



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 15 December, 2010
at 6.30 pm**

TABLE OF CONTENTS

AGENDA AND SUMMARY OF RECOMMENDATIONS**MAYORAL MINUTES****NOTICES OF MOTION****RESCISSION MOTIONS****MATTERS OF URGENCY****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS****GENERAL BUSINESS****General Manager's Division**

Item 1	GM25/10 Friendship Agreement - City of Xi'an.....	1
Item 2	GM26/10 Lobbying in Local Government.....	4
Item 3	GM27/10 Infrastructure Levy.....	7

Corporate and Community Division

Item 4	CC71/10 Outstanding Council Resolutions - Period Until 31 August 2010	14
Item 5	CC75/10 Declarations of Pecuniary Interest and Other Matters Returns - Councillors and Designated Persons.....	16
Item 6	CC76/10 Request for Funding Support - Dural Rotary Club - Establishment of an Anti Graffiti Squad.....	19
Item 7	CC77/10 2010/11 Investments and Borrowings - Report for Period Ending October 2010.....	24

Environment Division

Item 8	EN57/10 Sustainable Total Water Cycle Management Strategy and Water Use - Hornsby LGA - 2000-01 to 2009-10.....	27
Item 9	EN59/10 Bushfire Risk Mitigation Manual Works Program	30
Item 10	EN60/10 Pennant Hills Park Matters - Ern Holmes Oval and the Netball Facility.....	34
Item 11	EN61/10 Tender T27/2010 - Pre-fabricated Amenities Building, John Purchase Public School Oval, Cherrybrook.....	41
Item 12	EN63/10 Bushland and Biodiversity Team Annual Report 2009-2010	45
Item 13	EN64/10 Naming of Waitara Oval	48

Planning Division*Nil***Works Division**

Item 14	WK84/10 Tender No T15/2010 - Design and Project Management of Storey Park Community and Child Care Centre, Hornsby	51
Item 15	WK85/10 Tender T29/2010: Grinding of Concrete Footpaths	55

Item 16	WK86/10 Tender T26/2010: Construction of John Purchase Oval Extension and Car Park at 46-60 Purchase Road Cherrybrook	59
Item 17	WK87/10 Hornsby CBD Drainage Project	63

SUPPLEMENTARY AGENDA

CONFIDENTIAL ITEMS

PUBLIC FORUM – NON AGENDA ITEMS

MAYOR'S NOTES

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev. Karina Kreminski of 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 purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All 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 17 November, 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 GM25/10 FRIENDSHIP AGREEMENT - CITY OF XI'AN

RECOMMENDATION

THAT Council:

1. Give consideration to any amendments required to the draft Memorandum of Understanding with the City of Xi'an;
2. Authorise the Mayor and General Manager to finalise the wording of the Memorandum of Understanding; and
3. Authorise the Mayor to execute the finalised Memorandum of Understanding on behalf of Council.

Page Number 4

Item 2 GM26/10 LOBBYING IN LOCAL GOVERNMENT

RECOMMENDATION

THAT the Report be received and noted.

Page Number 7

Item 3 GM27/10 INFRASTRUCTURE LEVY

RECOMMENDATION

THAT the contents of General Manager's Report No. GM 27/10 be received and noted.

CORPORATE AND COMMUNITY DIVISION**Page Number 14****Item 4 CC71/10 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 31 AUGUST 2010****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC71/10 be received and noted.

Page Number 16**Item 5 CC75/10 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 19**Item 6 CC76/10 REQUEST FOR FUNDING SUPPORT - DURAL ROTARY CLUB - ESTABLISHMENT OF AN ANTI GRAFFITI SQUAD****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC76/10 be received and noted.
2. Council approve a one off allocation of \$5,000 to the Dural Rotary Club, funded from the 2010/11 Engineering Services Graffiti Removal Budget, subject to a satisfactory contractor agreement being signed by Council and the Rotary Club regarding the operation of the project.
3. Project funding be used exclusively on removing graffiti in the Hornsby Shire in the suburbs referred to in Report No. CC76/10.
4. Council officers review the operation of the Dural Anti Graffiti Squad following the two year trial period and provide Council with a report on such review.
5. Council not consider funding requests for similar projects until the Dural Graffiti Squad project has been reviewed following the two year trial period.

Page Number 24

Item 7 CC77/10 2010/11 INVESTMENTS AND BORROWINGS - REPORT FOR PERIOD ENDING OCTOBER 2010

RECOMMENDATION

THAT the contents of the Executive Manager's Report No. CC77/10 be received and noted.

ENVIRONMENT DIVISION

Page Number 27

Item 8 EN57/10 SUSTAINABLE TOTAL WATER CYCLE MANAGEMENT STRATEGY AND WATER USE - HORNSBY LGA - 2000-01 TO 2009-10

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN57/10 be received and noted.

Page Number 30

Item 9 EN59/10 BUSHFIRE RISK MITIGATION MANUAL WORKS PROGRAM

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN59/10 be received and noted.

Page Number 34

Item 10 EN60/10 PENNANT HILLS PARK MATTERS - ERN HOLMES OVAL AND THE NETBALL FACILITY

RECOMMENDATION

THAT:

1. Ern Holmes Oval be allocated for sport in the 2011 winter season as contained in attachment 7, with a review to be conducted with users following season end.
2. In-principle support be given for the splitting of netball match days at Pennant Hills Park over Friday nights and Saturdays and for the funds to be identified to install the necessary floodlight improvements.
3. A Plan of Management for Pennant Hills Park be prepared during 2011-12.

Page Number 41

Item 11 EN61/10 TENDER T27/2010 - PRE-FABRICATED AMENITIES BUILDING, JOHN PURCHASE PUBLIC SCHOOL OVAL, CHERRYBROOK

RECOMMENDATION

THAT Council accept the alternative proposal submitted by Garad Moulded Pre-Cast Pty Ltd. for Tender No. T27/2010: "Pre-fabricated Amenities Building at John Purchase Oval, Cherrybrook" for the lump sum price as stated in the attached Confidential Memo (ENV 26/2010). The price will be made public on formal acceptance of the tender.

Page Number 45

Item 12 EN63/10 BUSHLAND AND BIODIVERSITY TEAM ANNUAL REPORT 2009-2010

RECOMMENDATION

THAT Council adopt the attached report entitled 'Bushland and Biodiversity Team Annual Report 2009-10'.

Page Number 48

Item 13 EN64/10 NAMING OF WAITARA OVAL

RECOMMENDATION

THAT:

1. Following consultation with the existing users of Waitara Park and the wider community, a report be presented to Council on the results.
2. Subject to recommendation 1 the cricket oval in Waitara Park be named "Mark Taylor Oval" to commemorate Mr Taylor's association with the ground and his contribution to cricket.

PLANNING DIVISION

Nil

WORKS DIVISION

Page Number 51

Item 14 WK84/10 TENDER NO T15/2010 - DESIGN AND PROJECT MANAGEMENT OF STOREY PARK COMMUNITY AND CHILD CARE CENTRE, HORNSBY

RECOMMENDATION

THAT:

1. Council accept the tender submitted by Mode Design Corp. Pty Ltd for the Design and Project Management of Storey Park Community and Child Care Centre, Hornsby.
2. The price to be made public upon formal acceptance of the tender.

Page Number 55

Item 15 WK85/10 TENDER T29/2010: GRINDING OF CONCRETE FOOTPATHS

RECOMMENDATION

THAT Council accept the tender submitted by The Australian Grinding Company Pty Ltd for Tender No. T29/2010: "Grinding of Concrete Footpaths" as stated in the attached Confidential Memo WD D&C 77/10.

Page Number 59

Item 16 WK86/10 TENDER T26/2010: CONSTRUCTION OF JOHN PURCHASE OVAL EXTENSION AND CAR PARK AT 46-60 PURCHASE ROAD CHERRYBROOK

RECOMMENDATION

THAT:

1. Council accept the tender submitted by Cardinal Project Services Pty Ltd for Tender No. T26/2010: "Construction of John Purchase Oval Extension and Car Park at 46-60 Purchase Road, Cherrybrook" for the lump sum price as stated in the attached Confidential Memo (WD D&C 75/10).
2. The price will be made public on formal acceptance of the tender.

Page Number 63

Item 17 WK87/10 HORNSBY CBD DRAINAGE PROJECT

RECOMMENDATION

THAT:

1. Council receive and note the Flood and Floodplain Risk Management Study for the Hornsby CBD.
2. Allocate \$25,000 from the S94 Contribution Civic and Urban Improvements - Drainage for preconstruction activities associated with No. 73 Albert Street and No. 21 Water Street.
3. Once a design solution has been determined to flood proof 73 Albert Street, a report to Council be prepared outlining the works and estimated cost.

SUPPLEMENTARY AGENDA

CONFIDENTIAL ITEMS

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MAYOR'S NOTES

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

QUESTIONS WITHOUT NOTICE

1 FRIENDSHIP AGREEMENT - CITY OF XI'AN

EXECUTIVE SUMMARY

At the 17 March 2010 Ordinary Meeting Council resolved, inter alia, to explore further a sister city or friendship city relationship with the City of Xi'an, Peoples' Republic of China.

Councillors Berman, Hutchence and McMurdo travelled to Xi'an City, in October 2010, at the invitation and cost of the City and subsequently, representatives from the City of Xi'an visited Council to propose that a Friendship Agreement be progressed.

The Mayor advised the representatives that he was going to report on his recent visit to Xi'an City at the 20 October 2010 Ordinary Meeting and propose that the General Manager liaise with representatives from the City of Xi'an and subsequently prepare a report providing a draft Memorandum of Understanding for Council's consideration.

A draft Memorandum of Understanding has been prepared and forwarded to the City of Xi'an for review and advice as to any amendments. Additionally, the City of Xi'an has been advised that the final document will require formal Council approval before execution. To date, a reply from the City of Xi'an is awaited.

It is proposed that subject to any amendments required by Council, the Mayor and General Manager be authorised to finalise the wording of the Memorandum of Understanding and the Mayor be authorised to execute the finalised document.

PURPOSE/OBJECTIVE

To respond to Council's resolution of 20 October 2010 for the General Manager to prepare a report for Council's consideration proposing an appropriate Memorandum of Understanding in respect of a Friendship Agreement with the City of Xi'an.

DISCUSSION

At the 17 March 2010 Ordinary Meeting, Council considered Mayoral Minute No MM4/10 – Friendship City Arrangement and resolved:

THAT Council:

- 1. Acknowledge representations made on behalf of the City of Xi'an, Peoples' Republic of China to establish a sister city or friendship city relationship with Hornsby Shire.*
- 2. Indicate it is prepared to explore further this opportunity and what is involved.*
- 3. Confirm the establishment of a relationship with the City of Xi'an comes at no expense to Hornsby Shire Council for the cost of accommodation or any travel to or from and within the Peoples' Republic of China.*

MM4/10 proposed that the steps to be followed, in progressing the matter, were:

1. Hornsby Shire Council issue a Letter of Invitation to the Xi'an government for some of the government officials to visit Hornsby during some time from March - August 2010 (all travelling and accommodation costs of the visit to be borne by Xi'an City)
2. After the visit, a number of Councillors, at the invitation of Xi'an City, to pay a return visit to Xi'an (all travel and accommodation costs of the visit to be borne by Xi'an City)
3. Upon returning to Hornsby after the Xi'an visit, Council to consider whether or not to go ahead with the "Sister City" relationship, or if need be, consider a lower level "Friendship City" relationship.
4. Should a favourable resolution be arrived at, discuss, draft and agree on related documents.
5. Have the Agreement signed at a ceremony held in Hornsby.

Steps 1 and 2 have subsequently occurred. In this regard, it is noted, in respect of step 2, that Councillors Berman, Hutchence and McMurdo travelled to Xi'an City during October 2010.

Subsequently, representatives from the City of Xi'an visited Council to propose that the Friendship Agreement be progressed. The Mayor advised the representatives that he was going to report on his recent visit to Xi'an City at the 20 October 2010 Ordinary Meeting and to recommend that Council consider formalising the relationship through a Memorandum of Understanding. Such a Memorandum would reflect an understanding of the expectations that could arise through the relationship.

The Mayor proposed that the General Manager liaise with representatives from the City of Xi'an and subsequently prepare a report and provide a draft Memorandum of Understanding for Council's consideration.

A draft Memorandum of Understanding has been prepared; copy attached, which has been forwarded to representatives of the City of Xi'an for their review and advice as to any amendments. Additionally, the City of Xi'an has been advised that the final document will require formal Council approval before execution. To date, a reply from the City of Xi'an is awaited.

It is proposed that subject to any amendments required by Council, the Mayor and General Manager be authorised to finalise the wording of the Memorandum of Understanding and the Mayor be authorised to execute the finalised document.

BUDGET

There are no budget implications in the preparation of this Report.

POLICY

There are no direct policy implications, however it should be noted that Council has at various times declined to enter into relationships with other cities or local government authorities.

CONSULTATION

Consultation is being undertaken with representatives of the City of Xi'an in order to finalise the wording of the draft Memorandum of Understanding.

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 General Manager, Mr Robert Ball.

RECOMMENDATION

THAT Council:

1. Give consideration to any amendments required to the draft Memorandum of Understanding with the City of Xi'an;
2. Authorise the Mayor and General Manager to finalise the wording of the Memorandum of Understanding; and
3. Authorise the Mayor to execute the finalised Memorandum of Understanding on behalf of Council.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Draft Memorandum of Understanding

File Reference: F2004/06547
Document Number: D01537816

2 LOBBYING IN LOCAL GOVERNMENT

SUMMARY

The Independent Commission Against Corruption (ICAC) has released a Report, "*Investigation into corruption risks involved in lobbying*", which was tabled in Parliament on 10 November 2010.

