



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 21 April, 2010
at 6.30pm**

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SUPPLEMENTARY AGENDA

PUBLIC FORUM – NON AGENDA ITEMS

CONFIDENTIAL ITEMS

- Item 20 WK23/10 Compulsory Acquisition of Land for Open Space - Part of 25 Malton Road, Part of 10 Park Avenue and Part of 8B Park Avenue, Beecroft

MAYOR'S NOTES

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev. Ann Hogan from Hornsby Uniting Church, Hornsby, will be opening the Meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

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

APOLOGIES / LEAVE OF ABSENCE

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

An issue has been raised in respect of the recording of speakers details in relation to Item 26 – WK22/10 – County Drive Cherrybrook Traffic Calming Measures. In response to that issue, which related to the suburb of residence of a speaker, and for the sake of consistency in recording speakers at Council meetings, it is recommended that Confirmation of Minutes of the Ordinary Meeting of 17 March 2010 be as follows:

THAT the Minutes of the Ordinary Council Meeting held on 17 March, 2010 be confirmed; a copy having been distributed to all members, subject to the following amendment to the speakers details in respect of Item 26 – WK22/10 – County Drive Cherrybrook Traffic Calming Measures (F2010/00089-02):

Replace:**26 WK22/10 County Drive Cherrybrook Traffic Calming Measures****(F2010/00089-02)**

Mr Murari Singh, of Cherrybrook, on behalf of the County Drive Residents Group, addressed Council regarding this item.

Mr Rick Morar, of Cherrybrook, on behalf of the County Drive Action Group, addressed Council regarding this item.

Mr Lee Smith, of Cherrybrook, on behalf of the County Drive Action Group, addressed Council regarding this item.

Mr Scott Hartley, of Cherrybrook, addressed Council regarding this item.

With:**26 WK22/10 County Drive Cherrybrook Traffic Calming Measures****(F2010/00089-02)**

Mr Rick Morar, of Cherrybrook, on behalf of the County Drive Action Group, addressed Council regarding this item.

Mr Murari Singh, of Cherrybrook, on behalf of the County Drive Residents Group, addressed Council regarding this item.

Mr Lee Smith, of Cherrybrook, on behalf of the County Drive Action Group, addressed Council regarding this item.

Mr Scott Hartley, of Cherrybrook, addressed Council regarding this item.

PETITIONS**MAYORAL MINUTES****NOTICES OF MOTION****RESCISSION MOTIONS****MATTERS OF URGENCY****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**Note:

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

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".*

GENERAL BUSINESS

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

GENERAL MANAGER'S DIVISION

Nil

CORPORATE AND COMMUNITY DIVISION

Page Number 1

Item 1 CC18/10 DOCUMENT ACCESS APPLICATIONS 23 JANUARY 2010 - 19 MARCH 2010

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC18/10 be received and noted.
2. The documents outlined in Attachment 2 of Executive Manager's Report No. CC18/10 remain exempt from release under Council's Document Access Policy.

Page Number 7

Item 2 CC19/10 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS - COUNCILLORS AND DESIGNATED PERSONS

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.

Page Number 10

Item 3 CC20/10 INVESTMENT AND BORROWING REPORT - PERIOD ENDING FEBRUARY 2010

RECOMMENDATION

THAT the contents of the Executive Manager's Report No CC20/10 be received and noted.

Page Number 14**Item 4 CC22/10 2010 LOCAL GOVERNMENT ASSOCIATION CONFERENCE****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC22/10 be received and noted.

Page Number 16**Item 5 CC23/10 HEADEN PARK HALL, SINCLAIR AVENUE, THORNLEIGH -
PROPOSED LEASE TO HORNSBY WOODWORKING MEN'S SHED
INC****RECOMMENDATION**

THAT the contents of Executive Manager's Report No CC23/10 be received and noted and finalisation of a lease with the Hornsby Woodworking Men's Shed be undertaken by the General Manager in accordance with Council's resolution in respect of Report No CC106/09.

ENVIRONMENT DIVISION**Page Number 22****Item 6 EN11/10 NATIVE VEGETATION PLANNING REVIEW****RECOMMENDATION**

THAT:

1. Council endorse Option 2 in this REPORT for the purposes of forming a policy position for comment as part of the public exhibition of the Hornsby Shire *Native Vegetation Planning Review*. This will specifically involve:
 - a. in Council's new Comprehensive Standard Local Environmental Plan:
 - i Clause 5.9 (Preservation of Trees or Vegetation) from the *Standard Instrument*
 - ii an 'Environmentally Sensitive Land (Biodiversity) clause based on the model *Standard Instrument* provisions
 - iii an associated Environmentally Sensitive Land Map identifying:
 - land containing National and State listed Endangered Ecological Communities
 - regionally significant vegetation communities identified by Smith and Smith 2008
 - other sensitive vegetation communities worthy of conservation as identified by the Clause 19 - Bushland Protection Map Review
 - b. in Council's new Comprehensive Development Control Plan:

-
- i a new element/chapter 'Preservation of Trees and Native Vegetation' that
- prescribes that the clearing of trees and other vegetation for the purposes of Clause 5.9 of the Standard Instrument require either development consent or a permit
 - specifies that development consent is required for the clearing of any native vegetation on land containing National and State listed Endangered Ecological Communities, regionally significant vegetation communities identified by Smith and Smith 2008 and other sensitive vegetation communities identified by the Clause 19 - Bushland Protection Map Review
 - specifies that a permit will be required for the removal of trees consistent with Council's current 'Tree Preservation Order' and the clearing of other native vegetation communities as identified by Smith and Smith 2008.
2. Council endorse the *Hornsby Shire Native Vegetation Planning Review* and draft Environmentally Sensitive Land (ESL) map for public exhibition for a period of 28 days in accordance with Council's proposed consultation strategy.
3. A report on submissions be presented to Council for consideration following the public exhibition.

Page Number 33**Item 7 EN13/10 OPEN SPACE MASTERPLAN FOR OLD MANS VALLEY****RECOMMENDATION****THAT:**

1. Council accept the attached report prepared by Twyfords consultants advising on the findings of the community consultations for Old Mans Valley open space masterplan.
2. Council adopt the 'musts' criteria identified in section 4.1 of the Twyfords report.
3. Council endorse the Option 2 indicative concept plan as attached to Report EN13/10 as the basis of a masterplan for inclusion in a draft Plan of Management for the Old Mans Valley lands and Hornsby Park, to be prepared for public exhibition following a report to the February 2011 Ordinary Meeting of Council.
4. Council authorise the investigation of changes to the Option 2 plan as suggested by the community and outlined in Report EN13/10 and assess these against the validated and weighted criteria in the Twyfords' report prior to finalising the draft Plan of Management.

Page Number 40**Item 8 EN14/10 COMPLETION OF EXHIBITION OF NATIVE VEGETATION COMMUNITIES OF HORNSBY SHIRE STUDY****RECOMMENDATION**

THAT Council adopt the 'Native Vegetation Communities of Hornsby Shire 2008 Update' study and associated mapping.

Page Number 42**Item 9 EN15/10 PARKS CAPITAL WORKS 2009-2010 MARCH QUARTER PROGRESS REPORT****RECOMMENDATION**

THAT the contents of Executive Manager's report EN15/10 be received and noted.

Page Number 44**Item 10 EN16/10 LEASE OF "AUSTEN HUGHES CLUBROOM" AT WAITARA PARK TO NORTHERN DISTRICT CRICKET CLUB INCORPORATED****RECOMMENDATION**

THAT:

1. Public notice of the proposal to grant a further five year lease of the first floor room known as the "Austen Hughes Clubroom" on Council owned community land at Waitara Park, Waitara Avenue, Waitara to Northern District Cricket Club Inc be given for a period of not less than 28 days.
2. A further report be provided to Council should any submissions be received concerning the advertised lease proposal.
3. Subject to the outcome of recommendations 1 and 2 above, the "Austen Hughes Clubroom" located at Waitara Park, Waitara be leased to Northern District Cricket Club Inc for a further period of five years, in accordance with the provisions of Sections 46 of the Local Government Act, 1993, as follows:-
 - a) The Clubroom to only be used for the purpose of meetings, scoring games, functions and workshops for the Northern District Cricket Club Inc and a meeting facility for other sporting organisations, as per application.
 - b) Rental to be at the rate of \$286 per annum (inclusive of GST) during the initial 12 months of tenure.
 - c) The rental to be subject to annual review in accordance with the movement in the Consumer Price Index.

-
- d) The Lessee to be responsible for the payment of 50% of any Council or water/sewerage rates assessed in respect of the premises.
 - e) The Lessee to be responsible for the payment of all costs associated with services provided to the premises including but not limited to electricity, gas, telephone, water usage, etc.
 - f) The Lessee to indemnify Council against all claims in respect of Public Liability to an amount not less than \$20 million, with such Policy to note Council as an interested party.
 - g) The Lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
 - h) The Lessee to be responsible for, and bear all costs incurred in, the internal maintenance and repair of the premises, excluding structural repairs.
 - i) The Lessee to be responsible for the repair and maintenance of its own fixtures and fittings.

Page Number 48**Item 11 EN17/10 WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS PROGRAM (WSIP)****RECOMMENDATION**

THAT Council adopt the schedule of programs outlined in this report for discussion with DECCW as part of its WSIP program.

PLANNING DIVISION

Nil

WORKS DIVISION**Page Number 52****Item 12 WK24/10 "WELLUM BULLA" - HORNSBY SHIRE COUNCIL MATERIALS HANDLING FACILITY MONITORING COMMITTEE****RECOMMENDATION**

THAT:

1. Council note the attached Minutes of the Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 18 February 2010.
2. Expressions of Interest continue to be invited for the vacant position of Environmental Representative on the Monitoring Committee.

Page Number 54

Item 13 WK25/10 WORKS BUILDING SERVICES - GRAFFITI AND VANDALISM MARCH 2010 QUARTERLY REPORT

RECOMMENDATION

THAT the contents of Executive Manager's Report No WK25/10 be received and noted.

Page Number 56

Item 14 WK26/10 ENGINEERING SERVICES - BUILDING CAPITAL WORKS PROGRAM 2009/2010 - MARCH 2010 QUARTERLY REPORT

RECOMMENDATION

THAT the contents of Executive Manager's Report No WK26/10 be received and noted.

Page Number 59

Item 15 WK27/10 IMPACTS OF FEBRUARY 2010 STORMS

RECOMMENDATION

THAT Council note the contents of this report and take this matter into consideration when considering Council budget allocations.

Page Number 62

Item 16 WK28/10 ROADS TO RECOVERY PROGRAM (2005 - 2009 AND 2009 - 2014)

RECOMMENDATION

THAT Council note the funding obligations imposed under the AusLink Roads to Recovery Program, and give in-principle approval to allocation of funds as proposed, with specific emerging projects considered annually as part of the annual budget process.

Page Number 66

Item 17 WK29/10 TENDER T6/2010: SUPPLY AND DELIVERY OF ROAD MATERIALS

RECOMMENDATION

THAT Council accepts the tender of Hanson Construction Materials Pty Ltd, for all work under Tender No. T6/2010: Supply and Delivery of Road Materials.

Page Number 70**Item 18 WK30/10 TENDER T5:2010: SUPPLY AND DELIVERY OF CONCRETE****RECOMMENDATION**

THAT Council accept tenders for Tender No T5/2010: Supply and delivery of concrete, as follows:

Load size	First preference	Second preference
4m ³ and greater	Hanson Construction Materials Pty Ltd.	Able Metromix Concrete
Less than 4m ³	Able Metromix Concrete	Hanson Construction Materials Pty Ltd.

Page Number 74**Item 19 WK31/10 TENDER NO. T9/2010: MANUFACTURE OF STAINLESS STEEL BOLLARDS****RECOMMENDATION**

THAT Council accept the tender of T & M Group (NSW) Pty Ltd for all work under Tender No. T9/2010: Manufacture of Stainless Steel Bollards.

SUPPLEMENTARY AGENDA**PUBLIC FORUM – NON AGENDA ITEMS****CONFIDENTIAL ITEMS****Item 20 WK23/10 COMPULSORY ACQUISITION OF LAND FOR OPEN SPACE - PART OF 25 MALTON ROAD, PART OF 10 PARK AVENUE AND PART OF 8B PARK AVENUE, BEECROFT**

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

1 DOCUMENT ACCESS APPLICATIONS 23 JANUARY 2010 - 19 MARCH 2010

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with the opportunity to review restrictions that have been placed on access to information under Council's Document Access Policy during the period 23 January 2010 – 19 March 2010 and to make the reasons for those restrictions publicly available.

DISCUSSION

Document Access Applications

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

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

(b) *access to the relevant document or other information is obtained under the Freedom of Information Act 1989.*

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

Applications Received 23 January 2010 – 19 March 2010

There were 176 applications processed under Council's Document Access Policy in the period 23 January 2010 – 19 March 2010. The time taken to process these 176 applications was 358 hours. An additional 32 applications were received but not finalised at the time this Report was written and these applications will be included in the report for the next processing period.

