



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 16 March, 2011
at 6.30pm**

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev. Dick Udy of Dural Anglican Church, Dural 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 16 February, 2011 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 ITEMSNote:

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 GM4/11 CODE OF CONDUCT COMPLAINTS****RECOMMENDATION**

THAT the contents of General Manager's Report No. GM4/11 be received and noted.

Page Number 4**Item 2 GM5/11****RECOMMENDATION****CORPORATE AND COMMUNITY DIVISION****Page Number 8****Item 3 CC11/11 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL
30 NOVEMBER 2010****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC11/11 be received and noted.

Page Number 10**Item 4 CC12/11 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 13**Item 5 CC14/11 WALLAROBBA ARTS AND CULTURAL CENTRE AND THE PROPOSED SALE OF A COUNCIL PROPERTY IN HORNSBY****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC14/11 be received and noted.
2. Council endorse a minimum three year hire arrangement of the Garden Room at Wallarobba Arts and Cultural Centre by the Hornsby Art Society at the fee rate nominated in the Fees and Charges noting that this rate will change annually in accordance with the CPI.
3. Council endorse the method of payment for the use of the Garden Room by the Hornsby Art Society as being 75% via in kind contributions in the form of volunteer labour and 25% as cash.
4. Council endorse a 90% discount on hire fees for the Hornsby Art Society at Wallarobba Arts and Cultural Centre and Hornsby Leisure and Learning Centre for a minimum period of three years as described in the body of Report No CC14/11.
5. Subject to the above points, Council formally terminate Hornsby Art Society's tenancy of Unit 99, 208-226 Pacific Highway, Hornsby as of 30 June 2011 and provide written advice of the same to the tenant.
6. Council waive the monthly rental fee associated with Unit 99, 208-226 Pacific Highway, Hornsby between the period that the Hornsby Art Society transition to the Wallarobba Arts and Cultural Centre and the lease termination date nominated above, noting that the Art Gallery will only remain open during this period in order to host the Returned to Glory Exhibition which is a project operated by the Hornsby Art Society in conjunction with Council's Waste Management Services.
7. Council approve the sale of Unit 99, 208-226 Pacific Highway, Hornsby (Lot 99 SP54729) on the terms outlined within the confidential attachment to Report No CC14/11.

8. Council suspend the ‘Use of Funds Generated by Land Property Sales’ Policy in respect of this matter and provide for the use of the net proceeds of the sale of Unit 99, 208-226 Pacific Highway, Hornsby to be allocated towards the cost of Stage 2 of the Wallarobba Arts and Cultural Centre project.
9. The General Manager be authorised to negotiate terms of the Contract for Sale of Land and execute all associated documents under Power of Attorney or pursuant to this delegation.

Page Number 21**Item 6 CC15/11 2010/11 INVESTMENTS AND BORROWINGS REPORT FOR PERIOD ENDING JANUARY 2011****RECOMMENDATION**

THAT the contents of Executive Manager’s Report No. CC15/11 be received and noted

ENVIRONMENT DIVISION**Page Number 24****Item 7 EN7/11 DOMESTIC WASTE SERVICES - INFIRMED HOUSEHOLD POLICY****RECOMMENDATION**

THAT Council adopt the policy for *Domestic Waste Services to Infirm Households* set out in Executive Manager’s Report No. EN7/11.

Page Number 27**Item 8 EN5/11 GREEN OFFSETS CODE REVIEW****RECOMMENDATION**

THAT Council adopt the proposed changes to the Green Offsets Code identified in Executive Managers Report No. EN5/11.

PLANNING DIVISION

Nil

WORKS DIVISION**Page Number 30****Item 9 WK12/11 "WELLUM BULLA" - HORNSBY SHIRE COUNCIL MATERIALS HANDLING FACILITY MONITORING COMMITTEE****RECOMMENDATION**

THAT Council note the attached Minutes of Meeting 1/11 of "Wellum Bulla" – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 17 February 2011.

Page Number 32**Item 10 WK13/11 TENDER NO. T3/2011: SPRAYED BITUMINOUS SURFACING**

THAT Council accept the tender of SRS Roads Pty Ltd for all work under Tender No. T3/2011: Sprayed Bituminous Surfacing.

Page Number 35**Item 11 WK14/11 TENDER T2/2011: CONSTRUCTION OF NEW RETAINING WALL - BEROWRA WATERS ROAD, BEROWRA HEIGHTS****RECOMMENDATION**

THAT:

1. Council accept the tender submitted by Sporting Services (Construction) Pty Ltd. trading as Pan Civil for Tender No. T2/2011: "Construction of New Retaining Wall – Berowra Waters Road, Berowra Heights" for the lump sum price as stated in the attached Confidential Memo (WD D&C 06/2011).
2. Hours of closure for the works will be 9.00am to 3.00pm (Monday to Friday).
3. The price will be made public on formal acceptance of the tender.
4. Should additional funding be required that this be made available from the Douglas Avenue Wahroonga Local Road project and reflected in a future budget review.

SUPPLEMENTARY AGENDA**PUBLIC FORUM – NON AGENDA ITEMS****MAYOR'S NOTES****QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN****QUESTIONS WITHOUT NOTICE**

1 CODE OF CONDUCT COMPLAINTS

EXECUTIVE SUMMARY

During 2008 and 2009, correspondence was received from Mr T Richmond of Brooklyn, in which complaints were made regarding a possible breach of the Code of Conduct concerning the use of resources in the lead-up to the Council Election of 13 September 2008 and alleging a further breach by the Deputy Mayor in relation to his assessment of the first complaint.

Executive Manager's Report No.WK61/09 was considered by Council on 12 August 2009 and Council resolved, inter alia, not to further pursue the complaints.