The Commission has made a number of recommendations for a new regulatory scheme designed to address relevant corruption risks and improve transparency, integrity and trust with lobbying in the NSW government. Local Councils however are not included in this scheme.

Lobbying at a local council level is examined in Chapter 11 of the Report and the Commission found that a lobbying problem exists at the local government level but differs from the problem at the state level.

The Commission has recommended the development of a standard protocol for the regulation of contact between council staff and applicants for development proposals and the requirement that those seeking council determinations or decisions make a written declaration of affiliations or business interests with Council staff.

The recommendations are directed to the State Government and consequently, no immediate action is required by Council.

PURPOSE/OBJECTIVE

The purpose of this Report is to advise Council of the release by the Independent Commission Against Corruption of its Report '*Investigation into corruption risks involved in lobbying*'.

DISCUSSION

The Independent Commission Against Corruption (ICAC) has released a Report, "*Investigation into corruption risks involved in lobbying*", which was tabled in Parliament on 10 November 2010.

The Commission has made a number of recommendations for a new regulatory scheme designed to address relevant corruption risks and improve transparency, integrity and trust with lobbying in the NSW government.

The Commission found that lobbying attracts widespread community perceptions of corruption, and involves a number of corruption risks. However, there was much evidence that demonstrated that, in general, professional lobbyists act ethically, and that lobbying, when done well, can enhance rather than detract from good decision-making by public officials.

Local Councils however are not included in this scheme. The Commission found *“that a lobbying problem exists at the local government level but differs from the problem at state level. At state level, these problems are about the perceptions and corruption risks arising from closed door lobbying, and from the lack of availability of information about lobbying. The local government lobbying problem is about contact between an applicant and a council officer, which can lead to corruption or the perception of corruption. The process of controlling that contact is already quite advanced in the field of planning, and to a large extent, in local government. The only “secret” parts of the contact now available are the covert grooming towards dishonest conduct. The unanimity of view on the source of local government corrupt lobbying was notable.”*

Lobbying at a local council level is examined in Chapter 11 of the Report. A copy of Chapter 11 is attached. Recommendations 12 to 16 outline the scheme proposed by the Commission for local councils.

The Commission has recommended the development of a standard protocol for the regulation of contact between council staff and applicants for development proposals and the requirement that those seeking council determinations or decisions make a written declaration of affiliations or business interests with Council staff.

As recommendations 12 to 14 involve recommendations of action to be taken by the NSW Government, no action is required by Council. Recommendation 15 relates to sanctions against applicants and recommendation 16 relates to actions to be taken by councils to implement procedures following the implementation of the recommendations directed to the State Government. As a consequence, no immediate action is required by Council.

The complete Report is available on the ICAC website www.icac.nsw.gov.au

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

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 General Manager, Mr Robert Ball

RECOMMENDATION

THAT the Report be received and noted.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Chapter 11 - ICAC - Local Government and Lobbying

File Reference: F2008/00121

Document Number: D01539597

3 INFRASTRUCTURE LEVY

EXECUTIVE SUMMARY

General Manager's Report No. GM19/10, submitted to the October Ordinary Meeting of Council, indicated that following the Minister's determination of Council's application for an infrastructure levy Council asked the Minister to reconsider Council's application. Council stated that reconsideration was warranted particularly after reviewing the assessment undertaken by the Division of Local Government (DLG) officers.

In response to its request for reconsideration Council received a letter dated 28 July 2010 from the Chief Executive, Local Government advising that the Local Government Act 1993 does not provide a mechanism for a review or appeal of Ministerial decisions on special variation applications and the Minister's decision remains.

A further letter dated 19 August 2010 was forwarded to the Division of Local Government. That letter expressed the view that a number of matters appeared to have been overlooked by the Division in its assessment of Council's request for a review and invited the Division to reply to issues outlined in that letter. A reply from the DLG had not been received before the October Ordinary Meeting of Council and Council was advised that when replies were received a further report would be submitted to Council. A reply dated 19 October 2010 has now been received.

No detailed analysis of the reply is made as it is important for Council to now focus on the detailed review of its operations and further community consultation to resolve the legacy of the Minister's decision. Attention however is drawn to the Report of the Independent Pricing and Regulatory Tribunal (IPART) "Revenue Framework for Local Government Other Industries - Final Report, December 2009", published 3 September 2010 which finds support for the view that the basis on which councils' applications for special variations are assessed is not sufficiently clear; that the process is unpredictable, unnecessarily complicated, and expensive to administer; and approval comes only after the council concerned has had to devote substantial resources to making its case.

Recommending that the General Manager's Report No. GM27/10 be received and noted.

PURPOSE/OBJECTIVE

To fulfil the commitment made in General Manager's Report No. GM19/10 to report to Council the Division of Local Government's reply to Council's letter dated 19 August 2010. That letter related to Council's application for approval for an infrastructure levy and expressed the view that a number of matters appeared to have been overlooked by the Division in its assessment of Council's request for a review and invited the Division to reply to issues outlined in that letter.

DISCUSSION

General Manager's Report No. GM19/10, submitted to the October Ordinary Meeting of Council, indicated that following the Minister's determination of Council's application for an

infrastructure levy Council sought legal advice and then asked the Minister to reconsider Council's application subjecting the application to the same scrutiny as would apply to an application under section 508A. Council stated that reconsideration was warranted particularly after reviewing the assessment undertaken by the Division of Local Government (DLG) officers dated 23 April 2010 and 21 June 2010.

Council in response to its request for reconsideration received a letter dated 28 July 2010 from the Chief Executive, Local Government advising that the Local Government Act 1993 does not provide a mechanism for a review or appeal of Ministerial decisions on special variation applications and the Minister's decision remains.

As there was a necessity to report publicly to Council on the Minister's determination and the actions taken by Council, a further letter dated 19 August 2010 was forwarded to the Division of Local Government. That letter expressed the view that a number of matters appeared to have been overlooked by the Division in its assessment of Council's request for a review and invited the Division to reply to issues outlined in that letter, so that they could be comprehensively reported to Council. A reply from the DLG had not been received before the October Ordinary Meeting of Council and Council was advised that when replies were received a further report would be submitted to Council. A reply dated 19 October 2010 has now been received; copy attached.

The issues raised by Council follow, with questions submitted to the DLG bolded. The Division's reply to each issue is shown in italics.

1. The DLG has ignored that Council was not seeking to rely upon any mechanism within the Local Government Act for a review of the Minister's decision on Council's special variation application. The Division's attention was drawn to the decision in *Sharples v Minister for Local Government* (2008) NSWLEC 328 (30 December 2008), which Council considered enabled the Minister of her own volition to review the previous decision.

Could you please confirm that the Minister has advised the Division that she will not exercise her discretion in this matter?

DLG - "I note your comments in regard to the power of the Minister for Local Government to review a previous decision. I can confirm that the Minister has advised that her decision and original determination in regard to Council's application remains unchanged."

2. Council accepted that it is its responsibility to ensure that its application for a special variation adequately addressed the criteria. The Division's assessment summary clearly indicates that Council's "*Application meets all criteria for a fixed term variation.*"

DLG - "With regard to the second issue you raised, as outlined in the Division's submission, Council's application met the criteria for a fixed term variation. However, as noted in the Summary Comments, Council's application was for the long term and a section 508(2) application essentially avoided the Division's scrutiny of Council's compliance with the Integrated Planning and Reporting (IP&R) framework.

As previously mentioned in my letter of 30 June 2010, it was anticipated that once a council had fully implemented the IP&R reforms, section 508(2) special variations would largely become obsolete. Rather, where the need arises, a council would incorporate and align a proposed section 508A special variation application within its Community Strategic Plan and Delivery Program processes."

Could you please indicate the comparative weighting given by the Division to the ratings in the assessment and that given to statements otherwise contained in the assessment, but not related to the criteria, in making a final recommendation to the Minister?

What guidance is given or guidelines exist for the determination of the rating out of 5 given to each criterion?

If guidelines exist, could a copy please be forwarded for information?

How does “community consultation using a variety of different forums and mediums”; undertaken in a “professional manner” utilising “best practice” achieve a rating of 3.5 rather than a higher rating?

What is required to achieve a rating in excess of 3.5?

DLG - “The ratings provided in the Division’s assessment indicated the strengths and weaknesses of a council’s application. These ratings sought to highlight where a council’s application either met or failed to meet the criterion provided in the Guidelines for the preparation of an application for a special variation to general income in 2010/11 (the Guidelines). No other guidelines exist.

In reviewing Council’s community consultation, it was noted that the Member for Hornsby, Mrs Judy Hopwood MP, raised concerns regarding the lack of community support for the proposed levy. It was also noted that Council needed to extend the consultation period to 18 June 2010 to allow the community to make specific comments on the proposed ward program of works, which were not initially provided to the community for comment. Both these matters negatively impacted on the rating given to Council’s application.”

3. It is correct that the Division had drawn to Council’s attention, when Council officers met with the Division staff on 2 September 2009 that group 1 councils should give consideration (my underlining) to applying under section 508A. Council did give consideration to the Division’s suggestion, as proposed by the Division’s officers. There is however no mandatory requirement that Council submit an application under section 508A.

Council undertook its consultation in two stages. Stage one was explaining to the community the various options for an application and the impacts. The community preferred a section 508(2) application. Stage two involved the community consultation on the proposed section 508(2) application.

Following this extensive community consultation, Council pursued a course involving an application under section 508(2).

After considering the two (2) DLG letters dated 30 June 2010 and 28 July 2010, it appears that the Division’s recommendation to the Minister to not approve Hornsby Council’s application was based upon the Division’s statement that Council’s application “*is a long term SV and S508(2) application essentially avoids the Division’s scrutiny of Council’s IP&R framework and that such a SV will have a long term impact*”.

Does the Division consider that there was a mandatory requirement that Council as a Group 1 Council was required to submit an application under section 508A?

Does the Division consider that the community should be ignored if, with full information, the community expresses preference for a course of action which the Council also considers is appropriate and so endorses?

If the Division considers that a SV application requires a level of rigorous analysis equivalent to a s508A application, why would it not subject a SV application to the more rigorous analysis regardless of the application method chosen?

DLG - "I have noted your comments in regard to issue three. I can only reiterate the Division's position that it was anticipated that Council would submit an application under section 508A, particularly given the number of years of Council's proposed special rate variation and Council's nomination to be a Group 1 council for implementation of IP&R."

4. How does the Division justify defining an 'affordable' increase (page 6 DLG assessment) as a "potentially significant rate increase" (page 11 DLG assessment)?

DLG - "In response to issue four, I understand that Hornsby Shire residents and ratepayers had average incomes above the metropolitan average, which indicated they may have the capacity to afford an increase in their rates. However, while an increase may appear to be affordable, the increase may still be significant, which is an additional burden on residents and ratepayers."

5. The Minister is quoted in the Monthly Chronicle, July/August 2010 Edition, page 2 as saying:

"I have declined Hornsby Council's application for a 20 year special rate variation as Council was seeking a long term financial commitment from the community without it being supported by a long term plan. I have encouraged council to go back and work on its long term strategic plan with its community prior to applying for its next variation."

Did the Division assess the Council's submitted long term planning information?

If so, did the Division choose not to subject it to more rigorous analysis and also chose not to advise Council of the Division's apparent preference for a S508A application?

If the Division did assess the Council's submitted long term planning information please provide a copy of that assessment?

DLG - "In response to issue five, it was clearly articulated in the Guidelines and at the meeting with Council officers on 2 September 2009 of the differences between a section 508(2) application and a section 508A application. As previously mentioned in my letter dated 28 July 2010, it was the responsibility of individual councils to ensure their special rate variation application was fully complaint and that all relevant information was provided as part of the application."

6. Mr Waite of Pennant Hills has stated in writing:

"The irony is I knew Council's application was recommended for refusal before 30 June".

This is of concern as Council's enquiries solicited the response to await the Minister's determination.

Please confirm or deny the accuracy of this statement.

DLG - "In regard to the final issue you have raised, this question will need to be addressed to Mr Waite directly."

Conclusion

No detailed analysis of the reply is made as it is important for Council to now focus on the detailed review of its operations and further community consultation to resolve the legacy of the Minister's decision. It is however worth noting that the Independent Pricing and Regulatory Tribunal (IPART) in its Report "Revenue Framework for Local Government Other Industries - Final Report, December 2009", published 3 September 2010 stated at Pages 133-134:

"11.2 Improve transparency

Several stakeholders expressed concern that the current approaches for setting the rate peg and approving an application for a special variation to this amount are not transparent. We share this concern. As Chapter 4 noted, in the 30 or so years since rate pegging was introduced there has not been a clear explanation of the methodology used to set the rate peg. In addition, the basis on which councils' applications for special variations are assessed is not sufficiently clear. While the Division of Local Government provides guidance on the special variation application process, content and format, it does not clearly explain the criteria that will be used to decide whether or not applications will be approved.

We also note that the Division does not make information on the special variation applications it receives readily available until after the approval decisions are made. While ratepayers (and the community) within each local government area can obtain details from their own council, there is no mechanism in place for a review by the community of all applications. We acknowledge that the Division's Annual Report discloses the Minister's decisions on each application for a special variation, including the reason for the application, the increase approved, and the period for which the increase is to apply. However, this report is not released until after some months after the decisions have been announced.

We consider that the transparency of the framework for regulating council revenues should be improved by publishing clear explanations of the methodology for setting the rate peg, and the criteria for assessing applications for special variations. The transparency of the process for assessing special variation should also be improved by making applications for special variations publicly available on the Division's website before the decisions are made, and publishing a summary of the Minister's decisions and reasons for those decisions on this website after the decisions are made.

In addition, stakeholders expressed other concerns about the special variations process that suggest it can also be improved to better reflect other principles of good regulatory practice. Some submitted that the process is unpredictable, unnecessarily complicated, and expensive to administer. Others argued that it creates uncertainty for councils in relation to their future planning and budgeting. For example, in its submission, the City of Sydney noted that:

...removing the potential for political considerations and streamlining the process (for special variations) could increase the certainty of the outcome and facilitate improved financial and program planning for the coming year.

