



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 20 April, 2011
at 6.30pm**

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	GM9/11 2011 / 2012 Event Calendar.....	1
Item 2	GM10/11 Citizenship Report	10

Corporate and Community Division

Item 3	CC10/11 Review of Policies and Codes - Corporate and Community Division.....	15
Item 4	CC17/11 Loan Raising - 2010/11 Budget	24
Item 5	CC18/11 2011 National General Assembly of Local Government - Proposed Submission of a Motion	27
Item 6	CC19/11 Declarations of Pecuniary Interest and Other Matters Returns - Councillors and Designated Persons.....	30
Item 7	CC20/11 2010/11 Investments and Borrowings - Period Ending February 2011	33

Environment Division

Item 8	EN2/11 Proposed Tree and Vegetation Chapter of Proposed Comprehensive Development Control Plan	36
Item 9	EN6/11 Leasing of Council Tennis Courts	51
Item 10	EN8/11 Consent for the removal of tree at 3 Chelsea Road, West Pennant Hills.....	58
Item 11	EN9/11 Tender T34/2010 - Receipt and Disposal of Domestic, Trade, Green, Clean-up, Street Sweeper and Gross Pollution Trap Waste.....	61
Item 12	EN13/11 Catchments Remediation Rate (CRR) Expenditure Progress Report 2010/2011	66
Item 13	EN14/11 Tree Removal at 55 Manuka Circuit Cherrybrook	69
Item 14	EN15/11 Renaming of Waitara Oval	75

Planning Division*Nil***Works Division**

Item 15	WK11/11 Re-establishment of Alcohol Free Zone Under the Local Government Act, 1993 in the Hunter Street/Florence Street Mall and the Hornsby Town Centre	78
Item 16	WK1/11 Hornsby Town Centre Parking Management Review	82
Item 17	WK17/11 Winter Trading Hours - Epping and Galston Aquatic Centres.....	91

Item 18 WK18/11 Code for installation of parking restrictions near driveways and laneways 93
Item 19 WK19/11 Stormwater Drainage Design and Projects Prioritisation 96

SUPPLEMENTARY AGENDA

PUBLIC FORUM – NON AGENDA ITEMS

CONFIDENTIAL ITEMS

Item 20 GM8/11 Councils Online Contract

MAYOR'S NOTES

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Item 21 QWNHBG2/11 Woodcourt Road and Patrick Place Drainage Easement..... 103

QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev. Ann Hogan of St Peter's Anglican Church, Hornsby will be opening the meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the 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 March, 2011 be confirmed; a copy having been distributed to all Councillors.

THAT the Minutes of the Workshop Meeting held on 23 March, 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 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 GM9/11 2011 / 2012 EVENT CALENDAR

RECOMMENDATION

THAT, in respect of activities for the 2011-2012 event calendar, Council:

1. Endorse the continuation of the annual Knit In at Hornsby Library with assistance being provided by Community Relations.
2. Review and determine the continuation of the Annual Bushland Shire Festival at Fagan Park, Galston with consideration being given to changes proposed in the Discussion section of this Report.
3. Review and determine the continuation of the annual Christmas Spectacular event giving consideration to the feasibility of bringing the organisation of this event in house including the provision of an assistant for the Event Coordinator.
4. Endorse the Annual Australia Day entertainment and promotion of community events at Hornsby Mall, Fagan Park, Galston and Dangar Island with Australia Day committee members.
5. Endorse the annual free entry for residents to Koala Park Sanctuary, Pennant Hills, on Australia Day 2012.
6. Endorse the discontinuation of the annual nomination process, judging and awarding of Citizen of the Year and Young Citizen of the Year at the Australia Day event.
7. Continue with the current program of four outdoor movie events being held in Asquith, Epping, Berowra and Westleigh in February 2012.

8. Provide a budget of \$4,000 to confirm suitability of the proposed Cherrybrook Outdoor Movie site, including surveyor for mapping, risk management appraisal, Development Application, production company assessment, site inspection, traffic management assessment and traffic management plan.
9. Provide a budget of \$3,250 to facilitate the Cherrybrook event including community survey, shuttle bus due to insufficient parking available.
10. Determine whether it wishes to include a Bollywood movie into the outdoor movie program for 2012.
11. Endorse the annual OneWorld Multicultural Festival in Hornsby Park, Hornsby akin to the 2010 event.
12. Endorse the annual photo competition involving the utilisation of Council's new website.

Page Number 10**Item 2 GM10/11 CITIZENSHIP REPORT****RECOMMENDATION**

THAT:

1. Council endorses one of the venue options listed in the discussion table for implementation as soon as possible
2. Council provide adequate additional funding if required for the chosen venue.

CORPORATE AND COMMUNITY DIVISION**Page Number 15****Item 3 CC10/11 REVIEW OF POLICIES AND CODES - CORPORATE AND COMMUNITY DIVISION****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC10/11 be received and noted.
2. Council adopt the proposed amendments to Corporate and Community Division Policies and Codes as outlined in Report No. CC10/11 and its attachments.

Page Number 24**Item 4 CC17/11 LOAN RAISING - 2010/11 BUDGET****RECOMMENDATION**

THAT:

1. Council approve the raising by June 2011 of a loan from external sources for an amount of \$1 million.
2. The General Manager be authorised to accept the best quote offered for such loan funds; to complete the necessary documentation relating to the loan; and to advise Councillors of the outcome.
3. If required, the Common Seal of Council be affixed to the loan documentation between Council and the successful Bank for the \$1 million loan referred to in Report No. CC17/11.

Page Number 27**Item 5 CC18/11 2011 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - PROPOSED SUBMISSION OF A MOTION****RECOMMENDATION**

THAT Council adopt the draft motion included in the Discussion Section of Executive Manager's Report No. CC18/11 for submission to the 2011 National General Assembly of Local Government.

Page Number 30**Item 6 CC19/11 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 33**Item 7 CC20/11 2010/11 INVESTMENTS AND BORROWINGS - PERIOD ENDING FEBRUARY 2011****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC20/11 be received and noted

ENVIRONMENT DIVISION

Page Number 36

Item 8 EN2/11 PROPOSED TREE AND VEGETATION CHAPTER OF PROPOSED COMPREHENSIVE DEVELOPMENT CONTROL PLAN

RECOMMENDATION

THAT :

1. Council indicate its preferred Tree Preservation option for inclusion in the tree and vegetation chapter of the proposed comprehensive Development Control Plan.
2. Irrespective of the option chosen, Council limit clearing of areas of vegetation without consent to once every five years.
3. Council incorporate amendments indicated in the DISCUSSION section of this report into the preferred option.
4. Council seek a report detailing the outcomes achieved from implementation of the preferred TPO option after it has been operating for a period of 12 months.
5. Council notify all those who provided a submission of Council's decision.
6. The Executive Manager Environment provide a report to Council on options to offset the loss of remnant tree canopy in the Shire as well as possible methodologies for valuing these trees.

Page Number 51

Item 9 EN6/11 LEASING OF COUNCIL TENNIS COURTS

RECOMMENDATION

THAT Council:

1. Authorise the preparation of an Invitation to Tender for the 9 tennis centres identified in Executive Manager's Report No. EN6/11 where the leases expire in June 2011.
2. Provide in-principle support to the conversion of the tennis centre on Berowra Waters Road, Berowra to multi purpose hard courts for netball/basketball, subject to the confirmation that these courts are being underutilised.

Page Number 58**Item 10 EN8/11 CONSENT FOR THE REMOVAL OF TREE AT 3 CHELSEA ROAD, WEST PENNANT HILLS****RECOMMENDATION**

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney Blue Gum) located in the front yard of 3 Chelsea Road, West Pennant Hills.

Page Number 61**Item 11 EN9/11 TENDER T34/2010 - RECEIPT AND DISPOSAL OF DOMESTIC, TRADE, GREEN, CLEAN-UP, STREET SWEEPER AND GROSS POLLUTION TRAP WASTE****RECOMMENDATION**

THAT Council:

1. Adopt the recommendation for Tender 34/2010 – Receipt and Disposal of Domestic, Trade, Green, Clean-up, Street sweeper and Gross Pollutant Trap Waste provided in the confidential attachment to Executive Manager’s Report EN 9/11.

Page Number 66**Item 12 EN13/11 CATCHMENTS REMEDIATION RATE (CRR) EXPENDITURE PROGRESS REPORT 2010/2011****RECOMMENDATION**

THAT the contents of Executive Manager’s Report No. EN13/11 be received and noted.

Page Number 69**Item 13 EN14/11 TREE REMOVAL AT 55 MANUKA CIRCUIT CHERRYBROOK****RECOMMENDATION**

THAT Council refuse consent for the removal of one *Eucalyptus saligna* (Blue Gum) at 55 Manuka Circle, Cherrybrook.

Page Number 75**Item 14 EN15/11 RENAMING OF WAITARA OVAL****RECOMMENDATION**

THAT:

1. The oval within Waitara Park be named “Mark Taylor Oval” to commemorate Mr Taylor’s association with the ground and his contribution to cricket.
2. Respondents to the public exhibition be informed of Council’s decision.

PLANNING DIVISION*Nil***WORKS DIVISION****Page Number 78****Item 15 WK11/11 RE-ESTABLISHMENT OF ALCOHOL FREE ZONE UNDER THE LOCAL GOVERNMENT ACT, 1993 IN THE HUNTER STREET/FLORENCE STREET MALL AND THE HORNSBY TOWN CENTRE****RECOMMENDATION**

THAT Council:

1. Adopt the proposal for the re-establishment of an Alcohol Free Zone (AFZ) for the Hunter Street / Florence Street Mall and Hornsby Town Centre for a period of four (4) years as follows:

As shown on the plan attached to this report and including the Hunter Street/Florence Street Mall, Florence Lane, George Street south of Burdett Street, Burdett Street between Muriel and George Streets, Hunter Lane between Florence and Burdett Streets, Hunter Street north of the mall to Burdett Street, Muriel Street south of Burdett Street, Muriel Lane between Florence Street and Edgeworth David Avenue, Albert Street, Albert Lane south of Florence Street, Edgeworth David Avenue west of Muriel Street, Station Street, Coronation Street, Jersey Street from Coronation Street to Beattie Lane, Pacific Highway between Edgeworth David Avenue and Coronation Street, High Street and Ashley Street east of Forbes Street, excluding approved outdoor dining areas.

2. Publish in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
 - a) a notice declaring that an alcohol free zone has been established, and

- b) specify that the alcohol free zone is to commence operation after 7 days from the date of publication, and when the affected area is adequately signposted.
3. Prepare signage:
 - a) declaring that an alcohol free zone has been established, and
 - b) erect signage at the gateways to the Zone, and at suitable intervals within the Zone.

Page Number 82**Item 16 WK1/11 HORNSBY TOWN CENTRE PARKING MANAGEMENT REVIEW****RECOMMENDATION**

THAT

1. The Parking Management Review Report for Hornsby Town Centre, Waitara and Hornsby Hospital areas be endorsed.
2. Recommended actions 1 to 8.5 listed above be adopted for implementation by Council staff subject to ongoing monitoring of parking areas, consultation with affected owner/occupiers and referral to Local Traffic Committee where changes to on street parking management are proposed, and funding where necessary.
3. The parking provision rate in the Hornsby Town Centre Development Control Plan and contribution rate in the Section 94 Plan be reviewed.
4. The adopted parking management actions for Hornsby Town Centre, Waitara and Hornsby Hospital areas be used as a framework for developing parking management actions in other parts of the Shire.

Page Number 91**Item 17 WK17/11 WINTER TRADING HOURS - EPPING AND GALSTON AQUATIC CENTRES****RECOMMENDATION**

THAT:

1. Council approve 7.00am – 12 noon Sunday winter trading at Epping Aquatic Centre, 1 May – 1 October 2011.
2. Council approve 7.00am – 5.00pm Sunday winter trading at Galston Aquatic Centre, 1 May – 1 October 2011.

Page Number 93

**Item 18 WK18/11 CODE FOR INSTALLATION OF PARKING RESTRICTIONS
NEAR DRIVEWAYS AND LANEWAYS**

RECOMMENDATION

THAT Council adopt the attached Code: Parking Restrictions near Driveways and Laneways.

Page Number 96

**Item 19 WK19/11 STORMWATER DRAINAGE DESIGN AND PROJECTS
PRIORITISATION**

RECOMMENDATION

THAT Council confirm its current practice for the design of stormwater drainage systems and the model used in prioritising stormwater drainage improvement projects as presented in Executive Manager's Report No. WK19/11.

SUPPLEMENTARY AGENDA

CONFIDENTIAL ITEMS

Item 20 GM8/11 COUNCILS ONLINE CONTRACT

This report should be dealt with in confidential session, under Section 10A (2) (c) (g) 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; AND contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

PUBLIC FORUM – NON AGENDA ITEMS

MAYOR'S NOTES

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Page Number 103

**Item 21 QWNHBM2/11 WOODCOURT ROAD AND PATRICK PLACE
DRAINAGE EASEMENT**

QUESTIONS WITHOUT NOTICE

1 2011 / 2012 EVENT CALENDAR

EXECUTIVE SUMMARY

Council currently provides a number of events across Hornsby Shire for the community. These events, organised through the General Manager's Division, maximise Council's exposure across the community, acknowledge diversity, build community harmony and nurture community pride. The nature and style of community events evolve over time in response to the changing dynamics and wants of our community.

In June 2010, Council endorsed the Events Calendar 2010-2011 as presented by the Community Relations Team. This report delivers Council's Community Relations Team's planned events for the community across the 2011-2012 financial year. It is written as a continuation of the events delivered in 2010-2011 within the confines of known budget and resource constraints.

PURPOSE/OBJECTIVE

This report seeks a formal resolution of Council to accept this report, and provide endorsement of ongoing improvements to Council's event calendar in the years that follow.

DISCUSSION

2009-2010

From the Events Calendar endorsed by Council in June 2010, all events for the community are considered achieved. The actual outcomes were as follows:

- August 2010 Knit In - achieved
- September 2010 Bushland Shire Festival - achieved
- November 2010 2 x Outdoor movies – achieved, 1 re-scheduled due to inclement weather
- December 2010 Christmas Spectacular - achieved
- January 2011 Australia Day celebrations shire wide – achieved
- February 2011 Outdoor Movies x 3 – achieved, 1 re-schedule in March due to inclement weather
- March 2011 OneWorld Multicultural Festival – achieved, cancelled due to inclement weather
- May 2011 - Digital Online Photographic Competition – in progress for May
- Proposed monthly markets - not realised due to budget and resource constraints

2010-2011

Council's community events need to evolve with the changes in the greater economic environment. Increasing public liability costs have had a detrimental impact on the event industry.

Consequences for Council's Event Coordinator include the responsibility to provide an acceptable standard of fun and activities for the community with a budget that has remained constant for many years and is increasingly being consumed by behind the scenes cost. Whilst funding available to host events has not changed for a number of years, the portion available to spend on those tangible aspects from which the community gains enjoyment continues to decrease.

The primary objectives of Council events are to foster community spirit and to contribute to the positive image of Council. Feedback and attendance numbers at Council run events proves that these are valued in the community and the growth each year is outweighing the time and resources available to administer these events. Consideration by Council needs to recognise that it is no longer feasible to manage large scale events without further assistance and support.

This report seeks Council's recognition of what is achievable with the current resources and staffing available at Council to facilitate the event calendar.

Event Calendar 2011 - 2012

The proposal for Council's Event Calendar 2011 - 2012 is as follows:

AUGUST 2011

Local Government Week

A report to Exco was submitted in February 2011 and it was agreed that Council departments would facilitate an event or promotion during this week. Council's Event Coordinator will coordinate the publicity in conjunction with the Community Relations team. The announcement of the winners of Council's Digital Photographic Competition will be announced this week. Community Relations will fund a large newspaper advertisement to promote Council run events or activities this week.

Knit In

For the past 4 years Community Relations has assisted Hornsby Library in the promotion and execution of this small but popular community event. Community Relations provides minimal funding for an MC, catering and some small administration assistance with invitations and the Mayor's speech. It is proposed to keep this event on the annual calendar.

SEPTEMBER 2011

Bushland Shire Festival

This event is scheduled for 18 September, at Fagan Park, Galston. This festival is Council's signature event, which over 12,000 people enjoyed in 2010 with up to 100 stalls and main stage entertainment including New McDonalds Farm Live shows, Crocodile Encounters shows, live Jazz band and more. There were pony rides, a rock climbing wall, kids rides, Life Be In It games, sheep shearing demonstrations, an animal farm, wood chopping, scarecrow displays and more.

It is proposed that the 2012 Bushland Shire Festival provide the same as the 2010 event, but with additional risk management and traffic management issues that have been identified to be actioned for the safe execution of the event. Maximum stallholder number restricted to

100, maximum main stage performer numbers limited to four, and maximum activities limited to four. It is recommended that additional administration support for the Event Coordinator is required for this event to take place due to the nature and size of the site and the event.

DECEMBER 2011

Christmas Spectacular

The 2010 Christmas Spectacular event was held on 20 December 2010 at Waitara. Both the 2009 and 2010 Christmas Spectacular events were very positively received by the community and stallholders who participated. This event was run and managed by IMC Productions under the close supervision and guidance of Council's Event Coordinator to ensure Council's event objectives and guidelines were adhered to. Council's Event Coordinator secured naming rights of the event for Council. Unfortunately some significant and major issues have been identified and it is no longer in Council's best interests to use the external contractor to manage and produce this event.

Council must decide what financial or community gain is represented by this event and whether it is in Council's best interests to continue this event. It is proposed that Council builds on the success of the 2009 and 2010 Christmas Spectacular and manage the event internally in 2011. The production and facilitation of this event at this time of year with only 1 event staff member is not feasible. An additional staff member to assist the Event Coordinator will be required to execute this event internally by Council.

