collected waters were suitable for this purpose.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

This report was prepared by the staff of the Water Catchments Team.

TRIPLE BOTTOM LINE SUMMARY

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

As this report simply provides Council with information that does not propose any actions which require a sustainability assessment, no triple bottom line considerations apply.

RESPONSIBLE OFFICER

The responsible officer is Mr Ross McPherson, Manager Water Catchments, telephone 9847 6708, hours 8:30 am to 5:00 pm, Monday to Friday.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN59/09 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

- | | |
|------------------------------------------------------------------|----------------------------------|
| 1. Water Quality Monitoring Program - Annual Report
2008-2009 | Included under separate
cover |
|------------------------------------------------------------------|----------------------------------|

File Reference: F2004/06708
Document Number: D01285408

24 DRAFT NSW COASTAL PLANNING GUIDELINE - ADAPTING TO SEA LEVEL RISE

EXECUTIVE SUMMARY

This report has been prepared by Town Planning Services in consultation with representatives from the Environment and Works divisions.

The Department of Planning (DOP) has placed the *Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (copy attached) on public exhibition until 11 December 2009.

The *draft Guideline* identifies that councils in “coastal areas” are required to undertake coastal and flood hazard assessments having regard to sea level rise. The findings of the assessments should inform the preparation of new LEPs and DCPs. The *draft Guideline* also outlines a process to assist councils address sea level rise in strategic planning and development assessment.

Hornsby Shire is located in a “coastal area”. Accordingly, Council would be required to have regard to the *draft Guideline* in preparing its new Comprehensive LEP and DCP. However, there is uncertainty concerning whether Council is required to prepare a coastal hazard assessment due to conflicting definitions in existing planning legislation and the *draft Guideline*. There is a lack of information on how the *draft Guideline* will be implemented and the statutory weight of the *draft Guideline* in development assessment.

Council should make a submission to the DOP for consideration in finalising the *draft Guideline*.

PURPOSE

The purpose of this report is to review the implications of the *draft NSW Coastal Planning Guideline* for Hornsby Shire and seek endorsement of a submission to the DOP.

BACKGROUND

The NSW Government recently released a *Policy Statement on Sea Level Rise*. The *Policy Statement* outlines the Government’s objectives and commitments to sea level rise adaptation. The *Policy Statement* also specifies sea level planning benchmarks for the NSW coastline. These benchmarks are an increase above 1990 mean sea levels of 40 centimetres by 2050 and 90 centimetres by 2100.

The DOP has now released the *Draft NSW coastal planning guideline: adapting to sea level rise* for public consultation. The *draft Guideline* is on public exhibition until 11 December 2009.

The *draft Guideline* adopts the NSW sea level rise planning benchmarks in the *Sea Level Rise Policy Statement*. The *draft Guideline* outlines a process to assist councils, State agencies, planners and development proponents when addressing sea level rise in strategic planning and development assessment.

The Department of Environment and Climate Change and Water (DECCW) has also released two draft Guides that should be read in conjunction with the *draft Guideline* to assist councils in preparing coastal hazard and flood studies to incorporate the sea level rise planning benchmarks.

DISCUSSION

The following discussion provides a summary of the *draft Guideline*, the implications for Hornsby Shire and identifies issues for inclusion in a submission to the DOP.

Draft NSW Coastal Planning Guideline - Adapting to Sea Level Rise

The *draft Guideline* is comprised of four sections as outlined below.

Introduction: Identifies the scope and aims, policy context and structure of the *Guideline* and outlines the following principles of the *Guideline*:

1. Assess and evaluate coastal risks taking into account the NSW sea level rise planning benchmarks.
2. Advise the public of coastal risks to ensure that informed land use planning and development decision-making can occur.
3. Avoid intensifying land use in coastal risk areas through appropriate strategic and land use planning.
4. Consider options to reduce land use intensity in coastal risk areas where feasible.
5. Minimise the exposure to coastal risks from proposed development in coastal areas.
6. Implement appropriate management responses and adaptation strategies, with consideration for the environmental, social and economic impacts of each option.

Section 2 - Identifying Coastal Risk Areas: Provides guidance on how to implement principles 1 and 2. The section identifies the sea level rise planning benchmarks, relevant manuals and guides prepared to assist councils identify coastal risk areas, and interim planning measures that can be utilised prior to the identification of coastal risk areas. The section identifies coastal hazard, flood planning and sea level rise planning areas based on the sea level planning benchmarks for the years 2050 and 2100. Mechanisms to inform the public of coastal risks are also outlined.

Section 3 - Strategic and Land Use Planning in Coastal Areas: Provides guidance on how to implement principles 3 and 4. The section identifies the various strategic planning matters that should be considered in coastal planning. These matters include that councils are required under the *Environmental Planning and Assessment (EP&A) Act* to undertake coastal and flood hazard assessments in accordance with the *Coastline Management and Floodplain Development Manuals* having regard to the sea level rise planning benchmarks. The section identifies that the hazard assessments must inform the preparation of planning proposals and LEPs. Planning tools available to best manage development within and adjoining coastal risk areas are also outlined.

Section 4 - Development Assessment in Coastal Areas: Provides guidance on how to implement principles 5 and 6. The section identifies planning criteria for proposed development in coastal risk areas, best practice site design and layout and management responses and adaption strategies. The section identifies best practice information submission requirements for developments in coastal risk areas.

