



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

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

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev. Karina Kreminski of the Community Life Church, Cherrybrook 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. 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

THAT the Minutes of the Ordinary Council Meeting held on 30 June, 2010 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

NOTICES OF MOTION

RESCISSION MOTIONS

MATTERS OF URGENCY

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

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

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

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

GENERAL BUSINESS

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

GENERAL MANAGER'S DIVISION

Page Number 1

Item 1 GM15/10 TAX DEDUCTIBLE DONATIONS

RECOMMENDATION

THAT Council:

1. Establish a public fund whose principal purposes are the protection and enhancement of the natural environment and the provision of information or education, or the carrying on of research about the natural environment and then seek registration on the Register of Environmental Organisations.
2. Establish a public fund with the purpose of the promotion of literature, music, performing arts, visual arts, craft, design, film, video, television, radio, community arts, aboriginal arts and moveable cultural heritage and seek registration on the Register of Cultural Organisations.
3. Make application to be endorsed as a Deductible Gift Recipient or a fund, authority or institution within the categories of environmental organisations as a public fund on the Register of Environmental Organisations.
4. Make application to be endorsed as a Deductible Gift Recipient as a public fund on the Register of Cultural Organisations, a public library, a public museum, a public art gallery, or as an institution consisting of a public library, public museum, public art gallery, or any two of them.
5. Authorise the General Manager to execute any documents necessary as may be recommended by Council's Solicitors to implement this resolution.
6. Approve, in respect of any Trust Deeds required to be executed, that the Council be appointed as Trustee.

Page Number 6

Item 2 DEFERRED REPORT – 30 JUNE 2010 ORDINARY MEETING - GM16/10 CODE OF CONDUCT COMPLAINTS

THAT the Report be received and noted.

CORPORATE AND COMMUNITY DIVISION**Page Number 9****Item 3 CC38/10 REVIEW OF COUNCIL, WORKSHOP AND TASK FORCE MEETING SCHEDULES****RECOMMENDATION****THAT:**

1. The Community, Cultural and Recreation Facilities Task Force; the Employment and Economic Development Task Force; the Finance and Strategy Task Force; the Infrastructure and Asset Management Task Force; and the Sustainability and Environment Task Force be disbanded
2. The Task Forces not be replaced by formal Committees of Council at this stage
3. The need for working parties to monitor and provide guidance in respect of particular projects be reviewed annually in September each year, or at other times as required.
4. There be no change to Planning Meetings i.e. they continue to be held on the first Wednesday of the month to consider items relating to planning matters
5. There be no change to Ordinary Meetings i.e. they be held on the third Wednesday of the month to consider items other than planning matters
6. Workshop Meetings be held on the second and/or fourth Wednesday of the month as necessary to consider items where there is a presentation by Council staff or a consultant as well as an opportunity for comments/questions from members of the public, prior to any decision making by Council. This could include consideration of some strategic items which are currently reviewed periodically at Task Force meetings
7. Informal briefing sessions be held quarterly (on the fifth Wednesday of the month) to receive updates about Councillor nominated projects or issues. This could include those updates which are currently received monthly at Task Force meetings
8. Other informal briefing sessions be held as necessary at the discretion of the Mayor and General Manager. This could include sessions being scheduled to follow Planning or Ordinary Meetings as appropriate or on the second or fourth Wednesday of the month when no Workshop Meetings are to be held.
9. The scheduling of existing Committee and other meetings be reviewed in an attempt limit them as much as possible to “free” Wednesday evenings.

Page Number 21**Item 4 CC41/10 LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2010 - SUBMISSIONS OF MOTIONS AND NOMINATIONS OF VOTING DELEGATES****RECOMMENDATION**

THAT Council:

1. Adopt the Motions included within this Report for submission to the 2010 Local Government Association Conference.
2. Determine attendees and voting delegates for the 2010 Local Government Association Conference.

Page Number 29**Item 5 CC42/10 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 32**Item 6 CC43/10 COMMUNITY SERVICES BRANCH - REPORT ON ACHIEVEMENTS - 2009/2010****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC43/10 be received and noted.

ENVIRONMENT DIVISION**Page Number 35****Item 7 EN38/10 DRAFT SUSTAINABILITY WASTE AVOIDANCE AND RESOURCE RECOVERY STRATEGY FOR THE SHIRE OF HORNSBY 2010 2015 UPDATE****RECOMMENDATION**

THAT Council adopt the *Sustainability and Waste Avoidance Strategy for the Shire of Hornsby 2010 – 2015*, as provided in Attachment 1 to Report No. EN12/10.

Page Number 39**Item 8 EN28/10 REVIEW OF PROTECTION OF THE ENVIRONMENTAL OPERATIONS ACT ENFORCEMENT IN THE ENVIRONMENT DIVISION****RECOMMENDATION**

THAT:

1. Council note the amount of the subsidy and the potential impact on future budgets and indicate whether it wishes to continue not charging private property owners an administration charge associated with the Notice provisions under the *Protection of the Environment Operations Act 1997* along the lines outlined in this report.
2. Council confirm that businesses will be subject to an administrative charge associated with Clean-Up and Prevention Notices pursuant to the *Protection of the Environment Operations Act 1997*, irrespective of whether they are first time offenders.

Page Number 43**Item 9 EN29/10 NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS - REGIONAL SUSTAINABILITY PLAN****RECOMMENDATION**

THAT Council endorse the Northern Sydney Regional Organisation of Councils' Regional Sustainability Plan 2009-2014.

Page Number 47**Item 10 EN23/10 ARRANGEMENTS FOR ANIMAL IMPOUNDING SERVICE****RECOMMENDATION**

THAT:

1. Council continue with the current animal impounding service arrangements, subject to the improvements outlined in this report.
2. Council enter into an agreement with Sydney Dogs and Cats Home Inc to continue the current service until 30 June 2011.
3. Council enter into agreements with the current veterinary surgeries to continue the current holding arrangements and payments until 30 June 2011.
4. The improvements to the current service arrangements outlined in this report be evaluated prior to the end of June 2011 and, if found to be operating satisfactorily, agreements with Sydney Dogs and Cats Home Inc and the veterinary surgeries be extended for a maximum period not exceeding 5 years.

Page Number 52

Item 11 EN34/10 FINAL NATIVE VEGETATION REVIEW ON COMPLETION OF PUBLIC EXHIBITION PERIOD

RECOMMENDATION

THAT:

1. Council implement the recommendations of Option 2 as resolved in Executive Manager's Report No. EN11/10 for inclusion into the new Standard LEP.
2. Council prepare a new element/chapter 'Preservation of Trees and Native Vegetation' within the new Comprehensive Development Control Plan as resolved in Executive Manager's Report No. EN11/10.

Page Number 58

Item 12 EN35/10 TREE REMOVAL AT 75 MANOR ROAD, HORNSBY

RECOMMENDATION

THAT Council refuse consent to remove the *Eucalyptus pilularis* (Blackbutt) located in the rear yard of 75 Manor Road, Hornsby.

Page Number 61

Item 13 EN36/10 PARKS CAPITAL WORKS 2009-2010 MARCH QUARTER PROGRESS REPORT

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN36/10 be received and noted.

PLANNING DIVISION

Nil

WORKS DIVISION

Page Number 63

Item 14 WK47/10 "WELLUM BULLA" - HORNSBY SHIRE COUNCIL MATERIALS HANDLING FACILITY MONITORING COMMITTEE

RECOMMENDATION

THAT:

1. Council note the attached Minutes of "Wellum Bulla" – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 17 June 2010.

2. Mr Michael Barratt be appointed as the Environmental Representative to “Wellum Bulla” – Hornsby Shire Council Materials Handling Facility Monitoring Committee.

Page Number 65

Item 15 WK48/10 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - RLCIP 3

RECOMMENDATION

THAT Council endorse the project listed in Option 1 under RLCIP 3.

SUPPLEMENTARY AGENDA

PUBLIC FORUM – NON AGENDA ITEMS

MAYOR'S NOTES

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Page Number 67

Item 16 QWNHBG1/10 COMMERCIAL DEVELOPMENT IN NATIONAL PARKS

QUESTIONS WITHOUT NOTICE

1 TAX DEDUCTIBLE DONATIONS

EXECUTIVE SUMMARY

Council at its meeting held on 17 February 2010 adopted a Notice of Motion, requiring the submission of a Report to the March Ordinary Meeting of Council, outlining the process to be followed and the obligations to be accepted if Council was to be endorsed by the Australian Taxation Office (ATO) as a Deductible Gift Recipient (DGR), enabling Council to receive gifts of money or property, the value of which can be claimed by donors as income tax deductions.

General Manager's Report No. GM5/10 was submitted to the meeting of Council held on 17 March 2010, and following consideration, Council resolved, inter alia, to agree in principle, to pursue an application to the Australian Taxation Office for endorsement as a deductible gift recipient, obtain legal advice and prepare a draft Donations and Gifts Acceptance Policy.

The legal advices received conclude that it would be possible for Council to become endorsed as a Deductible Gift Recipient or a fund, authority or institution within the categories of Health, Welfare and Rights, Cultural Organisations, Environmental Organisations and Ancillary Fund.

It is recommended that Council pursue the process outlined in respect of obtaining DGR status as a Public Fund on the Register of Cultural Organisations, a public library, a public museum, a public art gallery or as an institution consisting of a public library, public museum, public art gallery or any two of them and as a Public Fund on the Register of Environmental Organisations

A draft Donations and Gifts Acceptance Policy has been prepared and is attached for Council's consideration and adoption.

PURPOSE/OBJECTIVE

This Report is submitted to enable Council to consider legal advices and, if agreed, to proceed with the establishment of certain Trusts and the submission of applications to the Australian Taxation Office for endorsement as a Deductible Gift Recipient.

DISCUSSION

Council at its meeting held on 17 February 2010 adopted a Notice of Motion, submitted by Councillor Hutchence, requiring the submission of a Report to the March Ordinary Meeting of Council, outlining the process to be followed and the obligations to be accepted if Council was to be endorsed by the Australian Taxation Office (ATO) as a Deductible Gift Recipient (DGR), enabling Council to receive gifts of money or property, the value of which can be claimed by donors as income tax deductions.

The classification of Council as a DGR is available through an endorsement process managed by the ATO. A DGR is entitled to receive income tax deductible gifts and tax deductible contributions and only certain organisations are entitled to be endorsed.

General Manager's Report No. GM5/10 was submitted to the meeting of Council held on 17 March 2010, and following consideration, Council resolved to:

1. *Agree, in principle, to pursue an application to the Australian Taxation Office for endorsement as a deductible gift recipient.*
2. *Obtain legal advice as to the appropriateness of Council being endorsed "for a fund, authority or institution it owns or includes", or endorsement through a gift fund established under the categories of a cultural organisation, a sport and recreation organisation, and an environmental organisation, together with advice as to the legal processes required to obtain the necessary endorsement and to ensure satisfaction of all requirements.*
3. *Request the General Manager to prepare a draft Donations and Gifts Acceptance Policy.*
4. *Refer the legal advice upon receipt, together with the draft policy, to the Finance and Strategy Task Force for consideration.*
5. *Request a further report to be submitted to Council after consideration of the issue by the Finance and Strategy Task Force.*

Pikes Lawyers, Council's Solicitors, were asked by Council's letter of instructions and by the General Manager in conference to advise as to the appropriateness of Council being endorsed as a Deductible Gift Recipient (DGR) for a fund, authority or institution that includes an endorsement through a gift fund established under the categories of cultural organisation, sport and recreation organisation, a health and welfare organisation, an environment organisation, public library, museum and art gallery and of the legal process required to obtain the necessary endorsement.

Council's Solicitors were also asked in conference to consider whether a gift of land for the purposes of a road would fall within any of the categories for which the Council could obtain endorsement as a DGR.

Legal advice was received, dated 13 May 2010, with respect to point 2 of the Council's resolution; copy attached. This advice was tabled at the Finance and Strategy Task Force meeting held on 9 June 2010 in accordance with point 4 of the resolution.

The Task Force was advised that clarification was being sought about a number of issues raised in the advice and a further response was awaited. Additionally, the Task Force was advised that when this additional advice was received, and the Draft Donations and Gifts Acceptance Policy finalised, a Report will be prepared for Council's consideration.

This action was agreed to by the Task Force. The further legal advice has now been received; copy attached. This Report is now submitted to enable Council to consider the legal advices and to proceed with the establishment of certain Trusts and the submission of applications to the ATO for endorsement as DGR/DGRs.

The legal advices indicate that *"In some instances, Council can obtain registration as a DGR in its own right in respect of the institutions operated by it. In other cases, the Council could establish an incorporated association or a corporation to act as a trustee, act in the capacity as a trustee itself, or establish deeds under which officeholders or persons connected with the Council act as trustees..... There are opportunities for Deductible Gift Recipients to*

receive property or benefits other than cash. However, we do not see any way in which a gift of land to the Council for the purpose of establishing a road could become a deductible gift.”

The advices conclude that it would be possible for Council to become endorsed as a Deductible Gift Recipient or a fund, authority or institution within the categories of:

Health – as a Public Fund for Public Ambulance Services.