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

Restricted Access

Following receipt of applications under the Document Access Policy, files are reviewed by the Information Access Officer or the Freedom of Information Officer of the Administration Services Branch, to determine if any documents fall within any of the exceptions outlined in Paragraphs 3(a) - 3(k) of the Policy and if access should be restricted. Of the 176 applications processed in the period, 14 applications resulted in restricted access to Council files. In total, 31 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 31 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) - 13 documents

Plans and Specifications (RP) - 3 documents

Commercial Privilege (CP) - 2 documents

Commercial Advantage (CA) – 0 documents

Legal Professional Privilege (PR) - 13 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, four new Freedom of Information (FOI) applications were received and five applications were brought forward from the previous period. Of this total of nine applications, four have been determined within this reporting period and five applications are being carried forward. In addition, work was carried out on two Internal Reviews of FOI determinations and three External Reviews of FOI determinations.

The total time spent by Council staff on processing FOI applications during this reporting period was approximately 77 hours. Details of the allocation of this time are included in the table below. It should be noted that of the total 77 hours, 52 hours was spent processing applications submitted by one applicant.

Description	Number of hours expended
Processing of FOI application/s	28 hours
Processing of Internal Reviews	6 hours
Processing of External Reviews	43 hours

In addition to the above, time was spent by the Executive Manager, Corporate and Community Division and the Manager, Administration Services Branch in attending the ADT to appear before Judicial Member Higgins with regard to individual external review requests which had been submitted by one applicant in respect of determinations related to seven FOI applications. The meeting was also attended by the applicant and involved discussions about Council's determinations for each of the applications. Following the discussions, five of the external review requests were dismissed when the applicant made a decision to withdraw them; one external review request was dismissed when Member Higgins decided that the request was misconceived; and one external review request was referred back to Council for reconsideration.

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 PIPA applications.

In addition to the 358 hours invested in processing the 176 Document Access applications, and the 77 hours spent handling FOI applications and reviews, extra time was also spent carrying out various ad-hoc functions in relation to Document Access, Freedom of Information and Privacy matters e.g. photocopying documents, explaining information access issues and providing service to Council customers (both in person and over the telephone), and coordinating Pecuniary Interest Declaration returns for designated staff and Councillors. The time utilised on these activities was approximately 144 hours.

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:

1. The contents of Executive Manager's Report No CC18/10 be received and noted.
2. The documents outlined in Attachment 2 of Executive Manager's Report No. CC18/10 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 23 Jan 2010 - 19 March 2010
3. Processing Volume for Document Access Applications

File Reference: F2004/07298
Document Number: D01356030

2 DECLARATIONS OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS - COUNCILLORS AND DESIGNATED PERSONS

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 17 February 2010 - Report No. CC3/10. 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
17/12/2009	Temporary Programme Director - Westleigh Nursery and Pre-School	Internal Transfer
11/01/2010	Cook, Westleigh Nursery and Pre-school	Resignation
14/01/2010	Risk and Insurance Manager	New Employee
18/01/2010	Director, Child Care	Resignation
19/01/2010	Development and Environmental Protection Officer	Resignation
22/01/2010	Project Engineer, Roads and Drainage	Resignation
25/01/2010	Strategic Town Planner	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: D01356370

3 INVESTMENT AND BORROWING REPORT - PERIOD ENDING FEBRUARY 2010

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 period ending February 2010 was \$1,191,000 compared to the 2009/10 budgeted income for the same period of \$600,000. Of the year to date investment income earned, 45% relates to externally restricted funds such as Section 94, 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 - February 2010

- The At-Call and Term Deposits achieved an annualised return of 5.0% for the month compared to the benchmark of 3.75%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market return of 16.75% for the month compared to the benchmark of 14.88%. 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 6.83% for the month compared to the benchmark of 4.60%.
- Direct investments in CDO's achieved an annualised return of 5.44% for the month compared to the benchmark of 4.60%.
- The Capital Guaranteed Notes achieved an annualised return of 0.26% for the month compared to the benchmark of 4.60%. Due to poor performance over recent months the Capital Protected Notes coupons, with the exception of the Longreach PIU Fund, have not been accrued.

- For total investments, the annualised return for the month is 4.44% compared to the benchmark of 4.38%; and the year to date return after fees is 3.98% compared to the benchmark of 3.91%.

Economic/Financial Conditions

Statement by Glenn Stevens, Governor: Monetary Policy Decision - 2 March 2010

At its meeting today, the Board decided to raise the cash rate by 25 basis points to 4.0 per cent, effective 3 March 2010.

The global economy is growing, and world GDP is expected to rise at close to trend pace in 2010 and 2011. The expansion is still hesitant in the major countries, due to the continuing legacy of the financial crisis, resulting in ongoing excess capacity. In Asia, where financial sectors are not impaired, growth has continued to be quite strong. The authorities in some countries are now seeking to reduce the degree of stimulus to their economies.

Global financial markets are functioning much better than they were a year ago and the extraordinary support from governments and central banks is gradually being wound back. Credit conditions remain difficult in some major countries as banks continue to face loan losses associated with the period of economic weakness. Concerns regarding some sovereigns remain elevated.

In Australia, economic conditions in 2009 were stronger than expected, after a mild downturn a year ago. The rate of unemployment appears to have peaked at a much lower level than earlier expected. Labour market data and a range of business surveys suggest growth in the economy may have already been at or close to trend for a few months. There are some signs that the process of business sector de-leveraging is moderating, with the pace of decline in business credit lessening and indications that lenders are starting to become more willing to lend to some borrowers. Investment in the resources sector is very strong. Credit for housing has been expanding at a solid pace, and dwelling prices have risen significantly over the past year. New loan approvals for housing have moderated a little over recent months, however, as interest rates have risen and the impact of large grants to first-home buyers has tailed off.

Inflation has, as expected, declined in underlying terms from its peak in 2008, helped by the fall in commodity prices at the end of 2008, a noticeable slowing in private-sector labour costs during 2009, the rise in the exchange rate and the earlier period of slower growth in demand. CPI inflation has risen somewhat recently as temporary factors that had been holding it to unusually low rates are now abating. Inflation is expected to be consistent with the target in 2010.

With the risk of serious economic contraction in Australia having passed, the Board moved late last year to lessen the degree of monetary stimulus that had been put in place when the outlook appeared to be much weaker. Lenders generally raised rates a little more than the cash rate and most loan rates rose by close to a percentage point.

Interest rates to most borrowers nonetheless remain lower than average. The Board judges that with growth likely to be close to trend and inflation close to target over the coming year, it is appropriate for interest rates to be closer to average. Today's decision is a further step in that process.

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 28 February 2010, is attached to this Report.

BUDGET

Total investment income for the year to date ending February 2010 was \$1,191,000. The budgeted income for the period was \$600,000. Of the investment income, approximately 45% relates to external restrictions (Section 94) and is, therefore, restricted. A variation to the investment budget will be considered in the March 2010 Budget Review.

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of the Executive Manager's Report No CC20/10 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 28 Feb 2010
2. HSC Borrowings Schedule as at 28 Feb 2010

File Reference: F2004/06987

Document Number: D01362845

4 2010 LOCAL GOVERNMENT ASSOCIATION CONFERENCE

EXECUTIVE SUMMARY

Council is in receipt of information from the Local Government Association (LGA) of NSW in relation to planning for its 2010 Annual Conference. The information highlights some significant changes in relation to the consideration of business and the format of the Conference from previous years. It is appropriate that Council be aware of these changes prior to considering a further report later in the year which deals with who should attend and what motions should be submitted to the Conference.

PURPOSE/OBJECTIVE

The purpose of this Report is to table information received from the LGA in respect of its 2010 Annual Conference.

DISCUSSION

The 2010 LGA Conference will be held in Albury from 24 to 28 October under a Conference theme of "Modernising Local Government".

As a consequence of deliberations of the LGA's Conference Committee following the 2009 Conference, the LGA Executive has decided on a number of changes which will be implemented for the 2010 Conference. Full details of those changes are contained in the attached copy of correspondence which has recently been received from the LGA.

The themes for the 2010 Conference will be:

- Modernising the Financing of Local Government
- Modern approaches to Community Wellbeing
- Modern approaches to the Natural and Built Environment

Only Category 1 motions will be considered at the Conference, with all other motions being referred to the LGA Executive for action prior to the Conference. To be determined as Category 1, a motion must:

- Relate to an identified conference issue/theme
- Not attempt to enforce one council's position on other councils
- Not cause detriment to one council over another
- Deal with the issues/themes at a regional/state or national level (i.e. the motion must not be a single council issue)
- Address the conference theme of "Modernising Local Government"

In respect of the format of the Conference, it is noted that:

- The Opening Ceremony will be held on Sunday afternoon, with the Conference concluding at lunchtime on Wednesday
- No events will be held on Saturday
- No concurrent sessions will be held at the Conference

A further report in respect of the 2010 Conference will be prepared for Council's consideration once details are received from the LGA. That report will deal with the nomination of voting delegates and the submission of motions to the Conference. In respect of motions proposed to be submitted to the Conference, Councillors and senior staff should ensure that draft Category 1 motions are developed in accordance with the new guidelines.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

Consultation has been undertaken with various Council staff in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC22/10 be received and noted.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Format for the 2010 Local Government Association Conference

File Reference: F2008/00595
Document Number: D01370120

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

EXECUTIVE SUMMARY

At the 9 December 2009 Ordinary Meeting (see Report No. CC 106/09), Council provided in principle support to the granting of a five year lease to the Hornsby Woodworking Men's Shed Inc (Men's Shed) in respect of its proposed use of the existing Hall and proposed Hall extension at Headen Park, Thornleigh.

Council's support was subject to the Men's Shed entering into an appropriate Agreement to Lease, the lease proposal being publicly advertised for 28 days and, if any submissions were received, a further report being provided for Council's consideration. In this regard, it is noted that three submissions were received.

This Report provides comments from officers in respect of the issues raised in the three submissions. Based on the assessment of the issues raised in submissions, it also seeks Council's endorsement to enter into a lease with the Men's Shed in accordance with Council's resolution in respect of Report No CC106/09.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with details concerning the submissions received in respect of the proposal to lease the Headen Park Hall and Hall extension to the Men's Shed; and to seek Council's endorsement to enter into a five year lease with the Men's Shed in accordance with Council's resolution in respect of Report No CC106/09.

DISCUSSION

At the 9 December 2009 Ordinary Meeting, Council considered Report No CC106/09 and resolved 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 9.00 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."*

It is noted that a leasing arrangement of this type is expressly authorised under the District 2 Generic Plan of Management (which applies to Headen Park).

In line with the above resolution, public notice of the lease proposal was undertaken in accordance with the provisions of Section 47A of the Local Government Act. Details are contained in the CONSULTATION section of this Report. At the closing date for receipt of submissions (i.e. 5.00 pm on Friday 26 March 2010) three submissions had been received. Copies of those submissions are attached.

From a review of the submissions received, it is apparent that similar issues have been raised by the three respondents. Accordingly, officers have provided comments under the relevant issue headings below.

1. Five Year Lease Term

Council officers assessed the application made by the Men's Shed to lease the Headen Park Hall and proposed extension in accordance with the provisions of the Code for the Lease/Licence of Council Land and Buildings to Community Groups. The Code provides that the term of any lease of a "Facility" shall have regard to the level of capital contribution made by a community group and Council to the respective facility. Having regard to the level of capital contribution proposed by the Men's Shed, the assessment by Council officers determined that a lease for a term of five years was appropriate. This assessment was supported by Council.

It is recommended that the five year term of the proposed lease is still appropriate and should be maintained. It is noted that at the end of the lease term, the Men's Shed would be required to reapply to use the facility under the terms and conditions of the abovementioned Code and that any further lease proposal would again be subject public consultation in accordance with Section 47A of the Local Government Act.

2. Hours of Operation and Noise

At the 17 December 2008 Planning Meeting (see Report No PLN247/08) Council considered Development Application No DA/542/2008 and consented to the use and alteration of the Headen Park Hall for use by the Men's Shed subject to a number of conditions, in particular:

Operation of Centre

13. *All noise generated by the proposed development is to be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).*
14. *In accordance with the Noise Impact Assessment – Extension to Headen Park Woodworking Men's Shed prepared by Reverb Acoustics dated August 2008 automatic door closers are to be fitted to the main doors to ensure they are not inadvertently left open."*

Hours of Operation

15. *Hours of operation for wood working activities shall be restricted to 9.00 am to 4.00 pm Monday to Friday and on 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.*

As mentioned earlier in this Report, a condition of the proposed lease to the Men's Shed stipulates that the lessee shall be required to comply with the conditions of consent set out in DA/542/2008. Based on those conditions, officers consider that suitable provisions have been

incorporated within the lease and associated development approval to address the issues raised in the submissions received.

3. Traffic

Council officers consider that this issue is a matter outside the provisions of the leasing proposal and accordingly no comments are provided. It is noted that Council's Traffic Branch is consulted in the assessment of all development applications and any issues raised by that Branch are included within the appropriate Planning Division report considered by Council.