The section also identifies an assessment process for development applications in coastal risk areas which is dependent upon the location and type of the development.

Implications for Hornsby Shire

The *draft Guideline* identifies that councils in “coastal areas” are required to undertake coastal and flood hazard assessments in accordance with the *NSW Coastline Management Manual 1990* and *Floodplain Development Manual 2005* having regard to the sea level rise planning benchmarks. The *draft Guideline* identifies that the findings of the assessments should inform the preparation of new LEPs and DCPs.

The statutory requirement to prepare coastal and flood hazard assessments for most coastal councils is already in place. Councils are required to consider all relevant Ministerial Directions under Section 117 of the *EP&A Act* as part of the LEP preparation process. *Section 117 Direction 2.2 Coastal Protection* requires new LEPs for councils in the Coastal Zone to be consistent with the *NSW Coastline Management Manual 1990*. *Section 117 Direction 4.3 Flood Prone Land* requires that new LEPs shall include provisions that are consistent with the *Floodplain Development Manual 2005*.

The *draft Guideline* would augment these Directions by ensuring that the coastal and flood hazard assessments incorporate the sea level rise planning benchmarks. However, the *draft Guideline* does not identify the legislative context within which it would be implemented in LEPs. This could either be through revised *Section 117 Directions*, a model or mandatory provision in the *Standard Instrument* or a state environmental planning instrument that applies to “coastal areas” such as *Sydney Regional Environmental Plan (SREP) No. 20 - Hawkesbury Nepean River (No. 2 - 1997)* and/or *State Environmental Planning Policy (SEPP) No. 71 - Coastal Protection*.

The legislation that implements the *draft Guideline* should be identified as there is uncertainty concerning whether Hornsby Shire is currently, or will, be required to undertake a coastal hazard assessment by the *draft Guideline*. The uncertainty exists because of the use of the definitions of “Coastal Zone” in both *Section 117 Direction 2.2 Coastal Protection* and *SEPP No. 71* and “coastal areas” in the *draft Guideline*.

Hornsby Shire is not located in the Coastal Zone as declared by notice in the Government Gazette. Hornsby Shire is also not identified in the Schedule for which *SEPP No. 71* applies. However, the “Coastal Zone - Greater Metropolitan Region” maps on the DOP website indicate that Dangar Island and Milson Island, both within Hornsby Shire, are within the Coastal Zone. Further, the Lower Hawkesbury River and its tributaries would be defined as a “coastal area” under the *draft Guideline*. The *draft Guideline* identifies that “coastal areas” includes areas within the tidal reaches of coastal rivers.

Notwithstanding whether Council is required to undertake a coastal hazard assessment, Council has already included an action in its *Climate Change Adaptation Strategy* to undertake a coastal risk study with a particular focus on the Berowra Creek and Brooklyn estuaries. The purpose of the study is to develop strategies to address the impacts of sea level rise on salt marsh and other endangered estuarine vegetation.

Council is also currently undertaking a flood risk study and preparing flood prone land maps and associated provisions for insertion in Council’s new Comprehensive LEP and DCP. Council has included an action in its *Climate Change Adaptation Strategy* that flood prone land modelling will be required to address climate change implications including sea level rise in areas in the vicinity of the Hawkesbury River and its tributaries.

Submission to the Department of Planning

The *draft Guideline* contains a series of consultation questions. These questions have been answered below to form the basis of a submission to the Department.

1. *In the absence of completed coastal hazard and flood studies which take the NSW sea level rise planning benchmarks into consideration, should councils be able to use investigation areas for planning or development assessment purposes?*

Yes. Council is currently preparing a flood risk study having regard to the sea level rise benchmarks for areas in the vicinity of the Lower Hawkesbury River and its tributaries. The areas likely to be directly affected by flood extents and flood levels associated with sea level rise in Hornsby Shire include Brooklyn and Wisemans Ferry. Council is not on the priority list for the preparation of its new Comprehensive LEP. Accordingly, if the Department is relying on Council to implement the principles of the *draft Guideline*, it may be some time before flood prone lands are identified and protected by a planning instrument.

The declaration of investigation areas associated with the sea level rise benchmarks would be an appropriate interim measure. However, the *draft Guideline* does not identify how investigation areas would be defined and subsequently declared. The *draft Guideline* does not identify how investigation areas would be considered in strategic planning and development assessment processes under the *EP&A Act*. The *draft Guideline* also does not identify whether any declaration by councils would be exempt from liability under Section 733 of the *Local Government (LG) Act, 1993* as it relates to flood liable land and land affected by coastal erosion or recession. The *draft Guideline* should be revised to identify same.

2. *Should the NSW Government propose a set measure incorporating the sea level rise planning benchmarks for identifying investigation areas across the State?*

Yes. Specific measures relating to coastal erosion and recession distances along coastlines, projected tidal inundation in the lower reaches of an estuary and the projected extension of flood prone land in tidal river reaches should be identified in any adopted *Guideline* and relevant environmental planning instruments. The examples of possible measures included on page 5 of the *draft Guideline* should form the basis of the measures but be refined to be more specific.

3. *Should council rate notices or other mechanisms be used to advise or remind landowners if their properties are located in coastal risk areas?*

No. Section 149 Planning Certificates provide the appropriate mechanism to identify the relevant legislation and policies that apply to land including whether properties are located in coastal risk areas. The prescribed format of Section 149 Planning Certificates in the *EP&A Regulations* may need to be revised to ensure that planning certificates include reference to coastal risks, including land identified in a “coastal risk area” or an “investigation area”.