REROC submitted that while the Minister can and does approve requests for special variations, its members:

... would agree with comments made in the UTS Paper stating that the response to requests is inconsistent (and) “there have been marked differences in receptiveness from year to year” and noting that for some the approval comes only “after the council concerned has had to devote substantial resources to making its case and has been subjected to intense scrutiny”.

Our analysis of special variations applications over time provides some support for these concerns.”

BUDGET

There are no budget implications, other than the Minister’s determination will have a severe adverse effect on Council’s budget.

POLICY

There are no policy implications.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

The General Manager, Mr Robert Ball

RECOMMENDATION

THAT the contents of General Manager’s Report No. GM 27/10 be received and noted.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Comments – In reply to Councils letters dated 19/08/2010 – regarding Councils Special Rate Variation Application for 2010/2011.

File Reference: F2009/00639

Document Number: D01542903

4 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 31 AUGUST 2010

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

The purpose of this Report is to provide details in respect of resolutions adopted by Council up until the end of August 2010 which have not been substantially implemented.

DISCUSSION

In accordance with the Council Resolutions Policy, each Division has carried out a review of any resolutions adopted by Council up until the end of August 2010 which have not been substantially implemented. This has resulted in the attached spreadsheet being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

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

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

BUDGET

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

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Acting Administration Coordinator – Scott Allen who can be contacted on 9847 6609.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC71/10 be received and noted.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Council Resolutions as at 31 August 2010

File Reference: F2005/00112
Document Number: D01514701

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 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.

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

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns at the Ordinary Meeting held on 20 October 2010 (see Report No. CC63/10). Since that time, three 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
14/10/2010	Administration Coordinator	Leaving Council
8/11/2010	Debtors Coordinator	Leaving Council
9/11/2010	Investigations Engineer	Leaving Council

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

At the time of writing this Report, no Disclosures of Pecuniary Interest and Other Matters Returns remain outstanding.

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 Senior Access to 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: F2010/00368
Document Number: D01535720

6 REQUEST FOR FUNDING SUPPORT - DURAL ROTARY CLUB - ESTABLISHMENT OF AN ANTI GRAFFITI SQUAD

EXECUTIVE SUMMARY

The Dural Rotary Club has made a submission to Council requesting funding support for the establishment of an 'Anti Graffiti Squad'. Such establishment would see volunteer Rotarians remove graffiti on public and private property within the project area. In assessing the request, Council officers have consulted with Ku-ring-gai Council and The Hills Shire Council regarding similar programs that have operated in those local government areas.

Subject to a number of conditions being met, it is recommend that Council provide the Club with one off funding from the existing graffiti removal budget to enable a graffiti removal program to be trialled, and that following the completion of the trial, a further report be presented to Council regarding the efficacy of the program.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with an opportunity to consider a request for funding from the Dural Rotary Club in respect of the establishment of a trial community based program to remove graffiti in and around the Dural area.

DISCUSSION

Proposal from Dural Rotary Club

The Dural Rotary Club has made a submission to Council (see attached) requesting funding support of \$5,000 to establish an 'Anti Graffiti Squad'. The establishment of such a Squad would see volunteer Rotarians remove graffiti on public and private property within the project area. The proposal is based on similar projects operated by Rotary Clubs in The Hills and Ku-ring-gai local government areas. Through the proposed program, the Club will be seeking to eliminate existing graffiti in the local community and to keep the area graffiti free. This would be achieved by:-

- Creating a program aimed at private, business and public facilities;
- Establishing communication and reporting networks within the community to effectively and efficiently maintain a graffiti free community;
- Establishing recognised practices and procedures for cleaning graffiti sites, thus promoting a professional approach with emphasis on the safety of the individuals involved with the graffiti removal process;
- Fostering support, cooperation and liaison with the local community, other Rotarians, Council, project sponsors and other interested groups (such as schools, progress associations, local newspapers, etc);
- Encouraging community education and using specific initiatives to deter activities of graffiti artists (e.g. rapid removal and monitoring recently cleaned sites).

The Club have also outlined what they see as the benefits of their involvement in graffiti management in this part of the Shire. These benefits include:-

- Negligible expenditure by Council, once established, due to volunteer labour provided by Rotarians as part of their community support program. The Club expect that after the initial acquisition of equipment and materials, the graffiti removal project would be self funding due to occasional donations from grateful property owners;
- Promotion of positive attitudes in the community whilst at the same time acknowledging Council support for graffiti removal activities;
- Promotion of greater community awareness, and hence education, in respect to graffiti vandalism;
- As local residents, Rotarians can more easily increase community pride and spirit associated with the project.

The Anti Graffiti Squad will aim to:-

- Deter vandals from ‘tagging’ an area for the purpose of public display;
- Let vandals know that sites are being monitored and cleaned (and as a consequence, they have a higher risk of being detected);
- Reduce perceptions of a lack of safety that prevalent graffiti can create in a community;
- Stop graffiti reoccurring and spreading.

The Dural Rotary Club has advised that they wish to target the suburbs of Dural, Round Corner, Galston, Annangrove and Kenthurst with this project. The Hills Shire has been consulted in the production of this Report given that two of the suburbs proposed to be targeted by the Club are in that Shire. The Hills Shire has confirmed that they have funded a similar Rotary based volunteer graffiti removal program in the Rouse Hill area. However, in considering a request for funding from the Dural Rotary Club at their November 2010 Meeting, the Hills Shire declined to fund the Club for this project. The reason given for this decision by officers at the Hills Shire was that the Council had been “bombarded” with requests from other Rotary Clubs to undertake similar programs since funding the Rouse Hill project. The Hills Shire are said to not want to further commit to rolling out similar projects without a review of the current project being completed.

Ku-ring-gai Council have, and are funding, three Rotary based graffiti removal programs (at Turramurra, Lindfield and Roseville) and have provided positive feedback on the functioning of these projects. These projects remove graffiti from private property only, with Council retaining responsibility for removing graffiti from public property. These Rotary Clubs provide quarterly updates to Council on where and when they have removed graffiti, where graffiti hotspots are and who is “tagging” what.

The “learning” for Hornsby Council officers from the experience of neighbouring Councils has been the importance of engaging in a solid trial before considering funding community based graffiti removal programs in other areas and also the importance of having clear operational parameters and reporting requirements in place to evaluate the efficacy of the programs before continuing or expanding them.

Current graffiti removal practices in the Hornsby Shire

Council’s Engineering Services Branch is responsible for providing an asset maintenance service which ensures that all of Council’s buildings are maintained in a safe and functional

condition whilst conforming to relevant statutory requirements. Asset maintenance consists of proactive and reactive maintenance. Graffiti removal from Council assets is part of Council's reactive maintenance program but this management process does not generally extend to removing graffiti from private property. Council uses the powers available to it to remove graffiti from private property in certain instances, and maintains a graffiti register to record such instances, as required by the Local Government Act. Residents are also referred to private contractors or given information on how to remove graffiti themselves.

Council has a formal graffiti removal policy for Council buildings and assets which has been in operation since 12 March 2007. The graffiti removal policy aims to remove illegal graffiti within 12 to 24 hours of it occurring, depending on the offensiveness of the vandalism. Rapid removal has been found to discourage ongoing graffiti vandalism. The challenge that Council has in implementing this program is that rapid removal of graffiti requires systematic monitoring and cleaning of sites or facilities affected by graffiti. Limited staffing resources mean that monitoring capabilities are restricted and there is a reliance on the reporting of graffiti vandalism in order to remove it. The proposal from Dural Rotary Club will address this resourcing issue to some extent for Council and, other things being equal, provide better response times for graffiti removal in the suburbs of the Shire covered by the trial.

Statistics from the Australian Graffiti Register Suburb Summary Report (1 March 2007 to 1 September 2010) show that there were 37 graffiti incidents in Dural during this period which cost \$4,340.32 to remove and 121 graffiti incidents in Galston which cost \$13,408.87 to remove. It should be noted that the areas of Dural and Galston are relatively low target areas for graffiti vandalism in comparison to Hornsby, Thornleigh and Cherrybrook which have the highest incidents of graffiti in the Shire.

Given the above expenditure on graffiti removal in Dural and Galston since March 2007, the Manager, Engineering Services considers that the investment in infrastructure to support the Dural Rotary Club to remove graffiti in these suburbs, and others, on a voluntary basis is worth pursuing. Given this position, the following conditions are recommended to be attached to the provision of funding:

- The project be established in the Dural area as a two year trial;
- Prior to the commencement of the project, a contractor agreement be signed between Council and the Dural Rotary Club which outlines performance expectations, project scope and reporting requirements during the trial;
- No other such projects be considered by Council during the trial period;
- The trial be confined to the Hornsby local government area only;
- Full details of graffiti removed (date, property address, details of tags, photographs, etc) be provided to Council, together with any other relevant information
- Funding for the set up of the project be one off and the Dural Rotary Club fund ongoing graffiti removal during the trial period;
- At the conclusion of the trial, a report be prepared for Council's consideration outlining the efficacy of the program.

BUDGET

According to Executive Manager's Report No WK53/10, Council typically spends \$100,000 a year on graffiti removal activities. Rather than seeking additional funding to support the request from the Dural Rotary Club, it is considered appropriate to finance the infrastructure purchase to support this project from funds currently allocated to graffiti removal across the

Shire. As such, there would be no net budgetary impact in supporting the trial of this program.

POLICY

There are no policy implications associated with the recommendations contain within this Report.

CONSULTATION

There has been consultation in the preparation of this Report with Max Woodward - Executive Manager, Works Division; Peter Powell – Manager, Engineering Services Branch; Darren Lister – Acting Building Services Coordinator; Vivian Scrivener - Engineering Services Branch Secretary/Graffiti Liaison Officer; Lisa Cahill – Manager, Community Development; Scott Allen – Manager, Risk and Insurance; Cliff Hoare - Dural Rotary Club; Roger Norman - Turramurra Rotary Club; Greg Piconi - Director of Operations, Ku-ring-gai Council; and Jessica Armitstead - Grants and Projects Officer, The Hills Shire

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line (TBL) attempts to improve Council's decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's Strategic Themes. As this Report recommends that Council consider adopting this proposal on a trial basis only, it is considered that no Triple Bottom Line Report is required.

RESPONSIBLE OFFICER

The responsible officer is Mr David Johnston, Manager - Community Services Branch. For further information, please contact Council's Manager Community Development, Ms Lisa Cahill on 9847 6779, Monday to Friday 9.00 am to 5.00 pm.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC76/10 be received and noted.
2. Council approve a one off allocation of \$5,000 to the Dural Rotary Club, funded from the 2010/11 Engineering Services Graffiti Removal Budget, subject to a satisfactory contractor agreement being signed by Council and the Rotary Club regarding the operation of the project.
3. Project funding be used exclusively on removing graffiti in the Hornsby Shire in the suburbs referred to in Report No. CC76/10.
4. Council officers review the operation of the Dural Anti Graffiti Squad following the two year trial period and provide Council with a report on such review.
5. Council not consider funding requests for similar projects until the Dural Graffiti Squad project has been reviewed following the two year trial period.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Dural Rotary Club Submission

File Reference: F2008/00104
Document Number: D01539719

**7 2010/11 INVESTMENTS AND BORROWINGS - REPORT FOR PERIOD
ENDING OCTOBER 2010**

EXECUTIVE SUMMARY

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

This Report indicates that the total investment income for the period ending October 2010 was \$551,000 compared to the revised budgeted income for the same period of \$535,000. Of the investment income earned, 36% relates to externally restricted funds (such as those collected under Section 94 of the Environmental Planning and Assessment Act), and is required to be allocated to those funds.

PURPOSE/OBJECTIVE

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

DISCUSSION

Council's Investment Performance - October 2010

- The At-Call and Term Deposits achieved an annualised return of 5.65% for the month compared to the benchmark of 4.50%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market annualised return of 19.57% for the month compared to the benchmark of 18.2%. This fund has a 70% allocation to growth assets. Short term performance is expected to be volatile and the investment should be viewed over the longer term.
- Floating Rate Notes (FRNs) are bonds that have a variable coupon equal to a money market reference rate. This FRN investment achieved an annualised return of 6.74% for the month compared to the benchmark of 5.06%.
- Direct investments in CDO's achieved an annualised return of 5.99% for the month compared to the benchmark of 5.06%.
- The Capital Guaranteed Notes achieved an annualised return of 0.18% for the month compared to the benchmark of 5.06%. With the exception of the Longreach PIU Fund, the Capital Protected Notes coupons have not been accrued. During the month of October, the Capital Guaranteed Note – Rabobank Longreach PIU Fund was sold

prior to its maturity date of 29 September 2011. The Note was sold at 97.85 cents in the dollar and reinvested in a term deposit for the same period at 6.55%. This decision was based on Council being able to exceed the yield to maturity on its initial investment.

For total investments, the annualised return for October 2010 was 5.32% compared to the benchmark of 5.02%. It is noted that for 2010/11 year to date, the annualised return is 5.21% compared to the benchmark of 5.12%.

Economic Commentary

The Reserve Bank decided to raise the cash rate by 25 basis points to 4.75%, effective 3 November 2010. The Board concluded that the balance of risks (of inflation rising again over the medium term) had shifted to the point where an early, modest tightening of monetary policy was prudent.

Borrowings

In respect of borrowings, the weighted average interest rate payable on loans taken out from 2001 to 2010, based on the principal balances outstanding, is 6.81%. The Borrowings Schedule as at 31 October 2010 is attached for Council's information.

BUDGET

Total investment income for the period ending October 2010 was \$551,000. The revised budgeted income for the same period was \$535,000. Approximately 36% of the investment income relates to external restrictions (Section 94) and is, therefore, restricted.