4. Provision of a Draft lease

In its consideration of Report No CC106/09 at the December 2009 Ordinary Meeting, Council resolved to support the proposal to grant the Men's Shed a lease of the Headen Park Hall and extension subject to the implementation of certain actions prior to a lease being formalised. Taking into consideration the nature of the actions required to be implemented, the development of a draft lease at the time of public notice was not possible. Council officers believe that the details contained in Council's resolution in respect of Report No CC106/09 provided sufficient information to allow members of the public and the respondents to understand the nature of the lease proposal and submit any relevant comments.

5. Compliance with Lease Conditions

In line with accepted practice, a lessee is responsible to ensure compliance with the terms of any lease agreement. Failure to adhere to the terms of a lease constitutes a breach of lease and exposes a lessee to possible action to terminate its use of the premises. Council officers are of the opinion that the Men's Shed are fully aware of their obligations under the proposed lease and understand that on signing of the lease document they will be entering into a binding contract with Council.

6. Membership Controls

Whilst the respondent's concerns are noted, officers consider that this matter is a management issue for the Men's Shed and outside the control of Council. Council officers believe that the physical size of the Hall, and the limitations placed on hours of use, will determine the number of members that may be accommodated within the building at any one time.

7. Type and Number of Machinery Controls

As alluded to above, it is considered that this matter is also a management issue for the Men's Shed. Officers are of the opinion that the physical size of the Hall and engineering constraints associated with the structure will determine the number and type of machinery that can be accommodated within the building at any one time. In addition, Council's standard lease conditions protect Council's interests in this regard by requiring a lessee to seek approval of Council prior to undertaking alterations and additions to a leased premises.

8. Rental Arrangement

As mentioned above, Council officers assessed the application made by the Men's Shed to lease the Headen Park Hall and extension in accordance with the provisions of the Code for the Lease/Licence of Council Land and Buildings to Community Groups. The Code provides that the rent payable in respect of a "Facility" shall fall under one of three categories

(nominal, community partnership or discounted market) outlined in the Code. The rental payable by the Men's Shed was assessed in line with the Community Partnership categorisation. Apart from accepting a \$15,000 capital contribution on signing of the lease, Council resolved that a rental of \$1,500 per annum would be applicable, with such figure adjusted annually in line with the Consumer Price Index. In light of the above, Council officers consider that the level of rental approved by Council at the December 2009 Ordinary Meeting should not be amended.

9. Zoning

Council officers consider that this issue is a matter outside the provisions of the leasing proposal and accordingly no comments are provided in this regard. As mentioned above, Council at the 17 December 2008 Planning Meeting (see Report No PLN247/08), considered Development Application No DA/542/2008 and consented to the use and alteration of the Headen Park Hall for use by the Men's Shed.

Having regard to the comments provided in response to the submissions received, Council officers are of the opinion that the issues raised by the three respondents do not warrant any changes to the terms of the proposed lease. As a consequence, Council's endorsement of the leasing proposal is now requested on the basis resolved in respect of Report CC109/09.

Assuming Council's support for endorsement of the leasing proposal, the next step in the process will be to finalise the Agreement to Lease with the Men's Shed such that a builder can be contracted and construction can commence.

In this regard, the Manager, Community Services advised the Community, Cultural and Recreation Facilities Task Force at its 25 March 2010 meeting that the Men's Shed had raised an issue in negotiations associated with the Agreement to Lease. This issue related to the period of time which the Men's Shed will be required to vacate the building during construction works. Whilst the Task Force agreed that this period of time was intended to be kept to a minimum, it was also agreed that the contracted builder will have responsibility for the site during the construction period and will determine the period of vacation. The Task Force asked that the Men's Shed be urged to sign off the Agreement to Lease by the end of April 2010 so that necessary action can be taken to progress actions associated with construction.

In respect of construction costs, the Manager, Community Services raised concerns with the Task Force about the amount currently budgeted. That amount, which was based on quotes sourced some time ago, may need to be reviewed in consultation with the Works Division. It is intended that this issue be further discussed at the next Task Force meeting and will be reported to Council if necessary.

BUDGET

There are no budgetary implications associated with this Report. Budgetary issues associated with construction are detailed above and will be reported to Council separately if necessary.

POLICY

This Report has been prepared having consideration to the District 2 Generic Plan of Management (which applies to Headen Park) and the Code for the Lease/Licence of Council Land and Buildings to Community Groups.

CONSULTATION

Council gave notice of its intention to grant a lease of the Headen Park hall and extension by public advertisement in the Hornsby Advocate on 25 February 2010. This advertisement invited the community to lodge submissions with the General Manager concerning the leasing proposal by the closing date of Friday 26 March 2010.

A notice concerning the leasing proposal was also placed on the subject Hall and letters were sent to owners adjoining the land and persons living in the vicinity of the land who officers considered had a focus for enjoyment of the land. The notice/letters provided details of the leasing proposal and invited submissions to be lodged with the General Manager by the closing date of 26 March 2010.

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 information no Triple Bottom Line considerations apply.

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 the contents of Executive Manager's Report No CC23/10 be received and noted and finalisation of a lease with the Hornsby Woodworking Men's Shed be undertaken by the General Manager in accordance with Council's resolution in respect of Report No CC106/09.

ROD DRUMMOND
Manager - Commercial Property
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Redacted Version - Comments - Lease of Council Owned Premises - Headen Park Thornleigh

File Reference: F2004/06466

Document Number: D01370287

6 NATIVE VEGETATION PLANNING REVIEW

EXECUTIVE SUMMARY

The *Hornsby Shire Native Vegetation Planning Review* by SJB Planning was undertaken to consider Council's planning options for native vegetation and tree preservation when preparing a new Local Environment Plan (LEP) in accordance with the NSW Government's Principal Local Environment Plan (LEP) – the Standard Instrument.

The review considered the new Standard Instrument and the implications of its effect on removing current planning controls protecting native vegetation and remnant trees within the Hornsby Shire Local Environment Plan 1994. The report considered native vegetation planning controls utilised by other local governments to comply with the Standard Instrument.

The review presents Council with three options for planning protection measures for trees and native vegetation within the Bushland Shire for inclusion into Hornsby Council's new standard LEP. These options are:

- **Option 1:**
Insertion of the Standard Instrument 'Miscellaneous Provision' Clause 5.9 (Preservation of Trees or Vegetation) in Part 5 of the draft LEP.
- **Option 2:**
Insertion of the Standard Instrument 'Miscellaneous Provision' Clause 5.9 (Preservation of Trees or Vegetation) in Part 5 of the draft LEP; and insertion of a Standard Instrument 'Additional Local Provision' Environmentally Sensitive Land (Biodiversity) clause with accompanying Environmentally Sensitive Land Map.
- **Option 3:**
Expansion of Environmental Protection Zones and 'Split Zonings'.

This report recommends the adoption of Option 2 as this provides a flexible level of protection comparable with the current status and provides for a close translation to the new Standard Instrument. This option would ensure local consistency with the protection measures for endangered vegetation subject to both national and State legislation. It would also identify areas containing the most significant native vegetation 'upfront' in the LEP with other tree and native vegetation preservation matters set out within the new comprehensive Development Control Plan (DCP).

PURPOSE/OBJECTIVE

The purpose of this report is to identify solutions and provide recommendations for bushland protection and tree preservation within the translation to the new Standard Instrument Hornsby Local Environment Plan.

DISCUSSION

Background

Council is in the process of preparing a new Local Environment Plan (LEP) in accordance with the NSW Government's Principal Local Environment Plan – the Standard Instrument. This will mainly be a process of translating the existing Hornsby Shire Local Environment Plan (HSLEP) 1994 into the new Standard Instrument format. The protection of bushland and vegetation is an important issue for Council and the current suite of planning controls dealing with land clearing and tree preservation in the Hornsby Shire does not readily translate into the new standard format.

Council's Bushland and Biodiversity Team has undertaken a review of all native vegetation studies and current biodiversity data for the Hornsby Local Government Area (LGA), to ensure any future planning controls are consistent with the natural resource values present in the Shire. Council engaged Peter and Judy Smith Ecological Consultants to survey and map Hornsby's native vegetation communities. This both included a revision of the original 1990 Smith and Smith Bushland study and identified which vegetation communities in the Shire are now classified as Endangered Ecological Communities and Critically Endangered Ecological Communities under both the NSW Threatened Species Act 1995 and the Commonwealth Environment Protection and Biodiversity Act 1999. The studies and associated vegetation mapping have classified Hornsby's native vegetation communities according to their conservation significance at national, State, regional and local. The most up to date mapping and study is the 'Native Vegetation Communities of Hornsby Shire 2008 update', the subject of Executive Manager's Report EN1/10, which has been publically exhibited. The result of that exhibition is the subject of Report EN14/10.

Upon completion of these local environmental vegetation studies and maps, the Bushland and Biodiversity Team began working with the Town Planning Services Team to examine appropriate planning options available to Council for protection provisions within the new Standard Instrument. SJB Planning was engaged to undertake a review of Council's planning control options for native vegetation and tree preservation. The report, entitled *Hornsby Shire Native Vegetation Planning Review*, is attached (Attachment 1). This report reviewed the Smith and Smith vegetation studies and maps, current planning documentation and other local government areas' (LGA) native vegetation planning controls. The consultants, SJB Planning, consulted with Council planning and environment staff and State government agencies, and made planning option recommendations to Council.

Key issues considered by the Native Vegetation Planning Review for bushland protection within the new Standard Instrument LEP

The Standard Instrument does not allow for the current definition of 'land clearing' to be adopted within the new LEP, as most LGAs with significant vegetation are covered by the Native Vegetation Act 2003. However, the Native Vegetation Act does not apply to the Hornsby LGA as it is part of the Sydney basin. In the current HSLEP 1994 'land clearing' within all rural zonings requires development consent. As this provision is not able to be translated into the new LEP, there is concern that widespread removal of native vegetation, particularly in the rural district, will occur. This is compounded by the fact that 'extensive agriculture' will be allowed without consent in rural zones in accordance with the Standard Instrument.

The Exempt and Complying Development Clause – Part 3 of the Standard Instrument, sets out provisions for exempt and complying development. This also has implications for the

protection of bushland. Clause 3.3 states that exempt and complying provisions do not apply to 'Environmentally Sensitive Areas' which are defined as: 'land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance' The Standard Instrument makes provision for Council to have significant vegetation identified on an Environmentally Sensitive Lands – Biodiversity map, and a standard model local biodiversity clause within the LEP, in accordance with 'additional local provisions' of the Standard Instrument.

The current 'Bushland Protection' clause 19 in the HSLEP 1994 only covers specific areas of native vegetation which were the result of past localised precinct planning studies undertaken in the 1990's. Since the 1994 HSLEP there has been the introduction of the NSW Threatened Species Act 1995 and the Commonwealth Environment Protection and Biodiversity Act 1999. If Council were to proceed to directly translate only lands currently mapped under Clause 19 'Bushland Protection' as environmentally sensitive areas, it would not accurately reflect the high conservation status of many native vegetation communities in the Shire as identified in the Smith and Smith studies and mapping, nor would it be consistent with State and federal legislation aimed to protect biodiversity.

The Bushland and Biodiversity Team has now undertaken a review of all lands affected by the current 'Bushland Protection' provision based on the Smith and Smith studies and the former planning studies and identified specific areas to be protected under this mechanism. The recommendations from this review are to remove the following areas previously covered by the bushland protection overlay:

- **Cherrybrook Precinct Plan 1992**

The bushland areas are now fully developed and the remaining trees and localised remnant vegetation identified with the overlay are not of national, State or regional significance.

- **Berowra and Cowan Planning Report - HSLEP 1994 (Amendment 5)**

The bushland areas covered by the overlay are mostly public land already protected through a Plan of Management. Any other remnant vegetation identified is not of national, State or regional significance.

- **591a Pacific Hwy - HSLEP 1994 (Amendment 6)**

This is a group of trees on a single block which is not considered bushland of any conservation significance.

The review of clause 19 in HSLEP 1994 recommends the retention of 'bushland protection' status of the following areas from past local planning studies if an Environmentally Sensitive Land - biodiversity map, and additional biodiversity provisions were to be included in the new Standard Instrument:

- **Berry Park Neighbourhood Strategy Plan 1991**

The bushland overlay has been long established and recognises that there are significant threatened species populations in the areas affected. The bushland overlay also applies to public and government lands and does not affect any private property.

- **Byles Creek Environmental Study 1995**

The bushland overlay is long established and recognises the high biodiversity values, connectivity, and sensitivity of this intact bushland within a highly populated area of the Shire. A review of open space within Byles Creek in 2006 also concluded that the

bushland in this area was of high conservation value and that it was important to retain the bushland corridor.

The current provision for tree preservation in the HSLEP 1994 is clause 8 Part 3 (general controls) which allows Council to make a Tree Preservation Order (TPO). Under the new Standard Instrument, this will be replaced with standard *Clause 5.9 – Preservation of trees or vegetation* (Attachment 2). This clause applies to species or kinds of tree or other vegetation that are prescribed for the purposes of this clause by a development control plan (DCP) made by Council. The DCP may prescribe the trees or other vegetation to which this clause applies by reference to species, size or location, or in another manner.