4. *If land is subject to immediate coastal risks, should further development in these areas be prohibited?*

No. Figure 4 of the *draft Guideline* provides adequate guidance for the assessment of DAs subject to immediate coastal risks. There is low impact development in river settlements such as jetties and boat launching ramps that should continue to be permitted on flood prone lands as many river settlements in Hornsby Shire are not able to be accessed by road. There are also non habitable farm buildings below the flood line in the rural areas of the Shire that promote the use of the land for agricultural purposes that would result in minimal risk to life if affected by a flood.

The prohibition of development on lands identified as having significant environmental constraints should have regard to all relevant economic, environmental and social issues not just a single issue. Rather, “coastal risk area” or “investigation area” overlay maps should be used to identify areas of risk and require consideration of development against specified matters.

5. *How should consideration be given to potential coastal risk areas when zoning land in LEPs? (i.e. areas that may be at risk in the future due to sea level rise and other climate change parameters).*

A more restrictive zoning should only be applied to land subject to a known risk and where the risk would likely have an impact in the timeframe in which significant investment decisions are generally made (i.e. 25 to 50 years). Accordingly, at this point in time, a more restrictive zoning should only be applied to land subject to coastal hazard risks based on the 2050 sea level rise benchmark of 40cm.

Zonings should be regularly reviewed based on updated sea level rise data and should only be changed when all relevant economic, environmental and social issues have been considered.

6. *Should a model clause be developed for councils to use in LEPs to identify coastal risk areas using maps and to apply specific development controls to that identified land?*

Yes. Should the Department decide to implement the *draft Guideline* by requiring councils to include coastal risk areas in their LEPs, it would be appropriate to develop a model *Standard Instrument* clause to ensure consistency. The Department should review the existing *Standard Instrument* provisions to ensure there is no duplication. *Clause 5.5 Development within the Coastal Zone* is a provision that councils must apply where located in the Coastal Zone. The Clause requires that consent must not be granted unless Council has considered the effect of coastal processes and hazards and the potential impacts, including sea level rise.

It would, however, be preferable to include provisions within relevant state environmental planning instruments as councils are at varying stages in preparation of their new comprehensive LEPs based on the *Standard Instrument*. The *draft Guideline* may not be implemented for some time where councils have completed or are nearing completion in the preparation of their new LEPs.

7. *Should a similar provision be incorporated directly into SEPP No. 71 – Coastal Protection to apply to development in the NSW Coastal Zone?*

Yes. A clause based on the “Draft LEP Coastal Risk Planning Model Clause” on page 12 of the *draft Guideline* should be included in other relevant planning instruments, including *SEPP No. 71*. The clause should explicitly reference the need for councils

to consider the adopted *Guideline* in strategic planning and development assessment processes where land is identified as a “coastal risk area” or an “investigation area”.

8. *Should consideration be given to expanding the application of any coastal risk clause in SEPP No. 71 to also apply more broadly to the Sydney coastal region?*

Yes. *SEPP No. 71* does not apply to all Shires in the coastal region including Hornsby Shire. Accordingly, other planning tools such as *Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (No. 2 - 1997)* and *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* should be revised to also include a clause based on the “Draft LEP Coastal Risk Planning Model Clause” on page 12 of the *draft Guideline*.

9. *If a relevant coastal hazard or flood study has not been completed or council has not identified an investigation area, should applicants be required to undertake their own coastal risk assessment as part of the DA requirements?*

Yes. Where Council has not completed its own coastal risk or flood prone land study but the area has been declared as an investigation area, proponents of development should be required to undertake a detailed coastal risk assessment as part of the DA requirements.

10. *Should this requirement only be restricted to large-scale or medium to high risk coastal developments?*

Yes. Applicants should be required to undertake a detailed coastal risk assessment for DAs located in an “investigation area” dependent upon the location of development in relation to land subject to immediate coastal risks (i.e. based on the sea level rise benchmark of 40cm by 2050) and the development type. The location and types of development considered to be a higher risk identified on page 17 and in Figure 4 of the *draft Guideline* form an appropriate basis for requiring further detailed assessment of the risk to life, property or the environment. However, the development types should be more clearly specified and the minimum assessment requirements identified.

11. *Should new development be prevented in coastal risk areas that are already subject to coastal risks (as identified by an immediate hazard line)?*

Yes. Development which would result in more intense development (e.g. multi-unit housing) or development entitlements (e.g. subdivision) seaward of the immediate hazard line should be prevented by more restrictive zonings and/or development standards (e.g. not including land seaward of the immediate hazard line for the purposes of calculating minimum lot size associated with the subdivision of land). The prohibited development types and the development standards should be specified in relevant environmental planning instruments.

This approach would be consistent with the principles identified by Figure 4 of the *draft Guideline*.

However, the wholesale prohibition of all development over privately owned lands should not be pursued as it may be tantamount to a reservation and may place acquisition obligations on Council and/or the DOP.