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of the Executive Manager's report No CC77/10 be received and noted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. HSC Investment Portfolio as at 31 October 2010
2. HSC Borrowings Schedule as at 31 October 2010

File Reference: F2004/06987
Document Number: D01540434

8 SUSTAINABLE TOTAL WATER CYCLE MANAGEMENT STRATEGY AND WATER USE - HORNSBY LGA - 2000-01 TO 2009-10

EXECUTIVE SUMMARY

This report examines water reuse and potable water use in the Hornsby Local Government Area (LGA).

Stormwater harvesting and reuse projects have been completed at Greenway Park, Berowra Oval and Foxglove Oval. The harvested stormwater at these parks is being reused to irrigate the parks in a sustainable and cost effective way. The success of these projects arguably helped Council obtain a Federal Government grant of \$2.4 Million to commence the Epping Stormwater Re-Use and Energy Efficiency Project. This project is currently under construction and due for completion in early 2011.

Potable water consumption has been reduced by 50% at Greenway Park. Based on this trend, it is expected that annual water savings of approximately 9,000 kLs will be achieved at the completion of all the current stormwater harvesting projects. Collectively these projects have placed Council in the forefront of stormwater harvesting and water reuse management.

Other key innovative programs have included online water consumption monitoring and stormwater harvesting modelling. The water consumption program has enabled Council to monitor online water consumption trends and enabled the early detection of leaks and inefficiencies within the water supply system. As a result the program has detected significant water leaks at Crosslands Reserve, Hornsby and Epping pools. A stormwater harvesting model (SARAH) was developed by Council and this has provided the capability to prepare concept designs for stormwater harvesting schemes. The model facilitates the sizing of stormwater harvesting projects that re-use stormwater to irrigate sportsgrounds, parks and open space areas across the LGA. Consequently, Council was awarded the "Excellence in Stormwater Software Development" by the Stormwater Industry Association for developing the SARAH stormwater harvesting model.

Hornsby Shire Council's total corporate water consumption has gradually increased over the previous two financial years (2008-09, 2009-10) from 157,236 kLs to 162,240 kLs, i.e. an increase of 5,004 kLs. However, this consumption was still below the 2000-01 levels of 192,978 kLs. The increase of 5,004 kLs during 2009-10 was partially due to the resumption of normal irrigation at Council parks following Sydney Water's removal of water restrictions in June 2009.

The Hornsby LGA community water consumption has also increased over the previous two financial years (2008-09, 2009-10) from 13,062,022 kLs in 2008-09 to 13,633,547 kLs, i.e. an increase of 571,525 kLs. However, the community water consumption was still below the 2000-01 financial year which was recorded at 16,869,453 kLs.

The upward trend in corporate and community water consumption for the previous two financial years can be attributed to a number of factors. These factors include an increase in population and the lifting of water restrictions. The Australian Bureau of Statistics has now

published a preliminary estimated resident population in the Hornsby LGA (based on the 2006 Census data), as 159,911 for 2008, and 162,216 for June 2009.

The increase in population demands a corresponding increase in the use of facilities and services in the Shire (e.g. sportsgrounds, parks, aquatic centres, etc.). This impacts on water consumption and erodes some of the gains brought about through water conservation efforts and the adoption of water sensitive urban design.

PURPOSE/OBJECTIVE

To seek Council's adoption of the attached report entitled "Sustainable Total Water Cycle Management and Water Consumption - Hornsby LGA – 2000-01 to 2009-10". Once adopted, the report will be placed on Council's website for public information and viewing.

DISCUSSION

The first part of the attached report details Council's commitment to maximising water reuse. Variable weather patterns experienced in Sydney since the 2002 drought have reinforced the need for Council to explore other sources of potable water. Stormwater harvesting and reuse has played an important role in this regard. The need to conserve fresh drinking water and to reduce the impacts of urban stormwater on stream water quality has led to the harvesting of stormwater for reuse. This work has provided benefits to Council by minimising the dependency on potable water; cost savings by reusing water for irrigation and applying water quality treatment to reduce pollution loads. The program has also provided benefits to the community by enhancing playing field condition and promoting social interaction resulting in a healthier more active community.

The successful application of Council's Sustainable Total Water Cycle Management Strategy has enabled Council to secure Federal and State grant funding in order to commence various stormwater harvesting projects. Without this external funding, these projects could not have started. On a shire-wide basis, these projects provide substantial environmental, social and economic benefits to Hornsby Council and to the local community. The outcomes and benefits derived from these projects have included reusing water for parks irrigation, fire fighting and water quality treatment to reduce pollution loads to downstream ecosystems. The community interaction at sporting venues promotes a healthier lifestyle at Hornsby and social wellbeing. Not only have these projects placed Council in the forefront of water reuse management, they also provide a case study for other local councils.

Sustainable water use is one of the objectives of the Sustainable Total Water Cycle Strategy. Hence, an assessment of total water consumption in the Hornsby LGA is vital in water conservation management. Council's historical 10 year water consumption data enables it to measure the LGA's conservation efforts. Additionally, the water consumption monitoring of Council's various sites enables it to detect potential leakages.

To further advance its water conservation initiatives and programs, Hornsby Council participates in the International Council for Local Environmental Initiatives (ICLEI)'s Water Campaign and is one of two councils in Australasia to attain Milestone 5 of this campaign. Hornsby Council has also formed partnerships with Sydney Water and participates in its Every Drop Counts (EDC) business programs. The EDC's annual diagnostic review enables Council to continually monitor, analyse and evaluate its water conservation efforts and retain its 5-star accreditation.

This report also provides information on Hornsby LGA water consumption, i.e. Council and community. A detailed breakdown of consumption for houses, flats and units has been included. Hornsby Council commenced monitoring its corporate and community water consumption in 1998. The historical water consumption data collected since 2000, right through the drought years to this date, provides a snapshot for water usage across our Shire.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

The report was prepared by the Environmental Scientist, Water Cycle Project Management and the Special Projects and Administration Officer of the Water Catchments Team.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Dr Ross McPherson, Manager Water Catchments, telephone 9847 6708, between 8:30am and 5pm, Monday to Friday.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN57/10 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Sustainable Water Cycle Management Strategy and Water Use

File Reference: F2004/09005

Document Number: D01536214

9 BUSHFIRE RISK MITIGATION MANUAL WORKS PROGRAM

EXECUTIVE SUMMARY

Hornsby Shire Council has a duty of care to manage bushfire fuels on Council managed lands. The Bushfire Risk Mitigation Manual Works Program 2010-2015 (Attachment 1) outlines the specific areas where Council is undertaking bushfire mitigation works and details the proposed methods and strategic relationship with bushfire risk management planning. The program details work in 44 specific Asset Protection Zones and 10 Works Access Lines. It contains site considerations and outlines a proposed maintenance schedule.

PURPOSE/OBJECTIVE

To provide Council with information on the scheduled manual fuel reduction works undertaken on Council managed bushland to mitigate bushfire risk.

DISCUSSION

The Hornsby Ku-ring-gai Bush Fire Risk Management Plan (the "Risk Plan") was prepared by the Hornsby Ku-ring-gai Bush Fire Risk Management Committee under Section 52 of the Rural Fires Act 1997. The draft Risk Plan was the subject of report EN35/09 which was considered at Council's Ordinary Meeting of September 2009. The Risk Plan was subsequently formally adopted by the Risk Management Committee and by Council (report EN19/10 of 19 May 2010). The Bush Fire Risk Management Plan is a strategic document that identifies the level of bush fire risk for a district, strategies to manage the risk and the agencies that are responsible for implementing the strategies. This plan binds Council to fire management actions as identified within its treatment register. The treatment actions in the Risk Plan include manual works, fire trails, hazard reduction burning and education. This report focuses on manual works and gives a brief overview of hazard reduction burning and education; whilst a future report to Council will address fire trail maintenance.

The Bushfire Risk Mitigation Manual Works Program 2010-2015 (Attachment 1) addresses works identified in the Risk Plan and includes additional works generated from bushfire hazard complaints, bushfire grant programs and other priority interface work areas. The attached program provides site specific description of the works with a detailed type and timing of works to be undertaken. This includes the installation of and maintenance of Asset Protection Zones (APZs) on bushland interface areas and the installation of Works Access Lines (WALs).

The number of APZs on Council managed bushland has expanded from 13 in 2006 to the 44 APZs detailed in this Works Program. APZs and WALs involve fuel mitigation works and include clearing and thinning of vegetation within the bushland areas identified, usually by mechanical means. APZs cover a wider area and modify the vegetation to achieve a fuel reduced zone. WALs are narrower, providing a cleared and safer access line for hazard reduction burns and access to defend life and property during a fire event.

All sites are inspected for exclusion or limitations to works for example protection of riparian areas, threatened species or significant vegetation, soil erosivity, and specified to minimise

degradative effects such as expanding weed plumes. Some of the APZs have become established due to fire hazard complaints which place a duty of care on Council for ongoing fuel treatment. The escalation of APZs has placed pressure on recurrent bushfire mitigation budgets due to the ongoing increased maintenance costs. Complaints may also be addressed through Hazard Reduction (HR) burning.

The Bushfire Risk Mitigation Manual Works Program complements the proposed HR burning program. The HR Burn program for the Hornsby Ku-ring-gai Bush Fire District currently has 65 approved burns. Of these, 21 are substantially on land managed by Hornsby Shire Council. The rainy winter and spring weather has meant a lack of opportunity to achieve many HR burns to this year.

There are also 10 Works Access Lines identified in the Manual Works Program 2010-2015. Works Access Lines provide tracks for bushfire mitigation works including hazard reduction burning and strategic emergency access for fire authorities. The installation of these was funded through the Natural Disaster Mitigation Program as strategic on ground works.

The successful grant entitled 'Building Bushfire Resilient Communities' also funded the development and implementation of a community education program. This was a collaborative bushfire awareness program run by Council with participation by NSW Fire Brigades and the NSW Rural Fire Service. There were nine separate events (community information sessions and barbecues) held at targeted high risk areas of the Shire. There were 120 participants in the events and over 270 information packs were distributed. The feedback provided by the residents involved was very positive, with many planning to complete their bushfire survival plans.

Bushfire mitigation works are likely to increase through time, with hotter weather and more storms predicted due to climate change. Hornsby Shire is generally rated a very high bushfire risk area and there will be increased pressure on Council for increased and ongoing hazard reduction and mitigation works.

BUDGET

Works outlined in the Bushfire Risk Mitigation Manual Works Program 2010-2015 are funded by recurrent Council budgets. The installation of the Works Access Lines and the Council community education pilot program was grant funded. An additional grant of \$69,500 Bushfire Mitigation Funds has recently been received for 13 Asset Protection Zones. Current budget allocations for the provision and maintenance of the risk mitigation manual works program might be insufficient should additional APZs be required by the Rural Fire Service as a result of complaints. Any further implementation of the community education program will be subject to available funding.

POLICY

These works assist Council in meeting its obligations within the Hornsby Ku-ring-gai Bush Fire Risk Management Plan and under the NSW Rural Fires Act 1997.

CONSULTATION

Consultation with both the NSW Fire Brigades and the NSW Rural Fire Service were undertaken in establishing the works program.

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

The Bushfire Risk Mitigation Manual Works Program is being undertaken to reduce bushfire risk to the community. Community consultation and bushfire awareness are part of the implementation of the program.

Conserving our natural environment

The program is largely based on the strategic Hornsby Ku-ring-gai Bush Fire Risk Management Plan which has developed works aimed at conserving biodiversity and addressing risk to life and property.

Contributing to community development through sustainable facilities and services

Undertaking bush fire mitigation works along private property interface areas is aimed at working with the community for bushfire protection. Addressing Council's responsibility through the on ground works program aims to provide a sustainable service through land management practices that can be maintained over time.

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

Having a bushfire aware and safer community is essential for the future of the "Bushland Shire".

Supporting our diverse economy

Works are undertaken generally using local contractors and specialist bushfire mitigation works are also undertaken with advice from the local NSW Rural Fire Service Officers.

Maintaining sound corporate financial management

The Bushfire Risk Mitigation Manual Works Program is achievable within current budgets and works undertaken are all costed and performed within corporate guidelines.

Other sustainability considerations

The Bushfire Risk Mitigation Manual Works Program is required to provide a more sustainable balance between the natural and built environment in specific targeted interface areas.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report EN59/10 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Attachment 1 - Bushfire Risk Mitigation Manual Works Program

File Reference: F2010/00428

Document Number: D01543599

10 PENNANT HILLS PARK MATTERS - ERN HOLMES OVAL AND THE NETBALL FACILITY

EXECUTIVE SUMMARY

Expressions of interest were called for the part use of Ern Holmes Oval in winter 2011, in order to provide an equitable and transparent process for the allocation of this scarce community resource. It is recommended that Pennant Hills Junior Australian Football Club, Pennant Hills Demons Football Club and Pennant Hills Football Club be allocated time at the ground in 2011.

As a result, the AFL code will retain access to a good share of training and match days at its two venues at Pennant Hills Park and Greenway Park.

Soccer facilities within Pennant Hills Park are inadequate for the size of the Pennant Hills Football Club's membership. The existing facilities suffer from intense wear as a result. It is recommended that access to Ern Holmes Oval for junior soccer on Saturdays and one soccer training night be made available in 2011.

It is not possible to accommodate the wishes of Beecroft Rugby Club to have access to the ground; however there will be ongoing discussion with the club to identify means of improving facilities allocated to it.

It has been proposed that, in order to reduce congestion at the netball facility within Pennant Hills Park, Saturday competition be split and conducted instead on both Friday nights and Saturdays. This would reduce the number of matches on Saturdays by up to 40%, with commensurate reduction in traffic and parking congestion.