Following continuing representations by and on behalf of Mr Richmond the Division of Local Government advised that due to perceived procedural deficiencies and ongoing concerns about the Code of Conduct complaints, the matter was to be referred to the NSW Ombudsman to review the complaints and the processes involved.

Letter dated 25 February 2011 from the Office of the NSW Ombudsman, advising that it has decided to take no further action, has now been received and is attached for notation by Council.

PURPOSE/OBJECTIVE

The purpose of this Report is to advise Council of a determination by the Office of the NSW Ombudsman of a complaint by Mr Tom Richmond.

DISCUSSION

By letter dated 11 December 2008, correspondence was received from Mr T Richmond of Brooklyn, in which a complaint was made regarding a possible breach of the Code of Conduct concerning the use of resources in the lead-up to the Council Election of 13 September 2008. As the complaint concerned the conduct of the Mayor, Councillors agreed the Deputy Mayor should assess the complaint to determine if the matter should be referred to a Conduct Review Committee or Conduct Reviewer.

By letter dated 13 March 2009, Mr Richmond made a further complaint alleging a breach of the Code of Conduct by the Deputy Mayor in relation to his assessment of the first complaint.

In its consideration of the action to be taken regarding the complaints, Councillors considered whether to refer the complaints to a Conduct Reviewer/Conduct Review Committee or to review the complaints as Council.

A comprehensive Report was prepared by the Executive Manager Works in his role as Advisor to Council and Executive Manager's Report No.WK61/09 was submitted to the Ordinary Meeting of Council held on 12 August 2009. At that meeting Council resolved, inter alia, not to further pursue the complaints.

Mr P R Chapman, Director, Legal, Policy and Special Programmes, Department of Premier and Cabinet wrote to Council on 1 February 2010, advising of the Division of Local Government's concerns about Council's management of these complaints and a departure by the Division from its usual practice in handling complaints relating to Codes of Conduct. As requested by the Division this letter was tabled at the meeting of Council held on 16 February 2010.

Mr Chapman advised that due to the procedural deficiencies and ongoing concerns about the Code of Conduct complaints, he had determined to refer the matter to the NSW Ombudsman to review the complaints and the processes involved.

Council has now received letter dated 25 February 2011 from the Office of the NSW Ombudsman, advising that following an assessment of a complaint made by Mr Richmond referred by the Department of Premier and Cabinet, Division of Local Government, it has decided to take no further action.

The conclusion by the Office of the NSW Ombudsman is reproduced following:

Conclusion

In determining whether to investigate a matter, we satisfy ourselves as to the presence of evidence of wrong conduct on the part of the Council, and what recommendations we would likely make to improve the Council's administrative processes.

I have decided that this office will not conduct an investigation as I am not satisfied that the evidence sufficiently identifies wrong conduct on the part of the Council.

Additionally, where administrative improvements can be made, it appears the Council and the DLG have taken action to address these particular issues. That is:

- **Council has developed Policy, Elections – Caretaker Period;**
- **DLG will be undertaking a review of the model code of conduct which will provide opportunity to improve and clarify the complaint handling processes;**
- **DLG apologised to you when it identified that it inadvertently departed from usual practice by commenting on the substance of your complaint before Council finalised its own examination of the issues.**

It therefore appears to me that the agencies concerned have already taken reasonable action to make administrative improvements where deficiencies were identified. Intervention by this office would be unlikely to achieve a result substantially different from that already completed.

As this matter has had considerable involvement of the Council and DLG during this time, a copy of this letter has been provided to both agencies for their records and information.

I will now close this file and take no further action.

A copy of the letter from the Office of the NSW Ombudsman, together with a copy of that Office's advice to Mr Richmond is attached for notation by Council.

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

As this Report simply provides Council with information and it does not propose any action, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The General Manager, Mr Robert Ball.

RECOMMENDATION

THAT the contents of General Manager's Report No. GM4/11 be received and noted.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. Letter from the Office of NSW Ombudsman

File Reference: F2004/07038-02
Document Number: D01612670

In accordance with orders of the Administrative Decisions Tribunal in respect of matter No. 113158, this Report and its Attachments have been removed from Council's website.

3 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 30 NOVEMBER 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 November 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 November 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. CC11/11 be received and noted.

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Council Resolutions - As at 30 November 2010

File Reference: F2005/00112
Document Number: D01597545

4 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 Return/s 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 Return/s 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) and/or 449(5) 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 16 February 2011 (see Report No. CC1/11). Since that time, an additional Return has been lodged with the General Manager and is now tabled as required by the Local Government Act.

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
8/02/2011	Development Engineer	Return from extended leave

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.

SCOTT ALLEN
Risk & Insurance Manager - Risk &
Insurance
Corporate and Community Division

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: D01598477

5 WALLAROBBA ARTS AND CULTURAL CENTRE AND THE PROPOSED SALE OF A COUNCIL PROPERTY IN HORNSBY

EXECUTIVE SUMMARY

Following consideration of Report No CC55/09, Council resolved to repurpose the Willow Park Community Centre into the Wallarobba Arts and Cultural Centre. As part of the resolution, Council requested that officers investigate a number of issues prior to preparation of a further report. This Report provides a detailed response in respect to point 4 (i.e. the rehousing of the Hornsby Art Society at the new Centre) and point 7 (i.e. the potential sale of Unit 99, 208-226 Pacific Highway, Hornsby). Brief updates are also provided in respect of the other actionable items associated with Report No CC55/09.