Welfare and Rights – as a Public Benevolent Institution, a Public Fund for Persons in Necessitous Circumstances, a Public Fund on the Register of Harm Prevention Charities, an Australian Disaster Relief Fund, an Animal Welfare Charity or a Charitable Services Institution.

Cultural Organisations – as a Public Fund on the Register of Cultural Organisations, a public library, a public museum, a public art gallery or as an institution consisting of a public library, public museum, public art gallery or any two of them.

Environmental Organisations – as a Public Fund on the Register of Environmental Organisations.

Ancillary Fund – as an Ancillary Fund for the purpose of providing money, property or benefits to DGRs or for the establishment of DGRs.

Page 12 of the advice dated 13 May 2010, indicates what steps are necessary to establish the Deductible Gift Recipients which Council might establish. It is recommended that Council pursue the process outlined in respect of obtaining DGR status as a Public Fund on the Register of Cultural Organisations, a public library, a public museum, a public art gallery or as an institution consisting of a public library, public museum, public art gallery or any two of them and as a Public Fund on the Register of Environmental Organisations

A draft Donations and Gifts Acceptance Policy has been prepared and is attached for Council’s consideration and adoption. The Willoughby City Council’s Policy has been utilised as a basis for the development of the draft policy for Council’s consideration.

BUDGET

There are no direct budget implications with Council’s adoption of this Report.

POLICY

There are no direct implications to existing Council Policies, however a Draft Policy is recommended for adoption in relation to an assessment process to determine whether a gift should be accepted.

CONSULTATION

There has been no consultation, other than the submission of the legal advice dated 13 May 2010 to the Finance and Strategy Task Force.

TRIPLE BOTTOM LINE SUMMARY

The Triple Bottom Line is the framework for improving Council’s decisions, ensuring accountability and transparency on social, environmental and economic factors. It does this

by reporting upon Council's strategic themes. If Council were to proceed with the recommendations proposed in this report, Council's endorsement as a Deductible Gift Recipient and the receipt of donations would contribute to Council's strategic themes:

Society and Culture – Enhance social and community wellbeing.

Ecology – Protect and enhance our natural environment.

RESPONSIBLE OFFICER

The General Manager, Mr Robert Ball.

RECOMMENDATION

THAT Council:

1. Establish a public fund whose principal purposes are the protection and enhancement of the natural environment and the provision of information or education, or the carrying on of research about the natural environment and then seek registration on the Register of Environmental Organisations.
2. Establish a public fund with the purpose of the promotion of literature, music, performing arts, visual arts, craft, design, film, video, television, radio, community arts, aboriginal arts and moveable cultural heritage and seek registration on the Register of Cultural Organisations.
3. Make application to be endorsed as a Deductible Gift Recipient or a fund, authority or institution within the categories of environmental organisations as a public fund on the Register of Environmental Organisations.
4. Make application to be endorsed as a Deductible Gift Recipient as a public fund on the Register of Cultural Organisations, a public library, a public museum, a public art gallery, or as an institution consisting of a public library, public museum, public art gallery, or any two of them.
5. Authorise the General Manager to execute any documents necessary as may be recommended by Council's Solicitors to implement this resolution.
6. Approve, in respect of any Trust Deeds required to be executed, that the Council be appointed as Trustee.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Legal Advice - Tax Deductible Donations
2. Further legal advice - Tax deductible gift receipts - Council to establish a public fund in the manner set out - Might be registered either on the Register of Environmental Organisations or the Register of Cultural Organisations
3. Donations and Gift Acceptance Policy

File Reference: F2010/00069

Document Number: D01445115

ITEM 1

2 DEFERRED REPORT – 30 JUNE 2010 ORDINARY MEETING - CODE OF CONDUCT COMPLAINTS

EXECUTIVE SUMMARY

Clause 15.33 of Council's Code of Conduct requires the General Manager to report annually to Council on Code of Conduct complaints.

This Report covers two years being the periods July 2008 to June 2009 and July 2009 to June 2010. The Report for the period from July 2008 to June 2009 previously had been overlooked.

It is recommended that the Report be received and noted.

PURPOSE/OBJECTIVE

To report on Code of Conduct complaints for the periods July 2008 to June 2009 and July 2009 to June 2010.

DISCUSSION

Clause 15.33 of Council's Code of Conduct requires the General Manager to report annually to Council on Code of Conduct complaints. The requirement was introduced upon the publication of the revised Model Code of Conduct effective from 20 June 2008, which was subsequently adopted by Council as its interim Code of Conduct on 9 July 2008. Council on 12 November 2008 adopted a further revised and amended Code of Conduct. All of these codes included a requirement that a report be submitted annually to Council on Code of Conduct complaints.

Clause 15.33 of Council's current Code of Conduct states:

“Reporting on complaints

15.33 The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:

- a) number of complaints received,*
- b) nature of the issues raised by complainants, and*
- c) outcomes of complaints.”*

This Report covers two years being the periods July 2008 to June 2009 and July 2009 to June 2010. The Report for the period from July 2008 to June 2009 previously had been overlooked.

It was originally proposed that this Report be submitted to the July Ordinary Meeting of Council but as a complaint had been lodged with respect to the non submission of the required annual report the Mayor requested this Report be submitted to the 30 June meeting.

The following tables summarise the complaints received together with supplementary information to fulfil the reporting requirements of the Code of Conduct.

TABLE OF COMPLAINTS – JULY 2008/JUNE 2009

Date	Nature of Complaint	Finalised Inadequate information	Finalised after preliminary assessment	Proceeded to investigation	Finding of investigation	Further Action
2 Dec 2008	Councillor behaviour – DA.		✓			Councillor consultation. Information distributed.
4 Dec 2008	Councillor behaviour – DA.		✓			Councillor consultation. Information distributed.
4 Dec 2008	Councillor behaviour Planning Meeting.		✓			Councillor consultation. Information distributed.
15 Dec 2008	Use of resources for electoral purposes.		✓			Policy adopted 17/2/10 concerning practices prior to a local government election.
5 Jan 2009	Declaration of Interests - DA	✓				
13 Mar 2009	Failure to disclose conflict of interest in investigation		✓			
1 June 2009	Handling of 'new' Code of Conduct	✓				
6 June 2009	Incomprehensible broad allegations of breaches of Code of Conduct	✓				
19 June 2009	Failure to heed expert advice - DA	✓				
22 June 2009	Behaviour of Councillors and staff	✓				
26 June 2009	Councillor avoided responsibilities under S232 Local Government Act	✓				

TABLE OF COMPLAINTS – JULY 2009/JUNE 2010

Date	Nature of Complaint	Finalised Inadequate information	Finalised after preliminary assessment	Proceeded to investigation	Finding of investigation	Further Action
1 Sept 2009	Failure to fulfil requirements of Local Government Act.	✓				
7 Jan 2010	Failure to correct alleged incorrect statement to Council.		✓			
21 Apr 2010	Failure to submit Code of Conduct Report.		✓			
8 June 2010	Multiple complaints (5)					The complaints will be assessed by the Mayor and General Manager upon clarification and confirmation by the complainant.

In the “Guidelines for the Model Code of Conduct for Local Councils in NSW”, issued October 2008 by the former Department of Local Government, it is advised that “*General Managers should be mindful that there may be a need to protect identity of persons making complaints when preparing these reports*” i.e. the annual reports. Whilst the identity of persons making complaints is not disclosed in this Report it is to be noted that thirteen (13) of the nineteen (19) complaints in the table have been submitted by a single complainant.

BUDGET

There are no budget implications.

POLICY

There are no policy implications

CONSULTATION

There has been no consultation in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

The General Manager, Mr Robert Ball.

RECOMMENDATION

THAT the Report be received and noted.

ROBERT BALL
General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2005/00156
Document Number: D01447315

3 REVIEW OF COUNCIL, WORKSHOP AND TASK FORCE MEETING SCHEDULES

EXECUTIVE SUMMARY

At the May 2010 Ordinary Meeting, the General Manager was requested to undertake a review of the meeting schedule for Council, Workshop and Task Force meetings to achieve greater efficacy and productivity. This Report responds to the resolution by providing background details associated with the different types of meetings as well as the time commitment of Councillors and senior staff in attending those meetings. It also provides four options to consider in respect of changing the current schedule.

The four options which have been developed by staff are the combination of the existing Ordinary and Planning Meetings into one meeting per month; the use of Workshop Meetings to formally consider and decide on matters where Council believes there would be value in receiving a presentation from staff and/or a consultant followed by input from interested members of the public; the use of informal briefing sessions to provide updates on a regular basis about topics and/or projects of interest to Councillors; and the creation of formal Committees (to replace Task Forces) which have a delegation from Council to make decisions and/or recommendations in respect of specified matters.

In respect of the options, a series of questions and issues have been provided for each option together with comments for Council to take into account as part of its decision on this matter. An assessment of the options by staff has resulted in a recommendation that all Task Forces be disbanded; formal Committees of Council not be formed at this stage; the need for working parties to monitor and provide guidance in respect of particular projects be reviewed annually in September each year or at other times as required; there be no change to Planning and Ordinary Meeting schedules; Workshop Meetings be held on the second and/or fourth Wednesday of the month as necessary; informal briefing sessions be held on the fifth Wednesday of the month (when they occur) or at other times at the discretion of the Mayor and General Manager; and the scheduling of existing Committee and other meetings be reviewed in an attempt limit them as much as possible to "free" Wednesday evenings.

It is considered that the recommendations, if adopted, will achieve greater efficacy and productivity in respect of the various types of meetings. The recommendations also provide an opportunity for Councillors (and relevant senior staff) to manage their diaries such that generally Wednesdays (from 6.30pm) are "Council meeting nights" and there would be a consequent reduction in the requirement for attendance at Council on multiple evenings of the week.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council's resolution in respect of Notice of Motion No. NOM6/10, which was adopted at the 19 May 2010 Ordinary Meeting, and to make recommendations in respect of future Council, Workshop and Task Force meetings.

DISCUSSION

At the 19 May 2010 Ordinary Meeting, Council considered Notice of Motion No. NOM6/10 – Review of Council, Workshop and Task Force Meeting Schedules and resolved that:

The General Manager arrange for a review to be undertaken of the scheduling of Council, Workshop and Task Force meetings to achieve greater efficacy and productivity. Such a review is to consider the consolidation of meetings on the one date; the use of formal Workshop Meetings (with all Councillors in attendance) to receive presentations and make decisions; and the restructuring of Task Forces into formal Committees of Council with delegation to make decisions or recommendations. The outcomes of the review are to be reported to Council at the July 2010 Ordinary Meeting such that any changes necessary can be adopted at the September 2010 Ordinary Meeting when Council determines its schedule of meetings, order of business and appointments to Committees, Working Parties and Task Forces for the period to September 2011.

Formal Council Meetings

Council's Code of Meeting Practice makes provision for three types of ordinary meetings. In this regard, ordinary meetings are defined in the Code as meetings of Council, other than extraordinary meetings, held during each year on such regular days and at such regular times as Council may appoint. They include:

Planning Meetings which are held at 6.30pm on the first Wednesday of each month (excluding January) to consider items relating to planning matters

Ordinary Meetings which are held at 6.30pm on the third Wednesday of each month (excluding January) to consider items other than planning matters

Workshop Meetings which are held at 6.30pm on the fourth and fifth Wednesdays of each month as required (excluding January) to consider relevant items, especially those where a presentation by Council staff or an external person or organisation is required

The decision to have one Planning Meeting per month was made by the current Council early in its term. For many years prior to that decision, Council had traditionally held two Planning Meetings per month (on the first and third Wednesdays). A factor in Council's decision to only have one Planning Meeting per month was that the number of items on the agenda had gradually been reducing (currently in the range of 5 – 10 per month) and the Meetings were being completed by early evening.

Council's Ordinary Meetings were traditionally held on the second Wednesday of the month. Since February 2010, however, they have been held on the third Wednesday of the month. This change to the third Wednesday appears to have been successful with no complaints having been received or issues raised by Councillors, staff or members of the public in the first few months of operation.

Since the election of the current Council in September 2008, no Workshop Meetings have been held. This has generally meant that the fourth Wednesday of the month has been free of formal Council meetings, and where there has been a fifth Wednesday in a month, it has been normally been set aside for an informal meeting between Councillors, the General Manager and Executive Managers and has included briefings on particular issues as required.

Task Forces

The previous Council created the following five Task Forces to specifically address significant challenges and help with the amount of business that needed to be considered by Council at the time:

- Community, Cultural and Recreation Facilities Task Force
- Employment and Economic Development Task Force
- Finance and Strategy Task Force
- Infrastructure and Asset Management Task Force
- Sustainability and Environment Task Force

The first three of the Task Forces have continued to meet on a regular basis throughout this Council's tenure, whilst the Infrastructure and Asset Management Task Force and the Sustainability and Environment Task Force are yet to meet.