Native Vegetation Planning Review Options

The current planning regime (HSLEP1994) involves a high level of control and triggers (via the land use table and TPO) the lodgement of Development Applications (DAs) and tree applications where the removal of trees and works affecting trees and native vegetation are involved. These controls occur in addition to State and federal provisions which deal with specific vegetation as listed as ‘endangered or critically endangered ecological communities’ (EECs) or endangered and threatened species under the NSW TSC Act and the Australian EPBC Act.

The Standard Instrument includes various mechanisms to address the matter of bushland and vegetation protection. In establishing the options and recommendation most relevant for the Hornsby Shire, the consultants, SJB, also reviewed the most up to date improved vegetation studies and mapping held by Council compared to the outdated 1994 LEP ‘bushland protection’ mapping layer, and considered the updated native vegetation information in formulating options for Council.

The Hornsby Shire Council Native Vegetation Planning Review by SJB Planning identified three options for Council to consider when translating native vegetation protection and planning controls into the Standard Instrument.

Option 1: Insertion of the Standard Instrument ‘Miscellaneous Provision’ Clause 5.9 (Preservation of Trees or Vegetation) in Part 5 of the draft LEP

The insertion of the Standard Instrument Clause 5.9 in the LEP would require anyone seeking to undertake any works or action that might affect trees or native vegetation to refer to the supporting DCP. The DCP would hold all the prescriptive detail and would determine whether a Development Application, a Permit Application or no application is required, depending on the proposed development and the type of tree/s to be impacted. The DCP would be set up to reflect the level of significance of the vegetation and could include mapping to identify the location of the significant vegetation communities as well as the level of their importance. This option would not involve an Environmentally Sensitive Lands (ESL) map or native vegetation layer within the LEP.

Option 2: Insertion of the Standard Instrument ‘Miscellaneous Provision’ Clause 5.9 (Preservation of Trees or Vegetation) in Part 5 of the draft LEP; and insertion of a Standard Instrument ‘Additional Local Provision’ Environmentally Sensitive Land (Biodiversity) clause with accompanying Environmentally Sensitive Land Map

As mentioned in Option 1, the insertion of Clause 5.9 in the LEP would require anyone seeking to undertake any works or action that might affect an existing tree to refer to the DCP

to determine whether a Development Application, a Permit Application or no application is required. Vegetation maps in the DCP would assist applicants to readily identify whether their site is affected and which consent path, if any, they are required to follow.

The benefits of the insertion of an ESL layer would depend on the extent of the vegetation mapped in that layer. This option could provide a similar level of control as the current regime in that the ESL layer could be set up, even if only initially, to reflect the current Bushland Protection Map in HSLEP 1994. Alternatively, and in line with the Department of Planning Draft Practice Note, the ESL layer could be set up so that it recognises land containing federal and State significant vegetation, as well as regionally significant vegetation as identified by the data in the Smith and Smith studies. The proposed ESL map (Attachment 3) is made up of bushland listed under the national and State listed Endangered Ecological Communities (EECs) and regionally significant vegetation communities identified in the vegetation community mapping of the Shire undertaken by Smith and Smith 2008. It also includes other sensitive vegetation worthy of conservation identified in the review of the existing Clause 19 Bushland Protection of the *Hornsby Shire Local Environmental Plan 1994 (HSLEP)*.

Clause 5.9 would provide the trigger for a DA through a supporting DCP. The 'Additional Local Provision' Environmentally Sensitive Land (Biodiversity) clause would provide an additional layer of control, but would only require consideration of the impacts on vegetation for development applications, i.e. it is not a requirement for consent, but a matter for consideration relating to an application. While not acting as a trigger for a DA or Permit Application, the use of an ESL map and the 'Additional Local Provision' Environmentally Sensitive Land (Biodiversity) clause would, at a minimum, act as an important 'flag' to landowners, developers, applicants and users of the LEP and would apply to all development applications within the mapped areas.

The ESL map would highlight the location of highly significant vegetation and the clause would require that Council must be satisfied that all reasonable steps have been investigated and undertaken to avoid, minimise or offset the impacts from development on significant native vegetation. The areas identified on an ESL map would be considered as environmentally sensitive land and therefore be exempt from the SEPP (Exempt and Complying Development Codes) 2008 provisions.

Option 3: Expansion of Environmental Protection Zones and 'Split Zonings'

This option could not guarantee explicitly that trees in environmental protection zones would not be removed (ancillary to other land uses) given there are no specific activities or development types defined in the Standard Instrument that would capture tree removal or the clearing of trees from land, regardless of the zoning (apart from earthworks which may only partially capture some land clearing and tree removal).

It would, however, provide the trigger for a DA for activities and land uses such as construction of new structures, earthworks and the like. Bushland and tree removal would be addressed as part of these developments. The development prohibitions for the environment protection zones would need to be extensive in order to ensure bushland protection outcomes and this could lead to overly restrictive land use provisions for each zone and the invoking of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Strong justification would also be required to demonstrate the reasonableness of the expansion of environmental zones and creation of new split zones for the purpose of protecting common or locally significant vegetation.

Analysis of Options and Recommendation

Option 3 is the least desirable as it would raise complex land use issues and provide for a less flexible level of development control than Options 1 or 2. Expansion of environmental protection zones may also be seen as overly restrictive and may cause future liability problems for Council if restrictions were to trigger the *Land Acquisition (Just Terms Compensation) Act 1991*. Community opposition to this proposal would be likely and it would be more difficult to manage compliance of these planning controls.

Both Options 1 and 2 are likely to ensure a high level of bushland protection while providing Council with a high level of flexibility when dealing with development in bushland areas. Both have the advantage of allowing Council to draft a prescriptive element of tree and vegetation preservation within the new comprehensive DCP.

Option 1 would highlight the need for some form of Council approval and would direct applicants to the DCP. The DCP would then identify when a DA or Council permit is required. The disadvantage of Option 1 is that highly significant vegetation (endangered, regionally significant and current 'bushland protection' areas) is not identified in the LEP as Environmentally Sensitive Lands and therefore is not exempt under Part 3 - Exempt and Complying Development Clause. It would not be identified in any LEP map where bushland may be protected under other planning controls i.e. national and State legislation. This option does not allow for any translation of the current clause 19 – 'Bushland Protection'. It also requires a two step approach when determining the biodiversity constraints on land and would require a more complex DCP and associated vegetation maps.

Option 2 is best suited to provide a flexible level of protection comparable to the current level and provides for a close translation to the new Standard Instrument. The additional local provision clause, *Environmentally Sensitive Lands – Biodiversity*, will not trigger a need for approval but will detail specific matters for consideration concerning the protection of significant bushland for all applicants and Council when development is proposed on lands identified within the ESL area map. It would also exempt Part 3- Exempt and Complying Development Clause from applying to significant vegetation. An ESL map and associated biodiversity provision included in the LEP would also ensure local consistency with the protection measures for endangered vegetation subject to both national and State legislation.

As with Option 1, Clause 5.9 in the LEP will direct applicants to the new Preservation of Trees and Native Vegetation element within the comprehensive DCP. The DCP would contain prescriptive detail and vegetation maps, which would determine whether a Development Application, a Permit Application or no application is required depending on the proposed development. This option provides more transparency as residents would be able to identify the areas of highly significant vegetation upfront in the LEP. It also removes the blanket requirement for a DA in the rural district for any removal of native vegetation. Within this option a DA would still be required if native vegetation clearing was proposed in areas identified on an Environmentally Sensitive Lands Map within the LEP. Land clearing in other areas could be considered under a permit system similar to the current Tree Preservation Order. This would effectively streamline the approval process for residents.

Town Planning Services staff and Bushland and Biodiversity staff agree that Option 2 provides the best way forward to ensure native vegetation protection without adding any additional controls to landholders. The 'status quo' level of bushland protection across the rural district in comparison to the current LEP may be diminished in areas not considered of national, State or regional significance, however through a new DCP element bushland areas

will still be able to be protected from clearing through prescriptive rules that would require a permit or a DA dependent on the amount and type of vegetation impacted.

BUDGET

There are no budget implications arising from this report

POLICY

This report contains policy implications for the new Hornsby Shire Council Local Environment Plan - Standard Instrument and new Comprehensive Development Control Plan. The recommendations made by Council as a result of this report will formulate the direction taken for future tree and bushland preservation provisions within Council's statutory planning framework.

CONSULTATION

There has been extensive internal and external consultation for the Hornsby Shire Native Vegetation Planning Review. External consultation by SJB Planning in preparing this report has been undertaken with the following State and local authorities:

- The Department of Planning (the DoP)
- The Department of Environment, Climate Change and Water (the DECCW)
- Goulburn Mulwaree Shire Council
- Hawkesbury Shire Council
- Holroyd City Council
- Liverpool City Council
- Muswellbrook Shire Council
- Penrith City Council
- Sutherland Shire Council
- Wollondilly Shire Council

Council's Town Planning Services Branch was consulted during the preparation of both the ***Hornsby Shire Native Vegetation Planning Review*** and this report. Town Planning Services advises that Option 2 of the recommendations from the ***Review*** is preferred for the preparation of Council's new Comprehensive Local Environmental Plan (LEP) and Comprehensive Development Control Plan (DCP). Specifically, Town Planning Services Branch has advised that:

*Best practice 'Environmentally Sensitive Land' (ESL) provisions and maps should be included in the new Comprehensive LEP having regard to the National and State listed Endangered Ecological Communities (EECs) and regionally significant vegetation communities identified in the vegetation community mapping of the Shire undertaken by Smith and Smith 2008. Other sensitive vegetation communities worthy of conservation identified in the review of the mapping for Clause 19 Bushland Protection of the **Hornsby Shire Local Environmental Plan 1994 (HSLEP)** should also be included in the ESL maps.*

A DCP element/chapter that prescribes the trees and other vegetation for the purposes of Clause 5.9 of the Standard Instrument should be prepared to require development consent for the clearing of any vegetation within those lands covered by the ESL maps. The DCP element/chapter should also be prepared to require a permit for the clearing of any

vegetation within locally significant vegetation communities and the trees in vegetation communities of lesser conservation significance as identified by Smith and Smith 2008.

The Bushland and Biodiversity Team has also consulted the Parks and Landscape Team.

Consultation Strategy

The *Hornsby Shire Native Vegetation Planning Review* will be exhibited for a minimum of 28 days. The exhibition of the Review will include the following.

Advertisements in local newspapers

An advertisement will be placed in the newspapers listed below during the exhibition period.

- Hills News
- Hills Shire Times
- Hornsby Advocate
- Northern District Times
- Galston and District News

The advertisement will identify the purpose of the review and where the review can be viewed.

Advertisement on the Council website

The review will be exhibited on the Council website (www.hornsby.nsw.gov.au) under “What’s New – exhibitions”. Council’s libraries have access to the website.

Displays at the Council Administration Building and local libraries

The Review will be displayed at the Council Administration Centre, 296 Pacific Highway, Hornsby and the following libraries:

- Hornsby library
- Berowra library
- Galston library
- Pennant Hills library
- Epping library

Referrals to Statutory Authorities

Notification letters and a copy of the Native Vegetation Review will be sent to the following statutory authorities advising of the exhibition and inviting submissions.

- Department of Planning
- Department of Environment, Climate Change and Water

Referrals to other Divisions/Branches

A copy of the Review will be forwarded to the following branches of Council for comment.

- Environmental Sustainability and Health Team

- Parks and Landscape Team
- Water Catchments Team

Review of Consultation Strategy

Following the exhibition period, a report on submissions will be presented to Council for its consideration

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

The public exhibition of the Native Vegetation Planning Review and draft map will provide opportunity for members of the public to make submissions as an avenue for informing and enabling community input.

Conserving our natural environment

The Native Vegetation Planning Review has considered the impact of the new Standard Instrument on the conservation of native vegetation and trees and considers options as how to best provide for their protection in the new Local Environmental Plan and consolidated Development Control Plan.

Contributing to community development through sustainable facilities and services

The recommendations of the Native Vegetation Planning Review and the preferred option would lead to a more transparent understanding of vegetation that is significant at National, State and regional level by landowners, leading to upfront knowledge and improved planning for sustainable development. Should Council resolve to proceed with the preferred option, the new provisions within the consolidated Development Control Plan has potential to streamline and make approvals more efficient and less costly for landowners whilst gaining and improved environmental outcome.

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

The issue of native vegetation and tree conservation is an important one in the Bushland Shire and the process outlined in this report focuses on conservation of the most significant vegetation plan at a strategic level whilst providing a streamlined process for approvals. This balances conservation of vegetation with efficient processing of requests for removal of less significant vegetation. This will enable an ordered and strategic approach to implementing sound native vegetation conservation for the community.