With respect to point 4, it is recommended that the Hornsby Art Society be offered the exclusive use of the Garden Room (shown on the attached site map) of the Wallarobba Arts and Cultural Centre for no less than three years. It is recommended that the Art Society pay the advertised weekly rental figure articulated in Council's Fees and Charges but that 75% of this fee be allowed to be paid via in kind contributions – specifically, volunteer labour associated with the support of the Hornsby Art Prize. The 25% cash component of the hire agreement would be a practical contribution to the utility costs at Wallarobba. It is also recommended that the Hornsby Art Society be given a 90% discount on advertised fees on their hire of the Hornsby Leisure and Learning Centre for the purposes of conducting Society workshops and activities and also a 90% discount on advertised fees associated with their use of rooms other than the proposed office space within the Centre.

With respect to point 7, this Report recommends the sale of Unit 99, 208-226 Pacific Highway, Hornsby under the terms outlined in the confidential attachments, and that the proceed of the sale are allocated towards the financing of Stage 2 of the Wallarobba Arts and Cultural Centre.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide an update to Council on the progress of the development of the Wallarobba Arts and Cultural Centre; to recommend a set of arrangements in respect of the Hornsby Art Society's use of the Centre; and to progress the proposed sale of Unit 99, 208-226 Pacific Highway, Hornsby (currently leased by the Hornsby Art Society) such that Stage 2 of the Wallarobba Arts and Cultural Centre development can be planned and funded.

DISCUSSION

Following extensive discussion and consultation with the Community, Cultural and Recreation Facilities Task Force during 2008 and 2009, Council, at its 12 August 2009 Ordinary Meeting considered Report No CC55/09 which outlined a plan to re-purpose the Willow Park Community Centre (Homestead) as the Wallarobba Arts and Cultural Centre. As a consequence of its consideration of the Report, Council resolved that:

1. *The contents of Executive Manager's Report No. CC55/09 be received and noted.*

2. *The Wallarobba Arts and Cultural Centre be developed at the existing site of the Willow Park Community Centre Homestead.*
3. *Council not renew the leases of the existing tenants at the Willow Park Community Centre Homestead and provide them with eight weeks' written notice of termination from 30 November 2009.*
4. *Hornsby Art Society be offered a lease of the rooms identified in the concept plan for the redeveloped Willow Park Community Centre Homestead under the relevant conditions of the Code for Lease/Licence of Council Land and Buildings by Community Groups, on the basis that the Society relinquishes their current tenancy of the Council owned property at 208 Pacific Highway, Hornsby.*
5. *On receipt of a written formal request by 18 September 2009 from any of the displaced tenants of the Willow Park Community Centre, Council staff provide assistance to them in identifying temporary short term accommodation which could be used whilst the displaced tenants identify and secure suitable longer term premises for their continued operations.*
6. *Further investigations be undertaken in respect of the potential sale of the Council owned property at 208 Pacific Highway, Hornsby to assist in the funding of Stage 2 of the Willow Park Community Centre project.*
7. *Council continue to undertake consultation with the community and potential user groups in relation to the use of existing community facilities for cultural development.*

Points 2 to 7 of the above resolution are shown in ***bold italics*** below followed by details of the actions which have been taken in respect of each point.

The Wallarobba Arts and Cultural Centre be developed at the existing site of the Willow Park Community Centre Homestead.

Work on the re-purposing of the Homestead was initially delayed for four months due to lease extensions being provided to community group tenants until 31 March 2010 (see Council's resolution in respect of Mayoral Minute No MM16/09 - considered by Council at its 9 December 2009 Ordinary Meeting). Project planning and design work for the site commenced in early 2010. Consultation was undertaken with Council's Heritage Committee in May 2010. Once the scope of the required work was finalised, a Development Application (DA) for the project was lodged in September 2010 with approval received in January 2011. Non DA related works commenced on the project in mid 2010 once tenants had vacated the site. It is anticipated that the upgraded facility will be available for use by the community from April 2011 with the formal opening of the Centre and completion of final works (i.e. installation of a lift) forecast in July 2011.

Council not renew the leases of the existing tenants at the Willow Park Community Centre Homestead and provide them with eight weeks' written notice of termination from 30 November 2009.

This action has been completed. Council facilitated St John Ambulance's relocation to vacant space at the Hornsby Heights Rural Fire Service Headquarters and Computer Pals for Seniors were relocated to Asquith Leisure and Learning Centre. The Breakthrough Church found

their own accommodation at the PCYC Performing Arts Centre and the Hornsby and District Chamber of Commerce and Industry (now Hornsby Business Alliance) appear to be continuing to operate without a fixed office address.

Hornsby Art Society be offered a lease of the rooms identified in the concept plan for the redeveloped Willow Park Community Centre Homestead under the relevant conditions of the Code for Lease/Licence of Council Land and Buildings by Community Groups, on the basis that the Society relinquishes their current tenancy of the Council owned property at 208 Pacific Highway, Hornsby.

As part of the consultation undertaken with the Hornsby Art Society in the preparation of Report No CC55/09, Council officers proposed that the Society be provided an exclusive license to manage and operate a gallery space within the new Wallarobba Arts and Cultural Centre. The outcome of these consultations was the identification of a number of rooms at Wallarobba for use by the Hornsby Art Society. These rooms were detailed in the concept plan for the site and attached to Report No. CC55/09.

Since consideration of Report No CC55/09, the Society has completed a strategic planning process and decided to shift its focus away from gallery management and towards providing greater support and artistic development opportunities for their members. The Society advised Council of this change and the concept plans for Wallarobba were amended on the basis that the Society would not require exclusive use of rooms within the Centre. As a consequence, redevelopment of the site proceeded on the understanding that the Society did not require any lease/license space and the spaces originally earmarked for use by the Society in the concept plans were allocated for a Print Making Room and for office space for relevant Council staff.