It is proposed to move this event to an earlier weekend date in December rather than the Monday night this event has previously been held on. The proposed date for this event is Saturday 10th December due to time and availability of residents later in the month so close to Christmas. The proposed change to a Saturday night for the event is to reach a broader demographic of the community as residents are less likely to go to a night event during weekdays. Council will also have the availability to potentially integrate some local Christmas events into this event by partnering with other local community groups who also run similar events. A change of venue however will be required to facilitate this event on a weekend due to cricket matches. The recommendation to move this event to Rofe Park, Galston Road Hornsby Heights is proposed.

JANUARY 2012

Australia Day Citizenship Ceremony and local Australia Day celebrations.

Australia Day - Australia Day 2011 was celebrated with a compilation of events for all residents:

Council ran and funded:

- Free ticket giveaway to Koala Park Sanctuary at Pennant Hills
- Hornsby Mall, free flag giveaways, live music and a sausage sizzle (Hornsby)

It also included:

- The opening of Netherby Cottage for tours, displays and refreshments (Galston) by the Friends of Fagan Park
- Hornsby Park for entertainment, a jumping castle, face painting, historical display; refreshments and a sausage sizzle (Hornsby) by The Country Women's Association

- Dangar Island for the day where visitors experienced an art exhibition, lawn bowls, open microphone, a spit roast, the café and more by the residents of Dangar Island.

All events proved very popular and were at full (or more) capacity. Australia Day started early with the largest Citizenship ceremony of the Year for 60 new citizens, and the recipients of Council's Citizen and Young Citizen of the Year awards.

It is proposed that Council consider cancelling the nomination, judging and awarding of Citizen of the Year and Young Citizen of the Year in 2012 due a decrease in numbers and participation. In 2011 only 4 Citizens and 1 Young Citizen were nominated in the 2011 awards. It is proposed to discontinue the Citizen and Young Citizen of the Year Awards as it has proved to be lacking in interest from the community. In keeping with National celebrations a proposed database of volunteers is to be managed by the Mayor's office and a Christmas card acknowledgement should be distributed to Council volunteers as part of International Day of Volunteers in December.

It is proposed to repeat the Koala Park Sanctuary ticketing as per previous years, with the provision of ticketing to occur within Council business hours or on line to reduce staffing costs. A review following the 2012 event is recommended.

It is proposed that Council's Event Coordinator again actively include any Australia Day community run events including Dangar Island and Fagan Park (Galston) in any promotion of Australia Day events.

It is proposed that Council's Event Coordinator includes all activities booked for Hornsby Mall on Australia Day 2012 with all other Australia Day promotion / advertising.

It is proposed to not include free pool entry in the 2012 Australia Day celebrations due to the Hornsby Pool closure and reconstruction.

FEBRUARY 2012

4 x Movies under the Stars events.

It is proposed that Council return to the original calendar of four outdoor night time movie screenings be held in February 2012 in Asquith, Epping, Berowra and Westleigh

Further to Councillor Mills' request for changes to the Outdoor Movies under the Stars screenings after the 2010 / 2011 Event calendar was submitted to Council for endorsement, the following estimated cost figures are to be considered.

With the below estimated figures that are calculable, it is estimated that to satisfy Councillor Mills' request to move the Westleigh movies to Cherrybrook and alternate each year will initially cost Council in excess of \$6500. Council's attention is particularly drawn to the additional cost in staffing resources that will be required to follow through on this request. This does not factor in the consideration of the number of complaints that will be received from the Westleigh residents and the time that will be required for a Council officer to respond to these.

The current locations have been running without complaint or concern from residents for over 8 years and at no time has any correspondence or request come from Cherrybrook residents to hold a movies night in this area. The Westleigh movie night at Ruddock Park is also the largest crowd (over 1200) of the 4 scheduled movie nights each year.

It is considered that moving the Westleigh Outdoor Movies program to Cherrybrook, even as a trial, will cause a lot of community upset and anger. With limited resources to manage the potential negative feedback from the changes and implementing the new movies location, it is proposed that it would be in Council's best interests to wait until Council is in a better financial position to hold an additional movies night after a full community survey and feasibility study are conducted in Cherrybrook before significant changes to the Movies Program are implemented.

At this stage there are no documented requests or complaints from residents in Cherrybrook regarding Movies under the Stars. Moving the Movies Program without full community consultation in both Westleigh and Cherrybrook will also leave Council in a vulnerable position as to the mechanics of the decision process.

It is suggested that the requested changes to the 2011 / 2012 Movies under the Stars program be placed on hold until further community consultation can be conducted and an additional budget provided to support an event assistant and/or an additional movie screening in Cherrybrook based on the outcome of the feasibility study.

1	Site visit for Event Coordinator and Surveyor 2-3hrs @ approximately \$40 per hour each	\$240.00
2	Mapping and plans for surveyor (approx 2 – 3 hrs)	\$120.00
3	Development Application (Event Coordinator approx 2- 3hrs +)	\$120.00
4	Development Application submission and administration (Planning Division)	\$600.00
5	Development Application costs	\$550.00
6	Event Coordinator site inspection with the movie production company to allow full assessment of the new site. (approx 2 -3 hrs)	\$200.00
7.	Staff time to conduct survey in Cherrybrook to ascertain the popularity of a movie screening in Cherrybrook.	\$600.00
8	Potential traffic management plan will be required due to the parking limitations and available public transport in this suburb (for Bushland Shire Festival 2010 this cost in excess of \$1500)	\$1500.00
9	Council's traffic management team time required to assess traffic management required for DA and event (approx 2 – 5 hrs)	\$600.00
10	A shuttle bus service may need to be provided as part of the traffic management in this area	\$650.00
11	Additional cost to Council will be met to advertise the changes both in Cherrybrook to inform residents of the movie screenings and Westleigh to try and alleviate some complaints.	\$1500.00
12	Potential of hundreds of complaints from Westleigh residents in relation to the proposed changes. Est. (10 hours of Event Coordinators time)	\$500
	TOTAL	\$7180.00

After a Mayoral Interview on Wednesday 6th April with the IABBV Hindi School, the idea of a Bollywood movie to be screened as part of the schedule in 2011/2012 to increase community awareness of Indian culture was raised and asked for consideration by Council for inclusion in the 2012 program.

There has been a lot of consultation with the community regarding community events and it is noted in Council's social plan the positive contribution that these events bring to the community. It should also be noted that upon evaluation of attendance numbers, that Council receives the most resident attendance at the G or PG screenings of popular movies which has been working successfully for the past 6 years.

MARCH 2012

OneWorld Multicultural Festival

In 2010 Council's OneWorld event moved from Hornsby Mall to Hornsby Park to recognise cost savings; and from November to March to align with National Harmony Day.

Unfortunately due to inclement weather on the scheduled day this event had to be cancelled. The proposed schedule of events for 2011 event showcased a range of activities, eight hours of main stage shows and a street carnival atmosphere resulting from the closure of one side of the Pacific Highway and a line of international food offerings, stalls and rides in its place with a spectacular fireworks display scheduled for 8pm. The change of venue in 2010 confirmed that all visitors were in attendance specifically for the event and attendance numbers were dramatically increased from the previous venue.

It is proposed that the 2012 OneWorld event again be held in Hornsby Park as close as possible to the 21 March Harmony Day date. The event would be the same as 2010 and 2011 events with main stage entertainment, international food stalls, rides and the closure of the northbound side of the Pacific Highway; running from 12pm to 8pm.

MAY 2012

Digital Photographic Competition

The annual photographic competition is open to residents who have taken photos in the shire over the previous 12 months. Council will trial a digital competition via Council's new website in 2011 to reduce costs associated with the competition. This will also recognise the objective of the competition in building Council's own photo library for use in Council publications, promotional material and website.

The intention for the 2011 competition is to utilise Council's new website to facilitate 'people's choice' voting rather than financing professional judges to manage this process. A full review will be undertaken after the completion of the 2011 competition to ensure the 2012 competition meets the residents' needs and Council's objectives.

Summary of changes:

- Bushland Shire Festival 2011 – same size as in previous years but additional resource required to facilitate
- Christmas Spectacular – a decision regarding Council's position in respect of this event is required
- Australia Day 2012 – duplication of events from 2011

- Movies under the Stars 2012 – move back to 4 weeks in February; decision of the proposed Cherrybrook venue and Bollywood screening to be discussed
- Photo Competition 2012 - use of the new Council website to display entries and facilitate judging by the community based on the trial outcome of the 2011 competition.

BUDGET

This report recommends variations to existing events provided by Council using the existing budget and existing resources. Consideration and budget implications will be required should significant changes or implementation of additional events be endorsed. The funds required would finance an additional resource to assist the Event Coordinator.

POLICY

There are no policies affected by the provision of events for the community as managed by the General Manager's Division.

CONSULTATION

OneWorld Multicultural Festival

- A working party of interested staff and community group members meet as required and are consulted in the formulation of the event.
- Council officers consult with Hornsby Police, the Roads and Traffic Authority (RTA), TransdevTSL and RailCorp regarding transportation and the closure of part of the northbound lanes of the Pacific Highway from Hornsby TAFE to Coronation Street.

Australia Day

- An Australia Day committee of key staff and interested community members meets throughout the year and all are consulted regarding the events and offers made available to residents of the shire.

Bushland Shire Festival

- Council officers are consulted in the planning of the event and encouraged to participate in the event by showcasing their team's/division's services available to the community.

TRIPLE BOTTOM LINE SUMMARY

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

Events provided for the community by Council maximises Council's exposure across the community, acknowledges diversity, builds community harmony, nurtures community pride, encourages a sense of belonging, showcases community talent, celebrates what the shire has to offer and contributes to a positive image of Council. Our community is also involved in the process via committees and the like.

Contribution to community development through sustainable facilities and services

The provision of events for our community facilitates community development by maximising Council's exposure across the community and contributing to a positive image of Hornsby Shire Council.

Supporting our diverse economy

Council's event calendar seeks to achieve local tourism objectives (such as promoting Koala Park Sanctuary, Pennant Hills) whilst stimulating the local economy by including local stallholders to promoting the Shire's parks and businesses.

Maintaining sound corporate financial management

Some variations to the ongoing calendar of events proposed in this report may incur additional expenditure and consideration by Council as to what changes need to be addressed is required. All events will be managed by Council's Event Coordinator

RESPONSIBLE OFFICER

The calendar was prepared by Council's Events Coordinator. The responsible officer for the report is Kristen Woods, Event Coordinator, telephone 9847 6739 between 8.30am - 5pm, Monday to Friday.

RECOMMENDATION

THAT, in respect of activities for the 2011-2012 event calendar, Council:

1. Endorse the continuation of the annual Knit In at Hornsby Library with assistance being provided by Community Relations.
2. Review and determine the continuation of the Annual Bushland Shire Festival at Fagan Park, Galston with consideration being given to changes proposed in the Discussion section of this Report.
3. Review and determine the continuation of the annual Christmas Spectacular event giving consideration to the feasibility of bringing the organisation of this event in house including the provision of an assistant for the Event Coordinator.
4. Endorse the Annual Australia Day entertainment and promotion of community events at Hornsby Mall, Fagan Park, Galston and Dangar Island with Australia Day committee members.
5. Endorse the annual free entry for residents to Koala Park Sanctuary, Pennant Hills, on Australia Day 2012.
6. Endorse the discontinuation of the annual nomination process, judging and awarding of Citizen of the Year and Young Citizen of the Year at the Australia Day event.
7. Continue with the current program of four outdoor movie events being held in Asquith, Epping, Berowra and Westleigh in February 2012.
8. Provide a budget of \$4,000 to confirm suitability of the proposed Cherrybrook Outdoor Movie site, including surveyor for mapping, risk management appraisal, Development

Application, production company assessment, site inspection, traffic management assessment and traffic management plan.

9. Provide a budget of \$3,250 to facilitate the Cherrybrook event including community survey, shuttle bus due to insufficient parking available.
10. Determine whether it wishes to include a Bollywood movie into the outdoor movie program for 2012.
11. Endorse the annual OneWorld Multicultural Festival in Hornsby Park, Hornsby akin to the 2010 event.
12. Endorse the annual photo competition involving the utilisation of Council's new website.

ROBERT BALL
General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08423-01
Document Number: D01647157

2 CITIZENSHIP REPORT

EXECUTIVE SUMMARY

Citizenship ceremonies are a legislative requirement of Council.

Cost saving initiatives were implemented in 2009 by moving the Citizenship ceremonies to Pennant Hills Community Centre and holding 1 large ceremony instead of the 3 in Council Chambers at night along with a change in the catering.

A recent conference was attended where the Department of Immigration and Citizenship requested Council not to include the gifts and catering to candidates if more ceremonies could be facilitated to reduce the large waiting list for candidates.

The administration of citizenship is currently undertaken by the Community Relations administration assistant with the event coordinator attending the ceremony and MC the function.

Due to Council's current financial position additional cost saving initiatives were implemented and a trial of running the ceremonies back at Council Chambers throughout the day was implemented in October and November 2010, conducting 3 ceremonies each day.

Plants are no longer provided to guests and a band is no longer included due to the significant costs associated with their performance.

Council's Australia Day Citizenship Ceremony 2011 was held successfully at Hornsby RSL club and should be considered as an alternative venue for holding the ceremonies throughout the year.

PURPOSE AND OBJECTIVE

This report seeks a formal resolution of Council to review the 3 venue options with a decision by Council of which venue will best facilitate the citizenship ceremonies to meet Council's objectives.

DISCUSSION

	Hornsby RSL Club	Pennant Hills Community Centre	Council Chambers
Cost per ceremony	Approx \$4517.00	Approx \$1800.00	Approx \$650.00
Cost per person	\$12.90	\$19.80	\$6.50
Number of ceremonies per financial year (excl. Aust Day)	7	10	10
Annual Cost	\$22,585.00	\$19,800.00	\$7,800.00

Timing	Every six to eight weeks @ 6pm	Monthly @ 6pm	Monthly @ 10:30am, 12:00pm & 2:30pm
Length of ceremony	1 ½ - 2 hours	1 hour	30 minutes
Number of candidates at each ceremony	250	100	120
Number of candidates per financial year (excl. Aust Day)	1,750	1000	1,200
Staffing	6 staff for 5 - 6 hours + event coordinator for MC duties.	6 staff for 4 hours + outdoor team for chair set up + event coordinator	2 for 8hrs + event coordinator or Mayor's office staff only as part of their job function.
Catering	Managed and arranged by the venue Lamingtons, Anzac Biscuits, tea & coffee + water and juice	Staff to order and set up biscuits, juice, tea & coffee and water	Biscuits and juice only
Risk management	Low	Medium	Medium
Air conditioning	Yes	No	Yes
Manual handling	Medium (venue arranges chairs)	High	Medium
Entertainment	\$500	\$500	\$0
Dates	<p>Tue 3rd May</p> <p>Tue 7th June (2010 / 2011 financial year)</p> <p>Tue 19th July</p> <p>Tue 16th August</p> <p>Tue 11th October</p> <p>Tue 22nd November</p> <p>Thursday 26 January (Aust Day)</p> <p>Tue 13th March 2012</p> <p>Tue 24th April 2012</p> <p>Tue 5th June 2012</p>	<p>Monday 25 July 2011</p> <p>Monday 22 August 2011</p> <p>Monday 26 September 2011</p> <p>Monday 17 October 2011</p> <p>Monday 28 November 2011</p> <p>Thursday 26 January (Aust Day)</p> <p>Monday 27 February 2012</p> <p>Monday 26 March 2012</p> <p>Monday 23 April 2012</p> <p>Monday 28 May 2012</p> <p>Monday 25 June 2012</p>	<p>Monday 25 July 2011</p> <p>Monday 22 August 2011</p> <p>Monday 26 September 2011</p> <p>Monday 17 October 2011</p> <p>Monday 28 November 2011</p> <p>Thursday 26 January (Aust Day)</p> <p>Monday 27 February 2012</p> <p>Monday 26 March 2012</p> <p>Monday 23 April 2012</p> <p>Monday 28 May 2012</p> <p>Monday 25 June 2012</p>

			2012
Positives	<ul style="list-style-type: none"> - Parking accessibility - Reduced manual handling for staff - Catering improved and supplied by the RSL to manual food handling guidelines - Working PA system and operator - Able to manage increased number of candidates to reduce the waiting time from the current 6 months from the time of approval. - Ambiance of the function room is nicer than the other 2 locations - No food handling for Council staff - No cleaning required by Council staff - Cost effective for Council on a per person ratio - 1 ceremony reduces the time spent facilitating the function - Air conditioned 	<ul style="list-style-type: none"> - Close to public transport - 1 ceremony reduces the time spent facilitating the function - Council owned and run facility - Can do 1 large ceremony instead of the 3 required at Council Chambers - Working PA system 	<ul style="list-style-type: none"> - Allows greater flexibility and less manual handling for staff - Reduced costs in staffing - Reduced workload in arranging and collecting plants for gifts - Event Coordinator is on site and no overtime or time in lieu required - Significant cost saving to Council whilst still meeting the requirement by DIAC - Location of Council Chambers allows staff and required materials to be on site and easily accessible - Easier format for staff involved - Cost effective for Council on a per person ratio - close to public transport - Air conditioned - Working PA system - Length of ceremony is only 30 mins
Negatives	<ul style="list-style-type: none"> - Increased cost compared to Council Chambers - Staff over time and out of office hours required - Event Coordinator on site and time in lieu or overtime to be considered. - Not a Council owned or run facility - Licensed venue 	<ul style="list-style-type: none"> - Parking - Increased manual handling for staff - Increased number of staff required - Away from Chambers, requiring vehicle and storage - Event Coordinator on site and time in lieu or overtime to be considered. - increased cost compared to Council Chambers 	<ul style="list-style-type: none"> - Day ceremonies require Councillors to give up 1 day a year to be at Chambers to attend - Mayors time out of the office (30 mins per ceremony) - Executive Managers time away from their desk (30 mins per ceremony)

	(public perception?) - Length of ceremony will be 1 ½ - 2 hours.	- Council staff required to handle and serve food. - No air conditioning - A lack of staffing interest has also caused problems with the program at Pennant Hills. - Length of ceremony is approximately 1 hour	- Parking - Small function room requires additional ceremonies to be conducted to do numbers of candidates required.
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BUDGET

Total Annual Budget: \$22,063

Pennant Hills Community Centre		Council Chambers	
February 2010	\$1926.59	October 2010	\$630.68
March 2010	\$1840.86	November 2010	\$683.92
April 2010	\$1875.32	February 2011	\$820.95
May 2010	\$1927.17		
June 2010	\$2000.74		
July 2010	\$1926.22		
August 2010	\$1772.01		
September 2010	\$1755.64		

POLICY

There are no policies in place reflective of Citizenship ceremonies conducted by Hornsby Shire Council.