Hills District Netball Association has accepted the proposal in-principle, but will require the installation of a new floodlight system at a cost of more than \$400,000. The report discusses ways this could be funded and seeks Council's in-principle support to proceed with the proposal.

PURPOSE/OBJECTIVE

The purpose of the report is to obtain Council's endorsement of the following proposals for Pennant Hills Park

1. A new ground allocation schedule for 2011 winter season sport at Ern Holmes Oval.
2. The introduction of a split schedule of netball competition, involving Friday night as well as Saturday competition, which would have the advantage of reducing congestion on courts, roads and parking areas.

DISCUSSION

Pennant Hills Park (PHP) is Crown Reserve R45012. PHP contains Council's largest sports complex, ideally situated close to the demographic centre of Hornsby Shire. Among the benefits of PHP is its location with substantial bushland interface, which reduces some of the

impacts in the neighbourhood that may be experienced if the park were surrounded by urban development. Traffic generated by use of the park is an issue in the neighbourhood, especially on Saturdays in the winter season when netball is operating at capacity.

Despite the volume of sports facilities in PHP, demand exceeds supply, resulting in congestion and damage to turf surfaces.

Council's sport and recreation strategies over the past decade have recognised a shortfall of sports facilities (concentrated especially in the geographical arc from Cherrybrook, through Pennant Hills to Normanhurst). The demand and competition for sports venues, particularly among winter sports codes with large memberships and need for extensive night training venues, has become intense in this part of the Shire.

Various strategies are being implemented to address this shortfall. Chief among them are attempts to optimise the use of existing sports facilities in preference to attempting to bear the cost of acquiring the large land areas close to population centres that would be required in order to expand the number of sportsgrounds.

This approach has been recommended to councils by a NSW Parliament inquiry into sportsgrounds in 2006. The Northern Sydney Regional Organisation of Councils (NSROC) has developed a draft Regional Sportsground Strategy, a central policy approach of which is also to optimise the use of existing facilities.

Against this background, word has rapidly spread among the sports community about the move of the Demons from EHO. The Mayor was approached by Beecroft Rugby Club (BRC), Pennant Hills Football Club (PHFC, soccer) and Pennant Hills Junior Australian Football Club (PHJAFC), all seeking to occupy the gaps in the winter schedule of sport at EHO that will be created by the Demons' move to Mike Kenny Oval in 2011.

It was determined that the proper way to decide upon the allocation of such a scarce and valuable resource was to call for expressions of interest and allow Council to decide after due consideration.

PHP contains the following facilities:

- Number 1 Oval, used for Sydney Shires cricket in summer, junior rugby union in winter, and school sport all year round
- Ern Holmes Oval (EHO) (formerly number two oval), used for Sydney Shires cricket and Little Athletics in summer, senior and junior Australian Football in winter, and school sport all year round
- Number 3 Oval, used for soccer in the Gladesville-Hornsby Association competition in winter, and Little Athletics in summer
- A complex of netball courts, including one indoor court, all used primarily in winter by Hills District Netball Association (HDNA), schools and other users
- A complex of tennis courts leased to Ryde-Eastwood Tennis Association all year round;
- A complex of two hockey fields, one with a synthetic surface (long-term licence to Hills District Hockey Association, and a grass-surfaced field used for cricket, hockey and soccer (training only)
- An archery field licensed to the Northern Archers.

Attachment 1 contains aerial photographs of PHP.

Council has signed a Memorandum of Understanding (MoU) with Australian Football clubs and the NSW AFL body to facilitate the move by Pennant Hills (senior) Australian Football Club ('The Demons') from EHO to a larger, more suitable ground at Mike Kenny Oval in Greenway Park, Cherrybrook. This move involves expenditure of almost half a million dollars for floodlight and amenities building upgrades, with the AFL organisations and the Greenway Giants Baseball Club contributing with government grants.

Apart from the advantage to the Demons, the club's move will provide the valuable benefit of more optimal utilisation of the grounds involved. A feature of the MoU is the preservation of Pennant Hills Junior Australian Football Club's 2010 allocation of EHO.

Call for Expressions of Interest

Submissions were invited from all user groups at PHP and other known or potentially interested organisations, including the associations that run the football and cricket competitions in the southern part of Hornsby Shire and beyond.

The invitation also referred to Council's commitment in the Memorandum of Understanding to preserve the 2010 allocations of EHO to the junior AFL club when the Demons depart and thereafter.

The call for Expressions of Interest required submissions to address the following criteria:

1. Compatibility of the proposed use with AFL, including any requirement for additional markings and goalposts and the cost of this to Council
2. Likely wear on EHO surface and effect on the ground's carrying capacity and the cost of this to Council
3. Documentation of the numbers of 2010 player members of the club making the expression of interest and the postcodes of each members' residential address
4. The degree to which the proposal would reduce ground surface wear and congestion at venues currently used by the club
5. How the proposal would increase or preserve participation in sport and the club and more generally
6. Proposals for shared use of canteen and storage space
7. Proposals for improvements to facilities at EHO and how the club may assist in bringing these improvements about.

Submissions Received

Submissions have been received from:

- Pennant Hills Junior Australian Football Club (existing users of EHO), seeking additional training time
- The Demons, seeking to retain training allocations on EHO while mainly relocating operations to Greenway Park
- Beecroft Rugby Club, seeking to relocate from Headen Park, Thornleigh and combine operations with Beecroft Junior Rugby Club (current users of PHP No.1 Oval)
- Pennant Hills Football Club, seeking to expand operations from PHP No. 3 Oval.

Attachments 2-5 contain the submissions.

Attachment 6 contains a table summarising each submission and how it fits the criteria set for the allocation of EHO. Evaluative comments about each submission are included on this attachment.

Attachment 7 contains a recommended allocation schedule for EHO, with the 2010 allocations provided for comparison.

Assessment of the Expressions of Interest

Each submission has merit and various combinations of allocations would be possible, but it is not possible to reach a compromise where each club was given a share of the allocations.

In assessing the allocations, the most weight was given to:

- Compatibility of the proposal with the continuing AFL allocation that Council has already committed to through the adoption of the MoU.
- Numbers of players that would benefit from access to allocation of training and match time at EHO.
- Congestion and ground wear at the venues currently allocated to the clubs.

Traffic and parking congestion is not considered to be a determining factor, because whichever club is chosen will be occupying spaces in the allocation schedule for EHO that will be vacated by the Demons, so there is expected to be no critical increase in peak traffic volumes.

Pennant Hills Football Club has the largest number of playing members of the organisations involved. The club has only one match venue, plus a small training venue. The club's match venue at Pennant Hills No. 3 Oval consistently suffers from among the worst ground wear of any of Council's grounds. Attachment 1 contains a photograph that clearly shows the contrast between the recent extensive ground wear on Pennant Hills No. 3 Oval and moderate wear on the two adjoining ovals.

The club's proposal to provide two junior fields running east-west across EHO with portable goalposts and minimal markings is more compatible with Australian Football than the rugby proposal which would require larger posts to be relocated before and after each match. The soccer proposal does not involve storage and canteen space at EHO.

Rugby's proposal has merit in that it would bring benefits of combined senior and junior club operations on one site, and would release Headen Park for other winter uses. The grounds currently used by the two rugby clubs (Headen Park and PHP No.1 Oval) appear to cope better with the level of use than Pennant Hills No. 3 Oval judging by substantially different wear patterns. The proposed use of rugby goalposts (in addition to AFL posts) would mean double handling of non-portable goalposts each weekend throughout the season to allow rugby to be played Saturdays and AFL on Sundays. A single rugby field running lengthwise in the same direction as the AFL field would be more likely to worsen ground wear spots caused by AFL than would the soccer proposal to run two junior cross-fields.

The Junior AFL proposal has merit in that further training allocation to the club would reduce the danger of 200 player members training on a single night as has been the case until now. An extension to training to a further night would provide some relief while still preserving a training night for soccer football.

The Demons senior AFL proposal would involve a third training night for AFL at EHO and, given the MoU for the Demons to relocate to Greenway Park, the recommended solution is to give the AFL code an additional training night to be shared between the junior and senior clubs as the code is able to arrange.

Netball Facilities Proposal

The netball facility at PHP is probably Council's most heavily used facility. On match days in the winter season, the 18 courts are used to capacity from 8am till 5pm. Thousands of players use the facility on such days, and the demand has been so great that matches have been shortened to allow more matches to be scheduled.

This heavy use results in very crowded parking congestion and slow egress to Pennant Hills Park (on netball match days only). Traffic choke points develop on PHP's central road, the roundabout on Britannia Street and the intersection of Pennant Hills Road and The Crescent. Traffic lights have been phased to favour PHP traffic at this intersection and this has improved traffic flow, but queuing still occurs.

Observation of traffic and parking at PHP when netball competition is not scheduled demonstrates that if netball traffic were reduced, the traffic congestion would be tolerable.

During the formulation of Council's Sports Facilities Strategy in 2006, there was recognition that there needed to be an additional netball facility for matches if possible. Such a venue needed to have a minimum of four courts due to the logistics of match day administration. No such site could be found for such a venue, nor is it possible to expand the facility at PHP without impacting on other sports facilities. In keeping with the spirit of achieving more with existing facilities, it would be preferable to expand the use of the PHP facility without increasing the number of courts.

Officers of the constituent NSROC Councils recently developed a joint action plan for netball. Each council with a netball facility has similar issues. These facilities are always centralised and used to their limits, leading to congestion problems. NSROC and the netball associations within the area agreed that the example of Willoughby Council in introducing Friday night competition as well as Saturday had been successful.

Hills District Netball Association has agreed to convert to Friday-Saturday match rounds, but requires that all courts at the PHP complex be provided with floodlighting to the Australian Standard for netball competition (110 lux). Currently only 9 of the 17 courts have floodlighting and none are lit to 100 lux. An estimate to provide the required lighting is in excess of \$400,000.

While this is a considerable sum in the context of the Parks Capital Works budget (\$710,000 annually from the General Fund) it should be regarded as an inexpensive way to provide so much additional capacity at PHP that it is the equivalent of a new facility at a fraction of the cost.

A further potential benefit of the proposal for the PHP netball facility is the indication from HDNA that its four-court satellite facility at Cheltenham Oval would no longer be required for Saturday competition. This would greatly reduce traffic and parking congestion around Cheltenham Oval, which is as bad as at PHP on netball competition days. It would reduce the use of the Cheltenham nets to midweek training only, involving far fewer players, and would allow the cost of asset upgrades now required for the nets to be reduced or postponed.

In 2011/2012 budget estimates, \$200,000 has been set aside for the netball lights project. HDNA has offered to make a contribution of \$100,000 through raising a loan. It may be possible to rise additional funding through a government grant or some other means to allow the project to be completed in a single stage.

The report seeks Council's in-principle support for the splitting of netball competition into Friday night and Saturday operations.

Future Planning for Pennant Hills Park

As mentioned, PHP is Council's strategically most important sports facility and it is likely to occupy this position for the long term. Although the park's facilities are well used, that is not to suppose that they are currently best optimised or incapable of absorbing more use if improvements are made, working within the constraints of not affecting the surrounding natural area.

An example of this is the proposal to improve the lighting system at the netball facility, allowing the facility to be better utilised and relieving congestion.

It is already proposed that the second hockey field be converted to a synthetic surface, which would allow hockey and other sports to be played without concern for weather effects or ground wear. It might be possible to convert No. 3 Oval at PHP to a synthetic surface, which would extend its use, particularly in summer months. While synthetic surfaces are not yet accepted for rugby, senior cricket or AFL, ground surface improvements could be introduced to extend the use of the two larger ovals at PHP. Even the archery field could be improved to allow co-location of other sports there. Some of the codes operating at PHP believe it may be possible to create an additional sportsground there.

Traffic and parking solutions and measures to minimise bushland impacts could be explored to offset any impact that the extension of the facilities may cause.

All these possibilities are best resolved through a plan of management, with due consideration of the constraints and opportunities at PHP. It is 25 years since a PoM was formulated for PHP and a new one is overdue. A PoM for PHP will require adoption by the Minister for Lands.

The one hundredth anniversary of the appointment of Hornsby Shire Council as reserve trust manager for Pennant Hills Park passed unnoticed on June 15 2010. It would be fitting to now mark the occasion by turning attention to a sound plan for the park's future.

BUDGET

There are no budget implications for the allocation of Ern Holmes Oval in 2011.

The introduction of split round netball at Pennant Hills Park will require funding of over \$400,000 in 2011/2012 for a floodlight upgrade. It is hoped that co-funding can be found for \$200,000 recommended to be provided from the Parks Capital Works 2011/12 budget.

POLICY

The recommendations are consistent with adopted Council policy such as the Sports Facility Strategy.

CONSULTATION

There has been extensive consultation with the users of Pennant Hills Park about these proposals. There has been consultation with the Manager, Traffic about these proposals.

TRIPLE BOTTOM LINE SUMMARY

A triple bottom line assessment of this proposal is not required because it involves the better use of existing facilities. Before the renewal of the lighting system for the netball facility proceeds, a review of environmental factors will be conducted. Traffic and parking matters will form part of the review of environmental factors.

RESPONSIBLE OFFICER

The responsible officer is Peter Kemp, Manager, Parks and Landscape, telephone 9847 6792, hours 9am to 5pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Ern Holmes Oval be allocated for sport in the 2011 winter season as contained in attachment 7, with a review to be conducted with users following season end.
2. In-principle support be given for the splitting of netball match days at Pennant Hills Park over Friday nights and Saturdays and for the funds to be identified to install the necessary floodlight improvements.
3. A Plan of Management for Pennant Hills Park be prepared during 2011-12.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Aerial Photographs
2. Submission - Pennant Hills Junior AFL
3. Submission - The Demons
4. Submission - Beecroft Rugby Club
5. Submission - Pennant Hills Football Club
6. Table Summarising Submissions
7. Recommended Allocation Schedule

File Reference: F2004/07851-02
Document Number: D01550660

11 TENDER T27/2010 - PRE-FABRICATED AMENITIES BUILDING, JOHN PURCHASE PUBLIC SCHOOL OVAL, CHERRYBROOK

EXECUTIVE SUMMARY

The proposed contract for a “Pre-fabricated Amenities Building at John Purchase Oval, Cherrybrook” is required to improve sports facilities in the area which, when fully established, will provide opportunities for community use of an additional sports field.