CONSULTATION

The draft Guideline has been placed on public exhibition by the DOP until 11 December 2009. The Managers of the Environmental Sustainability and Health Team, Water Catchments Branch, Assets Branch, Design and Construction Branch, Bushland and Biodiversity Team, Parks and Landscapes Team and Council's Stormwater management Investigations Engineer have been 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 provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

CONCLUSION

Hornsby Shire is located in a "coastal area". Accordingly, Council would be required to have regard to the *draft Guideline* in preparing its new Comprehensive LEP and DCP. However, there is uncertainty concerning whether Council is required to prepare a coastal hazard assessment due to conflicting definitions in existing planning legislation and the *draft Guideline*. There is a lack of information on how the *draft Guideline* will be implemented and the statutory weight of the *draft Guideline* in development assessment.

It is recommended that Council make a submission to the DOP for consideration in finalising the *draft Guideline*.

RECOMMENDATION

THAT Council forward a submission to the Department of Planning based on the issues contained in Executive Manager's Report EN 61/09.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Draft NSW Coastal Planning Guideline

File Reference: F2004/07488
Document Number: D01289694

25 NSROC TENDER 10/2009 SUPPLY & DELIVERY OF REGULATORY SIGNS AND STREET NAME BLADES

EXECUTIVE SUMMARY

The existing NSROC supply agreement for the supply of Regulatory Signs and Street Name Blades has expired. The NSROC supply management group consisting of Hornsby Council, Ryde Council, Lane Cove Council and Hunters Hill Council have issued a new tender for the supply of Regulatory Signs and Street Name Blades – Tender 10/09. The term of the proposed supply agreement resulting from the tender is for a two year period with a one year option to extend subject to satisfactory performance.

Hornsby Council's expenditure for the contract period is estimated at \$180,000 (based on previous financial year expenditure)

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of the tenders received from RMS Pty Ltd and Artcraft Pty Ltd as a result of Tender T10/09.

DISCUSSION

The objectives of the tender are to investigate options to purchase Regulatory Signs and Street Name Blades from one or more suppliers allowing Council to receive value for money over the life of the agreement considering commercial, quality, delivery, environmental and technical criteria.

A public tender notice was issued by the NSROC supply management group and was advertised in the Sydney Morning Herald and the relevant local newspapers. The tender was issued in September 2009 with a closing date of 16th October 2009.

Responses were received from the following companies:

- Allpack Pty Ltd
- Artcraft Pty Ltd
- RMS Pty Ltd
- Traffic Technologies (De neefe)
- Hi Vis Signs & Safety. This tender was received late and was rejected

TENDER EVALUATION

As part of the evaluation process mandatory and weighted supplier selection criteria were developed and considered by the NSROC evaluation team.

Mandatory criteria included

- Invoices and payment
- NSROC Rebates
- Delivery
- Training
- Understanding requirements

The weighted criteria included

- Prices
- Trading terms & discounts
- Company Profile and financial assessment
- Pricing for items outside tendered items
- Availability & lead times
- Quality & good return process
- Accreditation and quality management
- Problem Solving
- References
- Past experience and local government experience
- Contingency Plans
- Warranties and Insurance
- Sustainability
- General Environmental considerations
- OH&S

BUDGET

The pricing schedule contained within the tender has been allowed for within the 2009/2010 budget

POLICY

The tender process has been undertaken in accordance with Council's Tendering policy

CONSULTATION

The assessment of this tender was completed by the relevant NSROC supply management group together with Lane Cove Council's Traffic Manager, Council's Technical Support Officer - Field Operations and Council's Team Leader, Construction

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

The community was informed of the tender through advertising in the press

Conserving our natural environment

The preferred suppliers products are not expected to have any adverse impact on the natural environment. The preferred suppliers have appropriate environmental management systems in place

Contributing to community visions in planning for the future of the shire

The NSROC approach to tendering aims to achieve economies of scale and therefore more sustainable facilities and services.

Fulfilling our community's visions in planning for the shire

The supply of Regulatory Signs and Street Name Blades at the most economic price will assist in providing these services to the community's satisfaction

Supporting our diverse economy

Not applicable for this tender

Maintaining sound corporate and financial management

The evaluation process considered the commercial arrangements for the product range

Other sustainability considerations

The evaluation process considered environmental products and disposal, tenderers environmental management systems, sustainable alternatives and labour.

RESPONSIBLE OFFICER

For further information, please contact Robyn McKenzie, Procurement Manager on 9847 6642, Monday to Friday 8.30 am - 5.00 pm.

RECOMMENDATION

THAT Council accept the tenders of RMS Pty Ltd and Artcraft Pty Ltd as Council's preferred suppliers for the supply of Regulatory Signs and Street Name Blades for a two year period with an option to extend for a further twelve months subject to satisfactory performance.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Confidential Memo - *This attachment 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.*

File Reference: F2009/00679
Document Number: D01285317

26 TENDER T22/2009: DESIGN AND CONSTRUCTION - EPPING WATER HARVESTING SCHEMES

EXECUTIVE SUMMARY

The proposed contract is for the design and construction of 3 stormwater harvesting schemes in Epping (at Epping Oval, North Epping Oval and Somerville Oval). Stormwater will be collected from the ovals and from local and major drainage systems where preliminary filtration of the stormwater will take place. The water will be stored in below ground concrete tanks and then pumped up to irrigation tanks located in the ovals. The stormwater will be treated by filtration and ultra violet light disinfection in accordance with best practice health standards and then used for irrigation of the adjacent ovals. The implementation of this scheme will considerably reduce the amount of potable water used by Council for irrigation purposes and will eliminate the need for potable water irrigation at these sites for considerable periods throughout the year. A major improvement in the downstream water quality will also result from the collection of gross pollutants and silt provided at these sites.