CONSULTATION

Initial consultation has occurred between Council officers and Hornsby RSL club regarding the proposed venue change. The dates listed in the discussion table are tentatively booked to ensure that if this option is chosen that the room is available for the function.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community.

Community events and Civic functions run by Council improve Council's image within the community and provide opportunities for Council to engage with the community. The proposed changes would provide Council with the opportunity to reach a greater number of candidates within the community and reduce the waiting period to receive their Citizenship ceremony.

Conserving our natural environment.

Consultation with Council's Waste Department has initiated Sustainable event practice across council. Where possible sustainable practices and measures are included and implemented at all Council Civic Functions and community events.

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

The proposed changes to the venue for citizenship are consistent with the DIAC requirements. The ability to facilitate larger functions allows for the increase in housing and migrant population to the Hornsby Shire in future years.

Supporting our diverse economy

Providing Citizenship ceremonies to the community locally facilitates the opportunity for Council to increase the number of people attending a local recognised club, the local region and boost economic business development thereby generating increased business for the club whilst fostering a good relationship between Hornsby Council and Hornsby RSL club.

RESPONSIBLE OFFICER

This report was prepared by Council's Event Coordinator, Community Relations, Ms Kristen Woods, telephone 9847 6739.

RECOMMENDATION

THAT:

1. Council endorses one of the venue options listed in the discussion table for implementation as soon as possible
2. Council provide adequate additional funding if required for the chosen venue.

ROBERT BALL
General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2004/05856-02
Document Number: D01647195

3 REVIEW OF POLICIES AND CODES - CORPORATE AND COMMUNITY DIVISION

EXECUTIVE SUMMARY

Council's Policy on the Adoption, Alteration and Review of Policies and Codes states that each Division of Council has a two month period in the first and third year of each term of Council for carrying out a review of all Policies and Codes under their control and recommending any proposed amendments to Council. In accordance with the Policy, a review of the Policies and Codes of the Corporate and Community Division has now been undertaken and is submitted for Council's consideration.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with the outcomes of the review conducted in relation to the Policies and Codes of the Corporate and Community Division (i.e. Administration Services, Financial Services, Information Systems, Library and Information Services and Community Services Branches) and to seek Council's approval of the proposed amendments.

DISCUSSION

The most recent review of all Policies and Codes pertaining to the Corporate and Community Division was conducted in April 2009 (refer Report No. CC12/09) and a review is now due as part of the timetable agreed by ExCo.

Policies and Codes relevant to the Corporate and Community Division are listed in the tables below, grouped by Branch. The "Review Status" column of the table indicates whether or not amendments are proposed by staff. Where amendments are proposed, they are shown on the attached copy of each Policy and Code, with deletions shown by ~~striketrough~~ and additions shown by underlining.

Explanations in respect of the proposed amendments are provided below the table for each Branch. For the purposes of this Report, minor grammatical changes which do not alter the intent of the Policy or Code have not been treated as amendments requiring explanation.

Administration Services Branch Policies/Codes

Policy/Code	Review Status
Policy – Access to Information Held By Council	Reviewed by Council at 18 August 2010 Ordinary Meeting (see Report No. CC45/10). No amendments proposed in this Report
Policy – Audio Recording of Council Meetings	Reviewed by Council at 18 August 2010 Ordinary Meeting (see Report No. CC39/10). No amendments proposed in this Report
Policy – Council Buildings – Use by Kindergartens	No amendments are proposed in this Report. A further report is being prepared to review

	this Policy and its relationship with other Council Property and Land Policies and Codes. The report is expected to be available for Council's consideration by June 2011
Policy – Council Resolutions	Amendments proposed
Policy – Councillors and Staff – Legal Assistance	Amendments proposed
Policy – Councillors and Staff – Provision of Information and Interaction Between	Deletion of Policy proposed with relevant parts being incorporated in the Code of Conduct
Policy – Councillors' Questions and Requests	Amendments proposed, including the transfer of relevant parts to the Code of Meeting Practice
Policy – Delegation of Authority – Grant Lease/Licence Agreements	No amendments are proposed in this Report. A further report is being prepared to review this Policy and its relationship with other Council Property and Land Policies and Codes. The report is expected to be available for Council's consideration by June 2011
Policy – Freedom of Speech	Amendments proposed
Policy – Insurance Protection for Councillors Staff and Volunteers	No amendments proposed
Policy – Land – Lease/Licence by Council	No amendments are proposed in this Report. A further report is being prepared to review this Policy and its relationship with other Council Property and Land Policies and Codes. The report is expected to be available for Council's consideration by June 2011
Policy – Mayoral Interviews	No amendments proposed
Policy – Public Forum	Deletion of Policy proposed, and the transfer of relevant parts to the Code of Meeting Practice
Policy – Travel – Interstate and Overseas	Amendments proposed
Code – Hornsby Mall	No amendments proposed
Code – Hornsby Mall – Outdoor Seating	No amendments proposed
Statutory – Code – Code of Meeting Practice	Amendments proposed
Statutory – Code – Privacy Management Plan	As Council's Privacy Management Plan is required to be based on the model privacy management plan produced by the Division of Local Government and Privacy NSW, it is recommended that any amendments to Council's Plan await the update of the model plan which is due to be undertaken in the near future.
Statutory – Policy – Councillors – Expenses and Facilities	Reviewed by Council at the 17 November 2010 Ordinary Meeting (refer Report No. CC65/10). No further amendments proposed in this Report
Code – Lease Licence of Council Land and Buildings to Community Groups	No amendments are proposed in this Report. A further report is being prepared to review this Policy and its relationship with other Council Property and Land Policies and

	Codes. The report is expected to be available for Council's consideration by June 2011
Statutory – Code – Code of Conduct	Amendments proposed

In reviewing the Policies and Codes of the Administration Services Branch, particular regard has been had to the contents of Council's Code of Conduct and Code of Meeting Practice on the basis that these two statutory documents provide the main reference and guidance material for governance matters within Council. Consequently there has been a focus on streamlining or eliminating existing Policies/Codes whose objectives are, or should be, included in the Code of Conduct and/or Code of Meeting Practice, with appropriate amendments to the Codes being proposed to incorporate relevant information from the current stand alone policies.

Explanations of the amendments recommended by staff in respect of the Policies/Codes listed in the above table are shown below:

Policy – Council Resolutions

It is proposed that this Policy be amended by including the provisions of points 3 and 4 of the Policy Statement into point 2 of that Statement. The proposed amendments have no effect on the actions currently required of Council staff i.e. a quarterly report to Council on any resolutions which have not been substantially implemented within two months of being adopted.

Policy – Councillors and Staff – Legal Assistance

It is proposed that this Policy be amended to reaffirm that legal costs incurred by Councillors and staff may already be covered in the first instance by the Councillors and Officers Liability Policy or other insurance policies which Council may have in effect. As such, the proposed amendments confirm that the Councillors and Staff Legal Assistance Policy will only operate in the event that insurance coverage is not otherwise available.

Policy – Councillors and Staff – Provision of Information and Interaction Between

It is proposed that this Policy be deleted as the matters contained within it are mostly duplicated in Council's Code of Conduct. Several parts of points 1, 2, 3 and 4 of the Policy Statement are identical to clauses within Sections 9 and 10 of the Code of Conduct and by transferring the remaining points from the Policy into the Code of Conduct, the Code would be enhanced and strengthened. The Code of Conduct also outlines a more thorough process for managing breaches and investigating complaints, hence it is considered that point 5 of this Policy is superseded by Sections 15, 16 and 17 of the Code. Based on the above reasons, the Policy is recommended for deletion. All amendments to the Code of Conduct are outlined later in this Report.

Policy – Councillors' Questions and Requests

It is proposed that points 5, 6 and 7 of the current Policy Statement be brought forward to form new points 2, 3 and 4. Such a change improves the structure of the Policy and better reflects the sequence of procedures. The current point 2 of the Policy Statement has been expanded to provide greater clarification and now becomes a new point 5. Most of the remaining matters contained within the Policy deal with the process of submitting questions and/or requests to Council meetings, and it is recommended that those matters be transferred

to Clause 26 of Council's Code of Meeting Practice. All proposed amendments to the Code of Meeting Practice are outlined later in this Report.

Policy – Freedom of Speech

It is proposed that an additional point 3 be included to reaffirm that Councillors are required to be mindful of their obligations under the Hornsby Shire Council Code of Conduct when making public or written statements. In this regard, Section 6 of the Code of Conduct requires Councillors and staff to act lawfully and honestly and in a non-discriminatory manner and this reasonably extends to all public and written statements.

Policy – Public Forum

As this Policy is currently cross referenced to Clause 69 of Council's Code of Meeting Practice, it is recommended that the Policy be deleted as a stand alone policy, and the wording (with minor amendments to reflect current practice) be transferred into Council's Code of Meeting Practice. All proposed amendments to the Code of Meeting Practice are outlined later in this Report.

Policy – Travel – Interstate and Overseas

It is proposed that this Policy be amended to exclude travel by staff on personal training and development courses which are permitted under the terms of their employment contracts. The employment contract arrangements for managers and senior officers employed under the Special Terms and Conditions (STC) Agreement, allow these staff members to undertake a certain level of personal professional development within a set financial limit. On limited occasions, this may include overseas and interstate travel to attend certain conferences or education courses relevant to their roles and/or career paths. As there are approval arrangements for any travel related expenses set out in the private employment contracts, it is considered appropriate to separate these employment arrangements from the travel arrangements normally covered by this Policy. It is proposed that additional information be provided in the Policy to clarify the standard of travel and accommodation to be used and to make reference to the requirements of Council's Learning and Development Determination. Other minor wording amendments have also been proposed.

Statutory – Code – Code of Meeting Practice

As a result of the proposed amendments to the Councillors Questions and Requests Policy (see above), Clause 26(7) of the Code of Meeting Practice has been amended to include additional sections transferred into the Code from the Policy. Also, as a result of the proposed transfer of the provisions of the Public Forum Policy into the Code of Meeting Practice (see above), Clause 69 of the Code now includes the additional sections transferred into the Code from the Policy.

Statutory – Code – Code of Conduct

Although the Code of Conduct is due for review as part of the General Manager's Division review of policies and codes, it is recommended that the following four Sections of the Code be amended as a consequence of the review of Corporate and Community Division Policies and Codes referred to above and other issues which have emerged since the last review of the Code:

- Section 8 – update wording in Clause 8.4 to indicate that Council now operates an Electronic Gifts and Benefits Register in lieu of the former hard copy registers.
- Section 9 – to include additional sections transferred from the Policy titled Councillors and Staff – Provision of Information and Interaction Between.
- Section 10 – to include additional sections transferred from the Policy titled Councillors and Staff – Provision of Information and Interaction Between.
- Section 15 – inclusion of a new Clause 15.12 which provides that if ever the Mayor and/or General Manager are prevented or precluded from fulfilling their obligations in respect to complaint receipt, assessment and/or handling, the Deputy Mayor shall respectively be authorised to act as Mayor and another Senior Officer shall respectively be authorised to act as General Manager.

Financial Services Branch Policies/Codes

Policy/Code	Review Status
Policy – Corporate Attire – Indoor Staff	Deletion of policy proposed
Policy – Investment of Surplus Funds	Amendments proposed
Policy – Land Property Sales – Use of Funds	No amendments proposed
Policy – Lease Financing	Amendments proposed
Policy – Loan Borrowings	Amendments proposed
Policy – Sustainable Procurement Policy	No amendments proposed
Policy – Rates Relief – Hardship	Change of wording recommended to point 5 of Policy Statement – retrospectively changed to retrospectivity
Policy – Restricted Asset Account – Capital Projects – Debt Retirement	No amendments proposed
Policy – Restricted Asset Account – Land Acquisition	No amendments proposed
Policy – Restricted Asset Account – Parks Development	No amendments proposed
Policy – Restricted Asset Accounts - Internal	Minor cosmetic adjustment in point 2 of Policy Statement
Policy - Tenders	No amendments proposed

Explanations of the amendments recommended by staff in respect of the above Policies/Codes are shown below:

Policy – Corporate Attire – Indoor Staff

It is proposed that this Policy be deleted from the Policy/Code Register and redrafted as a staff determination. In this regard, it is noted that the funding previously provided in annual budgets for corporate attire has been removed from the 2011/12 Budget recently adopted by Council. By converting the document to a staff determination, the current rules associated with the provision of corporate attire can be retained for future use in case of the reintroduction of funding in future budgets or if there is expenditure on corporate attire from available Branch funds.

Policy – Investment of Surplus Funds

It is proposed that the Policy be amended to reflect the legislative changes which have been made and the relevant circulars and advice which have been issued by the Division of Local

Government since the previous Policy review i.e. a revised Ministerial Investment Order and the distribution of Circular No 10-11 dealing with Investment Policy Guidelines.

Policy – Lease Financing

It is proposed that point 9 of the Policy Statement be amended to reflect current practices in respect of the procurement of information technology equipment i.e. the use by Council of a centralised operating lease facility organised by Local Government Procurement for the procurement across the industry of information technology equipment.

Policy – Loan Borrowings

It is proposed that point 1 of the Policy Statement be amended to reflect current practices including a change to the Ministerial Investment Order dealing with the purchase of property. It is also proposed that point 4 of the Policy Statement be amended to reflect the latest information distributed by the Division of Local Government in respect of Capital Expenditure Reviews.

Information Systems Branch Policies/Codes

Policy/Code	Review Status
Policy – Information Systems Technology	No amendments proposed

Library and Information Services Branch Policies/Codes

Policy/Code	Review Status
Policy – Library and Information Services – Provision of Branches	No amendments proposed
Code – Library and Information Services	Amendments proposed
Code – Library and Information Services – Collection Development	Amendments proposed

Explanations of the amendments recommended by staff in respect of the above Policies/Codes are shown below:

Code – Library and Information Services

It is proposed that some minor amendments be made to the Introduction to update how the Code supports Council's strategic intent; point 1.1(e) dealing with the responsibility of a prospective member to provide proof of their current residential address when borrowing; and point 1.3(k) dealing with the use of Library power points by members of the public. There are also some minor wording changes, grammar corrections and format improvements throughout the document to improve readability. They do not alter the intent of the Code.

Code – Library and Information Services – Collection Development

The amendments recommended are a result of an edit of the document to ensure that it reflects current practice and to improve its readability and formatting. The proposed changes do not alter the intent of the Code.

Community Services Branch Policies/Codes

Policy/Code	Review Status
Policy – Aboriginal Reconciliation Statement of Commitment	Amendments proposed
Policy – Access and Inclusion	Deletion of Policy proposed with relevant parts being incorporated into a new Policy titled Community Development Social Justice
Policy – Services – Over 55	Deletion of Policy proposed with relevant parts being incorporated into a new Policy titled Community Development Social Justice
Policy – Youth Services	Deletion of Policy proposed with relevant parts being incorporated into a new Policy titled Community Development Social Justice
Policy – Donations and Grants – Council Cash and Non-Cash	Amendments proposed
Policy – Services – Child Care Centre Operations	Amendments proposed

Explanations of the amendments recommended by staff in respect of the above Policies/Codes are shown below:

Policy – Aboriginal Reconciliation Statement of Commitment

Based on recommendations received from the Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC) following their meeting held on 26 November 2010, it is proposed that points 1 and 3 of the Policy Purpose/Objectives be amended to reflect terminology that HATSICC believes is appropriate in respect of references to Aboriginal communities. An amendment is also proposed to point 1 of the Policy Statement in respect of the words that are used when the Mayor/Chairperson acknowledges the traditional owners of the land at the commencement of formal Council Meetings and Citizenship Ceremonies. In this regard, the acknowledgement statement would become “*We acknowledge we are on the traditional lands of the Darug and Guringai peoples. We pay our respect to elders past and present*”.

Policy - Community Development Social Justice (N.B. This is a new Policy)

It is proposed that the current Access and Inclusion, Over 55 Services and Youth Services Policies be consolidated into a new Policy titled Community Development Social Justice. Apart from ensuring consistency with Council’s approach to Integrated Planning and Reporting, the creation of such a Policy would take into account the NSW Government’s Social Justice Strategy which considers the four social justice principles of equity, access, participation and rights. The consolidation of the Policies will also assist in ensuring that a holistic and integrated approach to community development takes place in line with Council’s Strategic Planning processes.

Policy – Donations and Grants – Council Cash and Non-Cash

It is proposed that minor changes be made to the Policy to better reflect the purpose and current processes associated with the Donations Program and to ensure consistency with Council's Integrated Planning and Reporting Framework and Strategic Plan. It is also proposed that reference be made to the Annual Service Plan and that the timeframe of the Donations Program be changed to coincide with service planning processes. This will result in a more streamlined approach. In this regard, point 1 of the Policy Statement would be amended to read "*Applications for funding will be received between 1 July and 31 August each year*" and point 2 would be amended to read "*The application and supporting documentation must be received by the closing date of 31 August each year*".

Policy – Services – Child Care Centre Operations

Apart from updating the multitude of legislation and references to statutory bodies which are relevant to Council's provision of child care services, minor amendments are proposed to the Policy to ensure that it reflects current practice. The proposed changes do not alter the intent of the Policy.

BUDGET

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

POLICY

The contents of this Report concern the Policies and Codes of the Corporate and Community Division.