Supporting our diverse economy

The Native Vegetation Planning Review contributes sound recommendations for Council's consideration in its preparation of the future LEP and DCP, which when finalised will be important in the management of native vegetation which is highly valued by the community. Strategic protection of the most significant vegetation is important to facilitate both conservation and development.

Maintaining sound corporate financial management

There are community benefits in undertaking strategic planning for native vegetation conservation and this Planning Review advises Council with a number of recommendations to enable sound management of this issue by Council.

Other sustainability considerations

The future impact of climate change on vegetation and future listings of significant vegetation communities will lead to the need to review any associated mapping at regular intervals in the future.

RESPONSIBLE OFFICER

The responsible officer is Diane Campbell, Manager Bushland and Biodiversity, telephone 9847 6903, between 9 am and 5 pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council endorse Option 2 in this REPORT for the purposes of forming a policy position for comment as part of the public exhibition of the *Hornsby Shire Native Vegetation Planning Review*. This will specifically involve:
 - a. in Council's new Comprehensive Standard Local Environmental Plan:
 - i Clause 5.9 (Preservation of Trees or Vegetation) from the *Standard Instrument*
 - ii an 'Environmentally Sensitive Land (Biodiversity) clause based on the model *Standard Instrument* provisions
 - iii an associated Environmentally Sensitive Land Map identifying:
 - land containing National and State listed Endangered Ecological Communities
 - regionally significant vegetation communities identified by Smith and Smith 2008
 - other sensitive vegetation communities worthy of conservation as identified by the Clause 19 - Bushland Protection Map Review
 - b. in Council's new Comprehensive Development Control Plan:
 - i a new element/chapter 'Preservation of Trees and Native Vegetation' that
 - prescribes that the clearing of trees and other vegetation for the purposes of Clause 5.9 of the Standard Instrument require either development consent or a permit
 - specifies that development consent is required for the clearing of any native vegetation on land containing National and State listed Endangered Ecological Communities, regionally significant vegetation communities identified by Smith and Smith 2008 and other sensitive vegetation communities identified by the Clause 19 - Bushland Protection Map Review
 - specifies that a permit will be required for the removal of trees consistent with Council's current 'Tree Preservation Order' and the clearing of other native vegetation communities as identified by Smith and Smith 2008.
2. Council endorse the *Hornsby Shire Native Vegetation Planning Review* and draft

Environmentally Sensitive Land (ESL) map for public exhibition for a period of 28 days in accordance with Council's proposed consultation strategy.

3. A report on submissions be presented to Council for consideration following the public exhibition.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Attachment 1 - Native Vegetation Planning Review
2. Attachment 2 - Clause 5.9 - Trees and Other Vegetation
3. Attachment 3 - Environmentally Sensitive Lands map series

File Reference: F2007/00692-02
Document Number: D01367544

7 OPEN SPACE MASTERPLAN FOR OLD MANS VALLEY

EXECUTIVE SUMMARY

This report advises on the findings of community consultations for the development of an Open Space Masterplan for Old Mans Valley that were undertaken in February and March this year.

Prior to the commencement of the consultations, Council identified at the December Ordinary Meeting (EN56/09) that two indicative option plans should be used to assist in discussions with the community.

The consultations took the approach of developing selection criteria that can be used for the assessment of the two indicative options for the site.

Councillors provided input into the drafting of selection criteria and identified mandatory criteria for consideration, indicating that there must be at least one large flexible sports field on the site, the site's development shall be primarily focussed on open space facilities and any development plan should allow access to the adjoining quarry site for filling purposes.

These 'must' criteria were clearly communicated in the subsequent community consultations, which focused on developing other criteria that addressed social, environmental, technical and financial issues.

The outcome of this process was the identification of a series of 'validated and weighted' selection criteria by the community. The Option 2 indicative concept plan (found at page 64 of the attached Twyfords report) was clearly identified as the preferred scheme on which to base any masterplan.

Submissions and additional comments received indicated support for Council further investigating and testing the inclusion of additional elements in the masterplan. These included mountain bike trails and trailheads, walking trails, community gardens, performance space / amphitheatre for daytime use, sculpture garden and a leash free dog area.

The report proposes that Council further investigate the incorporation of these elements and test their suitability against the identified 'must' and 'validated and weighted' selection criteria as a part of further development of the option 2 indicative concept plan. The report recommends that this refinement occur as a part of the preparation of a draft Plan of Management (POM) for the Old Mans Valley and Hornsby Park lands. The Hornsby Quarry lands will be dealt with as a separate matter following determination of filling options for the quarry pit.

PURPOSE/OBJECTIVE

The purpose of the report is to inform Council of the outcome of community consultations on an Open Space Masterplan for Old Mans Valley and to seek endorsement from Council to proceed to preparation of a POM for these lands and the adjoining Hornsby Park lands.

DISCUSSION

This report advises on the findings of community consultations for the development of an Open Space Masterplan for Old Mans Valley that were undertaken in February and March this year.

Prior to the commencement of the consultations, Council resolved at the December Ordinary Meeting (EN56/09) 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.*

The consultations were facilitated by Twyfords consultants who developed a community engagement process that sought to identify the most appropriate open space recreation uses for the site that would best satisfy agreed criteria.

A range of forums were setup and draft criteria for assessing the option plans developed and then reviewed, modified and validated by a range of Council and community stakeholders.

Consultations with Council's Task Force

In January 2010 Councillors provided input into the drafting of selection criteria and identified mandatory criteria for consideration.

As a consequence of this direction it was clearly explained at all community consultation meetings that these criteria are considered as 'musts' in the assessment of any masterplan for the site:

1. Complies with Open Space Zoning for active and passive recreation
2. Contains at least one large flexible sportsground for organised sport
3. Maintains appropriate access to the neighbouring quarry pit area for filling and for its future use as open space

These 'musts' criteria were adopted in community consultations which focused on further developing other 'wants' criteria that addressed social, environmental, technical and financial issues.

It is recommended that Council adopt the above 'musts' criteria to review as a part of the development of a final masterplan for the site.

Details of the community consultations

The community consultations undertaken in February and March included:

- Launching a Bang The Table on-line forum that operated from 27 January to 29 March and received 1436 unique visitors and 47 visitors leaving specific comments

- Letterbox drop to approximately 2600 properties within approximately one kilometre of Old Mans Valley
- Advertising in the local media including the Hornsby Advocate, Northern District Times and the Hills News and the Bushland Shire News
- Holding three community workshops on 15, 16 and 18 February which were attended by 97 members of the community
- Holding a deliberative forum for invited participants on 14 March, which was attended by 38 people
- Receiving 45 written submissions from the community.

The key outcome of the consultation is the community's development, validating and weighting of the selection criteria below, which is an extract from Section 4.1 of the Twyford's report.

The criteria were separated into four separate categories, including social, environmental, technical and financial and were weighted by the people attending the deliberative forum. Those with a high weighting are considered more significant.

Category	Criterion	Weighting
Social	1. Lowest impact on amenity of neighbours - noise - traffic - security	Low
	2. Greatest contribution to health, education and cultural cohesion of the local community	High
	3. Maximises range and mix of activities to meet likely community needs	High
	4. Provides the most attractive destination for users	Low
	5. Sensitive to heritage issues/ values of the area	Low
Environmental	6. Best addresses environmental issues - minimises weeds - restores bushland - maintains water quality - minimises impact on wildlife	Medium
	7. Most complementary to site topography, bushland and visual character, and minimises carbon footprint	High
Technical	8. Best facilitates staged development	Low
	9. Best caters for access, parking, pedestrian and cycle access and other needs of visitors	Medium
	10. Lowest fire risk on facility and surrounding area	Low

Category	Criterion	Weighting
Financial	11. Minimises financial impact on ratepayers' equity	Low
	12. Optimises construction and maintenance costs	Low
	13. Investment maximises level of use	Medium
	14. Best provides a facility that is valued by the community and represents a worthwhile investment	Low

It is recommended that the above validated and weighted selection criteria, referred to as 'wants' at the Deliberative Forum, are used to enable the further assessment of a final refined masterplan that is put forward in a draft POM.

The attendees at the Deliberative Forum very clearly supported the option 2 indicative plan (found at page 64 of the attached Twyfords report) as the preferred scheme for any future masterplan for the site.

Submissions and comments received indicate support for Council further investigating and testing incorporation of a number of additional elements in the masterplan. These included:

- mountain bike trails and trailhead
- walking trails
- community gardens
- performance space / amphitheatre for daytime use
- sculpture garden
- indoor centre/ multi use cultural centre
- a leash free dog area

It is proposed that Council further investigate incorporation of the various park elements suggested above as part of finalising the masterplan. This amended plan will then be incorporated into a draft POM.

It is not recommended that Council further investigate the development of an indoor centre or multi-use cultural centre as this was a key element in the Option 1 scheme which was ruled out at the Deliberative Forum. Previous studies have identified that an indoor centre may not be viable at this site due to it being physically remote and having questionable financial viability. Council also has a lack of capital funds to enable the construction of such a facility. There has not been a strong demand for this facility, especially as Council is currently focused on extending the existing facility at Brickpit Park.

Attachment 1 is a report from Twyfords that advises further details on the findings of these consultations.

Preparation of a draft Plan of Management for the Old Mans Valley lands and Hornsby Park

The POM shall include Old Mans Valley Lands and Hornsby Park, excluding the Hornsby Quarry lands. The draft POM for Old Mans Valley shall include a refined masterplan for the

Old Mans Valley lands that has been further assessed against the 'validated and weighted' selection criteria. The POM for Hornsby Park shall incorporate changes envisaged as a part of the Hornsby Pool redevelopment.

In framing a POM, it is usually desirable for parcels of contiguous open space land to be treated as a single unit. This is the case at several parcels of Council's open space where Crown reserves and community land are placed side by side, as at Hornsby Park and Old Mans Valley. Although the legislation governing the management of open space varies according to tenure, most of the management issues are in common, and planning for recreation facilities need not necessarily be restricted by land tenure boundaries.

Given that there are major facility development proposals being considered for the adjoining open space lands at Hornsby Park (a Crown Reserve) and Old Mans Valley (community land), it would be desirable to facilitate public discussion about the two proposals through a combined Plan of Management, even though the two proposals are not otherwise linked. Therefore it is proposed to formulate such a combined POM for this significant area of public open space.

Program of Works

Attachment 2 includes a copy of a program of works for the preparation and adoption of a Plan of Management and the construction of a new park at Old Mans Valley.

It proposes that a draft POM will be presented at the February 2011 Ordinary Meeting of Council. Other key milestones, which are subject to the identification of a capital works budget, include Council undertaking documentation design from mid 2011 and calling tenders for construction in mid 2012 with construction occurring from October 2012.

BUDGET

Funding of \$100,000 has been identified for preparation of an Open Space Masterplan for Old Mans Valley in Council's Management Plan. To date approximately \$39,000 has been spent on the development of the masterplan this financial year.

The preliminary cost of developing the works identified in the Option 2 indicative concept plan is approximately \$13 million which is expected to be funded by the proposed infrastructure levy. The development of the facilities identified in the Option 2 plan is not expected to proceed if the proposed infrastructure levy is not approved.

POLICY

The recommended outcomes of this report are the preparation of a draft Plan of Management (POM) for the Old Mans Valley lands and Hornsby Park. These POMs, if adopted, will provide policy direction for the development of these lands.

CONSULTATION

Councillors were consulted on 27 January and provided direction on the criteria to be used, including the identification of the mandatory criteria.

Council's Parks Assets team, Bushland and Biodiversity team and Works Division Design and Construction team were consulted during the community consultation period.

Community consultations were undertaken in February and March 2010. A number of community groups were directly contacted including sporting, conservation and heritage groups. The findings of these consultations are reported in the Discussion section of the report.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is 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 accept the attached report prepared by Twyfords consultants advising on the findings of the community consultations for Old Mans Valley open space masterplan.
2. Council adopt the 'musts' criteria identified in section 4.1 of the Twyfords report.
3. Council endorse the Option 2 indicative concept plan as attached to Report EN13/10 as the basis of a masterplan for inclusion in a draft Plan of Management for the Old Mans Valley lands and Hornsby Park, to be prepared for public exhibition following a report to the February 2011 Ordinary Meeting of Council.
4. Council authorise the investigation of changes to the Option 2 plan as suggested by the community and outlined in Report EN13/10 and assess these against the validated and weighted criteria in the Twyfords' report prior to finalising the draft Plan of Management.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Twyfords report on community consultation
2. Program of works for Old Mans Valley Open Space Development

File Reference: F2004/07932
Document Number: D01372531

8 COMPLETION OF EXHIBITION OF NATIVE VEGETATION COMMUNITIES OF HORNSBY SHIRE STUDY

EXECUTIVE SUMMARY

At its Ordinary Meeting of 17 February 2010 Council resolved to place the Native Vegetation Communities of Hornsby Shire Study on public exhibition. No submissions were received. It is recommended that the study be adopted.

PURPOSE/OBJECTIVE

The purpose of the report is to provide feedback to Council on the results of the public exhibition of the Native Vegetation Communities of Hornsby Shire Study.