At the present time Council does not have the resources required to carry out this specialised design and construction work and therefore tenders have been called in accordance with the Local Government Act. The construction phase of the proposed contracts are scheduled to commence in Jan 2010 and the work at each site is programmed for completion within a 12 week period of Council giving possession of each work site, weather permitting. The tenders submitted by Optimal Stormwater Pty Ltd for each of the 3 sites have been recommended for acceptance.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No.T22-2009: Design and Construction - Epping Water Harvesting Schemes.

DISCUSSION

Tender No. T22-2009 is a Lump Sum tender covering 3 separate sites and a summary of all tenders together with full evaluation details have been placed on file. Excepting this report the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

A total of six (6) tenders were received from the following companies:

- Collective Civil Pty Ltd
- Athassel Excavations Pty Ltd
- Ladex Group Pty Ltd
- Optimal Stormwater Pty Ltd
- Process Engineering Technologies Pty Ltd
- Water Conservation Group Pty Ltd

Tenderers provided separate tenders for each of the 3 sites plus 2 of the tenderers (Optimal Stormwater Pty Ltd and Water Conservation Group Pty Ltd) provided alternative tenders for each of the 3 sites.

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

- Cost of works
- Past performance and experience with similar types of contracts
- Plant and equipment resources
- Labour and sub-contract resources
- Project program and resourcing details
- Construction methodology
- Quality assurance systems
- Occupational health and safety systems
- Current financial position and contractual commitments
- Sustainability

The total lump sum price of each tender for each site and the priced bill of quantity rates were evaluated and compared with the average price tendered (excluding the highest and lowest tender) and Council's pre-tender estimate for the works. Other criteria were assessed on information submitted with each tender and information gained from the tenderers' nominated referees. The alternative solutions offered by the tenderers were also considered.

The attached Confidential Memo WD D&C 41/09 provides the lump sum price submitted by each tenderer for each site (including alternative prices) and a summary of the evaluation. Full details of the tender evaluation can be found on file.

The results of the evaluation indicate that the tender submitted by Optimal Stormwater Pty Ltd for each of the 3 sites would be the most advantageous to Council.

BUDGET

The total budget available for the Epping Oval Water Harvesting Schemes is \$1.82M which consists entirely of funding from the Federal Government under the Regional and Local Community Infrastructure Program (RLCIP) stimulus package. Council's estimate for the tendered work amounts to \$1.34M and this work will form the major part of the entire project. This budget also includes funding for irrigation improvements at each site where considered necessary.

There are sufficient funds available in the budget to carry out the proposed works including an allowance for tipping fees, project management and contingencies.

POLICY

There are no policy implications.

CONSULTATION

This tender has been evaluated in consultation with Council's Environmental Scientist, Mr Neil Keraunos, the Manager Design and Construction, Mr Robert Rajca and the Manager Parks and Landscapes, Mr Peter Kemp. Members of the Water Catchments team and Parks Maintenance team have also been consulted throughout this project.

TRIPLE BOTTOM LINE SUMMARY**Working with our Community**

The community was informed of the tender through advertising in the Sydney Morning Herald, the Advocate newspaper and Council's internet site.

Conserving our natural environment

The processes on site are to be controlled by strict environmental measures including sediment and erosion controls, minimisation of noise and pollution controls. The proposed work will reduce Councils usage of mains water for irrigation purposes.

Contributing to community development through sustainable facilities and services

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

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

The facility once completed will provide significant stormwater storage which will be used for irrigation of the playing fields. Hence this will substantially reduce the usage of mains potable water at Epping, North Epping and Somerville Ovals. A high percentage of gross pollutants and silt will be removed from the stormwater systems resulting in an improved quality of water being discharged into the catchments.

Maintaining sound corporate financial management

The proposed work will reduce Councils reliance on the mains water supply and hence reduce operational costs for this recreational area.

Other sustainability considerations

The company's Environment and Social Policy and management systems of each tenderer was taken in to consideration in assessing the tender.

RESPONSIBLE OFFICER

For further information, please contact Council's Engineer Construction, Mr. Steve Crowe on 9847 6679.

RECOMMENDATION

THAT:

1. Council accept the following tenders submitted by Optimal Stormwater Pty Ltd for Tender No. T22-2009: Design and Construction - Epping Oval Water Harvesting Scheme for the lump sum prices as stated in the attached Confidential Memo (WD D&C 41/09):
 - Epping Oval – Conforming
 - North Epping Oval – Alternative
 - Somerville Oval – Alternative

2. The prices to be made public on formal acceptance of the tender.

MAXWELL WOODWARD
Executive Manager
Works Division

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Refer to Confidential Attachment to WK87/09, located in the Confidential Section of Business Paper Confidential Memo WD D&C 41/09 (circulated separately to Councillors). - *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: F2009/00654
Document Number: D01286839

27 CLOTHING RECYCLING COLLECTION BINS

EXECUTIVE SUMMARY

Council has received a request from a consultant acting on behalf of a charity seeking approval to place clothing recycling collection bins at a number of sites (locations to be agreed) throughout the Shire. While a number of other charities currently have bins at selected locations, no formal policy exists to deal with this arrangement. It is understood that charities have differing approaches to the commercial arrangements and financial returns that underpin clothing recycling activities. Development of a policy is recommended, in consultation with the industry peak body.