CONSULTATION

The Policies/Codes have been reviewed, and amendments proposed, by the Managers and relevant staff of the Administration Services Branch, Financial Services Branch, Information Systems Branch, Library and Information Services Branch and Community Services Branch.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Executive Manager, Corporate and Community Division - Gary Bensley; the Manager, Administration Services Branch - Robyn Abicair; the Manager, Financial Services Branch - Glen Magus; the Manager, Information Systems Branch - Craig Munns; the Manager Library and Information Services Branch - Cheryl Etheridge and the Manager, Community Services Branch - David Johnston. They can be contacted on 9847-6605, 9847-6608, 9847-6635, 9847-6983, 9847-6801 and 9847-6800 respectively.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC10/11 be received and noted.
2. Council adopt the proposed amendments to Corporate and Community Division Policies and Codes as outlined in Report No. CC10/11 and its attachments.

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Administration Branch Policies and Codes
2. Finance Branch Policies and Codes
3. Information Systems Branch Policies and Codes
4. Library and Information Services Branch Policies and Codes
5. Community Services Branch Codes and Policies

File Reference: F2011/00034
Document Number: D01589963

4 LOAN RAISING - 2010/11 BUDGET

EXECUTIVE SUMMARY

Each year, as part of Council's Budget, proceeds from an external loan are included as a funding source for some portion of capital expenditure.

Council's loan borrowings are undertaken in accordance with the Loan Borrowings Policy which states as its objective *"To utilise, where appropriate, loan borrowings for capital projects or assets, bearing in mind Council's financial aim to have balanced annual budgets, a considered long term plan and prudent levels of debt"*.

In the 2010/11 Budget, loan proceeds of \$1 million were included. This Report seeks Council approval to borrow that amount by 30 June 2011.

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council approval to borrow \$1 million to part fund 2010/11 capital expenditure. The loan funds will be allocated to local road improvements, oval reconstruction, reserve and community building improvements.

DISCUSSION

According to the Division of Local Government Comparative Information publication for 30 June 2009, Council had a debt service ratio of 4.61% compared to the average of all NSW councils in Category 7 of 6.13%. Although no later comparative information has been published by the Division, it is noted that Council's debt service ratio as at 30 June 2010 was 4.69% and is estimated to be 4.74% at 30 June 2011.

Council's projected 2010/11 Net Operating and Capital Position after Funding Movements, calculated as at 31 December 2010, is a surplus of \$11,162. This projected position includes income from loan proceeds of \$1 million. It is proposed, therefore, that a loan of \$1 million be drawn down by June 2011. It is noted that there is no requirement under the Local Government Act to call for tenders for the supply of loan finance.

Council's loan borrowings are undertaken in accordance with the Loan Borrowings Policy which states as its objective *"To utilise, where appropriate, loan borrowings for capital projects or assets, bearing in mind Council's financial aim to have balanced annual budgets, a considered long term plan and prudent levels of debt"*.

If approved by Council, quotations will be sought from a minimum of three major financial institutions, to provide loan funds of \$1 million. In the past, Council has normally borrowed at a fixed rate for a term of ten years. In the current economic environment, lending standards have been significantly tightened. Therefore, Council will need to be flexible when considering the appropriate rate and term in order to obtain the most favourable borrowing solution.

Having regard to the above, it is intended to commit Council to the loan on the day of receiving the quotes. It is, therefore, recommended that the General Manager be authorised to accept the best quote offered on that day. Drawdown of the funds will take place before 30 June 2011, after the necessary documentation has been executed.

BUDGET

The 2010/11 Budget includes income from loan borrowings of \$1 million.

POLICY

The proposed loan is in accordance with Council's Loan Borrowings Policy.

CONSULTATION

There has been consultation in the preparation of this Report with the General Manager. The 2010/11 Budget, which includes these proposed loan borrowings, was adopted in June 2010 after a statutory period of consultation

TRIPLE BOTTOM LINE SUMMARY

As this Report 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:

1. Council approve the raising by June 2011 of a loan from external sources for an amount of \$1 million.
2. The General Manager be authorised to accept the best quote offered for such loan funds; to complete the necessary documentation relating to the loan; and to advise Councillors of the outcome.
3. If required, the Common Seal of Council be affixed to the loan documentation between Council and the successful Bank for the \$1 million loan referred to in Report No. CC17/11.

GARY BENSLEY
Executive Manager
Corporate and Community Division

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06995

Document Number: D01620604

**5 2011 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT -
PROPOSED SUBMISSION OF A MOTION**

EXECUTIVE SUMMARY

The 2011 National General Assembly of Local Government (NGA) organised by the Australian Local Government Association (ALGA), will be held in Canberra from 19 June to 22 June 2011. The Conference provides an opportunity for councils to submit motions for debate and decision by delegates from member local councils across Australia.

Each Division of Council and Councillors have been provided with an opportunity to suggest and develop draft motions for consideration at the Conference. This led to one motion, dealing with Natural Disaster Funding being drafted. It is recommended that Council consider the draft motion and, if it is adopted, submit it to the ALGA in accordance with the required process for consideration at the NGA.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with an opportunity to consider and formally adopt motions for submission to the 2011 NGA.

DISCUSSION

General

The 2011 NGA will be held in Canberra from 19 June to 22 June 2011. This is the major annual national local government event and typically attracts over 700 delegates from across Australia. The ALGA Board is calling for motions for the 2011 NGA under this year's theme of "Growing with our Community – Partnership, Place and Position". To be eligible for inclusion in the NGA Business papers, motions must follow the principles of:

1. Fall under one of the themes – Partnership, Place and Position;
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

Motions are required to be submitted no later than 22 April 2011.

Proposed Motion/s

Based on the feedback received from relevant staff and Councillors, the following motion has been drafted by the Corporate and Community Division for consideration by Council:

Short Title: Natural Disaster Funding

Motion:

THAT the Australian Local Government Association:

1. Support the establishment of a national insurance fund to assist the rebuilding of public infrastructure in the aftermath of natural disasters.
2. Represent Local Government's interests and ensure that any intergovernmental agreements on how the replacement and restoration costs are shared by governments, insurers and taxpayers adequately protect local councils from the sole determinations of State Government regarding the availability of disaster relief funding.
3. Represent Local Government's interests in explaining its inability to insure viably all its public infrastructure against catastrophic disasters and gain support for the provision of the necessary financial assistance to local councils for damage to uninsured infrastructure assets such as roads, drains and bridges arising from localised natural disasters which may not otherwise attract State or Commonwealth disaster relief funding.

Suggested Theme: Partnership

National Objective: To assist all councils to rebuild essential public infrastructure when damage has occurred from a localised natural disaster.

Summary of Key Arguments: It is cost prohibitive for individual councils to insure assets such as roads, drains and bridges so they carry a high degree of risk exposure if a localised natural disaster damages these assets. State and Commonwealth disaster funding assistance may not always be available to cover these losses, therefore, a national fund would help address this risk exposure.

Staff Comments in Respect of Proposed Motion

The proposed motion is consistent with recent announcements by the Commonwealth Government in response to the natural disasters experienced across Australia earlier this year. Of particular importance to councils is the National Disasters Insurance Review which was announced in March 2011. A key objective of this Review is to consider appropriate mitigation of risk by individuals and governments at all levels. The Review will also consider the ability of private insurance markets to offer adequate and affordable insurance cover for governments for flood and other natural disasters, and whether existing Commonwealth and State arrangements for dealing with natural disaster recovery and resilience should be supplemented by the establishment of a national disaster fund.

The proposed motion seeks to highlight the specific risk exposure to councils when there is a localised natural disaster and ensure this specific issue is considered in the government Review. As an example, if a significant storm in the Hornsby Shire was to cause the collapse of a large section of a local road, and no other widespread infrastructure damage occurred in other local government areas, it is possible that Hornsby Council would not qualify for State disaster funding assistance. As such, Council would be left to fully fund the restoration of the storm damage in the absence of a national disaster fund.

BUDGET

There are no current budget implications at this stage, however, if a National Disaster Fund for Local Government was established, it may require Council to contribute to the Fund depending on how it is structured.

POLICY

There are no current policy implications associated with the proposed motion.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

As this report simply provides Council with information and does not propose any immediate 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 Risk and Insurance Manager - Scott Allen, who can be contacted on 9847-6609.

RECOMMENDATION

THAT Council adopt the draft motion included in the Discussion Section of Executive Manager's Report No. CC18/11 for submission to the 2011 National General Assembly of Local Government.

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: F2004/06971
Document Number: D01624208

6 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 March 2011 (see Report No. CC12/11). Since that time, one 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
10/03/2011	Town Planner	Resignation

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

Consultation has occurred with those required to complete a Disclosure of Pecuniary Interests and Other Matters Return.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Council's 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: D01627013

**7 2010/11 INVESTMENTS AND BORROWINGS - PERIOD ENDING
FEBRUARY 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 February 2011 was \$1,383,000 compared to the revised budgeted income for the same period of \$1,051,000. Of the investment income earned, 37% 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 – February 2011

- The At-Call and Term Deposits achieved an annualised return of 5.98% 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 18.26% for the month compared to the benchmark of 19.10%. 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 4.95%;
- The Capital Guaranteed Notes achieved an annualised return of 0% for the month compared to the benchmark of 4.95%. No interest will be accrued for the remaining life of the securities.

For total investments, the annualised return for February 2011 was 5.66% compared to the benchmark of 5.19%. It is noted that for the 2010/11 year to date, the annualised return is 5.33% compared to the benchmark of 5.06%.

Economic Commentary

Statement by Glenn Stevens, Governor: Monetary Policy Decision - Media Release 1 March 2011

At its meeting today, the Board decided to leave the cash rate unchanged at 4.75 per cent.

The global economy is continuing its expansion, led by very strong growth in the Asian region. Commodity prices have risen further over recent months, pushing up measures of consumer price inflation in many countries. A number of countries have been moving to tighten their monetary policy settings. Overall, though, financial conditions for the global economy remain accommodative.

Australia's terms of trade are at their highest level since the early 1950s and national income is growing strongly. Private investment is picking up, mainly in the resources sector, in response to high levels of commodity prices. In the household sector thus far, in contrast, there continues to be caution in spending and borrowing, and a higher rate of saving out of current income. The effects of the natural disasters over the summer have reduced output, but production levels should recover over the months ahead, and there will be a mild boost to demand from the rebuilding efforts as they get under way.

Asset values have generally been little changed over recent months and overall credit growth remains quite subdued, notwithstanding evidence of some greater willingness to lend. Business balance sheets generally are being strengthened, and the run-up in household leverage has abated.

The labour market firmed in 2010, with unusually strong growth in employment and a decline in the rate of unemployment. Most leading indicators suggest further growth in employment, though most likely at a slower pace. Reports of skills shortages remain confined, at this point, to the resources and related sectors. After the significant decline in 2009, growth in wages has returned to rates seen prior to the downturn.

Inflation is consistent with the medium-term objective of monetary policy, having declined significantly from its peak in 2008. These moderate outcomes are being assisted by the high level of the exchange rate, the earlier decline in wages growth and strong competition in some key markets, which have worked to offset large rises in utilities prices. Production losses due to weather are temporarily raising prices for some agricultural produce, but these should fall back later in the year. Overall, looking through these temporary effects, the Bank expects that inflation over the year ahead will continue to be consistent with the 2–3 per cent target.

At today's meeting, the Board judged that the current mildly restrictive stance of monetary policy remained appropriate in view of the general macroeconomic outlook.

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 28 February 2011 is attached for Council's information.

BUDGET

Total investment income for the period ending February 2011 was \$1,383,000. The revised budgeted income for the same period was \$1,051,000. Of the total variance, \$210,000 relates

to the recovery of the written down fair value of the CDO's and Capital Guaranteed Notes which were sold or matured during this financial year. Approximately 37% 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. CC20/11 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 28 February 2011
2. HSC Borrowings Schedule as at 28 February 2011

File Reference: F2004/06987
Document Number: D01634177

8 PROPOSED TREE AND VEGETATION CHAPTER OF PROPOSED COMPREHENSIVE DEVELOPMENT CONTROL PLAN

EXECUTIVE SUMMARY

Options have been publicly exhibited for a 'Preservation of Trees and Native Vegetation' chapter of the proposed Comprehensive Development Control Plan (DCP). Changes to State Government legislation have made the introduction of such a chapter necessary to replace the Tree Preservation Order (TPO) and to codify protection for native vegetation in Hornsby Shire.

Three options were presented, each of which had identical vegetation protection provisions but different tree protection requirements. The three tree protection options range from a translation of the existing TPO to the DCP format (Option 3), to a version that protects only trees that are indigenous to Hornsby Shire and trees that are subject to heritage provisions (Option 1), and an Option which streamlines the current TPO with an expanded exemption list (Option 2).

Attachment 1 is the leaflet that was used for public exhibition. It sets out each of the options in full, together with some explanatory narrative. Attachment 2 summarises comments that were received in addition to votes supplied as part of the leaflet and on Bang the Table.

619 votes and written submissions were received. Option 1 received 257 votes and written submissions, Option 2 received 225, and there were 117 votes and written submissions for Option 3. People who provided a written submission favoured Option 2 (accounting for about 40% of all written submissions). Approximately 20 or 3% of all submissions and votes did not support any of the options. The validity of the 'voting only' submissions has been brought into question as the front page article of the Advocate confused Options 1 and 3, but there is no evidence that this confusion significantly influenced the outcome of the process.

The question for Council to consider is which option best delivers the stated outcomes.

- *To protect trees and native vegetation that ecologically and aesthetically defines the landscape of the 'Bushland Shire'.*
- *To ensure that threatened species, Endangered Ecological Communities and populations are conserved.*
- *To ensure impacts on trees and vegetation are assessed within the principles of Ecologically Sustainable Development.*
- *To maintain culturally valuable landscapes within Hornsby Shire.*
- *To maintain canopy cover throughout the shire.*

All options will deliver the above outcomes, but in many respects TPO Option 3 best meets those outcomes.

However, the submissions suggest that there is a mood in the community to change the existing TPO. A proportion of the submissions and votes favour retaining locally native species (Option 1). Notwithstanding, some residents have expressed the view that there is an increased risk that this option could result in the further loss of trees within the shire, but the likely impact is difficult to determine.

The benefits of Option 1 extend beyond the adopted outcomes set out above. This option releases residents from the cost and delay associated with gaining approval for the pruning or removal of non-indigenous, non-heritage listed trees and facilitates the removal of existing noxious and environmental weeds in Hornsby Shire. It also reduces the concentration of Council's tree protection resources on trees on private property and allows them to be transferred to the under-resourced area of the management of trees on public land.

Option 2 supports a gradual change of the Shire's tree canopy to greater reflect the Bushland Shire, avoids difficulties with the identification of indigenous and other trees, and acknowledges the role of exotic and other non-indigenous trees to the aesthetic and cultural landscape. The risk of further tree loss is arguably less than what could occur under Option 1. The exempt species list has been extended from the current 11 species to in the order of 30 species and would provide some streamlining of the tree regulation process.

Options 1 or 2 depend on the implementation of an offset program involving the replanting of trees approved for removal. Submissions have argued that offsetting should only be used as the last resort, if replacement on site can not occur or impacts cannot be alleviated. Some further argue that the offset fee should be offered as the default option rather than Council trying to police the replacement of trees. The offset fee could be used to purchase or assist in improvements to degraded lands

PURPOSE/OBJECTIVE

The purpose of the report is to report public comment on the draft Preservation of Trees and Vegetation chapter for Council's new Comprehensive DCP and recommend a preferred option.

DISCUSSION

As required by the *Environmental Planning and Assessment Act 1979*, Council is currently preparing a new comprehensive Local Environment Plan based on the NSW Government's *Standard Instrument LEP* template and, to supplement same, is consolidating its 31 existing DCPs into one comprehensive DCP. The *Standard Instrument LEP* contains mandatory provisions that must be incorporated in all instances and optional provisions. An optional provision, clause 5.9 of the *Standard Instrument* allows for the preservation of trees and vegetation.

At the Ordinary Meeting of 21 July 2010, Council considered Executive Manager's Report No. EN34/10 concerning the Native Vegetation Planning Review and resolved to include Clause 5.9 'Preservation of Trees or Vegetation' within the new comprehensive LEP as set out in the *Standard Instrument*. There is no longer any provision for a TPO in the Act. A note within clause 5.9 states that 'A *development control plan* may prescribe the trees and other vegetation to which this clause applies by reference to species, size, location or other manner.' The comprehensive DCP therefore provides the opportunity for more definition of the preservation of trees and vegetation through a DCP than is provided for in clause 5.9.

At the meeting of 21 July 2010, Council also resolved to provide direction for the drafting of a '*Preservation of Trees and Native Vegetation*' chapter in its new comprehensive DCP which is detailed later in this report under the heading '*Native Vegetation Planning Review*'.

Report EN45/10 on 20 October 2010 presented options for a chapter proposed for inclusion in the comprehensive DCP, and it is the exhibition of these options that is the subject of this report.

Purpose of Clause 5.9 Preservation of Trees and Vegetation

Clause 5.9 will be incorporated as part of the new comprehensive LEP which aims to preserve trees and vegetation within the area by requiring consent or a permit to prune or remove any tree or other vegetation. The clause is required to be supplemented by a DCP which prescribes whether an approval or development consent is required based on significance, size, species and location. However, there are some areas where an exemption cannot be given. Clause 5.9 (7) does not allow a permit for the removal of trees or other vegetation that is a heritage item or is within a heritage conservation zone, and such removal can only be through development consent.

The Need for Vegetation Protection

Council has previously identified the following desired outcomes it is seeking to achieve by prescribing controls on the removal of trees and vegetation:

- To protect trees and native vegetation that ecologically and aesthetically defines the landscape of the 'Bushland Shire'.
- To ensure that threatened species, Endangered Ecological Communities and populations are conserved.
- To ensure that impacts on trees and vegetation are assessed within the principles of ecologically sustainable development.
- To maintain culturally valuable landscapes within Hornsby Shire.
- To maintain canopy cover throughout the shire.

The three options have different prescriptive controls which are the mechanisms to achieve the desired outcomes. The question for Council to consider is which option best delivers the stated desired outcomes.