During the preparation of this Report, the Society was again consulted with respect to their desired requirements at Wallarobba. In the attached email, the President of the Society has indicated that the Society would now prefer to retain an office space at Wallarobba in order to physically preserve the status of the Society on the new site. This approach is understandable given that the Society worked for numerous years to be granted a lease of a facility from which to operate a community art gallery. Officers understand that it is a big step (perceivably backwards) to not hold the lease of a room for the purposes of conducting Art Society business.

Following the receipt of the attached email, an on-site meeting was arranged to discuss the matters such that they could be detailed in this Report. At the meeting, the option of the Art Society occupying the Garden Room was discussed. Whilst this room was originally earmarked for an Artist in Residence Program, this Program can be deferred in order to accommodate the Art Society if required. Following the meeting, an email was sent to the Society such that the proposed use of the Garden Room and other rooms at the new Centre could be finalised. Based on discussions to date, officers believe that the following terms are appropriate:

- The Society be provided with exclusive use of “The Garden Room” for a period of at least three years, noting that the Room has an advertised hire fee of \$50 per week. It is recommended that the Society be allowed to cover 75% of such fee via in kind contributions and 25% via a cash payment. The cash payment would be used as a contribution towards utility costs of the Centre.
- The in kind contributions referred to above should be through the provision of volunteer labour which supports the Hornsby Art Prize Exhibition, ideally at a level consistent with previous years. In this regard, a nominal volunteer rate of \$30 per hour

is suggested and it is acknowledged that the Society is likely to far exceed the requirement for a 75% in kind contribution commitment if their historical volunteer contributions are indicative of future volunteer contributions.

- The Society be provided with use of the Verandah Gallery one week per month for the purpose of supporting member exhibitions, at a 90% discount on advertised fees.
- The Society be provided with use of the Hornsby Leisure and Learning Centre on Mondays between 5.30pm and 10.30pm such that they can hold monthly Society meetings, demonstrations and larger workshops, at a 90% discount of advertised fees.

The rationale associated with the above recommendations is that:

- The Society has operated the Hornsby Art Gallery (on the Pacific Highway) since 2001. Council has paid the strata levies and fees associated with this property since 2005 after a request for financial assistance was received from the Society. In respect of 2010/11, the Society paid \$960 per annum in rent for the Pacific Highway property.
- The Art Society supported the proposed development of Wallarobba Arts and Cultural Centre by agreeing to “surrender” the Pacific Highway property for which they held the lease in order to work in partnership with Council on the new site. This freed up funds (through the potential sale of the property) to enable progression of Stage 2 of the Centre.
- The partnership and collaboration between Council and the Society is considered to be very much in the spirit of the current Cultural Plan and the strategic intent of the new facility.
- The cost to Council of the proposed discounts is estimated to be \$444 per annum. It is considered that the proposed 90% discount for three years is reasonable in order to allow the Society time to find alternate revenue streams (much of which was previously derived from gallery management).
- The foregone rental for the Society’s use of the property at Unit 99, 208-226 Pacific Highway, Hornsby in 2010/2011 was \$54,377. Council also paid the Strata Fees at this site – budgeted at \$3,400 per annum. The subsidies recommended at Wallarobba are substantially less than those which have historically been provided. This is consistent with Council’s intent with respect to minimising the subsidies given to community groups operating out of Council facilities – see resolution in respect of Report No. CC46/10.
- A fee associated with the hire of the Garden Room has already been exhibited and set. An exclusive use hire arrangement, rather than a lease, is recommended in order to save on legal costs and to provide the Society some flexibility to adapt in terms of their use of the various hireable spaces at Wallarobba.

The suggested conditions of hire recommended by officers take into account the historical support that Council has given to the Society and that the Society has given Council. Whilst it is unfortunate that the proposed conditions could not have been finalised prior to completion of this Report, it was necessary to bring this Report to the March Ordinary Meeting because of a recent offer to purchase the Pacific Highway property currently leased by the Society. The offer is discussed below and needs to be resolved with some urgency. If further correspondence is received from the Society prior to the 16 March 2011 Ordinary Meeting, it will be provided to Councillors via a Late Items Memo.

Once Council resolves on the conditions that the Society may be offered in respect of their use of Wallarobba, it is recommended that the Society be given formal notice that Council intends to terminate their lease at their current premises by 30 June 2011 – once the Returned to Glory Exhibition has been held. (N.B. The Returned to Glory Exhibition is a joint project

between the Hornsby Art Society and Council's Waste Management Services Team and the exhibition venue has already been advertised as the Hornsby Art Gallery).

The Society's use of Wallarobba can commence at any time once the facility becomes available for community use (estimated to be April 2011). Once this occurs, it is recommended that the Society's financial commitment at Unit 99, 208-226 Pacific Highway Hornsby should cease contingent upon agreement that the premises be vacated by 30 June 2011.

On receipt of a written formal request by 18 September 2009 from any of the displaced tenants of the Willow Park Community Centre, Council staff provide assistance to them in identifying temporary short term accommodation which could be used whilst the displaced tenants identify and secure suitable longer term premises for their continued operations.

This action has been completed. In this regard, the outcomes associated with the relocation of previous tenants of the Willow Park Community Centre have been described above.

Further investigations be undertaken in respect of the potential sale of the Council owned property at 208 Pacific Highway, Hornsby to assist in the funding of Stage 2 of the Willow Park Community Centre project.