PURPOSE/OBJECTIVE

The purpose of this report is to recommend the formulation of a policy for the placing of clothing recycling collection bins in the Shire. Council has received a request to that effect on behalf of a charity that benefits from a commercial arrangement with a clothing recycling organisation.

BACKGROUND

Council has received correspondence on behalf of a charitable fund raising organisation, Learning Links, requesting approval to place clothing recycling collection bins at 25 selected locations throughout Council's area. An annual fee of \$4,000, representing \$120 per bin per annum, is offered. Learning Links has a commercial arrangement with King Cotton Australia (terms not known) to service these bins and deal with the material so collected. Learning Links is also a member of the National Association of Charitable Recycling Organisations (NACRO). NACRO is the peak body representing charitable recycling organisations throughout Australia.

DISCUSSION

While Council has no formal policy regarding the placement of clothing recycling collection bins in public areas in the Shire, bins have been permitted at the locations listed in Attachment 1. This attachment also includes bins located on privately owned land. Not all charities operating these bins are members of NACRO.

In considering its response to the subject request, Council should be mindful of the following:

1. Clothing bins provide an outlet for local residents to discard unwanted clothing in an organised and environmentally conscious manner, encouraging the recycling of a valuable resource.
2. It is estimated that between 80 and 100 million kg of textile waste is collected by Australian charitable recyclers through clothing recycling collection bins and donations of material at no cost to councils or government. Much of this material can be reclaimed and recirculated through charity shops or reprocessed into functional textiles. Through the efforts of the charitable recycling organisations, approximately 75 percent

of the collected post-consumer waste is diverted from landfill and recycled domestically or forwarded to third world countries.

Of the post consumer waste recovered by charities;

- 60 percent consists of items of clothing that can be re-worn or reused
 - 15 percent can be torn into industrial wiper cloths, and
 - 25 percent is unusable and sent to landfill.
3. Recycled clothing bins can be the source of complaints of associated illegal dumping that can occur in the vicinity of these bins. Council's previous experience has been that, at certain times, these bins are not emptied sufficiently frequently. Further, random acts of vandalism can occur to the bins and/or the contents.
 4. NACRO has developed a set of principles regarding clothing recycling collection bins. These are included as Attachment 2. These principles suggest that preference should be given to charities that directly collect, sort and sell such clothing. NACRO has also expressed concern regarding the offer of a fee to occupy public land, as such fee may impact on the welfare programs operated by charities. NACRO has also expressed concern at the potential for commercial operators to adversely affect the market in which these charities operate.
 5. While Council has absolute control over the placement of clothing bins in public spaces, management of such facilities on private land is the responsibility of the owners of such land e.g. private shopping centre car parks. Council has no control over land owned by other public authorities on which these bins are placed e.g. Rail Authority.

The Executive Manager Planning has advised that, under Council's Exempt and Complying DCP, clothing bins do not require consent subject to their being associated with a registered charity, not being on a road reserve, and the bin being presentable. In addition, bins must not interfere with the amenity of the locality, traffic, drainage or trees. Any clothing bin located on a road reserve currently requires development consent. The need for this approval will be further considered by the Planning Division as part of a future review of the Exempt and Complying DCP.

In the interest of equity and maintaining local amenity, it is now proposed that Council develop a policy on the placement of recycled clothing bins in public places. A non exclusive licence is proposed, to allow more than one charity to benefit from any arrangement. The following principles should be considered in the development of this policy:

1. Suitable locations for the placement of bins.
2. The number of bins that should be placed at any single location, together with identification, maintenance and servicing requirements.
3. Requirements for removal of waste dumped in the vicinity of such bins.
4. Preference to be given to charities with NACRO membership.
5. Consideration to be given to the impact of any commercial arrangements that charity operators may have entered into.

6. Preference to be given to charities that directly collect, sort and sell the clothing that is donated to them
7. Consideration to be given to the location of the markets in which these operations take place.
8. Whether a fee is appropriate or would act to disadvantage those charities that do not have (or choose to have) commercial arrangements in place.

In the interim and notwithstanding the above remarks, it is proposed that, in order to provide Council with the opportunity to assess the performance of the new operator, approval be given to Learning Links to place a bin at two selected locations for a 12 month period, at no cost.

BUDGET

Depending on the approach chosen by Council, a minor positive impact on Council's budget may result from the adoption of a policy involving a charge for the placement of commercial recycling bins on Council land.

POLICY

This report recommends the development of a policy to govern the placement of clothing recycling bins on public land.

CONSULTATION

The Executive Manager Planning, Manager, Assets and Manager, Waste Management have been consulted in the preparation of this report. NACRO has also been consulted.

TRIPLE BOTTOM LINE SUMMARY

1. Working with our Community

Regulation of the placement of recycled clothing collection bins in the manner proposed will promote social equity by providing the opportunity for all sectors of the community to have access to quality second hand clothing. Council should give consideration to the social impact arising from any growth in commercial involvement in this industry.

2. Conserving our Natural Environment

The collection of recycled clothing promotes its recovery and reuse, and leads to a significant reduction in the volume of material going to landfill.

3. Contributing to Community Development through Sustainable Facilities and Services

Recycling of goods is an inherently sustainable practice. The proposed action will assist by promoting a sustainable service.

4. Fulfilling our Community's Vision in Planning for the Future of the Shire

The proposed development of a policy will provide a framework for the equitable and sustainable placement of such bins, and access to appropriate sites by various charitable collection organisations.