The value of trees in the Hornsby Shire extends beyond one of providing genetic resources for conserving species into a climate altered future. Trees in the Shire provide a large number of environmental, social and economic services to the community in:

- aesthetics and streetscapes
- water cycle maintenance including groundwater levels and quality
- prevention of soil erosion
- microclimate benefits
- habitat and corridor values, with hollows requiring decades to reform
- carbon uptake and storage
- nutrient uptake
- energy fixation and oxygen production through photosynthesis, which is the basis for all life
- property values

DCP Options for Tree and Vegetation Preservation

Three DCP options which consider the above matters were exhibited for the community's consideration (refer to attachment 1). The options are consistent with advice previously provided by Council's Town Planning Services Branch concerning the implementation of the *Native Vegetation Planning Review*, namely:

'A DCP element/chapter that prescribes the trees and other vegetation for the purposes of Clause 5.9 of the Standard Instrument should be prepared to require development consent for the clearing of any vegetation within those lands covered by the ESL maps. The DCP element/chapter should also be prepared to require a permit for the clearing of any vegetation within locally significant vegetation communities and the trees in vegetation communities of lesser conservation significance as identified by Smith and Smith 2008.'

Vegetation Protection Controls

All three options have the same controls to protect vegetation by prohibiting its removal without the written consent of Council, except in accordance with the exemptions prescribed. To be consistent with Exempt and Complying Development, State Environmental Planning Policy 2008 and the Infrastructure State Environmental Planning Policy 2007 relating to the clearing of bushland, each option exempts the clearing of vegetation with an area of less than 30 square metres on land zoned Rural, and with an area of less than 10 square metres Residential and Urban land zones.

Summary of TPO Options

Option 1

This option exempts from protection trees that are not species indigenous to the Shire of Hornsby (except those trees that are either heritage items or growing within heritage conservation areas). This option reduces Council's intervention in the management of private property. It also responds to those who may be encouraged to plant trees if not for the risk of being prevented by Council's regulations from removing them if they grow too big.

Option 1 is based upon the principle that trees that are indigenous to Hornsby Shire must form part of any functioning tree and vegetation protection scheme.

Several of the public comments that were critical of Option 1 incorrectly described the option as **only** protecting indigenous trees. This is incorrect, as in addition to locally indigenous species the non-indigenous trees located on heritage listed properties, trees within heritage conservation areas in the suburbs of Becroft, Cheltenham, Pennant Hills, Hornsby and Waitara, would receive the same protection under Option 1. The same local conditions in these suburbs that have supported the tall native species such as Blue Gum and Blackbutt have also led to the tallest and most significant group of non-indigenous trees encountered in Hornsby Shire.

Option 1 (and Option 2) strengthens provisions for the replacement of any tree removed under a Council permit, with a system for following up replacement planting, or requiring the payment of a tree planting offset fee for tree planting by Council on public land.

Option 1 formally includes reference to Australian Standard AS 4970:2009, *Protection of Trees on Development Sites*.

Option 2

This option contains a revision of the current TPO, with a larger list of trees that are exempt. Option 2 provides an expanded list of exempt trees such as liquidambar, alder, cypress and other trees that are bushland invaders or that frequently cause property damage through root invasion. It includes some wattles and other Australian species that are not indigenous to Hornsby Shire and have become invasive weeds. Applications to remove these species under the TPO are approved in the majority of cases so formalising an exemption would be a reflection of practical reality.

Option 2 includes the same provisions as Option 1, with reference to mandatory tree replacement, and includes the same reference to *AS 4970:2009*.

This option means that problematic trees would be exempted and that would streamline the tree regulation process. It is in the spirit of the original TPO protecting the treescape of Hornsby Shire. It conserves valuable indigenous and non-indigenous trees and maintains their functions in providing amenity, shade, shelter from winds and carbon storage, buffers impacts on remaining native trees, and provides habitat and corridors for fauna.

Option 3

The current TPO is reproduced in Option 3, in a form that reflects the requirements legislated in Clause 5.9 of the *Standard Instrument*. For consistency, the three options contain identical new provisions for vegetation protection.

Summary

Options 1, 2 and 3 for the “*Preservation of Trees and Native Vegetation Chapter*” of the Comprehensive DCP have identical vegetation protection provisions and reflect the resolutions of Council. They follow Clause 5.9 in the LEP in allowing trees and other vegetation to be removed with Council’s permission or development consent. They reflect that Council can exempt some trees and vegetation from the need for consent, it being noted that Clause 5.9 (7) does not allow a permit for the removal of a tree or other vegetation that is a heritage item or is within a heritage conservation zone, and such removal can only be through development consent. While the options have identical vegetation protection provisions, they differ in their tree protection requirements. All the options have their own merits and disadvantages.

Option 1 would reduce cost of and delay in tree management (for residents and Council) while still retaining protection for indigenous and heritage trees. It would facilitate the removal of noxious and environmental weeds. Option 2 would facilitate removal of most environmental weeds and those tree species that have a history of property damage. Option 3 would maintain the status quo.

Comments received during public exhibition

Most of those who voted on the brochure supplied or on Bang the Table did not make a comment about the exhibition or their vote. Some of those who voted did so, while others cast no vote but supplied comments. The comments are summarised at Attachment 2.

The issues raised in public submissions are listed below in the order of which received the most comments.

Issue: Replacement planting

This issue received the majority of comments within the submissions reviewed. The main concern was that the habitat contained in a mature tree that is removed can not simply be substituted by a small replacement tree. Differing opinions on what species should be considered suitable replacement trees included indigenous, native or whatever is suitable to the site. It was also considered that replacement planting should only occur if indigenous trees were removed. Comments were also received on how the replacement plantings were to be policed with concerns that this would not happen.

Comment:

Replacement planting is desirable regardless of the species of tree removed. This will support retention of biomass and assist local biodiversity through the provision of long-term habitat and canopy connectivity. The ideal replacement species should be indigenous to again support local biodiversity and these species are also more likely to survive in their preferred habitat. Proposed replacement measures are different in all three proposed DCP options, including (1) indigenous tree (2) native tree and (3) any tree. The replacement species chosen should be suitable for the site. It is recommended that the adopted solution should contain a replacement strategy that supports the amended Offsets Policy. It is important to note that adoption of a replacement strategy will also need to include some level of compliance investigation.

Issue: Removal of trees

Submissions have suggested that any change to the existing TPO, in particular any support for Option 1, would see the unregulated removal of trees. One submission suggested that disease affected trees should be treated rather than the tree being removed.

Comment:

While it is possible that there may be an initial spike in tree removals there is no evidence to suggest that it would be sustained. It is possible that trees removed would be replaced by others more suited to the conditions of each property.

Several species of trees have been exempt in Hornsby Shire for many years under the TPO, yet many mature specimens of these (such as Camphor Laurel, Box Elder and Pittosporum) are still commonly found on private property, indicating that certain species of tree do not suffer intensive removal to the point of near disappearance in the Shire if protection of them is removed.

Issue: Exempt list

Submissions have been made concerning the contents and purpose of the 'Exempt' lists within the DCP options. The majority of submissions suggest the need to protect trees that provide landscape and amenity values not just indigenous or native species. It has been suggesting a tiered approach, similar to noxious weeds, requiring varying levels of assessment dependent on the species, size and amenity or landscape value.

One native species of concern is *Pittosporum undulatum*, a Blue Gum High Forest species, which is contained in the Exempt list in Option 3.

Other submissions suggest an expansion of the exempt lists to include additional invasive species. Other proposed inclusions in the exempt list are: all planted trees (indigenous or exotic); those impacting on solar access; increase height restriction to 5m and those trees that drop leaf litter.

Comment: An expanded exempt list to include additional invasive species could be useful and supportive of the Noxious Weeds Act (noxious weeds are exempt under 5.9 of the LEP). An exempt list cannot include species that form part of an EEC or listed as threatened species. The Option 2 exempt list contains the threatened species *Eucalyptus nicholii* and *E. scoparia* and the Option 3 exempt list contains *Pittosporum undulatum*. It is proposed to remove these species from the Exempt list.

A tiered approach to assessing the removal of trees is included within the options including when removal is exempt, and when it requires a permit or DA.

Issue: Protected species

Submissions have been made regarding the tree species that should be protected. The majority of submissions suggest the protection of not only indigenous or native species but also trees of landscape value. Some submissions have suggested that only indigenous trees should be protected, however concerns have been raised as to what pertains to be an indigenous species. The list provided in Option 1 does not contain 20 indigenous tree species and also considered that there is limited public understanding as to the definition of a species as native or indigenous. This could lead to the erroneous removal of indigenous trees.

Comment:

The objective of this element of the DCP is to 'protect' and as such the contents of the DCP should be definitive as to the species to be protected or alternatively the species exempt from assessment. Public comment suggests the need to protect trees with landscape values in partnership with native species. Native and non-native trees provide significant biomass, habitat and connectivity for native flora and fauna and arguably suggest that both be given suitable protective measures. An expanded exempt species list could provide the public with a definitive answer to the question of which trees are protected and which are not protected. If Option 1 was selected the list of trees indigenous to Hornsby Shire would be expanded to incorporate the 20 indigenous trees listed in Attachment 3.

Issue: Restrictive options

Some submissions suggested that all three options were unsuitable (the need for a fourth option). One submission suggested that a highly restrictive option be developed to protect all trees. Another submission suggested that each site should have a unique set of variables. The majority of submissions suggested that no option presented by Council suitably provided for the removal of dangerous trees and that dangerous trees should be exempt. It was widely suggested that residents should be the determining authority on what defines a dangerous tree.

Comment:

The current TPO assessment by professional Council officers evaluates and allows removal of dangerous trees. Some residents may disagree with their professional view and perceive that any tree that drops branches is dangerous. In some respects this may be true; however at some point in time all trees, including healthy trees, will drop a branch as part of their natural

growth and as such all trees could be seen to be dangerous with such a restricted viewpoint. Gum trees (*Eucalyptus* spp.) in particular are synonymous with Hornsby Shire and are often considered a point of attraction. These and other indigenous trees (*Angophora* spp, *Corymbia* spp) occasionally lose branches, which enable the formation of a hollow which is often inhabited by native fauna. The widespread removal of hollow bearing trees will significantly reduce fauna habitat.

The removal of hollow bearing trees or trees containing limited disease or defects should be assessed by a qualified professional to determine the risk to life and property as discussed in the three proposed DCP options. These concerns also suggest there may be a need for public education on the natural behaviour of trees.

Issue: Offsetting

Submissions made concerning offsetting were generally of a supportive nature. There was a suggestion that the monetary offset is provided as the default option and that it should occur in every case regardless of offsetting location. Comments were also received suggesting that any offsetting option would provide a loophole for the broad scale removal of trees. It was also discussed that any offset monetary value should be determined using a thorough and established methodology.

Comment:

Options 1 and 2 contain offsetting and this offsetting option can be chosen by the applicant. Offsetting should only be used as the last resort, if replacement on site can not occur or impacts cannot be alleviated. It is worthwhile considering incorporating the offsetting of remnant trees, supported by an established methodology, within the Green Offsets Policy rather than discussing the details within the DCP.

Issue: Bushfire

Submissions were generally concerned with the lack of detail contained in the DCP regarding bushfire and trees and vegetation. There were concerns over the amount of land allowed to be managed for bushfire protection and the restrictions imposed by the DCP and another suggesting that the amount of vegetation burned as part of hazard reduction should be included in the exempt allowance. There was also a submission suggesting greater controls for trees within an APZ and that the RFS and NSW Fire and Rescue should be involved in the development of the DCP.

Comment:

Most of the concerns regarding hazard reduction (HR) and Asset Protection Zone (APZ) works are resolved by the separate assessment process required under the Rural Fires Act. HR and APZ works require a separate application to general tree and vegetation removal and are assessed in consideration of relevant environmental factors including impacts on local biodiversity and previous clearing works. There will also be a separate Bushfire element to the DCP further complimenting the requirements of the Rural Fires Act.

Issue: Pruning

A submission was made suggesting the pruning of selective branches on a tree does not resolve any issue.

Comment:

It is standard arboricultural practice to selectively prune trees to improve their health and longevity and to reduce impacts on assets due to the deadwood contained in the canopy.

Issue: Dead Trees

A few submissions made the suggestion to exclude the ability for a resident to remove a dead tree without an inspection by Council Officers. This has been suggested to limit the impact on habitat loss (i.e. hollows) which could impact on threatened flora, fauna and EEC's.

Comment:

All three options allow for the removal of dead trees where Council deems that threatened flora and fauna are **not** located.

Issue: Removal of bushland

There were a few varied comments received regarding the removal of bushland. Submissions have raised the issue of the proposed annual allowance which may lead to long-term cumulative loss.

Comment:

It is recommended that the annual allowance be amended to be a five year allowance.

General comments received:

Submissions received also discussed several issues not directly related to the content of the DCP options:

- Lack of advertising of the proposed change: Some people were unaware that this change was occurring and came across the proposed options by chance.
- Lack of explanation for reason to change – viewed as an excuse to relax existing controls
- Lack of policing of current TPO: if current TPO can not be policed how will the new DCP?

Summary of Public Comments

The largest number of submissions were concerned that the removal of a mature tree cannot simply be substituted by a small replacement tree, and that it was critical that replacement of this habitat with appropriate indigenous trees occur to provide for long-term habitat and canopy connectivity. The next most common issue of concern was that any change to the existing TPO, in particular any support for Option 1, would see the unregulated removal of trees. Also a significant concern was the exempt lists being too broad, with the majority of submissions suggesting the need to protect trees that provide landscape and amenity values, not just indigenous or native species. Many submissions were made as to the tree species that should be protected with the majority of submissions suggesting the protection of not only indigenous or native species but also trees of landscape value. Many submissions were made suggesting that all three options were unsuitable, with the majority of those suggesting that dangerous trees should be exempt and a number suggesting that residents should be the determining authority on what defines a dangerous tree.

Voting results from public exhibition

Most of those who voted on the brochure supplied or on Bang the Table did not make a comment about the exhibition or their vote. Some of those who voted did so, while others cast no vote but supplied comments. The results are included in Attachment 2.

Submission from the NSW Department of Environment, Climate Change and Water (DECCW)

A letter has been received from DECCW (Attachment 4) that deals with several matters related to Council's draft Hornsby Shire Local Environment Plan. Most of it is not directly relevant to the three options under discussion here, but page 4 of the letter does raise some concerns about the options.

DECCW is concerned that the exemption of annual clearing of an area of vegetation up to 10 square metres in residential and urban areas, and of up to 30 square metres in rural areas may have cumulative environmental impacts and may impact specifically on individual threatened species. In response to this concern, it is recommended that the exemption on clearing be for a minimum period of five years, instead of annually as in the draft options.

DECCW also notes the inclusion of *Eucalyptus scoparia* and *Eucalyptus nicholii* in the list of proposed exempt species for Option 2, and notes that the former is listed as a threatened species under the Threatened Species Conservation Act, while the latter is listed as a vulnerable species under that Act.

However, neither of these species is native to Hornsby Shire and the preservation of scattered specimens of them in gardens throughout the Shire will have no effect on their conservation status in their natural habitats, located far away from Hornsby Shire. Specimens of *E. scoparia* in Hornsby Shire are commonly affected by a pathogen that defoliates and disfigures the trees, causing die-back and branch drop. *E. nicholii* frequently has a weak root system that makes specimens very prone to collapse in windy conditions. Nonetheless if Council were to adopt Option 2, these trees should be removed from the exempt list due to the threatened species status of *Eucalyptus scoparia* and *Eucalyptus nicholii*. This would still allow Council to approach the relevant agency to seek a review of the current listing as it applies to the Hornsby local government area.

Submission from STEP Inc

- Supports Option 2
- Support for the gradual change of the Shire's canopy to greater reflect the Bushland Shire
- The removal of dead trees often contains suitable habitat and as such the removal of all dead trees should require Council approval
- The allowable annual allocation for bushland removal be amended to a five yearly amount
- A tiered approach to the approval process for trees: Listing particular species that do not require any approval; some species that require identification prior to approval; other (DA)

- Some species included in the proposed exempt list provide landscape, habitat and amenity values and should be removed from this list (*Brachychiton acerifolius*, *Grevillea robusta*, *Melia azedarach*, *Pinus radiata*)
- Replacement trees should be indigenous rather than Australian native
- The Offset fee should be offered as the default option rather than Council trying to police the replacement of trees. The offset fee could be used to purchase or assist degraded lands

Submission from Sydney Wildlife Inc

- Supports Option 3 (conditional)
- Option 1: limits the protection of only those trees listed would lead to a significant loss of food, corridor, shelter and nesting sites. Vegetation left would not be sufficient to sustain diverse populations of native wildlife
- Option 2: There are a lot of exotic species that provide food, shelter and nesting sites for native wildlife
- Option 3: should include measures to safeguard wildlife when trees are removed; use of nest boxes; more research on vegetation policies

Submission from Pennant Hills District Civic Trust

- Supports Option 2
- The proposed exempt list contains species that form part of the landscape of the Shire
- The policing of replacement trees is difficult and perhaps Council should impose fines for non-compliance
- The offset tree planting fee is seen as an easy way out for development and would lead to the gradual loss of mature healthy trees and habitat

Preferred TPO option

The question for Council to consider is which option best delivers the stated outcomes.

- *To protect trees and native vegetation that ecologically and aesthetically defines the landscape of the 'Bushland Shire'.*
- *To ensure that threatened species, Endangered Ecological Communities and populations are conserved.*
- *To ensure impacts on trees and vegetation are assessed within the principles of Ecologically Sustainable Development.*
- *To maintain culturally valuable landscapes within Hornsby Shire.*
- *To maintain canopy cover throughout the shire.*

All options will deliver the above outcomes, but in many respects TPO Option 3 best meets those outcomes.

However, the submissions suggest that there is a mood in the community to change the existing TPO. A proportion of the submissions and votes favour retaining locally native species (Option 1). Notwithstanding, some residents have expressed the view that there is an increased risk that this option could result in the further loss of trees within the shire, but the likely impact is difficult to determine.