Council officers sought an updated market valuation in respect of Unit 99, 208-226 Pacific Highway, Hornsby. This valuation was received in September 2010 and is provided as Confidential Attachment 1. In January 2011, Council received an offer to purchase the said property. A copy of an independent valuation of the property was provided with the offer – see Confidential Attachment 2. Council's Manager, Property Development subsequently negotiated the sale price of Unit 99 and a second offer to buy the property from the same party can be found in Confidential Attachment 3. That Attachment also includes a recommendation from the Manager, Property Development that this Report recommend to Council that it accepts this second offer to purchase the property. The details as to the reasoning and rationale behind this recommendation are also included in Confidential Attachment 3. In making this recommendation, the Manager, Property Development has stated that this proposal complies with Council's Disposal of Land Policy – POL00207.

As described above, the proceeds from the sale of this property have been earmarked by Council to assist in funding Stage 2 of the Wallarobba Arts and Cultural Centre. Stage 2 of the project involves the redevelopment/refurbishment of the halls to the rear of the Wallarobba Homestead in order to further support cultural development opportunities within the Shire. As Unit 99, 208-226 Pacific Highway, Hornsby was originally provided to Council in lieu of Section 94 Developer Contributions, the above approach of reinvesting the proceeds from the sale back into local community facilities is appropriate. Further to this, it is noted that in negotiating the Art Society's original agreement to vacate the Pacific Highway site and move to Wallarobba, it was proposed that the proceeds from the sale of the site would be allocated towards Stage 2 of the Wallarobba Project.

The resolution associated with Report No. CC55/09 implies a link between the Art Society's relinquishment of their lease of Unit 99, 208-226 Pacific Highway, Hornsby, the offer of a new lease at Wallarobba and the proceeds of the sale of Unit 99 being allocated towards Stage 2 of Wallarobba. The integrity of this negotiation needs to be maintained and the proceeds from the sale directed towards Stage 2 of Wallarobba.

Council continue to undertake consultation with the community and potential user groups in relation to the use of existing community facilities for cultural development.

This requirement is occurring on an ongoing basis.

BUDGET

There are no budgetary impacts associated with the recommendations in this Report. If Council resolves to sell the property at Unit 99, 208-226 Pacific Highway, Hornsby, the funds derived are recommended for use in Stage 2 of the redevelopment of the Wallarobba Arts and Cultural Centre. If additional funding is required for Stage 2, Council will be advised of such in a further Report.

POLICY

The policies relevant to this Report are the Disposal of Land Policy; and the Use of Funds Generated by Land Property Sales Policy.

CONSULTATION

Consultation has occurred in the preparation of this Report with the General Manager; Manager, Property Development; Manager, Commercial Property; and representatives from the Hornsby Art Society.

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 Triple Bottom Line Councils strategic themes.

This Report seeks to sell a surplus asset of Council in order to realise the maximum financial return for this asset. It also recommends reinvesting the proceeds from this sale into a nearby like facility. The social and environmental aspects of this assessment were considered in earlier reports on the subject.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Community Services Branch - Mr David Johnston. He can be contacted on 9847-6800. The Manager, Property Development - Mr Peter Thompson may be contacted on 9847-6669 with respect to the recommended sale of Unit 99, 208-226 Pacific Highway, Hornsby.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No CC14/11 be received and noted.
2. Council endorse a minimum three year hire arrangement of the Garden Room at Wallarobba Arts and Cultural Centre by the Hornsby Art Society at the fee rate nominated in the Fees and Charges noting that this rate will change annually in accordance with the CPI.

3. Council endorse the method of payment for the use of the Garden Room by the Hornsby Art Society as being 75% via in kind contributions in the form of volunteer labour and 25% as cash.
4. Council endorse a 90% discount on hire fees for the Hornsby Art Society at Wallarobba Arts and Cultural Centre and Hornsby Leisure and Learning Centre for a minimum period of three years as described in the body of Report No CC14/11.
5. Subject to the above points, Council formally terminate Hornsby Art Society's tenancy of Unit 99, 208-226 Pacific Highway, Hornsby as of 30 June 2011 and provide written advice of the same to the tenant.
6. Council waive the monthly rental fee associated with Unit 99, 208-226 Pacific Highway, Hornsby between the period that the Hornsby Art Society transition to the Wallarobba Arts and Cultural Centre and the lease termination date nominated above, noting that the Art Gallery will only remain open during this period in order to host the Returned to Glory Exhibition which is a project operated by the Hornsby Art Society in conjunction with Council's Waste Management Services.
7. Council approve the sale of Unit 99, 208-226 Pacific Highway, Hornsby (Lot 99 SP54729) on the terms outlined within the confidential attachment to Report No CC14/11.
8. Council suspend the 'Use of Funds Generated by Land Property Sales' Policy in respect of this matter and provide for the use of the net proceeds of the sale of Unit 99, 208-226 Pacific Highway, Hornsby to be allocated towards the cost of Stage 2 of the Wallarobba Arts and Cultural Centre project.
9. The General Manager be authorised to negotiate terms of the Contract for Sale of Land and execute all associated documents under Power of Attorney or pursuant to this delegation.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Valuation Report Lot 99 No 208 -226 Pacific Hwy Hornsby - *This attachment should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
2. Expression of interest - Purchase of property - Lot 99 208-212 Pacific Highway Hornsby - with Valuation - *This attachment should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

3. Advice regarding offer to purchase Unit 99/208-226 Pacific Highway Hornsby - *This attachment should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
4. Wallarobba Floor Plan
5. Hornsby Art Society requests at Wallarobba

File Reference: F2004/06091

Document Number: D01599941

**6 2010/11 INVESTMENTS AND BORROWINGS REPORT FOR PERIOD
ENDING JANUARY 2011**

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 January 2011 was \$1,148,000 compared to the revised budgeted income for the same period of \$941,000. 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 – January 2011

- The At-Call and Term Deposits achieved an annualised return of 5.93% for the month compared to the benchmark of 4.75%;
- NSW T-Corp Long Term Growth Facility achieved a marked to market annualised return of 24.59% for the month compared to the benchmark of 15.84%. 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 7.16% for the month compared to the benchmark of 5.16%;
- The Capital Guaranteed Notes achieved an annualised return of 0% for the month compared to the benchmark of 5.16%. No interest will be accrued for the remaining life of the securities.