The Community, Cultural and Recreation Facilities Task Force currently comprises eight Councillors and its role is to consider the provision of community, cultural and recreation facilities across the Shire using a coordinated, whole of Council approach. The Task Force meets on a monthly basis and has had involvement in or has maintained a watching brief on the progress of many projects e.g. the redevelopment of the Hornsby Aquatic Centre; the review of the management of Council's community centres and halls; the formation of a Hornsby Arts Reference Committee; the extension to the Hornsby Wood Working Men's Shed in Headen Park, Thornleigh; the extension to the Brooklyn Community Health Centre to provide a Meeting Room; the redevelopment of the Cherrybrook Community and Cultural Centre and the development of the Greenway Park Early Childhood Education Centre; the proposed upgrade of the Asquith Community Centre at Storey Park, Asquith; the development of the Community and Cultural Facilities Strategic Plan; and the establishment of the Wallarobba Arts and Cultural Centre at Willow Park in Hornsby.

The Employment and Economic Development Task Force currently comprises seven Councillors and meets on a two monthly basis with the aim of advancing employment and economic development opportunities across the Shire. The Task Force also acts as a conduit for internal and external stakeholders, including businesses, to receive and provide information on issues of interest. It provides a coordinated whole of Council forum for the debate and discussion of issues relating to employment and economic development. Projects to be considered arise directly from the adopted Economic Development Strategy, and include regular reviews of the Strategy and research into the barriers and opportunities for development in the Shire.

The Finance and Strategy Task Force currently comprises six Councillors, meets on a monthly basis and focuses on the financial sustainability of both the organisation and the proposed capital projects to be undertaken on behalf of the community. The Task Force does this by defining appropriate funding options for specific community projects taking into account the immediate and long term funding requirements and the competing priorities for various projects. In essence, the Task Force balances financial constraints with the social impact of programs and community expectations on the Council. Projects which have been considered by the Task Force include a review of each Division's budgetary responsibilities; an update of Council's Strategic Financial Plan; ongoing reviews of Council's investments and borrowings; and Council's application to the Minister for Local Government for approval to raise a levy for infrastructure works.

During the term of the current Council, issues have been raised about whether the operation of Task Forces continues to be an efficient and effective means of dealing with Council business. These issues include:

- The Task Forces have no delegation from Council. Their meetings are not advertised and structured to enable members of the public to attend and have input to matters that are being discussed. As such, they are unable to make decisions in respect of any matter or to make recommendations to Council.
- There are difficulties caused by the requirement for Councillors to travel to Council on multiple evenings during the week to attend Council, Task Force and other types of meetings. In respect of Task Forces, this can result in less than a full representation of Councillors at a meeting which may inhibit a full discussion of all issues associated with a particular matter. It also leads to the continuing need to relay information about discussion at meetings to Councillors who were not able to attend the Task Force meeting.
- There has been double handling of matters e.g. where the matter is firstly discussed by the Task Force, subsequently considered by Council but then referred back to the Task Force for further discussion. This would appear to be contrary to why the Task Forces were originally established i.e. to reduce the amount of time required to be spent on a matter when it comes before Council because there has been previous discussion at a Task Force meeting.
- As there is a minimum quorum requirement of two members in respect of all of the Task Forces, this can result in a different group of Councillors attending consecutive Task Force meetings and potentially having a different view on the same matter than those who attended the previous meeting. This can lead to confusion on the way forward in respect of particular matters.
- There has been a tendency for many items on agendas to be monthly updates from staff in respect of projects, rather than discussion of strategic approaches to organisational issues. The updates could be more efficiently provided by way of memo to all Councillors or through quarterly informal briefing sessions with all Councillors in attendance.

Scheduling of Meetings

In respect of Planning, Ordinary, Workshop and Task Force meetings, the current commitment by Councillors (if they are a member of a Task Force) can be summarised as:

- First Wednesday of the month – Planning Meeting – commencing at 6.30pm.
- Second Wednesday of the month – Finance and Strategy Task Force Meeting (each month) and Employment and Economic Development Task Force Meeting (every second month) - commencing at 4.30pm and 6.00pm respectively.
- Third Wednesday of the month – Ordinary Meeting – commencing at 6.30pm.
- Fourth Wednesday of the month – Workshop Meeting if required – commencing at 6.30pm.

- Fourth Thursday of the month – Community, Cultural and Recreation Facilities Task Force Meeting – commencing at 6.30pm.
- Fifth Wednesday of the month – Workshop Meeting if required (although this time has normally been set aside in this Council's term for an informal meeting between Councillors, the General Manager and Executive Managers or for a briefing session).

It is noted that individual Councillors may also have a requirement to attend meetings on other days and evenings of the week as a consequence of their membership of Council Committees and Working Parties. In this regard, the existing membership of Committees, Working Parties and Task Forces, which was determined by Council at its 9 September 2009 Ordinary Meeting for the period to September 2010, are shown below:

Name of Committee/ Working Party/Task Force	Councillor Representation 2009/10
Bushland Management Advisory Committee	Wendy McMurdo, Steve Evans, Robert Browne, Andrew Martin
Catchments Remediation Rate Committee (CRR) Expenditure Review Committee	Wendy McMurdo, Robert Browne
Cherrybrook Technology High School Committee (MPC)	Bruce Mills, Dilip Chopra (Alternate)
Community, Cultural and Recreation Facilities Task Force	Robert Browne, Steve Evans, Steve Russell, Mick Smart, Dilip Chopra, Andrew Martin, Michael Hutchence, Bruce Mills
Dangar Island Vehicle Management Committee	Wendy McMurdo
Dural Service Centre Working Party	Steve Evans, Robert Browne, Steve Russell
Epping Town Centre Study Stakeholder Project Control Group	Robert Browne, Andrew Martin (Alternate), Michael Hutchence (Alternate)
Employment and Economic Development Task Force	Steve Evans, Robert Browne, Mick Smart, Steve Russell, Dilip Chopra, Michael Hutchence, Bruce Mills
Finance and Strategy Task Force	Nick Berman, Steve Russell, Mick Smart, Robert Browne, Michael Hutchence, Dilip Chopra
Floodplain Risk Management Committee (FRMC)	Wendy McMurdo, Andrew Martin (Alternate)
Friends of Lisgar Gardens	Robert Browne, Dilip Chopra, Michael Hutchence
Galston Village Masterplan Review Steering Committee	Wendy McMurdo, Steve Russell, Mick Smart
Hawkesbury/Nepean Local Government Advisory Group (HNLGAG)	Wendy McMurdo
Homelessness Task Force	Michael Hutchence
Hornsby Aboriginal and Torres Strait Islander Consultative Committee	Wendy McMurdo, Robert Browne, Andrew Martin
Hornsby Kuring-gai Police and Community Youth Club	Michael Hutchence, Dilip Chopra (Alternate)
Hornsby Rural Fire Service Liaison Committee	Mick Smart, Steve Russell (Alternate)
Hornsby Shire Access Committee	Nick Berman
Hornsby Shire Arts Reference Committee	Dilip Chopra (Chairperson), Michael Hutchence (Alternate)
Hornsby Shire Council Centenary Publications Committee	Nick Berman, Steve Evans
Hornsby Shire Heritage Advisory Committee	Robert Browne, Michael Hutchence, Andrew Martin, Steve Evans (Alternate)

Name of Committee/ Working Party/Task Force	Councillor Representation 2009/10
Hornsby Shire Local Traffic Committee	Michael Hutchence, Bruce Mills (Alternate), Dilip Chopra (Alternate)
Hornsby Shire Residents Sewerage Action Committee	Wendy McMurdo, Steve Russell, Mick Smart, Robert Browne, Michael Hutchence
Hornsby/Kuring-gai Bush Fire Management Committee	Mick Smart, Steve Russell (Alternate), Steve Evans (Alternate)
Housing Strategy Steering Committee	Nick Berman, Steve Evans, Robert Browne, Wendy McMurdo, Mick Smart, Bruce Mills, Steve Russell, Dilip Chopra, Michael Hutchence, Andrew Martin
Infrastructure and Asset Management Task Force	Robert Browne, Steve Evans, Wendy McMurdo, Steve Russell, Dilip Chopra, Michael Hutchence
Lillian Fraser Garden Management Committee	Robert Browne, Michael Hutchence
Lower Hawkesbury Estuary Management Committee	Wendy McMurdo (Chairperson), Mick Smart (Deputy Chairperson), Steve Russell
'Wellum Bulla' Hornsby Shire Council Materials Handling Facility Monitoring Committee	Wendy McMurdo, Steve Evans, Robert Browne, Mick Smart, Steve Russell
Northern Sydney Regional Organisation of Councils (NSROC)	Nick Berman, Robert Browne, Steve Russell (Alternate), Wendy McMurdo (Alternate)
Public Libraries (NSW) Metropolitan Association	Bruce Mills
RTA Sydney Consultative Forum	Bruce Mills, Steve Evans (Alternate)
Subregional Employment Study Working Party	Nick Berman, Robert Browne
Sullage Charges Investigation Committee	Steve Russell (Chairperson), Wendy McMurdo, Mick Smart, Robert Browne, Michael Hutchence, Bruce Mills
Sustainable Action Committee (SAC)	Wendy McMurdo, Robert Browne, Steve Evans, Andrew Martin
Sustainability and Environment Task Force	Wendy McMurdo, Steve Evans, Robert Browne, Dilip Chopra, Andrew Martin
Sydney Coastal Councils Group	Wendy McMurdo, Mick Smart (Alternate)
Terry's Creek FMC	Andrew Martin, Michael Hutchence (Alternate)
Thornleigh West Public School Hall Committee	Dilip Chopra
Wideview Public School Hall Committee	Mick Smart

These groups tend to meet on days and nights other than Wednesdays generally because the Wednesdays had been reserved for formal Council meetings and/or the other nights suited the specific membership of the group.

Apart from meetings of the above groups, Councillors also attend various informal briefings and workshops e.g. Housing Strategy workshops (five have been held in the last 12 months), Comprehensive LEP Workshops (three have been held in the last 12 months), Epping Town Centre workshops, Budget workshops, Parking workshops, Hornsby Quarry workshops, etc.

This review should, therefore, be seen as an opportunity to consider the scheduling of these other meetings such that attendance at Council by Councillors is limited as much as possible to Wednesday evenings.

Options to Consider

Having regard to Council's resolution in respect of NOM6/10, a number of meeting schedule and other options have been identified which may achieve a more efficient use of time by those Councillors and staff who are required to attend the meetings. These options, which are not mutually exclusive, include the following:

- The combination of the existing Ordinary and Planning Meetings into one meeting per month
- The use of Workshop Meetings to formally consider and decide on matters where Council believes there would be value in receiving a presentation from staff and/or a consultant followed by input from interested members of the public
- The use of informal briefing sessions to provide updates on a regular basis about topics and/or projects of interest to Councillors
- Creating formal Committees (to replace Task Forces) which have a delegation from Council to make decisions and/or recommendations in respect of specified matters

In considering those options, there are a number of questions and issues which may need to be considered. Those questions and issues are detailed under each of the options (repeated in bold below), and are followed by comments that Council may wish to take into account as part of its decision on this matter.

1. The combination of the existing Ordinary and Planning Meetings into one meeting per month

- Is it better that Ordinary and Planning Meetings be kept separate such that there is clarity about Council's decision making role i.e. as an approving authority in respect of planning matters; and as the corporate body or property owner in respect of most other matters?
- Is one longer meeting per month necessarily better than two shorter meetings?
- Is the number of planning matters considered by Council expected to increase in the foreseeable future and should this be considered as a reason for keeping the Meetings separate?
- What matters would be handled first at a combined meeting (planning or ordinary) and will this lead to confusion and frustration for affected members of the public?
- Would one combined meeting result in longer waiting periods for members of the public and Council staff in respect of their item/s of interest?

Comment

It is considered to be appropriate that Planning and Ordinary Meetings continue to be held on the first and third Wednesdays of the month respectively. This provides the best opportunity for all involved (i.e. Councillors, staff and members of the public) to be aware of and understand Council's decision making role at that particular meeting and for members of the public to spend as least time as possible in waiting for their item/s of interest to be considered by Council.

2. The use of Workshop Meetings to formally consider and decide on matters where Council believes there would be value in receiving a presentation from staff and/or a consultant followed by input from interested members of the public

- Are Workshop Meetings a good way of involving the public in some decisions of Council?
- Would the use of Workshop Meetings provide an opportunity for Council decisions on difficult and topical issues to be more open and accountable?
- Is a Workshop Meeting an appropriate time to make a decision on a matter?
- If a Workshop Meeting is not the right time to make a decision in respect of a matter, could it still be used as an opportunity to hear the presentations but defer the decision to another meeting if necessary?
- Would the informality of Workshop Meetings assist in the consideration of issues?
- Are the appropriate administrative processes, staffing and equipment in place to allow Workshop Meetings to be held?
- Is there value in workshopping some matters (with members of the public in attendance) whereby report/s are prepared and listed on the website as part of a formal Agenda and Business Paper?
- Have there been opportunities over the past 18 months for using Workshop Meetings to receive presentations and discuss certain items of business?
- When is the appropriate time in a decision making process for the public to have an opportunity to make submissions or to comment on a matter before Council?
- Would the use of Workshop Meetings reduce multiple considerations of a matter e.g. when the matter is considered at a Task Force meeting (with some Councillors present) followed by an Ordinary Meeting (with all Councillors present)?
- If Task Forces are disbanded, could some matters which are currently considered be handled at Workshop Meetings with the remainder handled at informal briefings?