The benefits of Option 1 extend beyond the adopted outcomes set out above. This option releases residents from the cost and delay associated with gaining approval for the pruning or removal of non-indigenous, non-heritage listed trees and facilitates the removal of existing noxious and environmental weeds in Hornsby Shire. It also reduces the concentration of Council's tree protection resources on trees on private property and allows them to be transferred to the under-resourced area of the management of trees on public land.

Option 2 supports a gradual change of the Shire's tree canopy to greater reflect the Bushland Shire, avoids difficulties with the identification of indigenous and other trees, and acknowledges the role of exotic and other non-indigenous trees to the aesthetic and cultural landscape of the shire. The risk of further tree loss is arguably less than what could occur under Option 1. The exempt species list has been extended from the current 11 species to in the order of 30 species.

Options 1 or 2 depend on the implementation of an offset program involving the replanting of trees approved for removal. Submissions have argued that offsetting should only be used as the last resort, if replacement on site can not occur or impacts cannot be alleviated. Some further argue that the offset fee should be offered as the default option rather than Council trying to police the replacement of trees. The offset fee could be used to purchase or assist in improvements to degraded lands

BUDGET

There are likely to be varying increases and decreases in the resources required for the regulation of tree and vegetation protection, depending on the final model adopted.

POLICY

Adoption of Options 1 or 2 would vary the current tree protection policy, while all three options codify vegetation protection in a new way.

CONSULTATION

Council's Bushland and Biodiversity Team and Town Planning Services Team have been involved in the preparation of the three proposed options.

The public consultation strategy involved the following:

- Direct mail-out of the attached information brochure and voting form to 2,054 households chosen at random using property identification numbers in Council's system;
- A press release to local media from the Mayor;
- Prominent feature on www.hornsby.gov.au with a link to information and a voting form on the website www.bangthetable.com.au;
- Letters to civic groups (such as the Beecroft and Cheltenham Civic Trust) and to Council's Bushland Management Advisory Committee (BMAC) and Sustainability Action Committee (SAC), and a group of local arboriculture companies.

The press release produced excellent coverage, particularly in The Hornsby and Upper North Shore Advocate, where the story was featured prominently on the front page of the issue of November 18 2010. In addition, the story was covered in locally-circulating newspapers The Northern District Times, The Monthly Chronicle and The Bush Telegraph.

While the coverage in The Advocate was detailed and included good explanatory graphics, unfortunately the numbering of the three options was reported in reverse to the correct numbering system, so that options 1 and 3 were reversed. The descriptions of each option were otherwise correct. Fortunately, the story in The Advocate directed readers to Council's website, where the options were presented in the correct order and linked to the voting form. It is unknown for the 'voting only' submissions if the error caused a serious distortion between votes cast and voters' intentions. In addition there was a high number of the 'voting only' submissions that were also anonymous, being 89 for Option 1, 46 for Option 2 and 23 for Option 3, possibly multiple entries by individuals.

Around 100 votes were cast on Bang the Table. It is likely that it was through media publicity and the link on Council's website that these voters became aware of the issue and the ability to vote.

Letters to the community groups mentioned produced either a collective response representing the view of the organisation, or, as in the case of BMAC and SAC and others, the views of individual members. Pennant Hills Civic Trust and STEP Inc made representations supporting Option 2 as outlined above.

Using statistical analysis, there is a 95% confidence level in the statistical validity of the sample size, with an error margin of 4%. This is in the upper level of statistical validity for population sampling.

The exhibition is considered to have been a success in reaching a representative section of the population of Hornsby Shire and obtaining their views on the matter.

As Options 1 and 2 represented a change to tree protection regulation, and Option 3 represented the *status quo*, the majority of voters preferred a change in tree protection over the retention of regulatory scheme identical to the current TPO. Option 1 received, by a narrow margin, the highest proportion of votes, but in written submissions Option 2 received the highest proportion of votes.

The direct mail-out produced around 500 responses, an excellent 25% response rate. The tally of votes and comments is as follows:

Mail and email votes	
Option 1	215
Option 2	198
Option 3	84
Bang the Table votes	
Option 1	42
Option 2	27
Option 3	33
Total Combined Votes (Mail, email and Bang the Table – includes votes only and written submissions)	
Option 1	257
Option 2	225
Option 3	117
No vote/other option(from emails, comments online or on voting form)	20
Votes including a written submission	
Option 1	41
Option 2	67
Option 3	41
None of above options suitable	19
Anonymous Votes Only	
Option 1	89
Option 2	46
Option 3	23

The Hornsby Community Survey 2010 (quoted in this report) is available online at <http://www.hornsby.nsw.gov.au/our-community/community-consultations/surveys>

TRIPLE BOTTOM LINE SUMMARY

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

This report has addressed triple bottom line framework in the DISCUSSION section.

RESPONSIBLE OFFICER

The responsible officers are Peter Kemp, Manager Parks and Landscape, telephone 9847 6792, and Ms Diane Campbell, Manager Bushland and Biodiversity, telephone 9847 6903. They can be contacted between 9am and 5pm, Monday to Friday.

RECOMMENDATION

THAT :

1. Council indicate its preferred Tree Preservation option for inclusion in the tree and vegetation chapter of the proposed comprehensive Development Control Plan.
2. Irrespective of the option chosen, Council limit clearing of areas of vegetation without consent to once every five years.
3. Council incorporate amendments indicated in the DISCUSSION section of this report into the preferred option.
4. Council seek a report detailing the outcomes achieved from implementation of the preferred TPO option after it has been operating for a period of 12 months.
5. Council notify all those who provided a submission of Council's decision.
6. The Executive Manager Environment provide a report to Council on options to offset the loss of remnant tree canopy in the Shire as well as possible methodologies for valuing these trees.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Tree and Vegetation Brochure (Colour Attachment)
2. Summary of submissions
3. Trees omitted from Option 1
4. Letter - Department Of Environment, Climate Change & Water

File Reference: F2004/06971
Document Number: D01578596

9 LEASING OF COUNCIL TENNIS COURTS

EXECUTIVE SUMMARY

The report canvasses options for ten tennis courts on public land where leases are soon due to expire. The report proposes that nine (9) of these tennis courts continue to be used for tennis and the two courts on Berowra Waters Road, Berowra be converted to netball/basketball/courts to address supply shortfalls.

There is an apparent under investment in asset management at each of the nominated tennis court complexes. It is recommended that future leases include a provision requiring a suitable proportion of the income generated from the facilities is directed to the proper management of the existing assets.

PURPOSE/OBJECTIVE

Of Council's 18 tennis centres, 10 have leases that expire on 30 June 2011. This report recommends that Council prepare an Invitation to Lease for 9 of these tennis centres.

Leases expire at tennis centres at:

- Mills Park, Asquith;
- Beecroft Village Green, Beecroft;
- Berowra (Berowra Waters Road and Boundary Road);
- Grant Close, Epping;
- North Epping Oval;
- Pennant Hills Park;
- Waitara Oval and
- Ruddock Park Westleigh.

The Report recommends converting the Berowra Waters Road courts to multi purpose netball/basketball courts like the ones at Greenway Park.

DISCUSSION

Background

In June 1991, Council signed leases in respect of a number of its tennis court complexes for a term of ten years with an option to renew for a further period of ten years. The leases were negotiated with the aim of enabling the lessees to earn revenue from the hire of the courts to cover running costs as well as necessary capital replacements and improvements. They retained 80% of the income in this regard. Other objectives of the leases were to relieve Council of the onus of managing the complexes on a day to day basis, whilst retaining a revenue stream from the activity amounting to 20% of the court hire income.

During the initial ten (10) year term, representations were received from a number of the lessees concerning the state of the tennis court assets and the lessee's ability to cope entirely

with current or impending major refurbishment such as resurfacing of courts, replacement of lighting etc. Council identified the establishment of an Asset Management Programme for Tennis Courts as a specific objective in the 2001/02 Management Plan. It was considered appropriate that the Programme be developed in partnership with the Tennis Court lessees such that the best outcome for tennis court asset management was achieved. The Programme was to have agreed priorities to enable informed decisions to be made regarding the allocation of scarce financial resources, the need to undertake budget planning, as well as exploring opportunities for funding, such as cooperative grant applications.

A report on tennis court management issues was submitted for Council's consideration at the July 2001 Ordinary Meeting (see report CC51/01). It included proposals to establish a partnership arrangement between Council and the tennis court lessees for tennis court asset management and an approach to fund capital works requirements at the complexes through the development of a restricted asset account for tennis courts. At the 13 August 2003 Ordinary meeting (see report CC58/03) Council approved the establishment of a funding priority rationale to assess applications received from Tennis Court lessees for capital works funding assistance and an amendment to Clause 3.4 of the existing lease agreements with the respective tennis court lessees to acknowledge the development of a partnership arrangement in respect of funding capital works requirements at the various tennis court complexes.

Since that time Council officers have held annual meetings with the various lessees to address required tennis court capital works and allocate grants to assist tennis court lessees with capital works projects aimed at renewing and replacing tennis centre assets such as court surfaces, fencing, lighting, furniture, pathways and buildings. With the lease agreements identified above due to expire at the end of June 2011 Council officers have set out below an overview of the present participation rates applying to the game of tennis generally for consideration by Council and a suggested approach to be applied regarding the ongoing lease arrangements in respect of the Council controlled tennis court complexes for endorsement of Council.

Current Tennis Participation and Operating Environment

Australia wide participation figures for tennis participants aged 15 years and older reveal a 21% total decline in participation between 2001 and 2009. However, after a seven year low, participation rates have increased each year from 2007 (Exercise Recreation and Sport Survey, SCORS 2009). Tennis experienced a 0.7% total decline in participation between 2003 and 2009 for children aged 5-14 years, however participation has increased since 2006 (Children's Participation in Cultural and Leisure Activities, ABS 2009).

Tennis Australia (2010) has identified the following:

- 82% of the population started playing tennis before the age of 16 years old;
- 22% of Australians played at least once last year (3.8 million);
- 17% of the population who are not currently playing, are interested in playing tennis (2.8 million);
- 60% of those who are interested in playing have played before;
- 12% of players prefer club membership;
- Social play with family and friends and social competition are the key "occasions" to play tennis, followed by coaching programs and weekly competition;
- Social (41%) then fitness (28%) is the major drivers to play tennis.

Tennis Australia has developed a number of strategies to increase participation in response to declining tennis participation rates over the past few years. Tennis is still a game that offers significant health benefits to participants, is a safe non contact sport, is accessible to a broad section of the community and is a game that can be played by all ages, genders and abilities.

Council has 18 tennis centres, comprising 77 tennis courts, available to the community. Fourteen of these are leased and are managed by a combination of tennis associations, tennis clubs and private coaches (commercial). One is managed by a section 355 committee.

The remaining three centres located at Wiseman's Ferry, Brooklyn, Greenway Park in Cherrybrook and Dunrossil Park Carlingford, are managed by Council. Bookings are not taken and it is free to play tennis on a first come first served basis. The single court at Greenway Park requires major reconstruction and its future as a tennis court is currently being evaluated by the Parks and Landscape Team.

Future Tennis Court Lease Model

There is no single best management model. The various management models across the Shire allows for the provision of a wide range of tennis facilities, services and programs to the community such as coaching, holiday programs, tournaments, athlete development, junior programs, development programs, and competitions for all ages, genders and abilities.

Tennis NSW has a number of support programs that can assist operators to provide a better tennis experience and assist with tennis facility management. Several lessees are currently members of Tennis NSW and the *Invitation to Tender* will strongly recommend that all lessees are members of Tennis NSW, in order to support the lessees to become better service providers.

Council's goals for the management of the tennis centres compliment those outlined in the Tennis NSW State Masterplan for Facilities in NSW. They are:

- Maximise use of the tennis facilities in the Shire
- Increase the sustainability of tennis facilities in the Shire
- Increase the quality of tennis facilities in the Shire
- To work collaboratively with tennis lessees
- To ensure community access to a range of quality tennis services and programs
- To ensure responsible asset management of tennis assets

Asset Management

There is concern that there has been an underinvestment in tennis court assets, partly because of the indirect nature of Council's management of the assets through lessees, and partly because provisions for investing in and reporting on assets in the leases have not been strict enough.

In the latter part of these leases, Council has steadily built up a good relationship with the majority of the tennis lessees. A meeting is held annually where Council allocates "grants" to assist tennis court lessees with capital works projects aimed at renewing and replacing tennis centre assets such as court surfaces, fencing, lighting, furniture, pathways and buildings. In addition tennis lessees contact Council officers for advice and assistance in a number of areas including assistance with tree issues, information on suitable contractors for various

maintenance matters, and well as electrical and plumbing issues. At least two lessees are members of the Hornsby Shire Sports Council.

In the past five years many of the lessees have improved their strategic business planning and they either have strategic business plans in place or are in the process of developing them. Many have an asset management plan for the next 3-5 years as this is a requirement of the capital “grants” offered by Council.

Council officers have conducted asset management inspections of the tennis centres in association with tennis lessees in order to assess the condition of the courts and to provide advice and assistance with regards to priorities for capital renewal and replacement. These inspections have allowed Council to have an ongoing discussion with lessees regarding the importance of asset management.

Overall the majority of the tennis centres have improved their performance with regard to asset management. However any new leases must require increased reporting on asset management performance. Failure to renew and replace assets in the future must be seen as a serious breach of lease conditions leading to possible termination of the lease.

Proposed changes to leases

Information from annual reports, annual income derived from current tennis leases, and projected capital works programs have been used to undertake financial modelling. This financial modelling demonstrates that if Council were to change the current leasing structure where lessees are responsible for asset renewal and replacement to one where Council retained control of the assets and hence, asset renewal and replacement, sufficient funding would not be realised from the lessees under the current arrangement. There would need to be a significant increase in rental returns to Council to enable adequate funding for capital renewal and replacement given that some centres have a backlog of works. There is also the question of whether sufficient resources are available within Council to take on increased asset management of these facilities.

The leases, which are the subject of this report, require lessees to be responsible for renewal and replacement of capital assets at the tennis centres. The annual tennis court capital works program provides financial assistance to lessees for these capital works. The “grants” are currently limited due to the current lease structure.

Currently a percentage of the court hire income is currently payable to Council as a lease fee. The two major revenue generators for tennis centres are coaching and competitions. However, not all of Council’s centres are able to conduct competitions due limited number of courts at some centres. Rental returns should reflect a commercial approach, having regard to the purpose, site value and ownership of existing improvements (Land and Property Management Authority, Trust Handbook, July 2009).

To this end it is proposed that future leases will incorporate a requirement for rentals to be set at 30% (compared to current 20%) of court hire fees for non profit clubs/associations and the application of a market rental for private/commercial operators.

Overview of Tender Requirements

An invitation to tender will be prepared and advertised publicly to Tennis Clubs/Associations or private operators to operate and manage the tennis court complexes in Hornsby Shire listed in this report.

Lease terms will be generally similar to the existing leases and will include, but are not limited to, the following:

- Lease to be a maximum of 10 years
- Courts must be available to the general public for hire a minimum of 50% of the time they are available for use
- Rental is to be 30% of court hire fees for non profit clubs/associations and market rental for private/commercial operators
- Rental fees are to be pooled by Council for a tennis court asset management fund which will be made available to lessees for capital improvements under a tennis court capital works grant program
- Maintenance obligations for the lessee will extend to ongoing day to day maintenance and all capital asset maintenance although lessees can apply to Council for funding assistance through the tennis court capital works grant program
- Requirement for affiliation to Tennis NSW
- Requirement for a Business Plan and Asset Management Plan
- Commitment to work with Council and other operators to ensure a consistent delivery of tennis across the venues
- Requirement for attendance at an annual tennis court lessees meeting with Council

Tender evaluation criteria will include, but will not be limited to, the following:

- The range of tennis activities and opportunities available for diverse ages and abilities, in particular children
- The capability, experience and past performance of the tenderer (and its nominated team) in the provision of services required by the invitation to tender
- The attractiveness and potential for success of the proposed tennis court operation
- The proposed approach to be adopted by the tenderer in the operation of the tennis court complex
- The rental offered by the tenderer
- Maximisation of the value to the Council having regard to various factors including but not limited to economic, social, heritage significance and environmental sustainability

BUDGET

The report proposes an increase in available funds for tennis court facilities asset management over the next 10 years. This funding would be used to fund asset improvements of all of Council's tennis court assets, not only those that are leased.

Of the ten tennis court centres with leases due to expire on 30 June 2011, eight are located on Crown Land managed by Council as the appointed Reserve Trust Manager. It will be necessary to seek the concurrence of the Land and Property Management Authority to invite tenders for the lease of those centres on the basis outlined in this Report. As previously reported (see report GM10/06) there is a possibility that the Minister administering the Crown Lands Act 1989 may direct that a levy of 15% of all proceeds received in respect of further leases of the respective crown reserves be paid into the Public Reserves Management Fund pursuant to Section 106 of the Crown Lands Act. Should such a direction implemented the financial return to Council will be adversely impacted.

POLICY

Leases of the subject tennis courts are expressly authorised in the respective adopted Plans of Management.

Eight of the ten tennis centres that are the subject of this report are on Crown Land. The Crown Lands Act 1989 requires that money raised through the operation of the reserve or received through any approved leasing must be used for the purpose of improving and maintaining the reserve (Land and Property Management Authority, Reserve Trust Handbook, 2007).

CONSULTATION

Consultation has been undertaken with the Commercial Property Manager, Rod Drummond. The proposed invitations to lease must be publicly advertised.

In recent years, Council staff have met annually with tennis court lessees. The directions recommended in this report have been broadly outlined to them.

In the case of the Berowra Tennis courts, Council staff met with the Berowra Tennis Club (BTC) in 2009 to discuss a Council proposal to share the two synthetic grass tennis courts on Berowra Waters Road between tennis and netball. This proposal would relieve the pressure on the courts at Warrina Street Oval that are used by two netball clubs for midweek training, in a situation that does not provide sufficient training time for either club. Council contended that the returns provided by BTC indicated a low level of use of the courts for tennis that could be catered for by the remaining 4 synthetic grass courts at Boundary Road. BTC could not provide evidence that all 6 courts were definitely required, but declined the proposal to share the courts. Council staff then indicated to BTC that the situation would be reviewed when the lease expired in 2011.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

Council has been working closely with the tennis lessees as well as Tennis Australia in order to deliver sustainable and vibrant tennis facilities for the community.