DISCUSSION

The native vegetation survey and mapping of Hornsby Shire, the subject of Executive Manager's Report EN1/10, updates Council's 1990 Bushland Survey by Smith and Smith. The current survey updated the remaining native vegetation, classified all the vegetation in Hornsby Shire and identified the conservation significance of the Shire's native vegetation communities consistently with State and Federal listings and was prepared as spatial information on Council's Geographical Information System.

The study classifies a total of 34 vegetation communities in the bushland of the Shire. Twenty-eight of these communities are significant at the national, State, regional or local level. These native vegetation classifications are now consistent with State and Federal listings of Endangered Ecological Communities (EECs), of which 13 fit into various EEC categories. The remaining six more common vegetation communities make up 83 percent of the bushland in the Shire.

The native vegetation mapping assists Council in ensuring its obligations under the NSW Threatened Species Conservation Act and the Environmental Protection and Biodiversity Conservation Act (EPBC) are met and assists Council in implementing conservation programs and works.

The report and maps were exhibited on Council's website and at the Planning Division counter at Hornsby Council's administration building in hard copy from 22 February to 6 April 2010. No submissions were received.

As native vegetation will always be a changing data set as areas are cleared, other areas are restored or revegetated and as mapping is refined and more communities are listed it should be recognised that updates to be required from time to time.

BUDGET

There are no budgetary implications from this report; however the accuracy of the mapping is high quality and the study forms a good basis for obtaining additional grant funds for various restoration projects.

POLICY

By undertaking the study Council completes a high priority action identified in the Hornsby Shire Biodiversity Conservation Strategy and Action Plan 2006, and is able to meet its obligations under Federal and State legislation in particular in the areas of reserve management, land use planning and environmental assessment of developments and activities.

CONSULTATION

During the period of preparation of the survey consultation was undertaken with various officers of the Department of Environment, Climate Change and Water, as well as Town Planning Services, Parks and Landscape and Water Catchments (GIS Officer).

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 Diane Campbell, Manager – Bushland and Biodiversity, telephone 9847 6903, between 9am and 5pm, Monday to Friday

RECOMMENDATION

THAT Council adopt the 'Native Vegetation Communities of Hornsby Shire 2008 Update' study and associated mapping.

ROBERT STEPHENS

Executive Manager

Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/09257

Document Number: D01376447

9 PARKS CAPITAL WORKS 2009-2010 MARCH QUARTER PROGRESS REPORT

EXECUTIVE SUMMARY

The Parks Capital Works Program for 2009/2010 contains works required to maintain park assets in a safe and enjoyable condition. It also includes a works program for improving the parks of Hornsby Shire with funding from development contributions levied under Section 94 of the Environmental Planning and Assessment Act, 1979.

The majority of projects assigned to the Parks and Landscape Team have been substantially progressed.

PURPOSE/OBJECTIVE

This report is to inform Council of the progress of the 2009/10 Parks Capital Works Program as at 31 March 2010.

DISCUSSION

Attachment 1 is a status report on projects listed for 2009/10.

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

BUDGET

There are no budget implications arising from this report.

POLICY

There are no policy implications arising from this report.

CONSULTATION

No consultation was necessary for the preparation of this report.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's report EN15/10 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Parks Capital Progress Report March 09-10

File Reference: F2004/06971
Document Number: D01378416

10 LEASE OF "AUSTEN HUGHES CLUBROOM" AT WAITARA PARK TO NORTHERN DISTRICT CRICKET CLUB INCORPORATED

EXECUTIVE SUMMARY

Northern District Cricket Club Inc has made an application seeking the renewal of their lease of the first floor room known as "Austen Hughes Clubroom" at Waitara Park, Waitara, in line with the provisions of Council's Code for the Lease/Licence of Council Owned Land and Buildings to Community Groups.

Following assessment of the application, Council officers are of the opinion that Council's interests would not be adversely affected if a further five year lease of the Austen Hughes Clubroom was granted to the Club on the basis outlined in the recommendation of this Report.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with information and seek its endorsement to grant Northern District Cricket Club Inc a further five year lease of the first floor room known as Austen Hughes Clubroom" at Waitara Park, Waitara, for use as a clubroom.

DISCUSSION

Waitara Park, located at 20x Waitara Avenue, Waitara is owned by Council and classified as community land in accordance with the Local Government Act 1993. . The Plan of Management for Waitara Park, Waitara (i.e. District Three and Nine Community Land and Crown Reserves Generic Plan of Management) authorises the granting of leases and licences of sportsgrounds to organisations/groups in accordance with Council's Lease/Licence of Council Land Policy.

Since 1995, Northern District Cricket Club Inc (the Club) has occupied the first floor room known as "Austen Hughes Clubroom", (above the existing kiosk) located adjacent to the grandstand, under a number of lease agreements. The Club contributed approximately \$45,000 towards the total construction cost of \$80,000 in respect the room and continues to be responsible for the maintenance of the fit-out and fixtures.

The existing lease agreement expired in 2008 and the Club has recently submitted an application requesting a further lease of the clubroom in line with the provisions of Council's Code for the Lease/Licence of Council Land and Buildings to Community Groups (the Code). The Code, adopted by Council in May 2007, provides a framework for the equitable, efficient and effective lease/licence of Council's property assets to community groups in line with objectives of Council's Lease/Licence of Council Land Policy. The Code assists Council officers to assess community group applications for the use of Council land and buildings in a transparent manner, based on agreed eligibility criteria, and to formulate appropriate lease/licence terms and conditions for the consideration and endorsement of Council.

Following an assessment of the application, Council officers determined that the Club be offered a lease in line with the "Community Partnership" category provisions of the Code. As

such, the Club was offered, and has recently indicated its agreement to enter into a further lease of the room on the basis outlined below:

1. **Period of lease** – five years.
2. **Use of Room** – Clubroom for meetings, scoring games, functions and workshops for the Northern District Cricket Club Inc and a meeting facility for other sporting organisations, as per application.
3. **Rental** – \$286 per annum including GST (Assessed in accordance with advice from Council's Consulting Valuer).
4. **Rental Review** – Annually by movement in the Consumer Price Index.
5. **Statutory Outgoings** – 50% of Council or water and sewerage rates, if assessed in respect of the premises.
6. **Operating Costs** – 100% of electricity, gas, telephone, water usage, etc.
7. **Insurance** – public liability insurance, indemnity \$20 million.
8. **Legal fees** – 50% of lease preparation costs.
9. **Maintenance** – Lessee to be responsible for all non-structural maintenance and repairs, including painting.

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

BUDGET

The leasing of the first floor room known as "Austen Hughes Clubroom" at Waitara Park in line with the provisions of Council's Code for the Lease/Licence of Council Owned Land and Buildings to Community Groups to the Club will realise a slight increase on the rental currently being paid.

POLICY

This Report has been prepared having consideration to Council's Lease/Licence of Council Land Policy, the Code for the Lease/Licence of Council Land and Buildings to Community Groups and the District 3 and 9 Generic Community Land and Crown Reserves Plan of Management.

CONSULTATION

There has been consultation with Northern District Cricket Club Inc and officers of Council's Administrative Services Branch in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

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

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 drafting of this report is Mr Rod Drummond, Manager Commercial Property. Enquiries concerning this report can be made to the Executive Manager, Environment Division, Mr Bob Stephens, on 9847 6686.

RECOMMENDATION

THAT:

1. Public notice of the proposal to grant a further five year lease of the first floor room known as the "Austen Hughes Clubroom" on Council owned community land at Waitara Park, Waitara Avenue, Waitara to Northern District Cricket Club Inc be given for a period of not less than 28 days.
2. A further report be provided to Council should any submissions be received concerning the advertised lease proposal.
3. Subject to the outcome of recommendations 1 and 2 above, the "Austen Hughes Clubroom" located at Waitara Park, Waitara be leased to Northern District Cricket Club Inc for a further period of five years, in accordance with the provisions of Sections 46 of the Local Government Act, 1993, as follows:-
 - a) The Clubroom to only be used for the purpose of meetings, scoring games, functions and workshops for the Northern District Cricket Club Inc and a meeting facility for other sporting organisations, as per application.
 - b) Rental to be at the rate of \$286 per annum (inclusive of GST) during the initial 12 months of tenure.
 - c) The rental to be subject to annual review in accordance with the movement in the Consumer Price Index.
 - d) The Lessee to be responsible for the payment of 50% of any Council or water/sewerage rates assessed in respect of the premises.
 - e) The Lessee to be responsible for the payment of all costs associated with services provided to the premises including but not limited to electricity, gas, telephone, water usage, etc.
 - f) The Lessee to indemnify Council against all claims in respect of Public Liability to an amount not less than \$20 million, with such Policy to note Council as an interested party.

- g) The Lessee to bear 50% of costs incurred in respect of the preparation of the necessary lease documentation.
- h) The Lessee to be responsible for, and bear all costs incurred in, the internal maintenance and repair of the premises, excluding structural repairs.
- i) The Lessee to be responsible for the repair and maintenance of its own fixtures and fittings.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00422
Document Number: D01368197

11 WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS PROGRAM (WSIP)

EXECUTIVE SUMMARY

In 2009 the Department of Environment, Climate Change and Water (DECCW) announced the introduction of the *Waste and Sustainability Improvement Payments Program* (WSIP) which will run until 30 June 2017.

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

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

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

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

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

This report outlines projects for the 2010/11 to 2016/17 financial years. Projects have already been submitted and approved for the current financial year.

An emphasis has been placed on projects which achieve a reduction of future expenditure or maintenance costs such as water and energy saving projects and capital works related to climate change e.g. seawall reconstruction.

PURPOSE/OBJECTIVE

This report provides an overview of projects for consideration by the DECCW under its Waste and Sustainability Improvement Payments program.

DISCUSSION

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

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

Funding

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

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

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

Requirements of DECCW

- The improvement program is restricted to waste and sustainability programs. To qualify for the payment Council must undertake certain actions identified by DECCW during each of the years to which the WSIP applies.
- If Council accepts the terms and conditions that apply to the incentive payment and fails to deliver, funds will have to be refunded or suspended until agreement is reached as to what rectification action is required.
- All projects nominated must be acceptable to DECCW.
- The projects must be **new** – i.e. not projects that have been started previously or are being partially funded by other DECCW programs or grants.
- DECCW will rule out any project it considers not appropriate.
- DECCW has indicated that it will be flexible when assessing the *Action Table* due to the limited time given to prepare - Council will be able to discuss with DECCW any need to reconfigure the programs.
- Evidence must be provided confirming that programs have been started by the end of each financial year.

- Funding can be carried over from year to year provided it is clearly indicated that programs will run past the end of the financial year or extend over one or more years.
- Funding is not to be used as a supplement for programs that would otherwise have been funded by Council.

Projects

A broad list of projects is shown by Attachment 1. These projects have been essentially formulated on the basis of the following criteria.

- Level of benefit to Council/Community
- Risk management mitigation
- Capacity to derive future or offsetting income
- Synergy with Council's strategic priorities
- Level of recurrent expenditure
- Reduction of future expenditure/maintenance costs

An emphasis has been placed on projects which achieve a reduction of future expenditure or maintenance costs such as water and energy saving projects and capital works related to climate change e.g. seawall reconstruction. It is proposed that the specific projects will be developed annually in line with the allocated expenditures.

A notable project that has been allowed for in the water conservation component of Attachment 1 is the Hornsby Heights Reuse Scheme, which involves reusing treated effluent and providing good quality irrigation water to Montview, Storey, Asquith and Rofe Parks. A preliminary design has been completed for this work. Energy conservation projects will focus on community buildings within the Corporate and Community Division and the Parks and Landscape Team.

BUDGET

There are no budget implications contained within this report. All programs undertaken will be new and currently unfunded by Council. Some of the projects will allow future or offsetting income.

POLICY

The actions required under the program outlined are not affected by any Council policy. They are, however, consistent with adopted strategies of Council.

CONSULTATION

The potential list of projects has been developed in consultation with the Works and Corporate and Community Divisions of Council.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer for this report is Bob Stephens Executive Manager Environment Division, telephone 9847 6576 between the hours of 8.30 am and 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT Council adopt the schedule of programs outlined in this report for discussion with DECCW as part of its WSIP program.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. WSIP - List of Projects

File Reference: F2004/08801
Document Number: D01380708

12 "WELLUM BULLA" - HORNSBY SHIRE COUNCIL MATERIALS HANDLING FACILITY MONITORING COMMITTEE

EXECUTIVE SUMMARY

Condition 11 of the Development Consent No 2393/03 for the Hornsby Shire Council Materials Handling Facility, required the establishment of a Monitoring Committee to overview and monitor the operation of the facility. The Monitoring Committee comprises five Councillors; the Executive Manager, Environment Division; the Executive Manager, Works Division; a representative of the Metropolitan Aboriginal Land Council; an environmental representative and four community representatives. The Monitoring Committee meets each four months on site at the facility. The minutes of the most recent meeting are reported to Council for consideration.

PURPOSE/OBJECTIVE

The purpose of this report is to advise the Council of the Monitoring Committee meeting held on site on Thursday 18 February 2010 and to recommend actions contained in the minutes of the meeting.