Comment

Up until June 2010, the current Council has not utilised Workshop Meetings to assist in the consideration of matters. It may, therefore, be appropriate that Workshop Meetings at least be tested such that Councillors can determine if the opportunities provided to staff, consultants and members of the public would lead to better and more timely decision making in respect of some matters. Ideally, this testing should occur prior to any decision to proceed down the path of establishing, under the Local Government Act, formal Committees of Council to replace the existing Task Forces.

In previous Councils, the use of Workshop Meetings appears to have been successful. Councillors, consultants and members of the public appreciated the opportunity to be more involved in the discussion and debate prior to a decision being made by Council. Presentations by consultants and/or staff helped all concerned to gain a better understanding of a matter. Workshop Meetings also provide an opportunity to remove some of the double handling of matters that currently occurs when a matter has been discussed at a Task Force meeting prior to being formally considered at an Ordinary Meeting.

Workshop Meetings are provided for within Council's existing Code of Meeting Practice and as a consequence, associated administrative processes are in place to cater for the production/distribution of the required Agendas, Business Papers and Minutes as well as the physical set up needs of the meeting. "Guidelines for Workshop Meetings" were last adopted by Council in 2007. They have been updated to reflect the

meeting arrangements recommended in this Report and are attached for the information of Council.

3. The use of informal briefing sessions to provide updates on a regular basis about topics and/or projects of interest to Councillors

- Could informal briefing sessions be held once per quarter (on the fifth Wednesday of the month) to provide Councillors with the updates they require in respect of particular projects or issues?
- If once a quarter is not often enough for informal briefings, could the second or fourth Wednesday of particular months be used if no Workshop Meetings are scheduled?
- What about another night for an informal briefing if absolutely necessary?
- How should Councillors determine the issues on which they would like to be briefed on a regular basis?
- Could the informal briefing sessions cover off on a majority of the monthly updates currently provided at Task Force meetings?
- Could an agenda (with specific timing) be developed for informal briefings such that Councillors could choose the individual briefings they wished to attend?

Comment

The scheduling of informal briefing sessions on fifth Wednesdays of the month when they occur, which is approximately quarterly, would reduce the need for staff to provide updates about projects or issues at monthly Task Force meetings. If Councillors consider that further briefing sessions are necessary for specific topics, they could be scheduled as required. It is noted that there are also other avenues of providing updates in respect of particular matters e.g. through the weekly Councillors Bulletin produced by the General Manager. Moving to an arrangement where informal briefings are provided on a regular basis would separate issues which simply require a status update from those where a formal decision of Council is necessary.

4. Creating formal Committees (to replace Task Forces) which have a delegation from Council to make decisions and/or recommendations in respect of specified matters

- Is there enough business to warrant Committees?
- How many Committees would be required?
- How many Councillors should be on each Committee?
- Could the Committees meet simultaneously (e.g. on the second Wednesday of each month) such that the business of Council is spread among the Councillors?
- What if a Councillor wanted to be on two or more Committees which met simultaneously?
- Is Council prepared to delegate responsibility in respect of some matters to a Committee which does not include all Councillors?
- Should the delegation to a Committee be to make a decision or to make a recommendation to the full Council?
- As formal Committees require publicly available agendas, business papers and minutes, would expenditure and time on administration and support of Committees be well spent?
- How would members of the public react to the ability of Committees (of which all Councillors may not be members) to make decisions or recommendations?

- Would the replacement of Task Forces with Committees better meet the requirements of the Division of Local Government's Meetings Practice Note?
- Are there occasions where a working party should be created for a major project which is to occur within a defined timeframe and which requires the ongoing involvement of Councillors e.g. reconstruction/redevelopment of the Hornsby Aquatic Centre?

Comment

It would seem appropriate that Workshop Meetings should at least be tested by the current Council prior to any decision to proceed down the path of establishing formal Committees of Council. If Council wished to move to a Committee structure, this would require that each Committee have its own Agendas, Business Papers and Minutes and the meetings would need to be advertised and the public invited to attend. This would create an additional load on staff and resources than currently exists.

The above testing would not preclude Council from creating a working party to monitor and provide guidance in respect of a particular project. This should only occur, however, on an as needs basis and the working party should have a sunset provision built into its terms of reference. In this regard, working parties could consist of all or some Councillors and could be created in Council's annual review of committees, working parties and task forces each September, or at any other time that Council determines. Working parties would, however, have the same issues that Task Forces currently have in respect of making a decision, or making a recommendation to Council, unless they were provided with specific delegations by Council and members of the public were able to attend their meetings.

Conclusion

Based on an assessment of the above options, it is considered that the following would be an appropriate course of action to achieve greater efficacy and productivity in respect of Council, Task Force and other meetings:

- All Task Forces be disbanded.
- Formal Committees of Council not be formed at this stage to replace Task Forces.
- The need for working parties to monitor and provide guidance in respect of a particular project (e.g. reconstruction/redevelopment of the Hornsby Aquatic Centre) be reviewed annually in September each year or at other times as required.
- There be no change to Planning Meetings i.e. they continue to be held on the first Wednesday of the month to consider items relating to planning matters.
- There be no change to Ordinary Meetings i.e. they be held on the third Wednesday of the month to consider items other than planning matters.
- Workshop Meetings be held on the second and/or fourth Wednesday of the month as necessary to consider items where there is a presentation by Council staff or a consultant as well as an opportunity for comments/questions from members of the public, prior to any decision making by Council. This could include consideration of

some strategic items which are currently reviewed periodically at Task Force meetings.

- Informal briefing sessions be held quarterly (on the fifth Wednesday of the month) to receive updates about Councillor nominated projects or issues. This could include those updates which are currently received monthly at Task Force meetings.
- Other informal briefing sessions be held as necessary at the discretion of the Mayor and General Manager. This could include sessions being scheduled to follow Planning or Ordinary Meetings as appropriate or on the second or fourth Wednesday of the month when no Workshop Meetings are to be held.
- The scheduling of existing Committee and other meetings be reviewed in an attempt limit them as much as possible to “free” Wednesday evenings.

The major benefit in supporting the above is that it would provide an opportunity for Councillors (and relevant senior staff) to manage their diaries such that a Wednesday (from 6.30pm) would be “Council meeting night” – whether that be for formal Planning, Ordinary or Workshop Meetings; for existing Committee, Working Party or other meetings; or for informal briefing sessions. This would assist in reducing the need for attendance at Council on multiple evenings of the week.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

There has been consultation with the General Manager, ExCo members and other relevant 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.

This Report simply provides Council with information and seeks endorsement of standard expenditure according to legislation and within current budgetary considerations. It does not propose any actions which require a sustainability assessment and as such no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Manager, Administration Services Branch – Mrs Robyn Abicair and the Executive Manager, Corporate and Community Division – Mr Gary Bensley. They can be contacted on 9847-6608 and 9847-6605 respectively.

RECOMMENDATION

THAT:

1. The Community, Cultural and Recreation Facilities Task Force; the Employment and Economic Development Task Force; the Finance and Strategy Task Force; the Infrastructure and Asset Management Task Force; and the Sustainability and Environment Task Force be disbanded
2. The Task Forces not be replaced by formal Committees of Council at this stage
3. The need for working parties to monitor and provide guidance in respect of particular projects be reviewed annually in September each year, or at other times as required.
4. There be no change to Planning Meetings i.e. they continue to be held on the first Wednesday of the month to consider items relating to planning matters
5. There be no change to Ordinary Meetings i.e. they be held on the third Wednesday of the month to consider items other than planning matters
6. Workshop Meetings be held on the second and/or fourth Wednesday of the month as necessary to consider items where there is a presentation by Council staff or a consultant as well as an opportunity for comments/questions from members of the public, prior to any decision making by Council. This could include consideration of some strategic items which are currently reviewed periodically at Task Force meetings
7. Informal briefing sessions be held quarterly (on the fifth Wednesday of the month) to receive updates about Councillor nominated projects or issues. This could include those updates which are currently received monthly at Task Force meetings
8. Other informal briefing sessions be held as necessary at the discretion of the Mayor and General Manager. This could include sessions being scheduled to follow Planning or Ordinary Meetings as appropriate or on the second or fourth Wednesday of the month when no Workshop Meetings are to be held.
9. The scheduling of existing Committee and other meetings be reviewed in an attempt limit them as much as possible to “free” Wednesday evenings.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Guidelines for Council Workshop Meetings
File Reference: F2004/07032
Document Number: D01415494

**4 LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2010 -
SUBMISSIONS OF MOTIONS AND NOMINATIONS OF VOTING
DELEGATES**

EXECUTIVE SUMMARY

The 2010 Annual Conference of the NSW Local Government Association (LGA) will be held in Albury from 24 October to 27 October 2010.

The Conference provides an opportunity for Council to submit motions for debate and decision by delegates from member local governments across New South Wales. Each Division of Council has been provided with an opportunity to prepare draft motions for consideration at this Meeting. The draft motions are either based on resolutions made by Council over the past 12 months or are issues which ExCo or the individual Divisions consider appropriate.

The Report also provides information about the proposed method of determining Council's delegates for the Conference.

PURPOSE/OBJECTIVE

The purpose of this Report is to formally adopt motions to be submitted to the 2010 Annual Conference of the LGA and to provide information about the nomination of voting delegates such that Council's attendees and voting delegates for the Conference can be determined and advised to the LGA.

DISCUSSION

The 2010 Annual Conference of the NSW Local Government Association (LGA) will be held in Albury from 24 October to 27 October 2010. The Conference provides an opportunity for Council to submit motions for debate and decision by delegates from member local governments across New South Wales.

Delegates for the Conference

Voting delegate entitlements for each council at the Annual Conference are determined by population of the council area using Australian Bureau of Statistics figures. As Hornsby Council's population is greater than 150,000, it is entitled to seven voting delegates. The closing date for nomination of voting delegates to the LGA is 11 October 2010.

Motions for the Conference

As previously advised to Council in Report No. CC22/10 (considered at the April 2010 Ordinary Meeting), the LGA Executive, as a result of deliberations involving the LGA Conference Committee following the 2009 Conference, determined a number of changes in relation to the consideration of business and the format of the 2010 Conference. Most notably these changes require any motions for consideration at the Conference to relate to the identified themes for the Conference. In this regard, the themes for the 2010 Conference are:

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

The closing date for submission of motions is 9 August 2010. As such, it is recommended that Council make a determination at tonight's meeting of motions to be submitted for consideration at the LGA Conference.

The LGA have advised that all motions are categorised as either Category 1 or Category 2. Councils may submit any motion, however, to be a Category 1 motion, and placed before the Conference for consideration, a motion:

- MUST relate to one of the identified conference issues/themes, and,
- MUST NOT attempt to enforce one council's position on other councils, and
- MUST NOT cause detriment to one council over another, and
- MUST deal with the issues/themes at a regional/state or national level (i.e. the motion must not be a single council issue)
- MUST address the conference theme of "Modernising Local Government"

The LGA requires that each motion submitted by Council for debate at the Conference be formatted as per the following:

Council: *Please insert the full name of your council*

Issue: *Please insert the subject of your motion in as few words as possible*

Theme: *Delete* *inapplicable:*

- Modernising the financing of Local Government,
- Modern approaches to community wellbeing,
- Modern approaches to the natural and built environment

Motion: *Insert Motion Text which should commence*

That the Local Government Association...

Note from Council: *Insert Note from Council*

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

Works Division

Issue: Compulsory Acquisition of Land by Councils

Theme: Modernising the financing of Local Government

Motion Text:

THAT the Local Government Association Conference seek an amendment to the Land Acquisition (Just Terms Compensation) Act to give acquiring Councils or other Authorities the opportunity to seek a pre-acquisition determination of compensation from the Valuer General, to assist in determining whether it is financially responsible to proceed with a proposed acquisition.

Note from Council:

Council has had experience where its expectation regarding the amount of compensation it is required to pay a dispossessed owner for the compulsory acquisition of land was significantly less than the amount ultimately determined by the Valuer General. While recent “hardship” amendments to legislation have mitigated the financial risk to Councils from owner initiated compulsory acquisitions, it is envisaged that the suggested amendment to the Act would further assist Councils in those other circumstances as follows:

- A pre-acquisition determination would provide assistance to Council in the negotiation process undertaken with the affected land owner
- The acquiring Authority would be more fully informed in its decision making process
- The action reduces risk by creating a degree of financial certainty for Councils
- The acquiring Authority to pay the costs of determination, to ensure that the Valuer General is not out of pocket. Should the matter proceed to a formal determination following compulsory acquisition, the Valuer General would be expected to re-determine the amount of compensation at a reduced fee, in accordance with property Valuation industry practice for re-Valuations. (The reduced fee would only apply if the re-determination of compensation occurred within 12 months of the pre-acquisition determination)
- The action would improve confidence in the Valuer General’s later determination of such matters
- In the event that the valuation is greater than Council’s valuation, the options for Council are to proceed – the owner will not suffer loss, or to review the need for acquisition. Council may choose to purchase on the open market at a later time
- This action will not remove or in any way reduce the rights of the dispossessed owner

Council has no objection to the Valuer General being indemnified against any action arising from a Determination. The proposed action is considered to improve public confidence in the decision making process of government, the responsible management of public finances, and will assist Council to plan its commitments with a greater degree of certainty than at present.