Conserving our natural environment

Sustainable energy and water initiatives will be considered in all future tennis centre improvements.

Contributing to community development through sustainable facilities and services

Council's objective is that tennis facilities are accessible to the whole community no matter what age or ability. These facilities allow for player development and participation on a number of levels.

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

Council is working with Tennis Australia to help deliver the goals outlined in Tennis 2020 a facility development and management framework for Australian tennis. This will ensure that

tennis is available to the Hornsby shire community and is able to respond to community needs and growth targets.

Supporting our diverse economy

Sport provides direct benefits to the local community through economic factors such as wages and retail spend.

Maintaining sound corporate and financial management

The tennis environment is changing to one where facility operations are self sustaining. This requires a more business like approach in order to respond to increased demands and expectations of both the community and council.

Other Sustainability Considerations

Not applicable.

RESPONSIBLE OFFICER

The responsible officer for this report is Dana Spence, Parks Asset Coordinator, telephone 9847 6896, hours 8.30 am to 5.00 pm, Monday to Friday.

RECOMMENDATION

THAT Council:

1. Authorise the preparation of an Invitation to Tender for the 9 tennis centres identified in Executive Manager's Report EN 6/11 where the leases expire in June 2011.
2. Provide in-principle support to the conversion of the tennis centre on Berowra Waters Road, Berowra to multi purpose hard courts for netball/basketball, subject to the confirmation that these courts are being underutilised.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06450
Document Number: D01604293

10 CONSENT FOR THE REMOVAL OF TREE AT 3 CHELSEA ROAD, WEST PENNANT HILLS

EXECUTIVE SUMMARY

This report recommends that Council refuse the application for consent to remove one *Eucalyptus saligna* (Sydney Blue Gum) located in the front yard of the property at 3 Chelsea Road, West Pennant Hills. The applicant has appealed previous decisions by the Parks and Landscape Team to refuse consent and has requested that the matter be referred to an Ordinary Meeting of Council. The applicant's Blue Gum is considered to be part of a surrounding Blue Gum High Forest (BGHF) vegetation community. This community is listed as a critically endangered ecological community by the NSW Scientific Committee.

PURPOSE/OBJECTIVE

The owner of the property seeks Council approval to remove one *Eucalyptus saligna* (Sydney Blue Gum).

DISCUSSION

The applicant applied on the 23 February 2010, citing concerns that the driveway was slippery, regular branch failure in the front yard and on the roof resulting in broken tiles, leaf drop blocking gutters and the threat of fire.

The tree was inspected by Tree Management Coordinator Dennis Hoye on 29 March 2010. The tree was considered to be in excellent condition and consent for removal was denied.

A request for a second inspection was submitted on 12 April 2010, citing previous concerns and stating that on the 25 January 2010, a fallen branch injured the applicant's father in law in the head.

A second inspection was undertaken by Tree Management Officer Gideon Walker on 30 April 2010.

The applicant claims that the tree is subject to regular branch failure however only two incidences of branch failure have been mentioned. The shedding of sticks and minor deadwood is a natural occurrence and not grounds for removal under Council's Tree Management Plan section 3.3.

The applicant claims falling leaves are blocking the gutters. The shedding of leaves is a natural occurrence and not grounds for removal under Council's Tree Management Plan section 3.3. The installation of gutter guard is not going to prevent leaves accumulating on a roof and clearing of these leaves will have to be undertaken periodically.

The applicant claims the tree is a fire threat on hot days however no report from the Rural Fire Service has been submitted supporting this claim.

Consent to remove the tree was again denied.

The applicant provided a letter on 21 February 2011, stating that a branch had failed on 18 February 2011. The failed branch was live, approximately four metres long and 60 millimetres in diameter and fell in to the front yard. The tree was inspected on 2 March 2011 and it was recommended that the applicant request the matter be heard at the next available Ordinary Meeting of Council.

The applicant requested on 8 March 2011, that the matter be taken to the next available Ordinary Meeting of Council.

No supporting evidence has been provided by the applicant to permit Council officers to justify the removal of the tree.

The rear section of the property is mapped by Council as and adjoins a critical endangered ecological community of Blue Gum High Forest, (BGHF). Today BGHF is among the most threatened ecological communities in Australia. With less than 4.5% of its pre-1788 distribution remaining, and less than 1% in conservation reserves, it has been listed as a critically endangered ecological community under both the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) and the *Threatened Species Conservation Act 1995* (NSW).

The remaining remnants of BGHF are located in the local government areas of Ku-ring-gai, Ryde, Hornsby, Parramatta and Baulkham Hills.

BGHF community also consists of individual and small clumps of trees with no native understorey. These clumps and individual trees provide important connectivity for the community and fauna. Consultants Peter and Judy Smith, in supplying expert advice to Council on the flora of the Shire, have not mapped small clumps of trees as they don't necessarily view them all to be considered as restorable bush land. However this does not mean that they are not considered BGHF remnants. It is very clear that when looking at the aerial photos that this tree is part of the surrounding community and as such should be considered as part of BGHF.

The canopy of the subject Sydney Blue Gum tree contributes to the general tree canopy when viewed from Chelsea Road and as such contributes to the aesthetic value and public amenity of the area.

Council officers have assessed the tree to be of good health and worthy of preservation. In Council's assessment there is currently insufficient evidence to justify removal. However, should the tree cause damage, for example as a result of a storm, Council could be liable, especially if this occurred in the near future following refusal of consent.

This is always the situation which must be considered when assessing trees. Council's guidelines allow a tree to be removed in the case of safety concerns if there are signs that the tree is diseased, dying or dangerous. None of these signs were evident.

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

Tree details:

Species:	<i>Eucalyptus saligna</i>
Common Name:	Sydney Blue Gum
Height:	18 metres

Age Class: Semi mature

BUDGET

There are no budgetary implications arising from this decision.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

There is no requirement for consultation in this matter.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Gideon Walker, Tree Management Officer, Parks and Landscape, telephone 9847 6795, between 9am and 5pm, Monday to Friday.

RECOMMENDATION

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney Blue Gum) located in the front yard of 3 Chelsea Road, West Pennant Hills.

ROBERT STEPHENS

Executive Manager

Environment Division

Attachments:

1. Photo - Tree at 3 Chelsea Road, West Pennant Hills (Colour Attachment)

File Reference: F2009/00566

Document Number: D01627314

11 TENDER T34/2010 - RECEIPT AND DISPOSAL OF DOMESTIC, TRADE, GREEN, CLEAN-UP, STREET SWEEPER AND GROSS POLLUTION TRAP WASTE

EXECUTIVE SUMMARY

Council operates a domestic and commercial waste collection service which generates considerable amounts of waste to be disposed of annually. In addition to this service, other smaller volumes of waste material are also collected from the street sweeping service and the gross pollution traps (GPT) that are in place at various locations around the Shire.

Council annually collects the following quantities:

- | | |
|------------------------------|--|
| • Domestic waste | 30,000 tonnes (sent to landfill) |
| • Commercial waste | 2,500 tonnes (sent to landfill) |
| • Clean-up waste | 4,000 tonnes (partially sent to landfill) |
| • Green waste | 17,000 tonnes (recycled/reprocessed) |
| • Street sweeper waste | 1,000 tonnes (sent to landfill) |
| • Gross pollution trap waste | 1,000 tonnes (some to landfill/some recycling) |

Council currently holds a number of contracts for the processing of these waste streams. These contracts have either come to the end of their term or are approaching the end of their term.

Tender T34/2010 calls for tenders for a period of two years with an option, at Council's discretion, to extend for a further two years if required. The tender is for the receiving of the waste outlined and the proper treatment or disposal of the waste material.

Under normal circumstances these services would be tendered for longer periods but at the present time options are limited and the industry uncertain about the availability of future facilities. NSROC is currently looking at the provision of regional waste facility options, but these are unlikely to be available for at least the next four years. For these reasons the tender incorporates a shorter period than otherwise would be provided.

Tenders were called in accordance with Council's tendering procedures and policy. Four organisations submitted tenders.

- Kimbriki Environmental Enterprises (KEE)
- Veolia Environmental Services (VES)
- Transpacific Industries Group Ltd (TPI)
- SITA Environmental Solutions (SITA).

The tender was conducted in accordance with both the Local Government Act 1993 (LGA) and Council's tendering procedures. A detailed confidential report evaluating the tenders along with a recommendation as to the preferred tender/tenders is provided under separate cover.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of tender No. T34/2010: Receipt and disposal of domestic, trade, green, clean-up, street sweeper and gross pollution trap waste collected from various services provided by Council.

DISCUSSION

The contract to receive domestic, commercial and clean-up waste generated from the Council provided services combined with green waste disposal services currently costs Council approximately \$6.5 million (budget estimate) for the 2010/2011 financial year.

In June 2011 the current waste disposal contract for the domestic and commercial waste will reach its expiry date. For that reason it has become necessary to call tenders for these services. To achieve potential benefits that might be gained from extra volume, the tender included green waste collected from the domestic waste service, street sweeping material collected from the street sweeping service and waste generated from the gross pollution traps (GPT) installed and serviced across the Shire.

A comprehensive tender document was prepared providing details of the waste composition, tonnes currently collected and other details relating to Council's expectation.

The tender was prepared in accordance with Council's tendering policy and procedures and in line with the Local Government Act 1993 tendering requirements (section 55).

There was no formal tenderer meeting during the tender process due to the limited market available. It was believed that the number of tenderers would be limited to a few organisations only. All of the organisations have a good understanding and knowledge of Council's waste quantities and characteristics.

Generally tenders of this nature are called for periods of five years or more to obtain better prices and to encourage progress with improved or new waste processing technologies. This tender process calls for tenders for a shorter two year period with an extension period totalling a further two years. Waste disposal options are limited at the moment. NSROC is currently assessing long term waste disposal/processing options. These options are expected to be finalised by the end of the term set out above for Hornsby's current tender.

At the close of the tender period a total of four organisations submitted tenders. All tenders were opened on time and in accordance with Council's tendering procedures. The tenders submitted are listed in order of opening:

The following four organisations submitted tenders:

- Kimbriki Environmental Enterprises (KEE)
- Veolia Environmental Services (VES)
- Transpacific Industries Group Ltd (TPI)
- SITA Environmental Solutions (SITA).

All four have appropriate facilities to process the various waste streams identified in the tender. All have the capabilities to commence immediately if required.

The following assessment criteria have been used to determine the tender/s that provides the most benefit to Council.

The criteria are:

- Price/value for money
- Past performance and experience
- Skills, qualifications, experience and past performance of the proposed personnel
- Sustainability
- Quality assurance systems
- Occupational health and safety
- Financial capacity
- Requirements to address continuity of employment

Of the four tenders submitted all were considered to be conforming tenders. Only two submitted a tender for green waste. One submitted a tender for the street sweeping, GPT and clean-up waste streams. The remaining two submitted tenders for all waste other than green waste.

One tender included a variety of prices for different locations.

Another tender included an alternative proposal (plus a conforming tender) where they provided prices for various volumes of waste. The tender clearly indicated that it was interested in all of the waste other than green waste and provided a scale of prices based on volume.

The following brief overviews are provided for each tender submitted:

Kimbriki Environmental Enterprises (KEE)

The submission provides for the acceptance of green waste only. KEE is the current organisation that receives and processes all green waste collected from Council's domestic waste collection service.

The tender includes a per tonne gate fee applicable for the material at its Terrey Hills facility plus a provision for addressing contamination by way of penalty rates.

KEE has been handling Council's green waste for well over seven years without incident at the Terry Hills facility.

Veolia Environmental Services (VES)

This submission provides for the delivery of all waste other than green waste to the Clyde Transfer Station with the exception of clean-up material which is directed to its facility at Greenacre.

The submission also includes an alternative proposal that provides prices for various quantities of waste. For example, there is a price for 0 to 10,000 tonnes per annum with a range of prices up to 0 to 40,000 tonnes per annum on a reducing price scale.

The tenderer chose to use the alternative proposal schedule to clarify the range of prices submitted by quantity. The alternative proposal complies with the requirement of the tender specification and could have been submitted as a conforming tender. For that purpose it has been treated as a conforming tender.

VES have been providing waste disposal services for domestic, commercial and clean-up wastes to Council for well over seven years without incident at the two facilities outlined in the tender.

Transpacific Industries Group Ltd (TPI)

This submission provides for the delivery of dry waste only. Dry waste includes clean-up waste, street sweeping material and GPT waste. It requires the waste to be delivered to Erskine Park Landfill. This facility has been used by Council in the past for specific wastes. If using this facility, consideration would need to be given to TPI waste collection contract as it has a penalty rate for travel to facilities near this location.

SITA Environmental Solutions (SITA)

This submission provides options for materials to be delivered to the following locations at different rates for each facility:

- Ryde
- Artarmon
- Eastern Creek
- Wetherill Park

In late January 2011, SITA finalised the purchase of WSN. Until that time WSN was the owner of most of these facilities. Council has for well over twenty years sent waste from various streams to WSN.

An assessment based on criterion one alone eliminated all but VES and KEE for a mix of waste types. All others were eliminated from the process due to providing non-competitive prices when compared to the other tenders. These were considered well outside the prices submitted from the remaining tenderers.

The “confidential tender assessment report” provided under separate cover evaluates the various tenders and recommends a preferred option.

Due to both organisations being the current service providers and providing service at a high level, no reference checks were undertaken. The only disappointing aspect of the tender submission was the omission of any real advances in waste separation processes. Kimbriki does reprocess all of the green waste collected and Veolia does provide for recycling of some of the clean-up waste collected. None of the tender submissions included options for alternative/advanced waste treatment technologies. Presumably this is partly due to the limited capacity of current technologies at the present time.

BUDGET

The prices submitted for domestic and commercial waste services were higher than expected when the 2011/2012 budget was prepared. The commercial service charges will be reviewed and if required, prices will be increased to accommodate a nil increase in budget.

The domestic waste services are financed by the domestic waste management charge. In this instance the tendered prices generate a significant increase in cost. This cost will be absorbed by the domestic waste reserve.

POLICY

This tender process has been undertaken in accordance with Council Policy CSFM1-Tenders.

CONSULTATION

The tender process has been undertaken without outside consultation other than a peer review by McGregor Environmental Solutions and legal advice on the tender document was provided by Council's solicitors, Marsdens Law Group.

The tender assessment was undertaken by the Manager, Waste Management Services Branch with members of the Waste Team and Council's Procurement Manager reviewing the confidential Tender Assessment document.

TRIPLE BOTTOM LINE SUMMARY

There are no additional Triple Bottom Line considerations arising from this report that were not canvassed when the 'Sustainable Waste Avoidance and Resource Recovery Strategy for the Shire of Hornsby 2010 – 2015' was adopted by Council in 2010.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council:

1. Adopt the recommendation for Tender 34/2010 – Receipt and Disposal of Domestic, Trade, Green, Clean-up, Street sweeper and Gross Pollutant Trap Waste provided in the confidential attachment to Executive Manager's Report EN 9/11.

ROBERT STEPHENS

Executive Manager

Environment Division

Attachments:

1. Confidential Memo - Tender T34-2010 Receipt and Disposal of Domestic, Trade, Green, Clean-up, Street Sweeper and Gross Pollution Trap Waste - *This attachment should be dealt with in confidential session, under Section 10A (2 (d)(1) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that could prejudice the commercial position of the person who supplied it.*

File Reference: F2010/00584

Document Number: D01627396

12 CATCHMENTS REMEDIATION RATE (CRR) EXPENDITURE PROGRESS REPORT 2010/2011

EXECUTIVE SUMMARY

The revenue received for the Catchments Remediation Rate (CRR) for 2010/11 was \$2,729k, with the balance of funds at the period ending 31 December 2010 being \$2,009k. This was as a result of income generated, \$2,729k plus \$399k brought forward from 2009/2010, less expenditure of \$1,119k.

On 8 March 2011, the CRR Expenditure Review Panel (“the Panel”) went on a catchment tour of recently constructed CRR projects. The Panel visited five sites ranging from smaller streetscape raingardens (which had been incorporated into local road improvements project) to larger end-of-pipe bioretention systems. The sites visited were located in Waitara, Cheltenham, Epping and North Epping.

During the tour discussion was generated around issues such as site selection, project objectives, community perception and value for money. The Panel made a number of comments and observations but in summary considered the works to be well designed and constructed, environmentally and aesthetically beneficial and represent good value for money.

The Panel was provided the opportunity to examine the financial reports as of 31 December 2010 and considered all reports acceptable and reasonable. A cost summary of expenditure for the first half of the 2010/2011 financial year and the CRR Expenditure Review Panel's report are provided in the attachments.

PURPOSE/OBJECTIVE

The purpose of this progress report is to document the expenditure of CRR funds by Council from 1 July 2010 to 31 December 2010. The report also includes the findings of the external Expenditure Review Panel, as well as the subsequent progress on the assessment, investigation and completion of catchment remediation projects across the Shire.

DISCUSSION

Capital Remediation Projects

Approximately 50% of the 2010 / 2011 CRR budget has been allocated for capital works projects across the Shire. These works included bioretention systems, stormwater harvesting and reuse schemes and creek stabilisation/remediation.

As of 31 December 2010, \$385k had been spent on capital works, with four major projects completed or near completion. These included:

- Three large end-of-pipe bioretention systems: North Epping, Pennant Hills and Glenorie
- Two streetscape raingardens: Waitara

In addition:

- Two projects from previous years had minor residual expenditure.
- Eight projects on the 2010/2011 and 2011/2012 works schedule had survey and design work carried out.

Council's Design and Construction Branch conducted survey, design and construction of a majority of the capital works program in consultation with the Catchments Remediation Team Leader.