5. Supporting our Diverse Economy

This proposal will have a positive affect on economic development through the promotion of local employment opportunities in the collection, sorting and sale of recycled clothing, and access to goods at affordable prices in our community.

6. Maintaining Sound Corporate and Financial Management

Financial arrangements associated with this proposal will have a negligible impact on Council's finances. The development of an appropriate policy will demonstrate sound corporate management.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. A policy regarding the placement of recycled clothing collection bins be developed, having regard to the principles set out in Report WK89/09.
2. Council consult with NACRO registered operators in the development of this policy.
3. Subject to any policy that may be adopted, Council continue to permit the placement of recycled clothing collection bins in public places in the Shire.
4. Learning Links be permitted to place a bin, on a trial basis for a 12 month period, in two locations, to be agreed by the Manager, Waste Management and Manager, Assets.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Locations of recycled clothing bins
2. NACRO Policy Statement

File Reference: F2004/08605

Document Number: D01288626

28 HORNSBY SHIRE CAR PARKING MANAGEMENT STRATEGY - RESOURCING

EXECUTIVE SUMMARY

The background principles and actions that underpin the Shire's Integrated Land Use and Transport Strategy (ILUTS) were presented at the Councillor Workshop on 27 May 2009 along with a proposed framework for the development of a Hornsby Shire Car Parking Management Strategy for the Shire.

At the Ordinary Meeting of 9 September, 2009 Council considered report WK71/09 regarding a "Framework of Undertaking Transport and Car Parking Management Activities in Hornsby Shire." Council resolved that a further report be prepared to identify the resources required to progress the strategies identified in the report.

Due to the time involved and specialised research required to prepare a car parking management strategy, a number of Councils and agencies including the RTA engage consultancy firms for this work.

The consultancy engaged to prepare a scoping study for the preparation of the Hornsby Shire Car Parking Management Strategy has prepared a fee proposal advising that \$38,500 is required to prepare car parking strategy for the Hornsby Town Centre as outlined in the scoping report available on Council's website. An additional \$36,500 will be required to prepare a car parking strategy for the rest of the Shire.

These funds are currently not available within the Traffic and Road Safety Branch budget and will require either additional funding in the current budget if they are to proceed, or be deferred for consideration as part of the 2010/2011 budget.

PURPOSE/OBJECTIVE

At the ordinary meeting on 9 September, 2009 Council resolved (WK71/09), that –

1. *The contents of Executive Manager's Report No. WK71/09 be received and noted.*
2. *The principles developed in the ILUTS be considered when determining future actions relating to transport and land use in Hornsby.*
3. *The Scoping Report for developing a Car Parking Management Strategy for the Shire referred to in Report No. WK71/09 be adopted and, subject to funding availability, appropriate strategies be developed commencing with Hornsby Town Centre.*
4. *Details of respective car parking management strategies and policies be determined during development of the Shire's Car Parking Management Strategy.*
5. *A review of the consistency of existing land use and transport planning policies including car parking management practices against the ILUTS objectives be undertaken on an ongoing basis subject to availability of resources.*

6. *A further report be prepared for Council's consideration at the December, 2009 Ordinary Meeting identifying the resources required to progress the strategies identified in Report No. WK71/09*

This report is in response to this resolution, in particular Item 6.

DISCUSSION

A car parking management strategy is an important travel demand tool and thus forms a critical part of an integrated transport system. As noted in Report WK71/09 referred to above, Council's current car parking provision rates for new developments, particularly in the town centres, are inconsistent with those proposed in the Integrated Land Use and Transport Strategy (ILUTS) and there is the need to reconsider the rates. Although Council adopted the principles developed in the ILUTS, Report WK71/09 does not provide details of any car parking strategies or policies required for a Shire car parking management strategy. As outlined in the scoping report (available on Council's website), it is important for Council to complete the car parking strategy to assist with the consistent provision and management of car parking and its associated traffic impacts throughout the Shire.

Separate to Report WK71/09, there are two Council reports relating to this matter that also need to be considered when preparing a car parking strategy - Report ST13/07 - Draft Hornsby Section 94 Development Contributions Plan, and Report WK11/09 - Car Parking Hornsby Town Centre.

It is now proposed that the car parking strategy project be undertaken in two stages commencing with Hornsby Town Centre. The second stage would involve all other areas of the Shire. Council's Transport Planner will be involved in other critical traffic and transport planning and management activities for the foreseeable future. In order to meet Council and community expectations in a timely manner and due to the time involved and specialised research required to prepare an appropriate car parking management strategy, it will be necessary to utilise the resource of external consultants. A number of Councils and agencies including the RTA generally tend to engage consultancy firms for this type of work.

Issues that would be addressed in the first stage of the Hornsby Shire Car Parking Management Strategy will concentrate on Hornsby Town Centre and include the following:

- Review of current car parking rates in Council's DCPs with a view to recommending appropriate car parking rates that would be consistent with ILUTS principles.
- Review of the viability of parking requirements of constrained sites and the likelihood of providing public parking on Council sites in Hornsby Town Centre in a reasonable time frame.
- Review of existing parking management practices and development of relevant policies and strategies to guide car parking management activities in the Shire.
- Review of car parking requirements for employee parking in major business developments and where applicable, consideration of a reduction in parking for employees while maintaining appropriate provision for visitors.
- A strategy to increase effective utilisation of existing spaces (e.g. by providing appropriate time limits or adopting an approach that favours appropriate short term use to sustain viability of business centres by reducing all day commuter parking or employee parking).