Works Division

Issue: Consultation by State Agencies with Councils

Theme: Modern approaches to the natural and built environment

Motion Text:

THAT the Local Government Association Conference request the Premier to require all state agencies, when undertaking community consultation for major infrastructure projects and other proposals as required by the EP&A Act, to allow sufficient time for a Council’s submission to be considered by the elected body.

Note from Council:

It has been Council's experience that when undertaking community consultation for major infrastructure projects, Agencies generally allow for a minimum period set by legislation in any public notice seeking submissions. In many cases, this time frame is insufficient to allow preparation of a report to Council canvassing the various issues that Council officers consider to be of significance. Further, should the project be of interest to the local community, elected representatives will in all probability receive representations, and may request additional information be provided to assist in their consideration of their proposal. Notwithstanding that such reports may be given priority, the time frame provided for in the consultation/notification process may be insufficient to enable a report to be prepared and formally considered by Council prior to the closing date.

In a recent notification, Council became aware of the time frame for submissions and requested an extension of time to enable Council to formally consider a report prior to its submission to the department concerned. Council's repeated representations were not answered. Council officers subsequently forwarded a report with the notation that such report was, of necessity, an interim report, and may be subject to change. At the time of writing, it was not known whether the elected body might wish to add to or subtract from the Council Officers' submission. It is considered that Council's charter requires it among other things to exercise community leadership, and it is essential that the views of the elected representatives be considered. For this reason Council's submission may be considered to be given greater weight than other submissions that may be received by a project proponent. The requested Premier's Direction will enable the significance of Council's submission to be recognized, and to ensure that agencies give due consideration to matters that may be raised by Council, whether generated from Council staff or by the elected body.

Environment Division

Issue: Governance

Theme: Modernising the Financing of Local Government

Motion Text:

THAT the Local Government Association Conference recognise that there is a case for a formal whole-of-government Inter Government Agreement between the NSW Government and Local Government.

Note from Council:

In addition to constitutional reform, there is the need for a system to then manage the change in relationships between the NSW Government and councils as things evolve or are reformed. The principle behind what is proposed is that to the NSW Government, Local Government should be more than just another stakeholder to be managed (at best) or placated (at worst). There should be a genuine recognition that both spheres are governing.

At the State level, there is a need for a broad scale intergovernmental agreement between NSW Government and councils regarding the way in which duties, programs, payments and revenues across all devolved or shared functions are determined. This could be modelled on the DECCW/LGSA MOUs, but with a whole of government remit.

This would enshrine the requirements for consultation (timeframes and consultation processes etc). From the NSW Government's perspective it would be a mandatory guide to working with Local Government. It would set out processes to be followed by Government and agencies when developing or revising policies that have an impact on councils. This would prevent occurrences such as the coastal erosion regulations (Nov 2009) and the waste levy regulations (Nov 2008) which were effectively sprung on councils without warning or consultation. Equally though it would be mandatory guide to working with the NSW Government on devolved or shared responsibilities for councils.

Environment Division

Issue: Strategic and Statutory Land Use Planning

Theme: Modern approaches to the natural and built environment

Motion Text:

THAT the Local Government Association Conference acknowledge that there is a case for NSW Local Government to negotiate with the NSW Government for a revised role in Strategic and Statutory Land-use planning.

Note from Council:

Planning systems across Australia face continuing challenges posed by population growth, climate change and the global financial crisis, a national economic reform agenda that is demanding greater efficiencies in planning and development assessment systems alongside local communities demanding a say in decisions that affect the future shape and feel of their cities, towns and villages (National Planning Systems Principles, December 2009, Paper prepared for the LGPMC).

In NSW, land use planning is regulated by the *Environmental Planning and Assessment Act 1979*. The NSW planning system is generally seen as one of the most legalistic and overly complex planning system in Australia, largely the result of continual but fragmented rounds of legislative reforms since the late 1980s.

Local Government's role in the planning system also has been declining due to:

- decision making powers becoming increasingly centralised in the hands of the Minister and state appointed planning panels
- local plans now being required to conform to standard templates
- the introduction of uniform, state-wide development codes (such as the NSW Housing Code) overriding local development controls and planning objectives; and planning decisions on individual development sites, precincts or particular development types being increasingly taken out of the hands of local councils and determined by state agencies or the Minister for Planning

Local Government is becoming increasingly marginalised:

- Trust in the planning system is at a low point with both sides of the planning divide - developers and communities - believing that the system lacks transparency, certainty, probity, fairness and effectiveness
- Communities are demanding a greater say in planning for their local areas and in the major decisions that affect them

- The Australian Government is taking a greater interest and providing funding to assist the growth and development of Australia's major cities
- Demands on Local Government for facilities and services are increasing while councils' finances are increasingly constrained

The future for land use planning needs to involve the following elements:

- Gaining consensus on a way forward to improve the NSW planning system
- Use of a state-regional-local hierarchy of strategic land use plans that are integrated with infrastructure strategies and underpinned by an appropriate funding model
- Changes to the governance structures that will facilitate the integration of national state and local plans and policies informed by community views
- Improved accessibility and delivery of planning information and services through greater use of technology (web based services, electronic systems)
- Councils focusing more on strategic planning rather than development approval processes
- Development of mechanisms/reform governance arrangements for councils to undertake strategic planning on a regional basis (this could involve collaborative mechanisms, regional planning authorities solely constituted by councils or including relevant agencies, or be achieved by re-forming councils on a regional basis)
- Local Government regaining and securing a stronger role in the planning process so that communities have a greater say in local planning and development approval decisions
- Councils better selling their credibility in planning to secure the public support required to roll back the trend to centralization of planning powers (governance arrangements, community engagement, competence etc)

Environment Division

Issue: Population Growth

Theme: Modern approaches to the natural and built environment

Motion Text:

THAT the Local Government Association Conference acknowledge that the population of Sydney cannot increase under current arrangements without significant social and environmental impacts.

In acknowledging this fact the Local Government Association is encouraged to obtain the support of the NSW Government to participate in a dialogue with stakeholders and develop a framework for a sustainable population for Sydney and to then work with Federal and Local Government to implement planning policies to support this population. The reasons behind any population limits should be discussed with the various stakeholders along with an explanation and economic evaluation of the likely benefits and costs.

Note from Council:

The motion outlined above is predicated on the fact that the environmental and social impacts of increasing population density can not be mitigated against by current technology and budgets.

Current best management practice applied to the processes of environmental degradation caused by increasing population density can only treat a fraction of the overall impact. For example, the best methods available can only reduce the levels of diffuse nutrients in water from residential areas by approximately 70%. This means 30% of the nutrient pollution from every new dwelling must pollute the environment and thus reduce the quality of life for the local population. It should also be noted that nutrient pollution has severe impacts on remnant bushland resulting in increased weed growth and associated erosion.

The current planning models within NSW encourage increased development density in established urban areas which results in the further fragmentation and loss of threatened biodiversity in particular endangered and critically endangered ecological communities.

It is also recognised that expanding the limits of greater Sydney will result in the loss of natural habitat and productive agricultural land and put further strain on transport and other infrastructure.

It is acknowledged that population growth is an issue requiring attention from all levels of government and as the Federal Government has now established a Minister for Sustainable Population it would seem that now is an appropriate time for the NSW State Government to position itself on the issue.

BUDGET

Funds have been allocated in the 2010/11 Budget for attendance at the LGA Annual Conference.

POLICY

Attendance at the LGA Annual Conference is in accordance with the Councillors' Expenses and Facilities Policy.

CONSULTATION

Consultation has been undertaken with each Division in respect of possible motions for consideration at the Conference.

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 Council:

1. Adopt the Motions included within this Report for submission to the 2010 Local Government Association Conference.
2. Determine attendees and voting delegates for the 2010 Local Government Association Conference.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00595
Document Number: D01433208

5 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 30 June 2010 (see Report No. CC40/10). Since that time, five 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
10/06/2010	Research and Policy Development Officer	Resignation
16/06/2010	Property Officer	New Employee
16/06/2010	Acting Programme Director – Somerville Park Early Childhood Education Centre	Internal Transfer
16/06/2010	Acting Programme Director – Hornsby Nursery and Pre-school	Internal Transfer
18/06/2010	Part Time Assistant Cook	Resignation

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: D01433702

6 COMMUNITY SERVICES BRANCH - REPORT ON ACHIEVEMENTS - 2009/2010

EXECUTIVE SUMMARY

The Community Services Branch is responsible for the production and implementation of the Social Plan 2010 - 2014; the Cultural Plan 2008 - 2010; and the Strategic Plan for Community and Cultural Facilities. Those documents inform and complement the Hornsby Shire Community Plan 2010 – 2020 which was recently adopted by Council. The Branch is also responsible for the operation and management of Council's child care centres and community and cultural facilities. The attachments to this Report provide Council with details of progress against the various Community Services Branch Plans as well as other activities and projects undertaken by the Branch during the 2009/10 financial year.

PURPOSE/OBJECTIVE

The purpose of this Report is to advise the achievements of the Community Services Branch in the 2009/10 financial year against Council adopted strategies and plans.

DISCUSSION

The Community Services Branch is responsible for the production and implementation of a number of strategic documents that inform and complement the Hornsby Shire Community Plan 2010 – 2020. Those strategic documents include the Social Plan 2010 - 2014; the Cultural Plan 2008 - 2010; and the Strategic Plan for Community and Cultural Facilities. In addition to developing and implementing those Plans, the Branch is also responsible for the operation and management of Council's child care centres and community and cultural facilities.

The strategic documents were developed by the Community Services Branch in 2008 and 2009 and were produced and implemented prior to the adoption of the Community Plan 2010 – 2020 at the 30 June 2010 Ordinary Meeting. The documents influenced the content of the Community Plan to some extent due to the extensive consultation undertaken to produce them and were designed to comply with the requirements and structures of the Integrated Planning and Reporting Framework issued by the Division of Local Government.

This Report has been developed to provide Council with more detail on the activities reported on at a macro level in the Community Plan 2010 – 2020 and associated Delivery Plan. In this regard, the following two attachments detail the activities and projects of the Community Services Branch in the 2009/10 financial year:

- Attachment 1 – 2010 Social Plan/Community Services Quarterly Report Card – July 2009 – June 2010
- Attachment 2 – Outcomes Against Goals – 2008-2010 Hornsby Shire Cultural Plan; and Strategic Plan for Community and Cultural Facilities

The activities reported on by the Community Development Team of the Branch are summarised in Attachment 1. These activities relate to the implementation of the Social Plan Service Plans 2009/10 which primarily address issues and goals raised in the Society and Culture Section of the Community Plan. The Service Plan that the attached summary relates to was adopted by Council when it considered Report No. CC91/09

The activities reported on by the Community and Cultural Facilities Team of the Branch are summarised in Attachment 1 and are detailed in Attachment 2. These activities relate to the implementation of the Cultural Plan 2008 - 2010 (adopted through Report No. CC79/08) and the Strategic Plan for Community and Cultural Facilities (adopted through Report No. CC88/09). These activities address issues in the Society and Culture Section of the Community Plan as well as issues in the Human Habitat Section.

The activities of the Children's Services Team of the Branch are summarised in Attachment 1. The summary relates primarily to the opening of the new child care facility in Greenway Park, Cherrybrook. Council's child care activities address issues raised in the Society and Culture Section of the Community Plan.

BUDGET

There are no budgetary issues associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

Relevant Community Services Branch staff have been consulted in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

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

A Triple Bottom Line assessment is not required of this Report as it is a progress report on the implementation of various Plans previously adopted by Council.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Community Services Branch - David Johnston. He can be contacted on telephone 9847 6800. For further information please contact Council's Manager Community Development, Ms Lisa Cahill, on 9847 6779, Monday to Friday 8.30 am to 5.00 pm.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC43/10 be received and noted.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Attachment 1 - 2010 Social Plan / Community Services Annual Report Card
July 2009 - June 2010 (To be printed under separate cover)
2. Attachment 2 - Community and Cultural Facilities Team Outcomes 2009/10

File Reference: F2009/00662
Document Number: D01440828

7 DRAFT SUSTAINABILITY WASTE AVOIDANCE AND RESOURCE RECOVERY STRATEGY FOR THE SHIRE OF HORNSBY 2010 2015 UPDATE

EXECUTIVE SUMMARY

At its Ordinary Meeting of Council on 19 May 2010, Council resolved in relation to Report No. EN12/10 "Draft Sustainable Waste Avoidance and Resource Recovery Strategy for the Shire of Hornsby 2010 – 2015", that it be placed on public exhibit for comment and a further report be presented at the conclusion of the exhibition period.