Council does not currently have the resources required to carry out this work and therefore tenders have been called in accordance with the Local Government Act. The construction phase of the proposed contract is scheduled to commence in January 2010 and the work is expected to be completed within 20 weeks of Council sending a letter of acceptance, weather permitting. Garard Moulded Pre-cast Pty Ltd. has been recommended for acceptance of this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No. T27/2010: “Pre-fabricated Amenities Building at John Purchase Oval, Cherrybrook”.

DISCUSSION

Tender No. T27/2010 is a lump sum tender and a summary of all tenders together with full evaluation details have been placed on file. Excepting this report the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Four tenders were received, as follows:

- Australian Portable Buildings P/L
- Garard Moulded Pre-cast P/L
- Garard Moulded Pre-cast P/L (Alternative proposal)
- Maincom P/L

The tender from Australian Portable Buildings P/L was subsequently withdrawn.

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

- Price/value for money
- Past performance and experience with similar types of contracts
- Skills, qualifications and licences of the proposed personnel
- Project program and resource detailing
- Construction methodology
- Quality assurance systems
- Occupational Health and Safety systems
- Sustainability

- Current financial position and contractual commitments

The priced bill of quantity rates was evaluated, along with the lump sum price of each tender, and compared with the average price tendered. Other criteria were assessed on information submitted with each tender, information gained from the tenderers' nominated referees and additional information following interviews with selected tenderers.

The attached Confidential Memo ENV 26/10 provides the lump sum price of each tender and a summary of the evaluation. Full details of the tender evaluation are on file.

The results of the evaluation indicate that the alternative tender from Garard Moulded Pre-cast Pty Ltd. would be the most advantageous to Council.

BUDGET

Council has allocated \$1.5 million of developer contributions towards the construction of improved sporting facilities on Department of Education and Training (DET) land at John Purchase Public School in Cherrybrook in the 2009/10 and 2010/11 years. The works are to be undertaken in accordance with an agreement Council has with the DET enabling community use of the oval following the completion of a range of improvement works on the school lands.

The pre-fabricated building work package is only one part of the construction which Council intends to undertake on this site. Council will also be constructing an extended playing field, a car park, oval lighting, oval irrigation, drainage and surface improvements and a range of landscaping works.

Recently prepared cost estimates for the entire scope of works total \$1.845 million, indicating a total budget shortfall of \$345,000.

A key reason for the budget shortfall is the decision to include the development of a 42 space carpark and associated retaining wall works adjacent to the Council Community Centre within the scope of the project. These works were not originally envisaged as being required. The original proposal to utilise existing parking areas within the school grounds was not found to be practical.

It is recommended that the budget shortfall is covered through the identification of additional developer contributions in the quarterly budget review process.

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated in consultation with Wimal Dasanayake, Council's Construction Engineer in Design and Construction Branch and Percy Tavernese, Technical Officer – Building Operations.

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

The community was informed of the tender through advertising in Council's "Tenderlink" website and in the Sydney Morning Herald and the Advocate newspapers.

Conserving our natural environment

The processes on site are controlled by strict environmental measures including sediment and erosion minimisation, noise and pollution controls and protection of environmentally sensitive areas.

Contributing to community development through sustainable facilities and services

Extension of John Purchase Oval, when fully established, will provide a sustainable sporting facility for the school and for the local community.

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

Community's vision will be significantly enhanced by providing a new well equipped sporting facility.

Supporting our diverse economy

The facility will provide a major new sports arena for general community use, which will have a positive effect on the amenity of the area. This in turn will have a positive effect on the local economy and businesses.

Maintaining sound corporate financial management

The proposed work will convert existing playing fields into a new well developed sports facility that will be available for broader community use.

Other sustainability considerations

The Environment and Social Policy and management system was taken in to consideration in assessing the tender.

RESPONSIBLE OFFICER

The responsible officer is Mr Kurt Henkel, Landscape Coordinator, on 9847 6887.

RECOMMENDATION

THAT Council accept the alternative proposal submitted by Garad Moulded Pre-Cast Pty Ltd. for Tender No. T27/2010: "Pre-fabricated Amenities Building at John Purchase Oval, Cherrybrook" for the lump sum price as stated in the attached Confidential Memo (ENV 26/2010). The price will be made public on formal acceptance of the tender.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

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

File Reference: F2010/00552
Document Number: D01550991

ITEM 11

12 BUSHLAND AND BIODIVERSITY TEAM ANNUAL REPORT 2009-2010

EXECUTIVE SUMMARY

Hornsby Local Government Area is known as 'The Bushland Shire' as 69% of its land area is covered by bushland. The 2009-10 annual report details the actions that Council's Bushland and Biodiversity Team has undertaken to fulfil Council commitments in the Annual Management Service Plan and to implement of a number of key statutory and strategic documents including by the Biodiversity Conservation Strategy, the Bushfire Risk Management Plan, the Plans of Management for Community and Crown Land, the Bushland and Biodiversity Education Plan and the Unstructured Recreation Strategy.

PURPOSE/OBJECTIVE

The purpose is to seek Council's adoption of the attached report entitled 'Bushland and Biodiversity Team Annual Report 2009-10'. Once adopted, the report will be placed on Council's website for public information and viewing

DISCUSSION

Hornsby Shire covers a total of 51,000 hectares of which approximately 35,190 ha is bushland. This translates to the 5,950 ha of public bushland where Council has a direct management role and 29,240 ha of private bushland where Council provides biodiversity assessment, inspections, incentives and advice. Of the public bushland, the Bushland and Biodiversity Team is responsible for management of 276 natural reserves that are owned by Council and Crown land where management is devolved to Council. The report covers the Team's activities in bushland regeneration, walking tracks, dangerous trees in bushland, and bushland pest species, bushfire management on Council lands, biodiversity assessment of development applications, noxious weed inspection and education, and community programs including Bushcare, Community Nursery and guided bushwalks program, *Greenstyle* and providing incentives to private landowners for biodiversity conservation.

Hornsby is known as 'the Bushland Shire' and Council is committed to protecting and restoring its local natural environment through the actions set out in its Service and Delivery Plans guided through legislation and its adopted Biodiversity Conservation Strategy, Biodiversity Conservation Strategy, the Bushfire Risk Management Plan, the Plans of Management for Community and Crown Land, the Bushland and Biodiversity Education Plan and the Unstructured Recreation Strategy.

Some of the key achievements for the 2009-10 financial year have included

- Acquisition of One Tree Reach wetland at Laughtondale through grant funds, which completes the reserve of 13 ha conserving five endangered ecological communities and habitat for 11 threatened species of fauna, including three species of bats, breeding habitat for aquatic invertebrates and fish, as well as improving the water quality of the Hawkesbury River by filtering runoff.

- Propagation of 41,026 plants following the nursery expansion last year and doubling of the plant give-aways of free native plants to residents 4 times a year to provide local native plants for bushland and to residents for their gardens.
- Undertaking in-house fauna surveys within 12 Wildlife Protection Areas to gain a better understanding of the Shire's wildlife and habitat values.
- Habitat Connectivity grant program restored 4.7 ha of public and private bushland, including 41% Turpentine Ironbark Forest and Blue Gum High Forest, revegetated 4,932m² to enhance connectivity and strengthen habitat corridors, and held 4 workshops on bushland, restoration and planning attended by 65 residents in Year 1
- Delivery of the 'Greenstyle' grant program with Ku-ring-gai and Willoughby Councils, providing tailored assistance in home sustainability and backyard biodiversity conservation. In 2009-10 the Greenstyle program undertook home and garden assessments at 559 households across 3 LGAs. In Hornsby LGA in 2009-10 Greenstyle supplied over 2,635 native plants, six compost bins, and two native bee hives and 184 Hornsby residents signed up for a home visit.
- Adoption of the 'Native Vegetation Communities of Hornsby Shire' report and map by Smith and Smith to update the current knowledge of vegetation in Hornsby Shire
- Completion of the 'Native Vegetation Planning Review Study' by SJB Planners to review planning controls for biodiversity conservation
- Facilitation of information workshops and commencement of an Indian Myna control group
- Bushcare celebration of 20 Years in Hornsby Shire with 879 Bushcare volunteers in 130 bushland reserves providing over 20,000 hours of work per annum.
- Adoption of the Hornsby Ku-ring-gai Bush Fire Risk Management Plan
- Signing of the Service and Zone Agreements with the Rural Fire Service and Ku-ring-gai Council
- Undertaking investigations for a Mountain Bike Trail in the Hornsby Shire
- Gaining a substantial increase in grant funds from \$180,000 in 2008-9 to almost \$800,000 in 2009-10 for a variety of bushfire projects, tracks and trails, biodiversity studies, land acquisition, bush regeneration and wetland rehabilitation projects throughout the Shire.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications

CONSULTATION

The report was prepared with input from and by a number of environmental scientists of the Bushland and Biodiversity Team including the Coordinator Community Nursery and Guided Bushwalks Program.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Ms Diane Campbell, Manager, Bushland and Biodiversity, available on telephone number 9847 6903, between 8:30 am and 5 pm, Monday to Friday.

RECOMMENDATION

THAT Council adopt the attached report entitled 'Bushland and Biodiversity Team Annual Report 2009-10'.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Bushland Annual Report 2009-2010

File Reference: F2004/06718
Document Number: D01552808

13 NAMING OF WAITARA OVAL

EXECUTIVE SUMMARY

The Northern District Cricket Club has asked Council (Attachment 1) to revisit the proposal to name the oval in Waitara Park, Mark Taylor Oval". The previous proposal in 2007 did not proceed, in accordance with Mark Taylor's wishes at that time.

The Northern Districts Cricket Club now advises that Mark Taylor has agreed to the renaming proposal "and would be extremely honoured for this to proceed". Mr Taylor joined the Northern District Cricket Club as a teenager and eventually went on to captain the Australian cricket team. His conduct on and off the field has been exemplary and he was named Australian of the Year in 1999.

Naming the cricket oval **within** Waitara Park is consistent with the naming protocol established by the Geographic Names Board. Waitara Park will still be retained as the official name of the entire open space site, which incorporates the oval, tennis courts and associated buildings.

PURPOSE/OBJECTIVE

This report seeks Council's endorsement to the naming of the cricket oval at Waitara Park as "Mark Taylor Oval".

DISCUSSION

Mark Anthony Taylor (nicknamed "Tubby" or "Tubs") was born on 27 October 1964 in Leeton, New South Wales. He was an Australian cricket player and test opening batsman from 1988 to 1999, and succeeded Allan Border as captain from 1994 – 1999. He was widely regarded as an instrumental component of Australia's rise to test cricket dominance and his captaincy was regarded as adventurous and highly effective.

Mr Taylor has a long association with the Northern District Cricket Club. He joined the club in 1981 and maintained an active association with the club until his retirement from test cricket in 1999. The Northern District Cricket Club provided the platform for Mr Taylor's successful progression to State and Test cricket.

In 2001, Mr Taylor was one of a select group of prominent Australians chosen to address the nation at the Centenary of Federation celebrations in Melbourne. In 2002, he was inducted into both the Sport Australia Hall of Fame and the NSW Sports Centre's Hall of Champions. In 2003, Mark Taylor was awarded an Order of Australia (AO) in the General Division for service to both cricket as a player, administrator and mentor and to the community, particularly through support for organisations involved in fundraising for cancer research. In 2003, he was also awarded a Centenary Medal for his services to Australian society through cricket. Mark Taylor's community services include being Founding Director of Sporting Chance Cancer Foundation, a patron of Parramatta Mission and a patron of The Sony Foundation. He is a former NSW Father of the Year (1995), an author of three books, a Sydney 2000 Olympic Games ambassador, Stadium Australian ambassador, a cricket

commentator with the Nine Network and a board member of Cricket Australia and Cricket NSW.

Waitara Park was developed as a sportsground and tennis complex in the 1900s. It is used for rugby union, rugby league and cricket and has a children's playground and a tennis court complex. It is located in Waitara Avenue, Waitara and adjoins the Hornsby Bowling Club.

It is proposed to name the cricket oval in Waitara Park after Mark Taylor. Such a proposal is consistent with the naming protocol established by the Geographic Names Board. The Geographic Names Board's protocol does not encourage the naming of places such as Waitara Park after living persons. Ascribing names of living persons to places or features occurs only in very exceptional circumstances. Such a person's contribution to the local community should have been of outstanding benefit to the community. The proposal to name the cricket oval after Mark Taylor does not require the approval of the Geographic Names Board, whereas a decision to rename Waitara Park as Mark Taylor Park would require approval of the Geographic Names Board.

Council could, subject to community support, commemorate Mark Taylor's association with the cricket ground at Waitara Park and implement the name change to the actual cricket oval.

BUDGET

If Council chose to proceed with the naming the modest cost of erecting new signs could be met from the existing relevant budget.

POLICY

Naming the cricket oval **within** Waitara Park is consistent with the naming protocol established by the Geographic Names Board. Waitara Park will still be retained as the official name of the entire open space site, which incorporates the oval, tennis courts and associated buildings.

CONSULTATION

The original proposal was exhibited for four weeks during September/October 2007 in local newspapers and letters were sent to sporting groups, including five schools that use the facility. Current users of Waitara Park include Northern District Cricket Club, Hornsby Rugby Union, North Sydney Rugby League Referees Association and the Hornsby District Tennis Association.