DISCUSSION

The minutes of the Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 18 February 2010 are included in this report as an attachment.

It should be noted in Item 3, General Business, of the minutes that the committee is still seeking an Environmental Representative for the committee and the committee recommends that Expressions of Interest continue to be invited for the vacant position.

BUDGET

No impact on the budget.

POLICY

Any actions will be in accordance with Council's policies

CONSULTATION

Bruce Adcock – Environmental Planning Pty Ltd.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

This report has been prepared by Peter Powell, Manager Engineering Services. Further information can be obtained on 9847 4803.

RECOMMENDATION

THAT:

1. Council note the attached Minutes of the Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 18 February 2010.
2. Expressions of Interest continue to be invited for the vacant position of Environmental Representative on the Monitoring Committee.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

- 1 Minutes - 18 February 2010
- 2 Monitoring Report, Site and Environmental Management Plan Audit - February 2010

File Reference: F2004/09261
Document Number: D01378389

13 WORKS BUILDING SERVICES - GRAFFITI AND VANDALISM MARCH 2010 QUARTERLY REPORT

EXECUTIVE SUMMARY

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

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

PURPOSE/OBJECTIVE

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

DISCUSSION

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

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

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

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

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

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

Rapid removal discourages graffiti vandalism because:

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

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

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

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

<i>TYPE</i>	<i>COST</i> <i>July 2009 – March 2010</i>
Graffiti	\$57,196
Vandalism	\$71,338
	<hr/>
TOTAL	\$128,534

BUDGET

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

POLICY

There are no policy implications associated with this report.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No WK25/10 be received and noted.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/00728

Document Number: D01378453

14 ENGINEERING SERVICES - BUILDING CAPITAL WORKS PROGRAM 2009/2010 - MARCH 2010 QUARTERLY REPORT

EXECUTIVE SUMMARY

Council's Management Plan 2009/2010 provides a list of Capital Works for 2009/2010. This report provides Councillors with progress information for Building Capital Works projects for the period 1 July 2009 to 31 March 2010.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council on the progress on the 2009/2010 Engineering Services - Building Capital Works Program undertaken by the Building Services Team of the Engineering Services Branch.

DISCUSSION

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

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

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

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

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

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

The attached Gantt Chart displays the completed projects included in the 2009/2010 Building Works program during the period 1 July 2009 to 31 March 2010.

BUDGET

The budgetary considerations of this report are shown in Council's Management Plan for 2009/2010.

POLICY

There are no policy implications.

CONSULTATION

Consultation has been carried out with the following:

- David Johnston – Manager, Community Services
- Samantha Colbert – Community Centre and Hall Co-ordinator
- Scott Hewitt – Aquatic and Recreation Facilities Manager
- Cheryl Etheridge – Manager, Library Services
- Dana Spence – Co-ordinator, Parks Assets

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No WK26/10 be received and noted.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Engineering Services - Building Capital Works for 2009/2010 December 09 Report

File Reference: F2004/05958
Document Number: D01378518

15 IMPACTS OF FEBRUARY 2010 STORMS

EXECUTIVE SUMMARY

Heavy rain storms occurred on the weekends of 6 and 7 February and 12, 13 and 14 February 2010, resulting in many properties in Hornsby Shire being affected by flooding and inundation.

The 6-February Storm had 158.2mm and the 12-February Storm had 91.4mm of rain over a 24-hour period. The intensity of the rain for the 6-February Storm was however relatively low with 3 peaks of 25mm or greater in a 1-hour period and was of an average recurrence interval (ARI) of 2 years. The 12-February Storm was of a very much higher intensity with a peak of 71.2mm in a 1-hour period and was of an ARI of 100 years.

Callouts were activated on 12, 13 and 14 February. The total callouts were 67 and callouts were widespread over the whole Shire. The total number of service requests recorded during the period 5-19 February was 201. The type of requests covered: Blocked pits; Blown pit lids; Blocked open channels; Blocked culverts by debris and boulders; Trees across creek channels; and Washed away footbridge.

Many of the properties affected by this flooding are located on drainage systems that have previously been identified to have capacity problems. These have been listed in Council's Major Drainage Projects Priority List which contains 108 future major projects with a total estimated cost of \$54 million.

The report recommends that the impacts of the February 2010 storms be noted and that consideration be given to this matter when considering future budget allocations.

PURPOSE/OBJECTIVE

This report provides information to Council on the intensity of these storms, the number of emergency call outs and CRM's received and matters requiring further investigations.

DISCUSSION

In 2008, Council funded the installation of an automated rain gauge (pluviograph) at Hornsby Aquatic Centre. This pluviograph is integrated into the Bureau of Meteorology (BOM) system and reports of rainfall events are provided to Council to assist with the management of Hornsby Quarry.

On the weekend of 6 and 7 February, 158.2mm of rain was recorded over a 24 hour period with 3 peaks of 25mm or greater in 1 hour periods. This rainfall equated to the 1 in 2 year ARI (Average Recurrence Interval) storm for typical catchments in the Shire.

On the weekend of 12, 13, and 14 February, 91.4mm of rain was recorded over a 24 hour period with a peak of 71.2mm in 1 hour on the evening of Friday, 12 February 2010. This rainfall equated to the 1 in 100 year ARI storm for typical catchments in the Shire. Similar totals of rain were recorded at the BOM pluviograph at West Pennant Hills for both events.

As a result of these rainfall events, numerous properties have been flooded, many during both storm events.

The emergency callout system was activated on 12, 13, and 14 February. On Friday, 12 February between 10.00pm and 3.00am, staff attended 7 callouts in the following suburbs:

Suburb	No. of Callout	Suburb	No. of Callout
Asquith	1	Hornsby	4
Mount Colah	1	Hornsby Heights	1

On Saturday, 13 February between 9.00am and 6.00pm, staff attended 27 callouts in the following suburbs:

Suburb	No. of Callout	Suburb	No. of Callout
West Pennant Hills	1	Hornsby Heights	2
Epping	5	Waitara	1
Beecroft	4	Hornsby	5
Carlingford	1	Mount Colah	2
North Epping	4	Asquith	1
Normanhurst	1		

On Sunday, 14 February between 10.30am and 7.00pm, staff attended 33 callouts in the following suburbs:

Suburb	No. of Callout	Suburb	No. of Callout
Beecroft	8	Cherrybrook	1
Carlingford	4	Hornsby Heights	3
Epping	4	Waitara	2
Cheltenham	1	Hornsby	3
North Epping	1	Mount Colah	2
Pennant Hills	1	Asquith	1
West Pennant Hills	1	Berowra Heights	1

These callouts and many more reports of drainage were recorded in Council's Customer Request Management (CRM) system. A total of 201 Service Requests (SR's) were recorded for the period 5-19 February. The type of requests covered:

- Blocked pits
- Blown pit lids
- Blocked open channels
- Blocked culverts by debris, boulders
- Trees across creek channels
- Washed away footbridge

For some periods of these two storms, the Hornsby SES recorded 197 and 240 requests for assistance with more than half relating to flooding affecting private properties.

In the weeks since these storms, Council staff have been carrying out rectification and repairs to many parts of the Council's drainage system that were affected by these storms.

Many of the properties affected by this flooding are located on drainage systems that have previously been identified to have capacity problems. These have been listed in Council's

Major Drainage Projects Priority List which contains 108 future major projects with a total estimated cost of \$54 million.

BUDGET

Current annual funding for stormwater drainage improvement works is \$500,000 per year.

In order to complete the identified projects in the Major Drainage Projects Priority List in a reasonable timeframe, funding consideration for future budgets in excess of the current funding level would be desirable.

POLICY

There are no policy implications.

CONSULTATION

The preparation of this report has been carried out in consultation with the relevant officers of Works Division.

TRIPLE BOTTOM LINE SUMMARY

A triple bottom line assessment is not required for this report.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council note the contents of this report and take this matter into consideration when considering Council budget allocations.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08662
Document Number: D01378981

16 ROADS TO RECOVERY PROGRAM (2005 - 2009 AND 2009 - 2014)

INTRODUCTION/BACKGROUND

The Roads to Recovery Program has provided critical supplementary funding to Councils nationwide since its introduction in 2001. In the period 2001-2009, under three phases of the Program, Hornsby Shire received \$5.8 million.

In March 2009, the Australian Government announced a further extension of Roads to Recovery Program for the period 1 July 2009 to 30 June 2014, for which Hornsby Shire will receive an allocation of \$3.6 million, divided nominally into five equal annual allocations of \$733,000.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council on the completion of projects under R2R2 (2005-2009) and R2R Supplementary Grant (2006) phases and to seek Council's concurrence to proposed allocations of funding under R2R3 (2009-2014).

DISCUSSION

Traditional sources of funding available to Local Government have not kept pace with rising costs associated with the provision and maintenance of local infrastructure and with increasing cost shifting burdens and levies imposed by state authorities.

In recognition of the growing backlog in local road maintenance, the Australian Government established the Roads to Recovery Program (R2R) initially to provide an additional \$1.2 billion funding to Council nationwide for road maintenance and upgrading for the period February 2001 to June, 2005. Hornsby Shire received an allocation of \$2,601,650.

The Program was subsequently extended in two phases for the period July 2005 to June 2009, with Hornsby Shire receiving a total of \$3,261,808 comprising R2R2 (\$2,609,446) and a one-off Supplementary Grant (\$652,362).

In March 2009, a further \$1.75 billion extension of the program was announced for the period July 2009 to June 2014, with Hornsby Shire to receive an allocation of \$3,667,952.

Thus, for the period February 2001 to June 2014, Hornsby Shire will receive a total of \$9,531,410, subject to Council's ongoing compliance with program requirements, including the necessity for Council to maintain 'traditional' expenditure levels from 'own source' funds. The related legislation provides that for every year in which AusLink Roads to Recovery funding is received, Council must consistently maintain the annual 'reference' amount of 'own source' expenditure on construction or maintenance of roads.

The AusLink Roads to Recovery Program has become a crucial source of funding to Council. During the life of the program to date, cost pressures on Council have severely diminished Council's capacity to maintain and/or replace ageing infrastructure. It is

imperative that Hornsby Shire continues to make representations to the Australian Government for extension of the Program beyond 2014.

Projects completed under R2R 2 (2005–2009) and Supplementary Grant (2006) are presented in Tables 1 and 2 respectively.

TABLE 1
Roads to Recovery (R2R 2) 2005/06 – 2008/09
Completed Projects

Project	2005/06 \$	2006/07 \$	2007/08 \$	2008/09 \$	2009/10 \$
1.Duffy Ave, Westleigh/Thornleigh	200,000				
2.King Road, Wahroonga	230,000				
3.Greenway Park, Cherrybrook	<i>Withdrawn</i>				
4.Arcadia Road, Arcadia		135,319			
5.Rembrandt Street, Carlingford		64,681			
6.Hyacinth Street, Asquith		323,192			
7.Arcadia Road, Galston	<i>Withdrawn</i>	0			
8.Chelmsford Road, Asquith		116,808			
9.Fiona Road, Beecroft			300,000		
10.Dartford Road, Thornleigh			100,000		
11.David Road, Castle Hill			110,000		
12.Knights Road, Galston			70,000		
13.Pearl Avenue, Epping			20,000		
14.Cambridge Street, Epping	<i>Withdrawn</i>			0	
15. Edward Bennett Dr, Cherrybrook				140,000	
16. Oxford Street, Epping				349,446	
17. Pennant Hills Road, Thornleigh				4,713	155,287
18. Hastings Road, Castle Hill	<i>Withdrawn</i>			0	
19. Boundary Road, Pennant Hills	<i>Withdrawn</i>			0	
20. Woodgrove Avenue, Castle Hill				60,000	
21. Coronation Street, Hornsby				110,000	
22. Sherbrook Road, Hornsby				40,000	
23. Chapman Avenue, Beecroft				20,000	
24. Alexandria Parade, Waitara					60,000
TOTAL	430,000	640,000	600,000	724,159	215,287
Cumulative Total	430,000	1,070,000	1,670,000	2,394,159	2,609,446

TABLE 2
Roads To Recovery Supplementary Program
Projects completed Under Program

Project	2005/06 \$	2006/07 \$	2007/08 \$	2008/09 \$
1.Singleton Road, Wisemans Ferry			170,000	
2.Olive Street, Asquith	<i>Withdrawn</i>	0		
3.Arcadia Road, Galston		50,000		
4.Peebles Road, Fiddletown		30,000		
5.David Road, Castle Hill		122,000		
6.Oxford Street, Epping				280,362
TOTAL	0	202,000	170,000	280,362
Cumulative Total	0	202,000	372,000	652,362

RECOMMENDED PROGRAM for R2R 3 (2009 – 2014)

In determining a total five year program of works it is suggested that consideration should be given to **Asset Management, Local Road Improvements, Upgrading Unsealed Rural Roads, Traffic Facilities, Cycleways** and current high priority major projects whilst preserving a provision for funding for projects that may emerge during the life of the program.