One submission was received during the exhibition period expressing concern that food waste and increased recycling was not adequately covered. A response was provided outlining how the draft strategy addressed these very important issues. It is recommended that the "Sustainable Waste Avoidance and Resource Recovery Strategy for the Shire of Hornsby 2010 – 2015" be adopted.

PURPOSE/OBJECTIVE

The purpose of this report is to provide details of submissions received in respect of the public exhibition of the draft "Sustainable Waste Avoidance and Resource Recovery Strategy for the Shire of Hornsby 2010 – 2015" and seek Council's adoption of the draft strategy.

DISCUSSION

At the Ordinary Meeting of Council held on 19 May 2010, Council considered Report No. EN12/10 – Draft Sustainable Waste and Resource Recovery Strategy for the Shire of Hornsby 2010 – 2015 – and resolved that:

- 1. Council note the Department of Environment, Climate Change and Water (DECCW) strategies for waste avoidance and resource recovery, and their primary target of achieving 66% diversion of domestic waste to landfill by 2014, together with their Extended producer Responsibility Priority Statement 2007, and ask that the State Government, in conjunction with local government, develop initiatives to address the issue of the waste stream created by packaging, disposable items and the lack of a container deposit scheme.*
- 2. The draft "Waste Avoidance and Resource Recovery Strategy for the Hornsby Shire 2010 – 2015" be placed on public exhibition for a period of four weeks.*
- 3. A further report be prepared for Council's consideration at the conclusion of the public exhibition period.*

The draft Sustainable Waste and Resource Recovery Strategy for the Shire of Hornsby 2010 – 2015 was subsequently placed on public exhibition with an invitation for interested parties to lodge submissions regarding the draft strategy by Wednesday 7 July 2010. One submission was received.

The submission received included the following extract:

“The Strategy does not go far enough in considering options to increase diversion rates, particularly for food waste, which makes up a considerable and increasing portion of the residual waste stream (having increased from 46 to 54% between 2004 and 2008).

I understand that a number of other councils are now providing residents with a food and organics collection and that this waste stream is then composted for reuse. I strongly support this type of service and consider that if Council's such as Penrith and Orange can successfully implement this type of system, then we can too. While I support the Council's ongoing encouragement of home compost systems and the like, Council must recognize that most residents are unwilling to compost all organics (such as pet excrement, meat and bread due to concerns about attracting vermin and pests to their gardens). Also into the future, housing is bound to be provided on increasingly smaller blocks, or in flats, where composting is less feasible.

Consequently, the most feasible solution currently available appears to be the introduction of an organics/food waste collection service.

Aside from taking up valuable landfill space, there are a number of reasons other why Council should seek to minimise food waste in the residual waste stream.

Firstly, this organic portion of the waste, when landfilled is a significant source of greenhouse gas emissions. While I understand that methane capture technologies are installed at the Woodlawn Bioreactor, where Hornsby Shire Council's waste is currently sent, I am concerned that the methane capture rates are not as high as the 99% claimed in Council's strategy. Consequently, the fugitive emissions and the ongoing costs of managing this infrastructure are of concern.

Secondly, landfilling of food and other organics results in the loss of valuable nutrients in these waste streams. This is of particular concern given the current issues with desertification and projected future population growth and associated food security issues.

Thirdly, the NSW Department of Environment, Climate Change and Water will continue to increase the waste levy on landfill input and as food waste makes up over 50% of the our current residual waste stream, it has the greatest potential to reduce Council's waste management costs into the future.

In summary I encourage Council to introduce a food/organic waste collection and composting service and the Sustainable Waste Avoidance and Resource Recovery Strategy for the Shire of Hornsby 2010-2015, would be a good place to start this process.”

Response:

The strategy does provide considerable coverage and information regarding food or organics waste, including what Council intends to investigate with a view to implementing during the next five years. It may include a collection system or a facility that will separate and process all organics, as well as recovering as much product as possible.

One of the biggest problems is the availability of a facility within reasonable proximity of the Shire. Most of the facilities are relatively new and are at a distance from the Shire that makes the logistics of collecting and transporting very difficult and expensive. The strategy does identify as a major task the calling of tenders for a facility that will make it possible for

Hornsby to extract, reprocess or reuse far more components of the residual waste stream than currently achieved.

Following the exhibition period and taking into consideration the submission received, the draft Sustainable Waste and Resource Recovery Strategy for the Shire of Hornsby 2010 – 2015 has remained unchanged from that presented to Council in May 2010.

BUDGET

There are no budget implications associated with this report.

POLICY

This report has taken into consideration Council's Public and Community Input Policy. No other policies are affected by this report.

CONSULTATION

The draft strategy was placed on exhibition in line with the protocols of Council's Public and Community Input Policy. The notice of public exhibition was advertised in the council column of the Hornsby Advocate on 6, 14 and 21 June 2010 with notice that submissions would be received until the close of business on the 7 July 2010.

Copies of the draft strategy were placed at all council libraries, the Environment Division counter, the Waste Management Services Branch counter and on Council's web page.

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 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 Mr Rob Holliday, Manager Waste Management Services Branch, telephone 9847 4816, hours 8.30am to 4.30pm, Monday to Friday.

RECOMMENDATION

THAT Council adopt the *Sustainability and Waste Avoidance Strategy for the Shire of Hornsby 2010 – 2015*, as provided in Attachment 1 to Report No. EN12/10.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08803

Document Number: D01444411

8 REVIEW OF PROTECTION OF THE ENVIRONMENTAL OPERATIONS ACT ENFORCEMENT IN THE ENVIRONMENT DIVISION

EXECUTIVE SUMMARY

A Notice of Motion raised by Councillor Russell in 2009 effectively imposed a moratorium on the recovery of administrative charges and fines imposed in respect of alleged offences under the *Protection of the Environment Operations (POEO) Act 1997*.

In November 2009 Council, among other things, resolved (Report No. EN54/09) to trial the waiving of the administration charge (currently \$433) associated with Clean-Up and Prevention Notices where the offences are first time offences and the offender completes actions specified in a Notice within the agreed timeframe and to the satisfaction of the Council. The resolution has been interpreted to focus on private residential property owners and not businesses. Businesses are expected to have an understanding of their responsibilities under the POEO Act.

In compliance with Council's resolution in November 2009 and to ensure Council fulfils its statutory obligations under the POEO Act the Environmental Sustainability and Health Branch has been issuing warning letters and discussing issues with first time private residential property offenders in an attempt to resolve breaches of the POEO Act.

During the period of September 2009 to June 2010 the Branch responded to 110 complaints relating to environmental pollution matters. Twelve complaints related to business premises, 53 complaints related to private residential property owners and the remainder were either unsubstantiated; the responsibility of another agency such as Sydney Water; or the pollution source could not be located. Forty warning letters were issued and only one of these warnings resulted in a Notice under the POEO Act as a result of works not completed within the specified timeframe. This matter also resulted in a fine being issued under the POEO Act for non compliance with the Notice issued. The remaining 13 complaints were generally minor and could be resolved over the telephone.

The introduction of the above practice has not hampered the Branch in fulfilling Council's obligations under the POEO Act. However, the inability to charge the \$433 administration fee as set out in the POEO Act resulted in a loss of \$17,000 in income for the nine month reporting period. The introduction of a new charge under the POEO Act suggests that the impact could be in the order of \$23,700 for the 2010-11 year, provided that it only applied to private residential properties.

PURPOSE/OBJECTIVE

This report advises Council of the results of the trial involving the waiving of the administration charge associated with Clean-Up and Prevention Notices pursuant to the *Protection of the Environment Operations Act 1997*.

DISCUSSION

In November 2009, following a Notice of Motion raised by Councillor Russell, Council resolved:

1. *Subject to Point 3 below, Council confirm its acceptance of the adopted procedures for investigating and dealing with pollution incidents pursuant to the Protection of the Environment Operations Act 1997.*
2. *Council agree to the lifting of the moratorium placed on the recovery of administration charges and fines imposed in respect of alleged offences under the Protection and the Environment Operations Act 1997.*
3.
 - a. *Council agree to trial the introduction of a policy that would result in the waiving of the administration fee (currently \$433) associated with Clean-Up and Prevention Notices where the offences are first time offences and the offender completes actions specified in a Notice within the agreed timeframe and to the satisfaction of the Council.*
 - b. *The waiving of the administration fee will not apply to repeat offenders or circumstances where the actions specified in the Notice(s) have not been complied with in the agreed timeframe.*
 - c. *A report be prepared for Council's consideration by June 2010, which advises the results of the trial.*

During the period September 2009 to June 2010 the Branch responded to 110 complaints relating to environmental pollution matters. Of the complaints received 12 involved to business premises and 53 involved private property owners. The resulting 45 complaints fell into the following categories: unknown source, another agency (e.g. Sydney Water) or unsubstantiated complaint. Please see Attachment 1 for further details.

Of the 53 complaints involving private property owners, 40 warnings were issued. It is considered the environmental matters relating to these warnings would normally have resulted in the issuing of a Notice under the POEO Act. Only one of these warnings resulted in a Notice being issued under the POEO Act (as works were not completed within the timeframe specified). This matter also resulted in a fine being issued under the POEO Act for non compliance with the Notice issued.

It is evident that the removal of the administration fee for private residential properties has not hampered the efforts of the Branch in ensuring that environmental protection is maintained.

Conclusion

Notice provisions under the *POEO Act* place a legal obligation on the person/company breaching the legislation to either stop the polluting activity; prevent polluting activities; or 'clean up' resulting damage to the environment. This legislation has allowed for NSW Council's to recoup the costs associated with investigating and rectifying breaches of this legislation by imposing the administration fee of \$433 (\$444 as of 1 July 2010) issued when a Notice under the Act is required.

The introduction of the waiver of the administration fee for private residential property owners has not hampered the Branch in addressing environmental protection within the Shire.

However, the inability to charge the \$433 administration fee as set out in the POEO Act has resulted in a loss of approximately \$17,000 in income.

BUDGET

The majority of complaints received during the period of September 2009 to June 2010 involved private residential property owners. The Environmental Sustainability and Health Branch experienced a budget shortfall of approximately \$17,000 during the nine month period of the trial. On the basis of the new charge this would equate to something like \$23,700 for the 2010/11 year. If the administration charge was waived for businesses the loss would equate to an additional \$7,000 based on the average number of complaints received during the reporting period.

POLICY

There are no policy implications as a result of this report.

CONSULTATION

No consultation was required to complete 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 strategic themes.

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

RESPONSIBLE OFFICER

The responsible officers are Adriana Genova, Acting Environmental Sustainability Coordinator, telephone 9847 6572 between 8.00am and 4.00pm Wednesday to Friday and Rebecca Maiden, Acting Manager Environmental Sustainability and Health, telephone 9847 6541 between 8.30am and 5pm Monday to Friday.

RECOMMENDATION

THAT:

1. Council note the amount of the subsidy and the potential impact on future budgets and indicate whether it wishes to continue not charging private property owners an administration charge associated with the Notice provisions under the *Protection of the Environment Operations Act 1997* along the lines outlined in this report.
2. Council confirm that businesses will be subject to an administrative charge associated with Clean-Up and Prevention Notices pursuant to the *Protection of the Environment Operations Act 1997*, irrespective of whether they are first time offenders.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Summary of Pollution Incidents - September 2009 - June 2010

File Reference: F2004/09493-03
Document Number: D01416498

9 NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS - REGIONAL SUSTAINABILITY PLAN

EXECUTIVE SUMMARY

The Regional Sustainability Plan 2009-2014 (Attachment 1) was developed by the Environment Group of the Northern Sydney Regional Organisation of Councils (NSROC). It outlines a unique regional strategy to address environmental issues across political boundaries that will increase efficiency and enable councils to learn from each other and pool resources.

NSROC has been working collaboratively for a number of years to ensure that consistent messages are being delivered to the community regarding the environment and sustainability. The Regional Sustainability Plan (the 'Plan') formalises this approach and sets the direction for NSROC. Essentially the main uses of the Plan are to:

- present a shared sustainability vision for the region
- guide consistent and inspiring regional alignment of key common issues
- identify common goals and programmes
- provide effective communication and integration
- enhance stakeholder engagement
- maximise collaborative learning opportunities and partnerships
- guide effective human, fiscal and other resource use by councils across the region.

The vision for the NSROC region is: *"...to create a vibrant and quality living environment. We value and protect the natural environment and enrich the living environment by promoting ecological, economic and social sustainability for the benefit of current and future generations"*.

This Plan is integrated into Council's plans and reports and reported back to Council and NSROC on a regular basis.

PURPOSE/OBJECTIVE

This Regional Sustainability Plan (the 'Plan') provides a regional vision for all NSROC councils and will help guide their decisions and funding priorities over the next five years as well as identify the areas where NSROC councils can work collaboratively.

DISCUSSION

The seven councils that make up NSROC have a history of working together and currently produce an annual Regional State of the Environment Report recognising that environmental issues extend across political boundaries.

This regional approach increases efficiency and enables the councils to learn from one another.