- Preliminary review and advice regarding the economic viability and impact of introducing pay parking in Hornsby. If pay parking is considered suitable, development of a pricing structure for on and off-street parking which is economically viable and fosters good economic development in the best interest of all stakeholders should be considered as part.

The second stage will involve a similarly detailed review of other areas in the Shire including Pennant Hills. A review of parking in Epping should be deferred pending the Epping Town Centre Traffic and Parking Study which will be separately funded by Department of Planning.

A detailed scope of work for each stage is outlined in the Scoping Report on Parking Management in Hornsby Shire, previously distributed to Councillors and also available from Council's website.

It is acknowledged that development of this strategy may create significant interest in potentially affected communities. It is proposed that a Councillor Workshop take place shortly after engagement of the consultant. Community comment will also be sought as the project progresses and prior to any final determination by Council.

The consultancy engaged to prepare the scoping study for the preparation of the Hornsby Shire Car Parking Management Strategy has prepared a fee proposal advising that \$38,500 is required to prepare a car parking strategy for the Hornsby Town Centre. An additional \$36,500 will be required to prepare a car parking strategy for the rest of the Shire.

BUDGET

Funds have not been allocated in the current Traffic and Road Safety Branch budget for these projects. If Council wishes that this project now proceed, additional funding will need to be allocated in the current budget and works program, or consideration be given to including the project in the 2010/2011 budget.

POLICY

There are no policy implications in this report.

CONSULTATION

The Manager Town Planning Services, Manager Property Development Branch and Principal Transport Planner and Traffic Engineer of GHD 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 the requirement for additional funding of \$38,500 to enable the preparation of a Hornsby Town Centre Car Parking Strategy to progress.
2. Consideration be given to the allocation of funds in the December 2009 budget review to enable the Hornsby Town centre Parking Strategy to proceed.
3. Following the completion of the Hornsby Town Centre Car Parking Strategy, consideration be given to the preparation of a Shire Car Parking Strategy for the rest of the Shire at a cost of approximately \$36,500 with this project to be considered for funding in the 2010/11 budget.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/09848-02
Document Number: D01289432

30 MAYOR'S NOTES FROM 1 TO 31 OCTOBER 2009

Friday 2 October – The Mayor attended Loreto Normanhurst's Year 12 Awards Ceremony at the School.

Thursday 8 October – The Mayor welcomed delegates from the Indonesian Ministry of Environment at Cherrybrook.

Friday 9 October – The Mayor attended Studio ARTES Masquerade Parade at Hornsby Mall.

Sunday 11 October – The Mayor and Councillor Chopra attended the Hindu Council of Australia Deepavali Celebration at Parramatta.

Thursday 15 October to Saturday 17 October – The Mayor attended the Caofeidian Forum in Tangshan, China.

Friday 16 October – The Deputy Mayor, on behalf of the Mayor, attended the Opening Night of Carnivale ARTES at Hornsby.

Friday 16 October – The Deputy Mayor, on behalf of the Mayor, attended Hornsby Arts Council's Arts Fanfare Exhibition Official Opening Night at Hornsby.

Saturday 17 October – The Deputy Mayor, on behalf of the Mayor, officially launched the Cancer Council's Relay for Life at Rofe Park.

Saturday 17 October – The Deputy Mayor, on behalf of the Mayor, attended the Relay for Life Candlelight Ceremony at Rofe Park.

Saturday 17 October – The Deputy Mayor, on behalf of the Mayor, attended Cherrybrook Chinese Community Association's 17th Lantern Night at Greenway Park, Cherrybrook.

Sunday 18 October – The Deputy Mayor, on behalf of the Mayor, presented medals at the 2009 World Masters Games at Thornleigh Squash Centre.

Monday 19 October – The Deputy Mayor, on behalf of the Mayor, hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Monday 19 October – The Deputy Mayor, on behalf of the Mayor, attended the Beecroft Cheltenham Civic Trust Councillor Briefing Session at Pennant Hills Golf Club.

Thursday 22 October – Councillor McMurdo, on behalf of the Mayor, attended the Hawkesbury Nepean Government Advisory Group Meeting at Penrith Civic Centre.

Thursday 22 October – Councillor Chopra, on behalf of the Mayor, attended the Anglican Retirement Villages 50th Anniversary Commemorative Service at Castle Hill.

Saturday 24 October – The Mayor, Deputy Mayor, Councillor Chopra, Councillor Evans, Councillor Mills, Councillor Hutchence and Councillor Martin attended the Local Government Association Conference in Tamworth.

Saturday 24 October – The Mayor officially launched the Federally funded refurbished Berowra Library at Berowra.

Sunday 25 October – The Mayor participated in the Sydney Adventist Hospital 2009 Run for Life Fun Run at Wahroonga.

Friday 30 October – The Mayor and Mrs Berman attended the Pennant Hills & Thornleigh Anglican Church Centenary Celebration Dinner at Pennant Hills Golf Course.

Saturday 31 October – Councillor Evans, on behalf of the Mayor, officially opened the Berowra Christian Community School Biannual Pet Show at Berowra.

Saturday 31 October – The Mayor and Mrs Berman attended the Sydney Harbour Charity Spring Dinner at Point Piper.

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

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