For total investments, the annualised return for January 2011 was 5.74% compared to the benchmark of 5.13%. It is noted that for the 2010/11 year to date, the annualised return is 5.28% compared to the benchmark of 5.04%.

Economic Commentary

Key points - Media Release 1 February 2011 Statement by Governor, Reserve Bank of Australia

- The cash rate is unchanged at 4.75 per cent;
- The global economy continues to look strong into 2011; commodity prices have remained high;
- Australian's term of trade are at their highest level since 1950s; national income is growing strongly;
- Employment indicators suggest further growth, most likely at a slower pace over the coming year;
- Expected inflation over the year ahead continues to be consistent with 2-3 per cent target;
- The flooding in Queensland and Victoria is having a temporary adverse effect on economic activity and prices;
- Some production of crops and resources has been lost and some other forms of economic output have also been lower in the affected areas. Prices for the relevant commodities have risen and are likely to remain elevated in the near term. Resumption of production is occurring at different speeds by region and industry;
- Floods also resulted in damage/destruction to physical capital in the affected regions. Over the next year or two, the efforts to repair or replace infrastructure and housing will add modestly to the aggregate demand. The extent of this net additional effect will depend on the full extent of the damage, the speed of the rebuilding and the extent to which other public and private spending is deferred.

The Reserve Bank will continue to assess the effects of the floods and the subsequent recovery, along with all the other factors having a bearing on economic conditions.

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 January 2011 is attached for Council's information.

BUDGET

Total investment income for the period ending January 2011 was \$1,148,000. The revised budgeted income for the same period was \$941,000. Of the total variance, \$130,000 relates to the recovery of the written down fair value of the CDO's which matured in December 2010 and the Capital Guaranteed Note which was sold in October 2010.

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.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC15/11 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 January 2011
2. HSC Borrowings Schedule as at 31 January 2011

File Reference: F2004/06987
Document Number: D01604254

7 DOMESTIC WASTE SERVICES - INFIRMED HOUSEHOLD POLICY

EXECUTIVE SUMMARY

Council's domestic waste service currently provides special assistance to residents who apply and qualify for the collection, emptying and return of garbage and recycling bins from within and back to the resident's property. Over many years Council has only received a very small number of requests for this service but with the indications of an increase in elderly residents it is time that the current practice be formalised through the development of policy. The policy is designed to ensure that only residents in genuine need receive this special assistance service.

PURPOSE/OBJECTIVE

To seek Council's adoption of the attached policy: *Domestic Waste Services to Infirm Households*.

DISCUSSION

The Australian Bureau of Statistics 2006 Population and Housing Census indicated there were 14,717 people over 70 years of age in Hornsby Shire. The number of residents in this age group is forecast to increase to 19,430 by 2020 (Department of Planning, 2007). The Australian Federal Government and many non-government organisations provide a range of services that allows aged and disabled persons to continue to live at home rather than move to a care facility. The *Infirm Households* Policy will complement these initiatives.

Over the years, Council has received a small number of requests (around 10) for waste collection services to be conducted from the property. That is, the collection vehicle driver enters the property, takes the bins to the collection vehicle for emptying and afterwards returns the bins to the property. The requests typically came from people with medical conditions or disabilities and/or who had steep or otherwise difficult driveways along which the bin had to be moved. In cases where there was no other person available to move the bins and the medical condition/disability was confirmed, Council instructed the waste collection contractor to provide waste collection services to the property.

The draft policy formalises the current practice and guidelines for the provision of waste collection services for infirmed households.

BUDGET

When Council called tenders for waste collection services in 2009 the successful tenderer provided a price to service infirmed households, which was the same as kerbside pickups. Consequently, there are no budget implications arising from this report for the duration of the current waste collection contract.

POLICY

This report recommends adoption of the attached policy '*Domestic Waste Services to Infirm Households*', which formalises the framework used by Council staff to effectively manage infirmed households in need of assistance for waste management services.

There are no other policy implications.

CONSULTATION

This report has been prepared following consultation with Council's Community Services Branch.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our Community

This policy provides a framework from which Council can tailor waste collection services to the needs of individuals in the community.

Conserving our natural environment

This policy has no natural environment considerations.

Contributing to community development through sustainable facilities and services

Providing waste services from the property for infirmed households is sustainable.

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

This policy supports planning for the needs of the aging population with regards to waste collection services.

Supporting our diverse economy

This policy supports the aged and people with a disability in our diverse economy.

Maintaining sound corporate financial management

The implementation of this policy is achievable within current budgets.

Other sustainability considerations

There are no other sustainability considerations.

RESPONSIBLE OFFICER

The officer responsible for this report is Rob Holliday, Manager Waste Management Services, telephone 9847 4816, between 8.30am and 4.30 pm, Monday to Friday.

RECOMMENDATION

THAT Council adopt the policy for *Domestic Waste Services to Infirm Households* set out in Executive Manager's Report No. EN7/11.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Draft 'Domestic Waste Services to Infirm Households' Policy

File Reference: F2004/08803
Document Number: D01611375

8 GREEN OFFSETS CODE REVIEW

EXECUTIVE SUMMARY

The report reviews the appropriateness of the offset values and calculations in the Green Offsets Code (“the Code”). The review has also identified other matters for Council’s consideration. This report recommends that:

- The Conservation Significance Area (CSA) mapping be updated in line with Council’s latest native vegetation studies and mapping undertaken by Smith and Smith 2006-2009 and the Native Vegetation Planning Review
- The cost of offsetting be increased, based on better information regarding bushland enhancement costs
- Restrictions on the extent of loss of bushland due to subdivision applications be determined
- A new section be included in the Code that deals with offsetting on public land, which is designed to provide for funds for a bushland restoration offset program. Such a program will focus on the restoration of existing high conservation bushland reserves.