The Plan is a strategic document that seeks to guide and coordinate the drive towards sustainability across the region. The Plan addresses sustainability in terms of governance, social, economic and ecological aspects and in essence supports Council's current *Delivery Program 2010-2014*, *Community Plan 2010-2020* along with *Hornsby Shire 2020 – A Framework for a Sustainable Future*.

Continuing growth and existing development are putting significant pressures on the valuable environmental assets of the region, as well as threatening the long term health and liveability of the community. The Plan will assist in guiding future sustainability projects as well as identifying specific gaps and opportunities for further collective action.

Regional Sustainability Plan

The Plan was developed using the existing planning and reporting work already undertaken by NSROC member councils and other agencies. The key elements in the methodology for developing the Plan were:

1. An audit of existing sustainability plans developed by member councils and other related documents.
2. Interviews and discussions with individual member councils to identify key issues and actions already underway.
3. Workshops with the member councils to determine core principles and priority sustainability issues, agreement on sustainability definitions and determination of the overall framework of the Plan.
4. The production of a plan including an assessment of key regional issues, sustainability directions which should be pursued and possible regional actions.
5. Presentation of the draft and final versions of the Plan to key stakeholders including the Steering Committee, the NSROC General Managers Group and the NSROC Board.

The Plan is an overarching and flexible framework that takes into account:

- Environmental, economic and social aspects of sustainability, with a particular emphasis on ecological sustainability.
- Issues of governance, forward planning decision-making processes and communications in order to effect identified sustainability directions.
- Key issues of sustainability and natural resource constraints as identified in the Metropolitan Strategy and the corresponding North and Inner Sub-regional Plans.
- The broad policy context of the State Government's approach to natural resource management.
- Works already undertaken by the NSROC councils in their various sustainability programs.

The regional sustainability principles are taken from the United Nations Environment Programme's Melbourne Principles for Sustainable Cities. The top ten issues impacting the region most severely were determined after considering which sustainability issues are under the control and influence of NSROC and its member councils and which need to be addressed over the life of this five year Plan. The issues fall into two overall groupings, namely sustainability 'Enablers' and 'Dimensions'.

The three 'enabler' issues address essential social, governance, organisational and economic aspects needed to facilitate the necessary progress towards sustainability:

1. Resourcing and capacity building
2. Governance and decision-making
3. Community engagement and learning

The other group of issues encompasses key environmental, social and economic 'dimensions' of the region where changes are needed to improve regional sustainability. In priority order they are:

- Climate Change and Energy Consumption
- Development and Built Environment
- Water and Sewerage
- Business Sustainability
- Biodiversity Conservation and Protection
- Resource Recovery and Waste Avoidance
- Transport and Traffic

To address each of the priority issues facing the region five year goals have been developed, together with recommended programs presented in a standardised format. The selection criteria for choosing issues, goals and programs included consideration of such aspects as: regionalism, local leadership, importance to our communities and degree of urgency in the five year timeframe of this Plan to 2014.

This Plan supports Council's existing commitment towards sustainability and will be reviewed regularly by the Environmental Sustainability and Health Branch to ensure that it is in line with Council's ongoing opportunities and constraints and pressing sustainability issues as they arise.

BUDGET

There are no budget complications as a result of this report.

POLICY

There are no policy implications as a result of this report.

CONSULTATION

No consultation was required to complete 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 Adriana Genova, Acting Environmental Sustainability Coordinator, Environmental Sustainability and Health Branch, telephone 9847 6572, between 8.30am and 4:00pm, Wednesday to Friday.

RECOMMENDATION

THAT Council endorse the Northern Sydney Regional Organisation of Councils' Regional Sustainability Plan 2009-2014.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. NSROC Regional Sustainability Plan

File Reference: F2005/01154
Document Number: D01417283

10 ARRANGEMENTS FOR ANIMAL IMPOUNDING SERVICE

EXECUTIVE SUMMARY

In November 2009, Council began a six month trial utilising the services of Sydney Dogs and Cats Home Inc ("SDCH") for the purpose of providing an animal impounding service. Council has a mandated role under the *NSW Companion Animals Act 1998* to provide a place for the holding of animals.

During the trial, Council provided the following as an animal impounding service for its residents:

- An agreement with SDCH for the provision of an animal impounding service up until 30 June 2010.
- Agreements with five local veterinary clinics to provide temporary holding facilities up until 30 June 2010. The veterinary clinics are used to hold animals for a short period of time; however they cannot deal with aggressive, dangerous, large, boisterous or noisy animals.

The current arrangements are workable, subject to some improvements being made. In particular, travel time to SDCH, which takes officers away from their regular duties, has been identified as one of the major issues with the current arrangements. This can be addressed through the establishment of a small dog holding facility within the Shire. Work on finding a solution to this is progressing.

The continuation of the current arrangement, with improvements, is the most practical way to meet the service requirements within the reduced budget adopted for the 2010/11 year.

The engagement of another private service provider closer to the Shire or the development of Council's own pound is not considered viable at this time.

PURPOSE/OBJECTIVE

To provide an update on the trial arrangements for the provision of an impounding service for companion animals.

DISCUSSION

At its Ordinary Meeting on 11 November 2009, Council reviewed the submissions relating to the call for expressions of interest for the provision of an impounding service for companion animals. Council resolved to engage the services of Sydney Dogs and Cats Home Inc (SDCH) at Carlton and undertake a six months trial of the arrangements.

Current Arrangements

The following arrangements have been in place since the engagement of SDHC:

- Council has agreements with five local veterinary clinics to act as temporary holding facilities. Veterinarians are classed as ‘authorised persons’ and are permitted to hold animals for up to 72 hours. Council officers use the local veterinary clinics for temporary holding of companion animals until such time as the owner can collect the animal or a time can be arranged for the Council officer to transfer the animal to SDCH.
- Members of the public can take stray animals to any of the veterinary clinics. The clinics check the animal for a microchip and attempt to contact the owner to collect the animal. In the event the owner does not claim the animal within 72 hours the veterinary clinic contacts Council and an officer will arrange for its transfer to SDCH.
- Animals which are not microchipped or whose owner details are incorrect are transferred to the SDCH. These are held for the mandatory holding period or until the owner is located and surrenders or reclaims their animal.
- Dogs that have displayed aggressive or dangerous temperaments or are particularly large, boisterous or noisy cannot be left by Council officers at veterinary clinics. In these instances, the animals are required to be immediately transferred to SDCH. The veterinary clinics do not have the necessary facilities or expertise to house these animals.

The veterinarians charge Council a one off administration fee and a daily boarding fee per animal that they house on behalf of Council. Council has a written agreement with them to provide this service until 30 June 2010, with the option to renew it at that time for the next year financial year.

The animals transferred to the pound are usually those that are not identified by means of a microchip or those whose details on the Companion Animals Register are incorrect and whose owner cannot be contacted to pick up their animal from the veterinary clinic. It is the duty of animal owners to ensure that they have complied with requirements for microchipping and registration to enable them to be informed if their animal escapes from their property.

Council officers have been travelling to the SDCH at Carlton an average of three times per week. Each of these trips takes three or four hours and takes the officer away from their other duties. On some occasions, officers have been required to travel to SDCH more than once in a day, therefore taking two officers away from regular duties for large parts of the day.

Impounding Figures: 1 October 2009 – 30 April 2010

The impounding figures for the period 1 October 2010 to 30 April 2010 are:

Transferred to SDCH	78 dogs and 27 cats
Reclaimed animals	46 dogs
Euthanized	Dogs: 1 ill and 2 deemed as too aggressive to re-home.
	Cats: 20 all unchipped, some showing signs of illness or un-socialised or from litters where the mother was un-socialised.

The majority of the animals that were not claimed either were not microchipped or had incorrect contact details on the Companion Animals Register. In some instances, the owner of the animals did not wish to pay a fee to reclaim their animal. All other animals were

passed into the care of SDCH to be re-homed. Some were passed to foster care while waiting to be re-homed.

The euthanasia rate for the first seven months was 4% of the 2008-09 rate for dogs and 10% of the rate for cats. Many of the cats previously euthanized were feral or unowned cats breeding in large colonies. Council now has a policy in place allowing for the euthanasia of feral cats without the requirement to keep them for seven days at SDCH. Some of these are now being handed into local veterinarians to be euthanized.

Future Arrangements

The following options are presented to Council as arrangements for Council's animal impounding service.

Option 1 (Recommended)

To continue with the current arrangements and enter into new agreements for the pound service provided by Sydney Dogs and Cats Home Inc and temporary holding at local veterinary surgeries with some improvements.

During the trial there have been some teething problems, specifically:

- The time taken to travel to SDCH, which has resulted in less time in the field for officers.
- Late and/or after hours pick ups.
- Accommodating aggressive dogs.
- Veterinarians not keeping accurate details of animals which are returned resulting in a lack of accountability of owners to ensure that their animal is registered and not a repeat offender.
- Some reluctance by veterinary surgery staff to hold animals overnight.

Some of these problems have been addressed. However, there is still a need for a temporary holding arrangement where Council officers can leave dogs. Essentially, Council officers need a holding facility in the local area to hold dogs. Such a facility would allow officers to arrange travel to SDCH outside of peak hours, at a time when it is appropriate given the particular day's workload, arrange another officer to travel with them (if required) and to house animals that cannot be housed at the veterinary clinics (e.g. during busy periods and holidays).

The Environmental Sustainability and Health Branch has included in its Fees and Charges for 2010/11 a charge for dogs that are held by Council or at a veterinary clinic. The aim of the charge is to act as a deterrent for owners to take more responsibility for controlling their dogs and ensure that they keep them contained on their property.

Option 2

Option 2 involves the selection of a new service provider.

The Sustainable Health Coordinator has contacted a number of neighbouring council pounds and has been advised that all are running at or over capacity and would not accept any animals from the Hornsby local government area.

Option 3

Establish and operate a pound in the Hornsby Local Government Area. At this time there is no funding available to set up a new council pound and it does not seem likely that this funding would be made available in the future.

BUDGET

The proposed arrangements (Option 1) are within the current budget allocation for 2010/11. A decision to progress Option 2 or 3 would have a significant impact on Council's adopted budget.

POLICY

Council has a mandated role under the *NSW Companion Animals Act 1998* to provide a place for the holding of animals for the purposes of the Act.

CONSULTATION

The issues raised in consultations with local veterinarians have been incorporated into written agreements. In addition, the Sustainable Health Coordinator has contacted a number of neighbouring Council's to seek advice on their current pound arrangements.

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 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 Rebecca Maiden, Acting Manager Environmental Sustainability and Health Branch, telephone 9847 6541 between 8:30am and 5:00pm Monday to Friday.

RECOMMENDATION

THAT:

1. Council continue with the current animal impounding service arrangements, subject to the improvements outlined in this report.
2. Council enter into an agreement with Sydney Dogs and Cats Home Inc to continue the current service until 30 June 2011.
3. Council enter into agreements with the current veterinary surgeries to continue the current holding arrangements and payments until 30 June 2011.
4. The improvements to the current service arrangements outlined in this report be evaluated prior to the end of June 2011 and, if found to be operating satisfactorily, agreements with Sydney Dogs and Cats Home Inc and the veterinary surgeries be extended for a maximum period not exceeding 5 years.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00798
Document Number: D01406648

11 FINAL NATIVE VEGETATION REVIEW ON COMPLETION OF PUBLIC EXHIBITION PERIOD

EXECUTIVE SUMMARY

At its Ordinary Meeting on 21 April 2010 Council resolved to endorse the *Hornsby Shire Native Vegetation Planning Review* and draft Environmentally Sensitive Land (ESL) map for public exhibition for a period of 28 days.

At this same meeting Council endorsed Option 2 of the review to form a planning policy position for native vegetation provisions to be included in Council's new Comprehensive Standard Local Environmental Plan and new Comprehensive Development Control Plan.

There were five public submissions received during the public exhibition period and one submission from the Department of Environment, Climate Change and Water (DECCW). All submissions were in general support of the *Hornsby Shire Native Vegetation Planning Review* and Council's policy position to endorse Option 2 of that report.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council on public submissions received and finalise the *Hornsby Shire Native Vegetation Planning Review* and draft Environmentally Sensitive Land (ESL) map for inclusion into the new Comprehensive Standard Local Environmental Plan.

DISCUSSION

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 presented 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.

This report recommended 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 ensures local consistency with the protection measures for endangered vegetation subject to both national and State legislation. It also identifies areas containing the most significant native vegetation 'upfront' in the LEP with other tree and native vegetation preservation matters set out within a new comprehensive Development Control Plan (DCP).

At its Ordinary Meeting of 21 April 2010 Council resolved *THAT*:

1. Council endorse Option 2 in Executive Manager's Report No. EN11/10 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.

This report actions Council's resolution to report on the public submissions received during the public exhibition period.

Submissions received

There were five public submissions received and one submission from the Department of Environment, Climate Change and Water (DECCW). All of the public submissions were in general support of Council adopting Option 2 of the Native Vegetation Review. They all supported proceeding with the inclusion of 'Clause 5.9' (Preservation of Trees or Vegetation) and the standard biodiversity provisions with Environmentally Sensitive Lands (ESL) maps into Hornsby's new Standard Local Environment Plan (LEP). The submissions stressed the importance of protecting all other native vegetation within the development of native

vegetation and tree preservation provisions in the new comprehensive Development Control Plan (DCP).