A total of six submissions were received on the proposal. Four of these were from individuals and two were from existing sporting clubs that use the facilities in Waitara Park: the Hornsby Ku-ring-gai District Tennis Association and the Northern District Cricket Club. There were two submissions in favour and four against the proposal.

It is proposed to again seek responses to the naming proposal. This would occur from mid January to the end of February 2011.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Mr Robert Stephens, Executive Manager Environment, telephone 9847 6756, between 8:30am and 5pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Following consultation with the existing users of Waitara Park and the wider community, a report be presented to Council on the results.
2. Subject to recommendation 1 the cricket oval in Waitara Park be named “Mark Taylor Oval” to commemorate Mr Taylor’s association with the ground and his contribution to cricket.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Letter from Northern District Cricket Club

File Reference: F2004/10112
Document Number: D01553651

14 TENDER NO T15/2010 - DESIGN AND PROJECT MANAGEMENT OF STOREY PARK COMMUNITY AND CHILD CARE CENTRE, HORNSBY

EXECUTIVE SUMMARY

At the Ordinary Meeting held on 30 June 2010, Council considered Executive Manager's Report No WK44/10 for EOI 13/2010 - Expression of Interest for the Design and Project Management of Storey Park Community and Child Care Centre, Hornsby - and resolved that:

- 1. Council invite Mode Design, Suters Architects, Noel Bell Ridley Smith (NBRL), JDH Architects, HBO EMTD Partnership and Baker Kavanagh Architects to tender for the design and construction management of Storey Park Community & Child Care Centre Hornsby.*
- 2. The result of the tender to be reported back to Council.*

Tenders have been called in accordance with the Local Government Act and it has been recommended that Council accept the tender from Mode Design Corp. Pty Ltd.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide a recommendation on the successful tenderer for Tender T15/2010 – Design and Project Management of Storey Park Community and Child Care Centre, Hornsby.

DISCUSSION

Tender No. T15/2010 is a combined Lump Sum and Schedule of Rates tender and a summary of all tenders together with full evaluation details have been placed on file (F2010/00590). Excepting this Report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Tenders were received from the following five companies:

- Mode Design Corp. Pty Ltd
- Suters Architects Pty Ltd
- Baker Kavanagh Architects
- JDH Architects Pty Ltd
- HBO EMTB Architects (NSW) Pty Limited

Noel Bell Ridley Smith (NBRL) failed to attend the compulsory pre-tender meeting and in accordance with the conditions of tendering could not be considered further.

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

- Price
- Past performance and experience

- Skills, qualifications, experience and past performance of the proposed personnel for the project team, including sub consultants
- Resources available to deliver the various project components and current commitments of key personnel
- Project methodology and a demonstration of a clear understanding of services to be provided by the successful tenderer and the required outcomes of the proposed contract
- Sample Drawings
- Site-Specific Design Solution
- Project Financial Control
- Energy Efficient Design
- Sustainability
- Quality Assurance systems
- Occupational Health and Safety systems
- Financial Capacity

Both the lump sum and schedule of rates prices submitted were evaluated for each tender and also compared against a predetermined estimate. Other criteria were assessed on information submitted with each tender, additional information requested, reference and financial checks, and presentations to the evaluation panel.

The attached Confidential Memo No WD D&C 79/10 provides the total schedule of rates and lump sum prices submitted by each tenderer and a summary of the evaluation. Full details of the tender evaluation have been placed on file (F2010/00590)

From the results of the evaluation it is recommended that Council accept the tender submitted by Mode Design Corp. Pty Ltd of Surry Hills NSW.

BUDGET

It is anticipated that sufficient funds will be available from Section 94 contributions and the sale of redundant property that arises from the relocation of existing Council services to the new facility. The Section 94 balance for multi-purpose community facilities as at 1 October 2010 is in excess of \$4 million, however there is no budget provision for spending in the current financial year.

In order to proceed with this contract it is recommended that the tender be accepted and that funding for the works in 2010/11 (approximately \$150,000) be incorporated in a future budget review. The remaining funding and source will be identified following the concept designs and prior to approval of the final design and construction of the centre.

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated in consultation with the Manager Design and Construction Branch, Mr Rob Rajca, Manager Community Services Branch, Mr David Johnston and Council's Landscape Architect, Mr David De-Fina.

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

The proposal to construct a new community and child care centre at Storey Park, Hornsby reflects strongly held community beliefs that such a facility is required. In recent years, community surveys and consultation have taken place and indicate this to be a high priority project for Council to undertake. Provision of the new centre will demonstrate that Council is working with the community to provide these much needed community facilities.

Conserving our Natural Environment

The proposed location uses the same basic site that the current inadequate community facility uses in Storey Park. The facility will be designed to fully integrate with existing environment and adjacent properties and not just be a standard building placed on the site. Preparation of a Development Application in accordance with the relevant planning instruments will ensure that any adverse impact on the natural environment is minimised. Initiatives that minimise the energy use (water and electricity) by the facility will rate highly during the centre design phase. Material choices will reflect the sustainability of natural resources. Where possible the recovery, reuse and recycling of waste materials will be actively promoted. Water consumption will be minimised by the use of appropriate technology and recycling where appropriate.

Contributing to Community Development through Sustainable Facilities and Services

The proposal will require a significant capital investment and will, depending on the final design, require an ongoing financial commitment from Council. During the concept and preliminary design phases of the project, financial projections will enable Council to determine the long term financial implications of the facilities provided. The centre, once built, will facilitate Council's ongoing provision of child care and community services in a more cost effective manner both from an operational and asset management perspective.

Fulfilling our Community Needs in Planning for the Future of our Shire

The proposal will be designed to be consistent with the existing built and natural environment in this area. Care will be taken to ensure that the character and features of the existing area are maintained. The new facility will provide on site parking to improving safety, access and minimise on street parking. The proposal will promote the well-being of the areas current and future population by providing access to quality child care facilities and access to a high standard local community centre. Both of which are highly sought after in this locality. It is expected that both facilities will be highly utilised.

Supporting our Diverse Economy

The proposal is expected to have a positive effect on economic development in that it will provide additional employment opportunities with numerous full time, part time and casual positions when in operation. Local contractors will also have the opportunity to tender for work opportunities that may arise from construction and future operation. The proposal promotes social equity by providing child care to all socio economic levels of the community.

Maintaining Sound Corporate and Financial Management

Depending on the final design and facilities provided, the costs of operation of the facility can be covered by user fees. The facility is expected to operate at close to cost neutrality. By investing in a new child care facility and rationalising older less efficiently designed facilities, Council will produce an infrastructure network that will support high quality child care provision at a more affordable price. The Storey Park redevelopment will also rationalise and enhance the provision of community meeting space which, over time, will result in less expenditure on maintenance and repair of older facilities.

RESPONSIBLE OFFICER

For further information, please contact Council's Engineer Construction, Mr Steve Crowe on 9847 6679.

RECOMMENDATION

THAT:

1. Council accept the tender submitted by Mode Design Corp. Pty Ltd for the Design and Project Management of Storey Park Community and Child Care Centre, Hornsby.
2. The price to be made public upon formal acceptance of the tender.

MAXWELL WOODWARD
Executive Manager
Works Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Refer to Confidential Attachment No WK84/10, located in the Confidential Section of Business Paper Confidential Memo WD D&C79/10 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2010/00590
Document Number: D01551136

15 TENDER T29/2010: GRINDING OF CONCRETE FOOTPATHS

EXECUTIVE SUMMARY

A contract for Grinding of Concrete Footpaths is required to service the needs of Council's Works Division in protecting pedestrians from trip hazards on Council's footpaths.

Due to the increasing number of potential trip hazards in Council's footpath network, the method of rectification by grinding is preferred due to lower cost, lower environmental impact and being more time efficient than the alternative of demolishing and replacing concrete footpath. The grinding method can also provide other economic benefits to Council such as removing graffiti from footpaths and adjusting levels of bitumen footpaths.

The scope of works is based on trip hazards in footpaths currently recorded and those reported during the 24 month period of the contract.

Council does not have the specialist personnel and equipment required for this work and therefore open tenders have recently been called in accordance with the Local Government Act. The proposed contract will be for 24 months duration with an option to extend the contract for a further 12 months period.

The Australian Grinding Company Pty Ltd is recommended for acceptance to execute this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No.T29/2010 - Grinding of Concrete Footpaths for the protection of pedestrians from footpath trip hazards.

DISCUSSION

The Tender No. T29/2010 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are in folder F2010/00635. With exception of this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Four (4) tenders were received for Tender No. T29/2010 from the following companies which are listed below in no apparent order

- The Australian Grinding Company Pty Ltd
- Get Civil Pty Ltd
- Diacore Pty Limited
- Mastercut Concrete Aust Pty Ltd

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

- Price

- Past performance and experience in similar types of works
- Plant, equipment and labour resources
- Traffic control and management
- Occupational health and safety systems
- Environmental protection
- Recording and reporting
- Community disruption
- Sustainability

The Schedule of Rates (price criteria) are contained in each tender submitted. The estimated annual cost for the initial 12 months period of this contract to grind trip hazards is approximately \$140,000. The value of works varies because the scope of works is continually upgraded as the level of reporting of trip hazards throughout the Shire increases.

Other tender evaluation criteria (non-price) were assessed on the basis of information submitted with each tender, information gained from the tenderers' nominated referees and past performance with Hornsby Shire Council works where applicable.

The results of the price and non-price evaluation indicate that the most advantageous tender is that of The Australian Grinding Company Pty Ltd. The core business of this company is in providing grinding services to local government throughout Australia and New Zealand. It has equipment especially developed for this purpose, able to operate efficiently while minimising environmental impact. Its Tender highlights its operations meeting the Australian Standard for slip resistance of pedestrian surfaces. Other tenders did not clearly display this understanding. Its recording and reporting method enables Council to otherwise prioritise works that are not suitable using grinding methods. The tender by Australian Grinding Company Pty Ltd holds all the qualifications sought by Council and is recommended for acceptance by Council.

The attached Confidential Memo WD D&C 77/10 provides the evaluated value of each tender for a period of 12 months and a summary of the evaluation. Full details of the tender evaluation are on folder F2010/00635.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated in consultation with the Manager Design and Construction, Mr Rob Rajca and Senior Maintenance Engineer Mr Michael O'Connor.

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

The community was informed of the tender through advertising in Council's "Tenderlink" website and in the Sydney Morning Herald and the Advocate newspapers.

Conserving our natural environment

The removal of trip hazards using the grinding method conserves the natural environment by minimising the need for more destructive re-construction methods.

Sediment and erosion minimisation measures will be used on site to conserve our waterways. Further, controls are clearly specified in the contract against environmentally sensitive impacts such as noise, smoke and dust.

Contributing to community development through sustainable facilities and services

Removal of trip hazards by grinding of concrete footpaths has a positive effect on the social amenity of the area by providing comfort and safety for pedestrians. This is a systematic approach to maintaining the safety of Council's footpath network to make them a sustainable public facility in the future.

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

The maintenance of Council's paved footpath network will help conserve and enhance Council's social infrastructure so that the expectations of residents and the general public regarding amenity and safety will be enhanced into the future.

Supporting our diverse economy

Keeping footpaths free from trip hazards and accessible for pedestrians and shopping trolleys throughout the Shire supports the diverse economy by making public, community and shopping areas desirable to visit and shop, generating income for the diverse local economy.

Maintaining sound corporate financial management

By tendering the work of grinding trip hazards on Council's footpaths, Council is testing the market for the best value for grinding services to Council. This brings to account the value of Council's streetscape infrastructure by helping to preserve the social value of public property in accordance with transparent financial systems.

Other sustainability considerations

The company's management policy, Quality Assurance, OH&S and Environmental Management Systems were taken into consideration in the evaluation of tenders for the purpose of sustaining our environment.

RESPONSIBLE OFFICER

For further information, please contact Council's Project Co-ordinator (casual), Mr Edward Mieluk on 98476902.

RECOMMENDATION

THAT Council accept the tender submitted by The Australian Grinding Company Pty Ltd for Tender No. T29/2010: "Grinding of Concrete Footpaths" as stated in the attached Confidential Memo WD D&C 77/10.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment No WK85/10, located in the Confidential Section of Business Paper Confidential Memo WD D&C77/10 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2010/00635

Document Number: D01551386

**16 TENDER T26/2010: CONSTRUCTION OF JOHN PURCHASE OVAL
EXTENSION AND CAR PARK AT 46-60 PURCHASE ROAD
CHERRYBROOK**

EXECUTIVE SUMMARY

The proposed contract for “Construction of John Purchase Oval Extension and Car Park at 46-60 Purchase Road, Cherrybrook” is required to improve sports facilities in the area and when fully established will provide opportunities for the school and the local community.

At the present time Council does not have the resources required to carry out this work and therefore tenders have been called in accordance with the Local Government Act. The construction phase of the proposed contract is scheduled to commence in January 2011 and the work is expected to be completed within fourteen weeks of Council giving possession of the work site, weather permitting. It is recommended that Council accept the tender from Cardinal Project Services Pty Ltd.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No. T26/2010: “Construction of John Purchase Oval Extension and Car Park at 46-60 Purchase Road, Cherrybrook”.

DISCUSSION

Tender No. T26/2010 is a Lump Sum tender and a summary of all tenders together with full evaluation details have been placed on file (F2010/00573). Excepting this report the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Tenders were received from the following 9 companies:

- Cardinal Project Services Pty Ltd
- Chrisos Civil Constructions Pty Ltd
- Collective Civil Pty Ltd
- Foster Civil Contracting Constructions Pty Ltd
- Jean Kon Pty Limited
- J.N. Civil Pty Ltd
- Maincom Pty Limited
- V. & S. Flemming Pty. Limited
- Wade Civil Engineering Pty Ltd

The tender from Jean Kon Pty Limited was received after the closing time of the tender and was deemed non-conforming.