The principles of offsetting and the intent of the policy remain unchanged. The suggested amendments to the Code are intended to provide Council and the community with greater transparency and better processes when entering into offset agreements.

PURPOSE/OBJECTIVE

At the Planning Meeting in October 2010 Council agreed:

“THAT the Executive Manager Environment be requested to review the appropriateness of the offset values and calculations specified in the Offsets Code to determine whether they accurately reflect the value for offsetting the loss of bushland as a result of development proposals.”

This report recommends amendments to the Green Offsets Code, including a new section which details specific provisions for green offsets on public land.

DISCUSSION

The basic principle of offsetting is that the loss of native vegetation due to development in one location can be offset by protecting and conserving native vegetation elsewhere in the Shire. The desired outcome is a net improvement in native vegetation. Offsetting should only be considered once all efforts to avoid, minimise or mitigate any negative environmental impacts within the development proposal have been exhausted. If removal of native vegetation is still unavoidable, then offsetting may be an option subject to the proposal meeting the criteria set out in Council’s Green Offset Code.

The Green Offsets Code was initially considered by Council in 2007 out of a need identified in the Biodiversity Conservation Strategy 2006 to develop more flexible mechanisms to

address the loss of valuable native vegetation communities due to development across the Hornsby Shire. At the Ordinary Meeting of 9 April 2008 Council considered Report EN13/08 and resolved to adopt the Green Offsets Code – POL00149 and trial it for a 12 month period. A further report outlining the results of the trial period was presented at the Ordinary Meeting of 17 March 2010 and Council determined to adopt the Green Offsets Code with minor amendments.

During the past year there have been several offset proposals accepted by Council. This has highlighted the need to be more specific in the Code in terms of public land offsets and the cost formulas associated with restoration of bushland.

Suggested Amendments

There are several suggested amendments and inclusions recommended as a result of the comprehensive policy review. Where amendments are proposed they are shown on the attached copy of the code, with deletions shown by ~~striketrough~~ and additions shown by underlining.

Summary of suggested changes to the Green Offsets Code

- Inclusion of Section 10 – Green Offsets on Public Land, which outlines how and when Council will enter into agreements for contributions for works on public land. This new section sets out a clear process and formula for contributions to a bushland restoration offset program.
- More distinction of the processes to be followed when offsetting on private land or an offset is sought for public land.
- The inclusion of the following advice regarding subdivision applications where offsetting is unlikely to be approved.

“Subdivision applications where there will be removal or significant fragmentation of over 40% of native vegetation on the development site which is considered an Endangered Ecological Community or over 30% of native vegetation on the development site which is considered a Critically Endangered Ecological Community. In such cases, Council is highly unlikely to approve a subdivision application”.

- Changes to the Conservation Significance Area (CSA) mapping: The mapping has been updated to reflect the latest vegetation study and mapping undertaken, namely Smith and Smith Vegetation Update 2008, which was adopted by Council on April 21 2010. The *Urban remnants and remnant trees* category has been replaced with two new categories: *Remnant Endangered Ecological Communities (EEC) trees* and *Other Vegetation and mapped patches of remnant trees*. This reflects the latest vegetation studies and mapping undertaken by Smith and Smith between 2006 and 2009.
- The multiplier for the Remnant EEC trees category has been changed from “*case by case*” to “5:1” to be consistent with a Land and Environment Court ruling on the removal of Blue Gum High Forest remnant trees within the Ku-ring-gai local government area where offsetting was imposed by the Court with a ratio of 5:1.
- The cost of undertaking the offset action has been increased based on \$190,000 per hectare for bushland enhancement, restoration and re-vegetation work on a private offset or when calculating a contribution for a public land offset. This is based on industry research and past revenue spent on bushland restoration programs through time. The figure is an approximation of the cost of bushland restoration work over a 10 year period.

BUDGET

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

POLICY

There are substantive changes to the Green Offsets Code recommended by this report.

CONSULTATION

Consultation on the Green Offsets Code and input for the recommended changes has been undertaken with:

- Bushland Management Advisory Committee (BMAC)
- Council's Parks and Landscape Team

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council adopt the proposed changes to the Green Offsets Code identified in Executive Managers Report EN5/11.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Revisions to Green Offsets Code

File Reference: F2007/01418
Document Number: D01603194

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

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

The purpose of this report is to advise the Council of the Monitoring Committee meeting held on site on Thursday, 17 February 2011, and of the actions noted in the minutes of the meeting.

DISCUSSION

The minutes of the Hornsby Shire Materials Handling Facility Monitoring Committee held on 17 February 2011 are included in this report as an attachment.

BUDGET

No impact on the budget.

POLICY

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

CONSULTATION

This report has been prepared in consultation with Mr Bruce Adcock of Environmental Planning Pty Ltd.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council note the attached Minutes of Meeting 1/11 of “Wellum Bulla” – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 17 February 2011.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Minutes - 17 February 2011
2. Monitoring Report, Site and Environmental Management Plan Audit - February 2011

File Reference: F2004/09261-02
Document Number: D01609208

10 TENDER NO. T3/2011: SPRAYED BITUMINOUS SURFACING

EXECUTIVE SUMMARY

INTRODUCTION/BACKGROUND

The proposed contract for Sprayed Bituminous Surfacing is required to service the needs of Council's Works Division in carrying out road and carpark construction and maintenance.