Issues raised within the public submissions were:

- **Issue:**
It is important to maintain the current levels of protection of bushland in the Rural District and the ESL maps could make residents aware of the location of Endangered Ecological Communities and significant native vegetation as mapped by Smith and Smith 2008. Protection of native vegetation on private property, particularly threatened plant communities, is very important and the ESL maps are a good step forward for inclusion in the new LEP.

Response:

Option 2 of the Native Vegetation Planning Review best addresses this issue.

- **Issue:**
The ability for Council to regulate minor clearing on rural land by way of a permit in a future DCP would be a good step forward as the current costly regulation to submit a Development Application is resented by residents. The new DCP may assist to reduce illegal clearing in the rural areas. All native vegetation should be protected in the provisions of the new DCP, as vegetation on Hawkesbury Sandstone is locally important, diverse and often contains many threatened plant species.

Response:

The issue of protecting and regulating minor clearing of more common bushland such as Hawkesbury sandstone on urban and rural land would be best addressed through preparation of a new DCP.

- **Issue:**
The importance of corridors is not included in the Review and planning provisions. Future planning to conserve native vegetation should include corridor mapping. Wildlife corridors need to be better protected within planning processes.

Response:

It is agreed that there is no current wildlife corridor mapping of a scale or quality that could be currently considered in the native vegetation planning provisions review. The planning to map wildlife corridors has been included in the forward program for biodiversity planning.

- **Issue:**
All the powers of the existing Tree Preservation Order should be retained.

Response:

The draft Practice Note prepared by the NSW Department of Planning states that for Council to control works on or the removal of trees will require the adoption of Clause 5.9 and the preparation of a DCP, as recommended in Option 2.

- **Issue:**
All the Smith and Smith vegetation maps need to be presented in a user friendly way so land owners can easily find their properties and see the status of any mapped vegetation

on their land. Land owners should be able to access native vegetation information and be able to understand any restrictions that may apply to their properties.

Response:

It is agreed that residents should have better access to vegetation maps. These have now been updated so residents can locate their properties and any mapped vegetation and have been placed on Council's website.

There was one submission received from the NSW Department of Environment, Climate Change and Water (DECCW).

Issues raised within DECCW's submission were:

- **Issue:**
Council should use all means of protecting native vegetation including environmental Protection zones to protect sensitive areas.

Response:

This issue is considered in Option 3 provided in the Native Vegetation Planning Review which was assessed as the least desirable option as it would include split zonings on properties, would not guarantee any protection of trees, would require extensive development prohibitions and could be overly restrictive.

- **Issue:**
As there is a large percentage of native vegetation across the Shire that does not qualify as being of state and regional significance but is still important for biodiversity, it is recommended that all mapped native vegetation be included in Council's new comprehensive DCP with associated controls to protect and retain native vegetation.

Response:

This issue is best delivered through Option 2 of the Native Vegetation Planning Review which includes subsequent preparation of a Development Control Plan.

- **Issue:**
Council should develop corridor mapping and protect corridor linkages across the Shire within an associated planning provision.

Response:

As stated previously no wildlife corridor mapping has been considered in the Native Vegetation Planning Review as there is no current mapping of a scale or quality available. This work has been included in the biodiversity planning program.

There was no submission received from the NSW Department of Planning.

BUDGET

There are no budget implications as a result of this report.

POLICY

This report provides policy direction for the new Hornsby Shire Council Local Environment Plan - Standard Instrument and the new Comprehensive Development Control Plan. The

Council resolution from this report provides the direction taken for future tree and bushland preservation provisions within Council's statutory planning framework.

CONSULTATION

The *Hornsby Shire Native Vegetation Planning Review* was exhibited for an extended period of 52 days, from 5 May 2010 to 25 June 2010. The exhibition of the Review was extended to allow more time for submissions.

Advertisements were placed in local newspapers during the exhibition period which identified the purpose of the review and where the review could be viewed. The Review and ESL Maps were placed on Council's website under 'On Exhibition' and copies displayed at the Hornsby Council Administration Building and at all Council libraries.

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

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

A copy of the Review was also provided to the following branches of Council for comment.

- Environmental Sustainability and Health Team
- Parks and Landscape Team
- Water Catchments Team

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. Council implement the recommendations of Option 2 as resolved in Executive Manager's Report No. EN11/10 for inclusion into the new Standard LEP.
2. Council prepare a new element/chapter 'Preservation of Trees and Native Vegetation' within the new Comprehensive Development Control Plan as resolved in Executive Manager's Report No. EN11/10.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06719

Document Number: D01433278

12 TREE REMOVAL AT 75 MANOR ROAD, HORNSBY

EXECUTIVE SUMMARY

This report recommends that Council refuse the application for consent to remove a *Eucalyptus pilularis* (Blackbutt) located in the rear yard of the property at 75 Manor Road, Hornsby. The applicant has appealed previous decisions to refuse consent by the Parks and Landscape Team and has requested that this matter be referred to an Ordinary Meeting of Council.

PURPOSE/OBJECTIVE

The owner of the property seeks Council approval to remove a *Eucalyptus pilularis* (Blackbutt).

DISCUSSION

An application was lodged on 25 February 2010, requesting permission to remove two *Eucalyptus sp* from the rear of the subject property. Reasons for the request were falling branches and heightened fears regarding damage to property and people under the tree. An inspection was undertaken by Council's Tree Management Officer, Mr Dennis Hoye, who granted permission for one tree to be removed and refused permission for the second tree to be removed, finding the tree to be in good health and condition at the time of inspection.

On 12 April 2010 the applicants requested a second inspection be undertaken on the tree. Additional reasons put forward for the removal of the tree were safety concerns for their daughter from dropping branches. The applicants advised Council that their daughter is scared to sleep in her room which is under the canopy of the tree.

The second inspection was carried out by Council's Tree Management Officer, Mr Robert Woodward. Permission to remove the tree was again refused.

On 28 May 2010 a letter was sent to Councillors McMurdo, Russell, Smart and Berman by the applicant, requesting that they visit the property to inspect the tree as it is difficult for them to attend a Council Meeting. The applicants also stated that the tree was cracking the slab on which the house is built. At no time during the two inspections by the tree officers was it pointed out that the slab was damaged. No arborist report or supporting evidence such as a structural engineers report has been submitted by the applicant to support the removal of the tree or to provide evidence of damage to the slab. Photographic evidence was supplied showing dead branches on the roof which had allegedly damaged the tiles. The branches were approximately 20mm in diameter and are typical of small dead branches found on eucalypts. There is no evidence of live branch failure in the tree. The applicants stated that they were not applying for permission to remove the tree due to its health, but because of their fears due to falling limbs.

Council's Tree Management Plan, Section 3.3, states in part: "approval will generally not be given for tree pruning or removal where there are unsubstantiated fears about tree health and

condition, including the natural development of minor deadwood throughout the canopy of a tree or concerns relating to the natural growth habit of the tree in terms of height”.

Council officers have assessed this tree to be in good health, of attractive appearance and worthy of preservation. Council’s arborists are of the view that there is currently insufficient cause to justify removal. However, should the tree cause damage, for example as a result of a storm, Council could be liable, especially if this occurred in the near future following refusal of consent. This is always the situation which must be considered when assessing trees. Council’s guidelines allow a tree to be removed in the case of safety concerns if there are signs that the tree is diseased, dying or dangerous. None of these signs were evident.

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

THE TREE

Tree details

Species:	<i>Eucalyptus pilularis</i>
Common Name:	Blackbutt
Height:	25 metres
Crown spread:	16 metres
DBH:	700mm
Age Class:	Mature

The subject tree is a *Eucalyptus pilularis* (Blackbutt) and was assessed as being in good health and condition at the time of inspection and worthy of preservation. The tree is located at the rear of the property and is located approximately 3.5 metres from the dwelling foundations. There is a paved area at the rear of the property which is located beneath the tree where the applicants have placed a small swing play set. This could be relocated to the deck area approximately 5 metres away (see swing set location map). Blackbutts are indigenous to the area, and this tree has grown in an area which can sustain a tree of this size.

The tree canopy is typical of a Blackbutt. The tree has good vigour, good health, the foliage colour and density are normal and there is no evidence of major branch loss. There is no evidence of the tree being maintained by pruning. There is no sign of insect or fungal damage to the tree.

Any decision as to the removal of the tree cannot be supported by arboricultural reasons, but are a matter for Council’s consideration of the fears of the family about the tree.

BUDGET

There are no budgetary implications arising from this decision.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

There is no requirement for consultation in this matter.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council refuse consent to remove the *Eucalyptus pilularis* (Blackbutt) located in the rear yard of 75 Manor Road, Hornsby.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments to be printed separately:

1. Tree location
2. Tree Photo 1
3. Tree Photo 2
4. Swing play set location

File Reference: TA/233/2010
Document Number: D01437022

13 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 30 June 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 No. EN36/10 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Parks Capital Progress Report June 09-10

File Reference: F2004/06971
Document Number: D01437973

**14 "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, 17 June 2010, and to recommend actions contained in the minutes of the meeting.

DISCUSSION

The minutes of the Hornsby Shire Materials Handling Facility Monitoring Committee held on 17 June 2010 are included in this report as an attachment.

It should be noted in Item 3, General Business, of the minutes that the committee has received an Expression of Interest for the vacant position of Environmental Representative and the committee recommends that Mr Michael Barratt be appointed as the Environmental Representative to the committee.

BUDGET

No impact on the budget.

POLICY

Any actions will be in accordance with Council's policies.

CONSULTATION

This report has been prepared in consultation with Mr Bruce Adcock of 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 “Wellum Bulla” – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 17 June 2010.
2. Mr Michael Barratt be appointed as the Environmental Representative to “Wellum Bulla” – Hornsby Shire Council Materials Handling Facility Monitoring Committee.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Minutes 17 June 2010
2. Monitoring Report, Site and Environmental Management Plan Audit - June 2010

File Reference: F2004/09261
Document Number: D01445110

15 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - RLCIP 3

EXECUTIVE SUMMARY

This is the initial report advising Council of works proposed for funding under the Federal Government's Third Regional and Local Community Infrastructure Program (RLCIP 3), an additional component of the Government's tapering economic stimulus measures. Council has been allocated \$360,000 under this program for agreed works which can be completed by 31 December 2011.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council of new Government funding and to seek Council's concurrence with suggested projects to be constructed under the new program.

As agreed for the completed RLCIP 1 and the current RLCIP 2 Programs, the Works Division will coordinate RLCIP 3 and will provide regular consolidated reports to Council with respect to the progress of all RLCIP 3 projects, including those undertaken by Corporate and Community and Environment Divisions.

DISCUSSION

The Australian Government initiated a number of economic stimulus measures with the aim of minimising the negative impacts of the global recession on the national economy. Under RLCIP 1 Council received \$833,000 for local projects which could be commenced quickly and completed by 30 September 2009. Council completed all projects in the allotted timeframe.

In order to achieve a gradual withdrawal of stimulus funding, the Government has established two subsequent funds; the current RLCIP 2 from which Council has received \$360,000 for projects which can be completed by 31 December 2010, and now the new RLCIP 3, from which council will receive a further \$360,000 for projects which can be completed by 31 December 2011.

Given the complexity of managing a large number of small projects under these programs, it is proposed that a smaller number of larger projects be undertaken under Round 3. A suggested project for funding by RLCIP 3 is listed in the attachment to this report as Option 1. A second option is also provided for Council's consideration. As suggested by the Department, an alternative series of projects have been included to allow for substitution in the event that the Department deems a nominated project as unsuitable for this program. Option 1 is supported.

BUDGET

The RLCIP program has provided positive benefit to Council in allowing hitherto unfunded projects to be brought forward. Any minor cost overspends that may occur in the course of

completing RLCIP 3 projects will be funded from Council's normal budget allocations. These will be reported in future Budget Reviews as for previous programs.

POLICY

There are no policy implications associated with this report.

CONSULTATION

Consultation has been maintained with the David Johnston, Manager Community Services Branch; Cheryl Etheridge, Manager Library and Information Services Branch; Chon-Sin Chua, Manager Assets Branch and Peter Kemp, Manager Parks and Landscape Team.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer for preparation of this report is the Works Support Coordinator, Lyndon Taylor, telephone 9847 6697.

RECOMMENDATION

THAT Council endorse the project listed in Option 1 under RLCIP 3.

MAXWELL WOODWARD

Executive Manager

Works Division

Attachments:

1. RLCIP 3 - Proposed Projects

File Reference: F2008/00661-02

Document Number: D01445449

16 COMMERCIAL DEVELOPMENT IN NATIONAL PARKS

ASKED BY COUNCILLOR MARTIN

TO COUNCILLOR BERMAN:

Mayor Berman has expressed an opinion that he approves of the new State law that permits commercial development in National Parks (see Hornsby Advocate 30/06/2010).

Can Mayor Berman please declare any information that he has of any possible planned developments that he is aware?

If so, what are they and at what location?

Answer:

There are none that I am aware of.

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