Suggested R2R 3 funding allocations are shown in Table 3:

TABLE 3
Roads to Recovery (R2R 3) 2009/10 – 2013/14
Proposed Projects

Project	2009/10	2010/11	2011/12	2012/13	2013/14
	\$	\$	\$	\$	\$
Road Pavement Maintenance (2009/10 – Neale Ave, Cherrybrook & Quarter Sessions Rd, Westleigh)	200,000	200,000	200,000	200,000	200,000
Local Road Improvements (2010- Oxford Street, Epping)	300,000	300,000	300,000	300,000	300,000
Traffic Facilities	100,000	100,000	100,000	100,000	100,000
Priority Projects (2009/10 George Street Pedestrian Bridge Structural Repairs, \$41,800)	133,590	133,590	133,590	133,590	133,592
TOTAL	733,590	733,590	733,590	733,590	733,592
Cumulative Total	733,590	1,467,180	2,200,770	2,934,360	3,667,952

BUDGET

Funding for these projects is to be provided by the Australian Government under the Roads to Recovery Program as a supplement to Council's regular funding sources.

POLICY

There are no policy implications.

CONSULTATION

Consultation has been undertaken with appropriate Works Division staff.

RESPONSIBLE OFFICER

This report has been prepared by Lyndon Taylor, Works Support Coordinator Works Division, telephone 9847 6697.

RECOMMENDATION

THAT Council note the funding obligations imposed under the AusLink Roads to Recovery Program, and give in-principle approval to allocation of funds as proposed, with specific emerging projects considered annually as part of the annual budget process.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/07284-02

Document Number: D01380048

17 TENDER T6/2010: SUPPLY AND DELIVERY OF ROAD MATERIALS

EXECUTIVE SUMMARY

The proposed contract for Supply and Delivery of Road Materials is required to service the needs of the Council's Works Division in carrying out road and drainage construction and maintenance program. Council uses a substantial amount of road materials in its annual roads and drainage construction and maintenance works.

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

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No. T6/2010: Supply and Delivery of Road Materials.

DISCUSSION

The Tender No. T5/2010 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are in folder F2010/00085. Excepting this report, the summary and details of the tenders are to be treated as confidential in accordance with the Local Government Act.

One (1) conforming tender was received for Tender No. T6/2010 from the following company.

- Hanson Construction Materials Pty Ltd.

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

- Cost of the Works
- Past performance and experience with similar types of Contracts
- Plant and equipment resources
- Material types and supply sources
- Quality Assurance Systems
- Occupational Health and Safety Systems
- Sustainability

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

Confidential Memo WD D&C 22/2010, that has been separately distributed, contains information regarding the evaluated value of work of the tenderer and summary of evaluation. Full details of the tender evaluation are on file and are confidential.

The results of the evaluation indicate that the tender from Hanson Construction Materials Pty Ltd. is satisfactory and advantageous to Council.

The total estimated cost of works under this contract is in the order of \$300,000 per annum. Full details of the tender evaluation are on folder.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

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

Conserving our natural environment

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

Road Materials manufacturing plant has policies and procedures for energy management and water management and other controls to minimise harm to environment.

Contributing to community development through sustainable facilities and services

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 system has been checked as part of the tender evaluation.

The reconstruction and rehabilitation of road pavements will provide comfort and safety for the travelling public.

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

The rehabilitation and improvement of the road pavements and other assets will have a positive effect on conserving and enhancing Council's assets.

Supporting our diverse economy

The proper maintenance of road pavements and other assets will encourage the residents and the general public to use the amenities in the Shire and this in turn has a positive effect on the local economy and businesses.

Maintaining sound corporate financial management

The cost effective rehabilitation of the road pavements and other assets enhances the value of Council's assets and minimises maintenance cost over the life of these assets.

Other sustainability considerations

The Environment and Social Policies and other Management Systems of the tenderer were taken into consideration in the evaluation of tender.

RESPONSIBLE OFFICER

For further information, please contact Engineer construction, Mr. Wimal Dasanayake on 98476673.

RECOMMENDATION

THAT Council accepts the tender of Hanson Construction Materials Pty Ltd, for all work under Tender No. T6/2010: Supply and Delivery of Road Materials.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment WK29/10), located in the Confidential Section of Business Paper Confidential Memo WK D&C 22/10 (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: F2010/00084
Document Number: D01380118

18 TENDER T5:2010: SUPPLY AND DELIVERY OF CONCRETE

EXECUTIVE SUMMARY

The proposed contract for “Supply and Delivery of concrete” is required to service the needs of Council’s Works Division in Carrying out construction and maintenance of kerb and gutters, footpaths and crossings, drainage structures etc. Council uses a substantial amount of concrete in its annual roads and drainage construction and maintenance program.

Council does not have specialist personnel and equipment required for producing concrete and therefore open tenders have recently been called in accordance with the Local Government Act. The proposed contract will be for 12 months duration with an option to extend the contract for a further 12 month period. Able Metromix Concrete and Hanson Construction Materials Pty Ltd. have been recommended for acceptance for this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No.T5/2010: Supply and Delivery of Concrete.

DISCUSSION

The Tender No. T5/2010 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are on file (Trim folder F2010/00084). Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Two (2) tenders were received for Tender No. T5/2010 from the following companies.

- Able Metromix Concrete
- Hanson Construction Materials Pty Ltd.

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

- Cost of the Works
- Past performance and experience in similar types of works
- Plant and equipment resources
- Material types and supply sources
- Quality Assurance Systems
- Occupational Health and Safety Systems
- Sustainability

The tendered Schedule of Rates were evaluated for each tender by applying them to estimated annual quantities for the main items of work that would normally be expected for the proposed contract. The other criteria were assessed on non price evaluation criteria which provides a rating from 0-10 based on information submitted with each tender, information gained from the tenderers’ nominated referees and past performance with previous Hornsby Shire Council works where applicable.

Confidential Memo WD D&C 21/2010, that has been separately distributed, contains information regarding the evaluated value of work of each tender and summary of evaluation. Full details of the tender evaluation are on file and are confidential.

It is considered that the work available under this contract will require the engagement of two contractors. The results of the evaluation indicate that the tenders from Able Metromix Concrete and Hanson Construction Materials Pty Ltd. are advantageous to Council.

The total estimated work under this contract is in the order of \$400,000 per annum.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

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

Conserving our natural environment

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

Concrete manufacturing plants have policies and procedures for energy management and water management and other controls to minimise harm to environment.

Contributing to community development through sustainable facilities and services

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 systems have been checked as part of the tender evaluation.

The construction and maintenance of kerb and gutters, footpaths and crossings, drainage systems etc. will provide comfort and safety for the pedestrians and motorists. The roads and drainage construction and maintenance works provides sustainable facilities and services to community.

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

Proper maintenance of Council's assets such as kerb and gutters, footpaths and crossings, drainage systems etc. will provide confidence and enhance safety to residents and the general public who use these assets to fulfil their needs.

Supporting our diverse economy

The proper maintenance of kerb and gutters, footpaths and crossings, drainage systems etc will encourage the residents and the general public to use the amenities in the Shire and this in turn has a positive effect on the local economy and businesses.

Maintaining sound corporate financial management

The cost effective construction and maintenance of kerb and gutters, footpaths and crossings, drainage systems etc enhances the value of Council's assets and minimises maintenance cost over the life of these assets.

Other sustainability considerations

The Environment and Social Policies and other Management Systems of all the tenders were taken into consideration in the evaluation of tenders received.

RESPONSIBLE OFFICER

For further information, please contact Engineer construction, Mr. Wimal Dasanayake on 98476673.

RECOMMENDATION

THAT Council accept tenders for Tender No T5/2010: Supply and delivery of concrete, as follows:

Load size	First preference	Second preference
4m ³ and greater	Hanson Construction Materials Pty Ltd.	Able Metromix Concrete
Less than 4m ³	Able Metromix Concrete	Hanson Construction Materials Pty Ltd.

MAXWELL WOODWARD

Executive Manager

Works Division

Attachments:

1. Refer to Confidential Attachment to WK30/10, located in the Confidential Section of Business Paper Confidential Memo WD D&C 21/10 (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: F2010/00084

Document Number: D01380140

19 TENDER NO. T9/2010: MANUFACTURE OF STAINLESS STEEL BOLLARDS

EXECUTIVE SUMMARY

The proposed contract for 'Manufacture of Stainless Steel Bollards' is required for the Oxford Street Local Road Improvement Program project.

Tenders have been called in accordance with the Local Government Act and it has been recommended that Council accept the tender of T & M Group (NSW) Pty Ltd.

PURPOSE/OBJECTIVE

This report provides a recommendation for Tender No. T9/2010: Manufacture of Stainless Steel Bollards.

DISCUSSION

At the Ordinary Meeting of 17 February 2010, Council resolved in respect of Tender No. T36/2009: Supply and Installation of 40 km/h Impact Rated Stainless Steel Bollards:

THAT:

1. Council not accept any tender, and prepare detailed bollard and footing designs and call tenders for the fabrication of bollards only.
2. Council declines to invite fresh tenders or seek fresh applications from tenderers or persons expressing interest in the contract, for the following reasons:
 - i) Council has tested the market for the project and further tendering or fresh applications are not likely to produce a better result.
 - ii) It is to Council's financial advantage to take the recommended action

Tender No. T9/2010 was called in response to this resolution. Council engaged a structural engineer to design bollards and a footing system rated to resist an impact from a 2,500kg vehicle travelling at 40kph. This is the same criteria as used in the previous tender (T36/2009). The criteria selected are based on "Roadside Dining Protection" (2000) prepared by Transport SA and several British Standards as no comparable Australian Standard exists.

This is a Lump Sum tender and a summary of all tenders together with full evaluation details have been placed on file. Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Nineteen (19) tenders were received from the following companies:-

- Essential Maintenance Services
- Leda Vannaclip Pty Ltd
- Maxxis Group
- Yeomans Engineering Pty Ltd

- Able Industries Engineering
- Bosmac Pty Ltd
- G & B Stainless Pty Ltd
- GC Civil Pty
- G J Dix & Sons
- Petro Constructions Pty Ltd
- Orange Precision Metalcraft Pty Ltd
- PPW Engineering Pty Ltd
- Scully & Associates
- Stainform Pty Ltd
- Superior Stainless
- Street and Garden Furniture Company
- T & M Group (NSW) Pty Ltd
- Vallo Global Pty Ltd
- Wardrope And Carroll Engineering

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

- Price
- Past performance and experience
(The tenderer shall present to the Principal satisfactory evidence that they have satisfactorily completed projects similar to that required by this contract, or that they are competent to carry out the works pertaining to the contract in a workmanlike manner and to the satisfaction of the Principal)
- Plant and equipment resources
- Labour and subcontractor resources
- Sustainability
- Quality Assurance systems
- Occupational Health and Safety Systems
- Financial Capacity
- Current Contractual Commitments
- Manufacturing Program
- Support of Local Industry

The priced bill of quantity rates were evaluated along with the lump sum price of each tender. Other criteria were assessed on information submitted with each tender and additional information submitted at Council's request.

The attached Confidential Memo WD D&C 23/2010 provides the lump sum price of each tender and a summary of the evaluation. Full details of the tender evaluation are on file.

The resultant savings to Council by recalling this tender is estimated at in excess of \$90,000.

From the results of the evaluation it is recommended that Council accept the tender from T & M Group (NSW) Pty Ltd.

BUDGET

Funding is available from the Oxford Street project in the 2009/2010 and 2010/2011 Local Road Improvement Program

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated in consultation with the Landscape Architect / Project Manager, Mr James Frawley.

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

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

Conserving our natural environment

The Sustainability Policy of all the tenderers were taken into consideration in the evaluation of tenders received.

Contributing to community development through sustainable facilities and services

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 systems have been checked as part of the tender evaluation.

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

The installation of bollards in Oxford Street will encourage outdoor dining in the precinct and will enhance the amenity of the area.

Supporting our diverse economy

The installation of bollards and the general upgrading of Oxford Street will encourage the residents and the general public to use the shops and cafés and this in turn has a positive effect on the local economy and businesses.

Maintaining sound corporate financial management

The proposed work in Oxford Street including the installation of bollards will revitalise the Oxford Street shopping precinct. The precinct will be upgraded encouraging more visits to the area. The bollards are designed to be relocated to allow either outdoor dining or parking depending on demand. No space is sterilised to one use only. The bollards are virtually maintenance free and in the event a bollard is damaged it can be easily taken out of the sleeve and replaced.

Other sustainability considerations

The Environment Policy and EEO Policy of all the tenderers were taken into consideration in the evaluation of tenders received.

RESPONSIBLE OFFICER

For further information, please contact the Project Co-ordinator, Mr. Craig Clendinning, on 9847 6701.

RECOMMENDATION

THAT Council accept the tender of T & M Group (NSW) Pty Ltd for all work under Tender No. T9/2010: Manufacture of Stainless Steel Bollards.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment to WK 31/10, located in the Confidential Section of Business Paper Confidential Memo WD D&C23/10 (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.*

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