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 12 months duration with an option to extend the contract for a further 12 month period. SRS Roads Pty Ltd has been recommended for acceptance for this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No.T3/2011: Sprayed Bituminous Surfacing.

DISCUSSION

The Tender No. T3/2011 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are in folder F2011/00020. 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 (4) tenders were received for Tender No. T3/2011 from the following companies:

- Downer EDI Works Pty Ltd
- Fulton Hogan Pty Ltd
- State Asphalt Services Pty Ltd
- SRS Roads Pty Ltd

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

- Cost of Works
- Past performance and experience in similar types of works
- Plant and equipment resources
- Labour and sub-contract resources
- Material type and supply sources
- Traffic control systems
- Quality assurance
- Occupational health and safety systems
- Sustainability

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

The results of the evaluation indicate that the most advantageous tender is from SRS Roads Pty Ltd.

The total estimated work under this contract is in the order of \$400,000 per annum. The attached Confidential Memo WD D&C 4/11 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 F2011/00020.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

Working with our Community

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

Conserving our natural environment

The processes on site are controlled by sediment and erosion minimisation measures, and protecting environmentally sensitive areas. The sealing of the roads minimises the need to use significant quantities of quarried materials for road reconstruction.

Contributing to community development through sustainable facilities and services

Rehabilitation of road pavement will have a positive effect on the amenity of the area and provides comfort and safety for the travelling public. Pavement management systems are used to evaluate the existing roads network and a pavement spray sealing/rejuvenation program is prepared annually. This is a systematic approach to rehabilitation of Council's roads to make them a sustainable facility.

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

The rehabilitation and reconstruction of the road pavements will help conserve and enhance Council's road pavement assets, so that residents and the general public have a good road network to support their transport needs.

Supporting our diverse economy

Maintenance of a sustainable roads network is essential in supporting the diverse economy of the Shire.

Maintaining sound corporate financial management

The cost effective rehabilitation of the road pavement enhances the value of Council's road pavement asset and helps guard against the expensive cost of total reconstruction.

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 received.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council accept the tender of SRS Roads Pty Ltd for all work under Tender No. T3/2011: Sprayed Bituminous Surfacing.

MAXWELL WOODWARD

Executive Manager

Works Division

Attachments:

1. Refer to Confidential Attachment to WK13/11, located in the Confidential Section of Business Paper Confidential Memo WD D&C 4/11 (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: F2011/00020

Document Number: D01611456

11 TENDER T2/2011: CONSTRUCTION OF NEW RETAINING WALL - BEROWRA WATERS ROAD, BEROWRA HEIGHTS

EXECUTIVE SUMMARY

The proposed contract for “Construction of New Retaining Wall – Berowra Waters Road, Berowra Heights” is required to improve stability, road safety and drainage at this location (approximately 500m east of Kirkpatrick Way).

Council does not have the specialist 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 April 2011 and the work is expected to be completed within eight weeks of Council giving possession of the work site, weather permitting. It is recommended that Council accept the tender from Sporting Services (Construction) Pty Ltd trading as Pan Civil, with hours of closure between 9.00am to 3.00pm (Monday to Friday).

Should additional funds be required to meet the cost of contingency and specialist consultant fees such as geotechnical and structural inspections, these can be covered by savings in the Douglas Avenue Wahroonga project where there is a cost saving of approximately \$70,000.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No. T2/2011: for “Construction of New Retaining Wall – Berowra Waters Road, Berowra Heights”.

DISCUSSION

Tender No. T2/2011 is a Lump Sum tender and a summary of all tenders together with full evaluation details have been placed on file (F2011/00076). 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 5 companies:

- Country Improvements Pty Ltd
- Kenpass Pty Ltd
- Sporting Services (Construction) Pty Ltd trading as Pan Civil
- Synergy Civil Pty Ltd
- The Rix Group Pty Limited

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
- Local Business and Industry

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

The attached Confidential Memo WD D&C 06/11 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 Sporting Services (Construction) Pty Ltd trading as Pan Civil would be the most advantageous to Council.

Hours of closure for the works will be 9.00am to 3.00pm (Monday to Friday).

BUDGET

The budget for this project is \$350,000 which is funded under the Local Road Program. 50% of the budget is from grant funds sourced from the REPAIRS Program.

Additional funds maybe required to meet the contract cost, contingency and specialist consultant fees such as geotechnical and structural inspections. These can be covered by savings in the Douglas Avenue Wahroonga project where there is a cost saving of approximately \$70,000. The RTA will also be approached to determine whether additional funds (50%) are available.

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated in consultation with Council's Pavements Engineer, Mr Bala Suthersan; Design Team Leader, Mr Mark Nobile 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.

Contributing to community development through sustainable facilities and services

This project will improve safety, stability and drainage at the proposed location of Berowra Waters Road.

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

Community's vision will be significantly enhanced by improving road safety in Berowra Waters Road.

Supporting our diverse economy

Providing a safe thoroughfare 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 reduce risk of road collapse which will be beneficial financially over long term.

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 Sporting Services (Construction) Pty Ltd. trading as Pan Civil for Tender No. T2/2011: "Construction of New Retaining Wall – Berowra Waters Road, Berowra Heights" for the lump sum price as stated in the attached Confidential Memo (WD D&C 06/2011).
2. Hours of closure for the works will be 9.00am to 3.00pm (Monday to Friday).
3. The price will be made public on formal acceptance of the tender.
4. Should additional funding be required that this be made available from the Douglas Avenue Wahroonga Local Road project and reflected in a future budget review.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment to WK14/11, located in the Confidential Section of Business Paper Confidential Memo WD D&C6/11 (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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