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

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

The priced bill of quantity rates were evaluated along with the lump sum price of each tender and also compared with Council's pre-tender estimate. Other criteria were assessed on information submitted with each tender, information gained from the tenderers' nominated referees and additional information following interviews with selected tenderers.

The attached Confidential Memo WD D&C 75/10 provides the lump sum price of each tender and a summary of the evaluation. Full details of the tender evaluation are on file.

The results of the evaluation indicate that the tender from Cardinal Project Services Pty Ltd would be the most advantageous to Council.

BUDGET

Council has allocated \$1.5 million of developer contributions towards the construction of improved sporting facilities on Department of Education and Training (DET) lands at John Purchase Public School in Cherrybrook in the 2009/10 and 2010/11 years. The works are to be undertaken in accordance with an agreement Council has with the DET enabling community use of the oval following the completion of a range of improvement works on the school lands.

The civil work package is only one part of the construction which Council intends to undertake on this site. Council will also be constructing an amenities building, oval lighting, oval irrigation, drainage and surface improvements and a range of landscaping works.

Recently prepared cost estimates for the entire scope of works total \$1.85 million, indicating a total budget shortfall of \$350,000.

A key reason for the budget shortfall is the decision to include the development of a 42 space carpark and associated retaining wall works adjacent to the Council community Centre within the scope of the project. These works were not originally envisaged as being required. The original proposal to utilise existing parking areas within the school grounds was not found to be practical.

It is recommended that the budget shortfall is covered through the identification of additional developer contributions in the quarterly budget review process.

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated in consultation with Council's Parks Landscape Coordinator, Mr Kurt Henkel and Manger Design and Construction Mr Rob Rajca.

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

The community was informed of the tender through advertising in Council's "Tenderlink" website and in the Sydney Morning Herald and the Advocate newspapers.

Conserving our natural environment

The processes on site are controlled by strict environmental measures including sediment and erosion minimisation, noise and pollution controls and protection of environmentally sensitive areas. Material re-use is promoted where possible.

Contributing to community development through sustainable facilities and services

Extension of John Purchase Oval, when fully established, will provide a sustainable sporting facility for the school and for the local community.

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

Community's vision will be significantly enhanced by providing a well equipped sporting facility.

Supporting our diverse economy

The facility will provide a major sports arena which will have a positive effect on the amenity of the area. This in turn will have a positive effect on the local economy and businesses.

Maintaining sound corporate financial management

The proposed work will convert existing playing fields into a new well developed sports facility.

Other sustainability considerations

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. Council accept the tender submitted by Cardinal Project Services Pty Ltd for Tender No. T26/2010: "Construction of John Purchase Oval Extension and Car Park at 46-60 Purchase Road, Cherrybrook" for the lump sum price as stated in the attached Confidential Memo (WD D&C 75/10).
2. The price will be made public on formal acceptance of the tender.

MAXWELL WOODWARD
Executive Manager
Works Division

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Refer to Confidential Attachment No. WK86/10, located in the Confidential Section of Business Paper Confidential Memo WD D&C75/10 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2010/00573
Document Number: D01553759

17 HORNSBY CBD DRAINAGE PROJECT

EXECUTIVE SUMMARY

This report deals with the Flood and Floodplain Risk Management Study undertaken by Bewsher Consulting Pty Ltd into the impacts of the recent heavy rains in February 2010 and provides options to deal with the most significant flood problems within the Hornsby CBD catchment.

PURPOSE/OBJECTIVE

The purpose of this report is to table the study prepared by the consultant, review the summary and conclusions and provide a strategy for funding the works required.

DISCUSSION

Previous Council Resolutions

A consultant (Bewsher Consulting Pty Ltd) was engaged to review the appropriateness of the proposed upgrades to the existing pipe infrastructure and evaluate various alternatives having regard to property damage and public safety.

The Consultant was also requested to identify whether the February 2010 storm was a 100 year Average Recurrence Interval (ARI) flood event in this catchment.

Soon after engaging the consultant a status report (Report No. WK 38/10) was considered by Council at the May Ordinary Meeting of 2010.

Council in considering report WK38/10, resolved THAT:

1. Council note the current status of the Hornsby CBD Drainage Project.
2. A further report be prepared for Council's consideration which has regard to the strategy for funding the works required on completion of the current study on possible lower cost alternatives.

Council in considering Report No. WK 35/10 in June 2010 "2010/14 4-Year Rolling Stormwater Drainage Improvement Programs" resolved inter alia that "A further report be prepared for Council's consideration on completion of the study to review the existing CBD drainage proposals".

The Executive Manager Works reports to Council (WK35/10 & WK38/10) indicated that it will not be possible to proceed under the current funding levels with the proposed improvement works which incorporate deep tunnelling and amplification of the existing pipeline system from Burdett Street to the end of Water Street. Hence, a review of this design option prepared in 2003/04 was considered necessary and was included in the consultants brief.

The consultant has now completed his study and the summary and conclusions are presented in this report.

A full copy of the Flood Study and Floodplain Risk Management Study is attached.

Study Summary and Conclusions

- a. A very significant flood event occurred on 12 February 2010 and caused inundation in the Burdett to Water Streets study area of the Hornsby CBD.
- b. Analysis of pluviograph records from the Hornsby Swimming Pool and the Hornsby Bowling Club indicated that this rainfall event had a recurrence interval of approximately 100 years.
- c. A sophisticated two-dimensional flood model has been established of the major overland flow path from Burdett Street to Water Street. The model was used to simulate the flood that occurred on 12 February 2010 which has been assessed as a 100 year ARI event in this part of the Hornsby LGA.
- d. A number of site inspections including photographic summaries were undertaken by Council officers following the February flood. These indicated that the most significant residential flood damage occurred to two units at No. 73 Albert Street. The floors of four commercial premises in Hunter Lane were also inundated. In addition, a number of basement carparks were flooded. Of these carparks, the most significant inundation occurred at the eastern end of Water Street at No. 21 where the overland flow path between Water Street and the adjacent creek system was obstructed by the existing brick sign at the entrance.
- e. The flood modelling has indicated that the depths and velocities, particularly along Water Street at the peak of the flood, do not meet the current safety standards for pedestrians and vehicles. Nevertheless the evidence from the February 2010 flood was that no significant destabilisation of vehicles occurred, consequently the reduction of the depth and velocity hazard in the roadway system is not considered to be an urgent priority.
- f. A range of flood mitigation options have been considered to address the most significant flood problems which comprise the inundation of the two units in Albert Street and the basement carpark flooding at No. 21 Water Street. The findings of this analysis were that:
 - (i) The previous pipe upgrade proposals downstream of Hunter Lane which involved major trunk drainage improvements from Hunter Street to Water Street at a cost of approximately \$8 million cannot be justified based on the likely damages in a 100 year flood event.
 - (ii) Upgrading of the existing stormwater pipe infrastructure within Hunter Lane which is already ear-marked to occur as part of widening of the roadway, is endorsed and it is recommended that this work proceed to Linda Street. This will eliminate the above floor level inundation which is occurring in commercial properties on the eastern side of the Laneway, adjacent to Linda Street.
 - (iii) The most cost-effective means of addressing the above-floor inundation problem to the residential units at No. 73 Albert Street involves the purchase and flood proofing of the units. Once this work is done, there would be potential for the units to be rented or possibly resold. The net cost of this work is estimated to be \$200,000 (i.e. \$100,000 per unit) and the resultant benefit-cost ratio is 1.0. A range of flood proofing options are available and it is difficult to make a definitive recommendation until discussions are held with the body corporate. It is recommended that Council seriously consider these works and seek funding from the Department of Environment, Climate

Change & Water (DECCW) under the State's Flood Program, or alternatively, fund the work entirely from Council's existing budgets. If government funding is available within a reasonable timeframe, there is potential for two-thirds of the cost of these flood mitigation works to be funded by the State and Federal Governments.

- (iv) The existing obstructions to the overland flow path at No. 21 Water Street need to be removed. This would likely involve minor modifications to the driveway entrance and the relocation of the existing brick sign from the southern side of the driveway to the northern side. The majority of this work would be within private property and Council would need to negotiate with the property owners to see the work carried out.

In reviewing the study the following information is provided and referenced to the study summary and conclusions.

February 2010 Event

Rainfall records and the flood modelling have confirmed that the February 2010 flood event was a 1 in 100 year Average Recurrence Interval (ARI). Refer to item (a), (b) & (c) above.

Major Trunk Drainage Improvements

The study confirms that the previous pipe upgrade proposal from Hunter Lane to Water Street (at a cost of approximately \$8M) cannot be justified based on the likely damages in a 100 year flood event.

Significant Flood Problems

Three areas within the catchment have been identified as having the most significant flood problems. These areas include the two ground floor units at No. 73 Albert Street; commercial premises at the rear of No. 70-81 & 81A Hunter Street (fronting Hunter Lane) and the basement carpark at No. 21 Water Street. Refer to item (d) above.

Mitigation of Flood Problems

To mitigate the flood problems experienced at these three locations, the following solutions are recommended:

- At No. 73 Albert Street – Two ground floor units and two garages were inundated with stormwater at this location. Purchase and flood proofing of the two units has been recommended by the consultant. However, it is difficult to provide a final water proofing solution without discussions with the Owners Corporation first. It is therefore recommended that discussions be arranged by Council staff and a solution formalised in consultation with the Owners Corporation/unit owners. The final solution will have implications on whether it is necessary to purchase the two units or not. To progress this investigation a budget allocation of approximately \$20,000 will be required. Once a definitive solution has been determined a further report to Council would be presented with estimated cost prior to proceeding with the works.

- At No. 70-81 & 81 A Hunter Street (premises fronting Hunter Lane) – Floor inundation of four commercial premises currently occurs. Hornsby Town Centre DCP provides road widening on the western side of Hunter Lane. In conjunction with the road widening Council will carry out the upgrade of the existing drainage line along Hunter Lane to Linda Street. These works may need to be staged as development occurs. The total estimate cost for the drainage upgrade is approx \$1M. To undertake these works road widening will need to be acquired. The estimated cost of this is shown in the attached confidential memo (WK D&C 81 /10).
- At No 21 Water Street – The basement carpark was inundated in February 2010 and a number of cars and other property damaged. To divert stormwater flows from entering the low basement carpark at no. 21 Water Street it will be necessary to raise the driveway level and relocate the existing brick sign from southern side of the driveway to the northern side. These works will provide a more defined overland flow path at this location by directing flows to the south of the driveway into the existing creek channel. The cost of driveway reconstruction and the removal of the brick sign will be at the owners expense. Council staff can provide the owners with technical advice and design details to achieve the best outcome. An approximate cost to Council for this assistance will be in the order of \$5,000.

Flood Hazard Assessment

The study provides a flood hazard assessment of the modelled area for pedestrian and vehicle safety during the event. The velocity depth product is used to assess the safety levels in accordance with Australian Rainfall and Runoff guidelines. The velocities and depths, particularly along Water Street do not meet the current safety standards. In order to reduce the velocity depth to levels recommended in Australian Rainfall and Runoff significant works would need to be undertaken which may include roadwidening and/or major drainage line upgrade of the stormwater under the roadway. This is likely to cost in the order of \$1M - \$2M. Given that during the February 2010 storm event there were no reports of any injury to pedestrians nor any destabilisation of vehicles. It is not considered that these works could be justified on a benefit cost basis.

Water Quality Issues

Utilisation of storage tanks and various devices for water harvesting and general improvement of stormwater have been investigated. However, based on the solutions derived from the study, Council's ability to implement water quality measures as part of the overall solution will not be feasible.

The use of funds from the Catchments Remediation Rate will therefore not be possible for this project.

Timeframe for Works

The drainage improvement works in Hunter Lane depend on the timing of completion of the property redevelopment along the western side of Hunter Lane. Hence these drainage works will be scheduled to coincide with the redevelopment of the remaining properties in Hunter Lane.

The development of the flood proofing solution at No. 73 Albert Street is subject to a further report to Council at which time a program will be provided and considered.

The programming of drainage works 21 Water Street will be a matter for the Owners Corporation.

BUDGET

Hornsby CBD Drainage total budget as at 30 September 2010 is \$3,289,767.61. This includes \$2,637,244 held in an internal restricted asset account and \$652,412.61 S94 Contributions for Civic and Urban Improvements - Drainage.

A total budget allocation of \$25,000 from S94 Contributions for Civic and Urban Improvements - Drainage Fund will be required to undertake the reconstruction activities associated with No. 73 Albert Street and No. 21 Water Street.

Additional funding from the Department of Environment, Climate Change and Water (DECCW) as indicated by the consultant may be available under the State's Flood Program. Flood inundation of No. 73 Albert Street seems to satisfy the criteria under which this grant is considered and made available. Hence the applicability to source this grant funding for the final flood proofing solution of No. 73 Albert Street will be reported to Council for consideration.

Given that no water quality measures are proposed, no funding from Catchments Remediation Rate CRR will be required.

POLICY

There is no policy implications associated with this report.

CONSULTATION

There has been consultation between the relevant officers of Works Division.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line assessment is not required for this report.

RESPONSIBLE OFFICER

The responsible officer is the Manager, Design and Construction, Mr Rob Rajca, who can be contacted on 9847 6675.

RECOMMENDATION

THAT:

1. Council receive and note the Flood and Floodplain Risk Management Study for the Hornsby CBD.
2. Allocate \$25,000 from the S94 Contribution Civic and Urban Improvements - Drainage for preconstruction activities associated with No. 73 Albert Street and No. 21 Water

Street.

3. Once a design solution has been determined to flood proof 73 Albert Street, a report to Council be prepared outlining the works and estimated cost.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Flood Study and Floodplain Risk Management Study
2. Refer to Confidential Attachment to WK87/10, located in the Confidential Section of Business Paper Confidential Memo WK D&C 81 /10 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

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