Non-capital Associated Expenditure

A component of the CRR budget for 2010/2011 supports various Environment Division operations which contribute to fulfilling obligations to improve water quality Shire-wide. Attachment 3 shows the specific expenditure breakdown for:

- Pro-active maintenance of all stormwater improvement assets
- Street sweeping
- Community project support, e.g. Streamwatch and various committees
- Implementation of a Geographic Information System (GIS)
- Emergency response to spills
- Water quality research and monitoring
- Riparian restoration works
- Salaries, wages, overheads and associated administrative costs for project management

CRR Expenditure Review Panel Report

On 8 March 2011, the CRR Expenditure Review Panel (the Panel) went on a catchment tour of recently completed CRR construction projects. The Panel visited five sites ranging from smaller streetscape raingardens (which had been incorporated into local road improvements project) to larger end-of-pipe bioretention systems. The sites visited were located at Alexandria Pde, Waitara; Lyne Rd, Cheltenham; Oxford St, Epping, Belinda Cr, North Epping; Malton Rd, North Epping.

During the tour discussion was generated around issues such as site selection, project objectives, community perception and value for money. The Panel made a number of comments and observations (refer to Attachments) but in summary considered the works to be well designed and constructed, environmentally and aesthetically beneficial and represent good value for money.

BUDGET

The relevant budget and incurred expenditure for the Catchments Remediation Rate (CRR) is shown in Attachments 1 to 3.

POLICY

There are no policy implications.

CONSULTATION

This progress report has been compiled by staff from Environment Division's Water Catchments Branch and Executive Unit. Advice from Council's Finance Branch was also sought and incorporated.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Mr David Beharrell, Catchments Remediation Team Leader, Water Catchments, telephone 9847 6860, hours 8:30am to 5:00pm, Monday to Friday.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN13/11 be received and noted.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. 1. CRR Balance - 1st and 2nd qtr, 2010-2011
2. 2. CRR non-cap expenditure - 1st and 2nd qtr, 2010-2011
3. 3. CRR expenditure summary - 1st and 2nd qtr, 2010-2011
4. 4. CRR Panel Report, 11 Mar 2011

File Reference: F2005/00829-02
Document Number: D01638630

13 TREE REMOVAL AT 55 MANUKA CIRCUIT CHERRYBROOK

EXECUTIVE SUMMARY

On 13 March 2005, Mr Hubert Warnant applied for permission to remove one (1) *Eucalyptus saligna* (Blue Gum) from his property at 55 Manuka Circle, Cherrybrook, in the vicinity of Council's Lakes of Cherrybrook Reserve. Permission to remove the tree was denied.

The applicant appealed this decision and requested that the matter be referred to an Ordinary meeting of Council. Consent to remove the tree was denied at the Ordinary Meeting of Council on 13 July 2005.

The applicant had the option of taking the matter to the Land and Environment Court as per the appeal process but no submission was made.

Over the following five years the applicant corresponded with Council however no additional information that would warrant the removal of the tree has been submitted.

During the five year period pruning and general maintenance of the tree has not been undertaken.

The applicant wrote to Council on 1 February 2011 reiterating his previous concerns. The applicant now seeks review of that decision by way of a Council resolution.

The applicant has met with Council's Executive Manager, Environment Division, Robert Stephens and Parks and Landscape Manager, Peter Kemp on site and discussed the matter of the tree.

The applicant recently discussed the matter with Peter Kemp in an email thread (refer to attachment 1) commencing 18 March 2011 and concluding on 31 March 2011 and it was resolved that the matter be taken to the next available Ordinary Meeting of Council.

PURPOSE/OBJECTIVE

The owners of the subject property seek Council approval to remove one (1) *Eucalyptus saligna* (Blue Gum).

DISCUSSION

The applicant first applied to Council to remove one *Eucalyptus saligna* on their property on 3 October, 2003 due to the following concerns.

1. Frequent loss of 'heavy' branches and a concern that grandchildren could be injured or killed when they are playing in the garden
2. Roots lifting concrete path, and it could cause a trip or fall
3. Tree is too close to the house and it could injure or kill occupants if it fell
4. Roots damaging retaining wall

The tree was inspected by Council's Tree Management Officer Gideon Walker and permission to remove the tree was denied. Permission was granted to reduce the branches growing over the residence.

A further application to remove the tree was lodged on 13 March 2005. The reasons put forward were the same as the original application, plus leaf build up on the roof of the residence and the neighbour's roof. An arborist report was submitted with this application.

This report was prepared by Stuart Pittendrigh, consulting arborist. In the report, Mr Pittendrigh states that the tree is healthy, in good condition and displays a structure typical of Sydney Blue gum. His recommendation was that given the amount of copious twigs, leaves and hard fruit drop, consideration be given to allow the removal of the tree.

The tree was inspected by Council's Tree Management Officer, Lisa Alexander. Permission to remove the tree was again denied and permission was granted to crown thin the tree by 15%.

The applicant requested a further inspection be undertaken and this was carried out on 17 May 2005 with a follow up inspection on 9 June 2005 by Council's acting Tree Management Coordinator Dennis Hoyer.

The applicant has made further representations about the tree during 2010 and 2011. Several Council staff, including the Executive Manager, Environment, the Manager Parks & Landscape, and the Tree Management Coordinator have been variously present at a number of inspections of the tree.

The applicant's main complaint about the tree is still that the tree has occasionally shed branches and the applicant believes that this could lead to a fatality. The fallen branches have been retained by the applicant.

The branch shedding is not the result of any defect but is part of the natural growth process of a tree. If tree preservation has any meaning, the shedding of branches in circumstances such as the tree at 55 Manuka Circle should not provide justification to remove the tree when another remedy is available.

Such matters can be controlled by selective pruning as the tree grows. The owner has been given consent to prune the tree, and has been advised that pruning would overcome the problem of falling limbs. The owner has declined to carry out any pruning on the tree. He believes that only removal of the tree can reduce the risk of limbs falling from the tree to a level the applicant is comfortable with.

No pruning has been carried out on the tree, despite permission being given to prune in 2003. The tree is approximately 6.2 metres from the garage wall with some branches overhanging the residence. Reduction pruning of the overhanging branches would not unbalance the tree.

Council's Tree Management Plan, Section 3.3 states, in part, that permission will not generally be given for tree pruning or removal where:

The tree is shedding leaves, fruit, bark, cones or twigs as this is considered a natural process. A tree is causing or likely to cause minor damage to infrastructure. (Minor damage to infrastructure includes cracking or displacement of footpaths, driveways or retaining walls and irregular blocking of sewer or stormwater).

Significance of the Tree

The tree is a healthy specimen typical of the species. The applicant claims to have planted the tree in about 1985. If so (and there is no evidence to the contrary) the tree has grown well and achieved substantial size in a short period.

The tree is prominently located in the locality, positioned in the front yard directly in front of the residence. Other Blue Gum trees are visible from the street, forming a scattered treescape in Manuka Circle and nearby streets.

Sydney Blue Gums that are present near the Lakes of Cherrybrook are characteristic tree species of the Blue Gum High Forest vegetation community. Blue Gum High Forest is an Endangered Ecological community listed under the Threatened Species Conservation Act 1995 and only 1% remains in the form of remnants. The Blue Gum High Forest that occurs at the Lakes of Cherrybrook Reserve is one of the largest remnants left in Hornsby Shire.

While the tree at 55 Manuka Circle is not part of the Blue Gum High Forest remnant at the Lakes of Cherrybrook, Sydney Blue Gum is a species identified in the Hornsby Shire Biodiversity Conservation Strategy as a regionally and locally significant plant species.

Sydney Blue Gums provide important canopy and arboreal habitat for native wildlife. As 55 Manuka Circle is very close to the Lakes of Cherrybrook, it is likely that the tree would be utilised by a diversity of native wildlife that also utilise the forest remnant at the Lakes.

Pruning

The applicant has retained a pile of 24 small branches (refer to attachment 2) that have fallen from the tree since 2005. The branches range in size up to 70 millimetres in diameter at the base and 5 metres long. The branches are a collection of both live branch failures and deadwood failures. The applicant weighed one of the live branches at about 25 kilograms.

Larger branches of the tree are estimated to be up to 350 millimetres in diameter at the base. None of these large branches has fallen and there is no indication that any are weak. There is also no reason to expect that the tree will suffer total failure and collapse onto the residence, as the owner fears may happen.

Although it is clearly undesirable that anyone be struck by a falling tree branch, it is a matter of risk assessment. The history of the tree is that smaller branches only have fallen. Branches of this size are not likely to cause serious personal injury or property damage in the long experience that Council has of these matters. With the recommended pruning, the risk can be further reduced to a negligible level.

There are visible broken branch stubs on the tree, only about 5-6 metres from the ground, though there may be some that fell from higher up and are not visible from the ground.

The tree is still relatively young and growing. It is not uncommon for such trees this size to shed small live limbs and dead sticks from the lower canopy as they grow taller. As the tree grows, sunlight is reduced to lower branches and the tree gives priority in providing growth hormones to the higher branches, allowing lower branches to weaken and be shed.

Pruning the tree may involve removing perhaps 15% of the foliage canopy (and any dead wood) using the methods contained in the Australian Standard. Weak lower lateral branches

of the type that have fallen would be removed. Branches extending over the residence would be reduced also.

It is estimated that pruning like this may cost around \$1,000, while removing the tree could cost more than \$2,000.

Damage to the Footpath

A footpath extends from the driveway of the property to the front steps of the residence, passing within approximately 1 metre of the tree trunk. The owner complains that the tree's roots have lifted paving slabs and caused a tree hazard (refer to photos at attachment 3).

Inspection revealed that a large root of the tree passes between two of the footpath slabs and this has lifted the ends of each approximately 15 centimetres, causing a distinct trip hazard that can only be remedied by replacing these slabs, whether or not the tree is removed. This slab lifting was also apparent when the Council first inspected the tree in 2003.

Lifting of footpath slabs is not usually considered a sufficient justification for the removal of a large healthy tree such as this. Council's own footpaths are regularly subjected to tree root damage, and the usual remedy is to replace the damaged section, if possible pruning the root that caused the damage.

It would be inadvisable to remove the root that has lifted the footpath at 55 Manuka Circle, while retaining the tree. The damaged slabs require replacement in any event, and Council's Engineer advises that this can be done in such a way that, if the tree were retained, the slabs will be able to absorb further growth of the root diameter (refer to attachment 4). The cost of the reinforced, bridged slab is estimated to be similar to the cost of removing the root and replacing the slabs as is.

The damage to the footpath is not considered grounds to remove the tree.

Leaves blocking roof gutters

In a recent inspection of the tree, Council officers' attention was drawn to a quantity of leaf litter from the tree lying in the roof gutters and on the roof. The applicant claims that although gutter guards are fitted, leaves accumulate and cause blocking of the gutters and entry of water into the residence.

It is possible to fit modern gutter guards that resist leaf accumulation and should perform better than the currently fitted guards do. This is estimated to cost approximately \$300.

The blocking of roof gutters by leaves is not considered to be sufficient grounds to remove the tree.

Financial Hardship grounds

If the applicant is forced to retain the tree, ongoing costs will be incurred in its management. This is the case with any large tree in proximity to residences and must be accepted as the cost of tree preservation.

However, the combined cost of retaining the tree, pruning it as recommended, replacing the footpath slabs in root-damage resistant fashion and changing to modern effective gutter

guards would be less than the combined cost of removing the tree and repairing the damaged footpath section.

The recommended measures would provide a satisfactory remedy to the problems the applicant has raised with the tree while still retaining the tree for streetscape amenity and habitat value.

The removal of the tree cannot be justified on financial hardship grounds.

Tree Details

Botanical name: *Eucalyptus saligna*

Common name: Sydney Blue Gum

Height / width: 18 m x 14 m

Age: Mature

Condition: Good

Vigour: Good

Form: Good

Structural defects: No defects, but tree requires pruning to remove smaller lower limbs that would otherwise be shed as part of natural growth of a tree.

Council officers have again assessed the tree as being sound and healthy. However, should the tree cause damage, for example as a result of a storm, Council could be liable, especially if this occurred in the near future following refusal of consent. This is always the situation which must be considered when assessing trees. Council's guidelines allow a tree to be removed in the case of safety concerns if there are signs that the tree is diseased, dying or dangerous. None of these signs exist.

Allowing pruning of the tree by up to 15% would sufficiently reduce the risk of any unforeseen damage which may be caused by the tree. Pruning by crown thinning is a widely accepted arboricultural technique which reduces wind resistance in the tree and therefore reduces the likelihood that the wind will damage the tree.

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

BUDGET

There are no budgetary implications arising from this decision.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

The applicant, Council's Bushland and Biodiversity Branch and Works Division were all consulted in the writing of this report.

TRIPLE BOTTOM LINE SUMMARY

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

strategic themes.

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

RESPONSIBLE OFFICER

The responsible officer is Gideon Walker, Tree Management Officer, Parks & Landscape, telephone 9847 6795, hours 9am to 5pm, Monday to Friday.

RECOMMENDATION

THAT Council refuse consent for the removal of one Eucalyptus saligna (Blue Gum) at 55 Manuka Circle, Cherrybrook.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Email thread between Mr Warnant and Peter Kemp
2. Photo of fallen branches
3. Photos of concrete path
4. Email thread between Peter Kemp and Mark Nobile

File Reference: F2004/05827-02
Document Number: D01639108

14 RENAMING OF WAITARA OVAL

EXECUTIVE SUMMARY

It is suggested that the cricket ground within Waitara Park be named after Mark Taylor. The majority of submissions received from a public exhibition of the proposal support the renaming, with only two submissions not in favour of the name change.

PURPOSE/OBJECTIVE

To report the results of the public exhibition of the proposal to rename the cricket oval at Waitara Park after Mark Taylor.

DISCUSSION

The proposal to rename the cricket oval at Waitara Park 'Mark Taylor Oval' was originally reported to Council by the Acting Mayor in September 2007, and public exhibition took place during September / October 2007. Of the six submissions received, only one supported the proposal. The Sun Herald and the Advocate reported that Mark Taylor himself did not wish the renaming to take place at that time. Council respected his wishes and did not proceed with the renaming.

In November 2010 a letter was received from Northern District Cricket Club, requesting that Council revisit the renaming of the oval within Waitara Park as "Mark Taylor Oval". The letter stated that Mark Taylor had agreed to the proposal and would be honoured for it to proceed. Public exhibition took place for a second time in March 2011. The proposal was exhibited in The Advocate for two weeks in March 2011 and letters were sent to several sporting groups, including Northern District Cricket Association ("NDCC"), Hornsby Rugby Club, Hornsby Kuring-gai District Tennis Association and Hornsby Sports Council.

A total of 16 submissions on the proposal were received. Of these, two were not in favour of the name change. The reasons provided were:

- The name 'Mark Taylor Oval' does not indicate the location of the oval
- Waitara Oval has retained its name since 1906
- Mark Taylor is already recognised within the ground with the cricket scoreboard in his name
- Mark Taylor has not been involved in active development work to foster and promote the local game, unlike some other past players of NDCC
- It is only a couple of years since the initial proposal was rejected by Council.

An example of the submissions supporting the name change is included at Attachment 1. Both submissions objecting to the name change are included at Attachment 2.

Comment: The original proposal was withdrawn at Mr Taylor's request. The park is actually named Waitara Park, but is commonly referred to as Waitara Oval. It is not proposed to change the official name of the park. The intention is to name the oval within the park after

Mr. Taylor. It will be the responsibility of the users of the park to refer to its official name to avoid confusion with sporting participants. It is possible that other sporting groups will seek to name their facilities after past players and officials.

BUDGET

If Council chooses to proceed with the naming, the modest cost of erecting new signs can be met from the existing budget. Alternatively, it might be something that the local cricket club provides.

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

Consultation that was undertaken is outlined in the Discussion of this report.

TRIPLE BOTTOM LINE SUMMARY

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

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

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. The oval within Waitara Park be named "Mark Taylor Oval" to commemorate Mr Taylor's association with the ground and his contribution to cricket.
2. Respondents to the public exhibition be informed of Council's decision.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Letter of Support - Renaming of Waitara Oval to Mark Taylor Oval
2. Letters not in favour - Renaming of Waitara Oval to Mark Taylor Oval

File Reference: F2010/00584

Document Number: D01644894

15 RE-ESTABLISHMENT OF ALCOHOL FREE ZONE UNDER THE LOCAL GOVERNMENT ACT, 1993 IN THE HUNTER STREET/FLORENCE STREET MALL AND THE HORNSBY TOWN CENTRE

EXECUTIVE SUMMARY

The Alcohol Free Zone (AFZ) in the Hunter Street / Florence Street Mall and Hornsby Town Centre expired on 13 February 2011.

The local Hornsby Police has requested that Council consider the re-establishment of the AFZ. Council staff have considered the request and have prepared a proposal in accordance with Ministerial Guidelines. Council, as part of the public consultation, published the proposal to re-establish the AFZ in the Hornsby and Upper North Shore Advocate on 10 March 2011 and also invited representations from the local Hornsby Police, local hoteliers and other holders of liquor licences by letter dated 3 March 2011.

At the submission closing date of 4 April 2011, one submission has been received. This submission was not relevant to Council's proposal to re-establish the AFZ.

This report recommends Council's adoption of the proposal for the re-establishment of the AFZ for a period of four (4) years in accordance with the Ministerial Guidelines.

PURPOSE

The purpose of this report is to seek Council's adoption of proposal for the re-establishment of the AFZ in the Hunter Street/Florence Street Mall and Hornsby Town Centre under the *Local Government Act 1993* for a period of 4 years.

BACKGROUND

At its meeting held on 6 February 2008, Council resolved to re-establish the AFZ in the Hunter/Florence Street Mall for a period of three (3) years extending to 13 February 2011. At the request of the Hornsby Police, the AFZ was extended to include the majority of the streets within the Hornsby Town Centre. The AFZ has now expired on 13 February 2011.

Council has now considered it appropriate in early March 2011 to re-establish the AFZ for a period of 4 years.

Council officers then prepared the proposal to re-establish the AFZ.

PROPOSAL

Ministerial Guidelines on Alcohol Free Zones (February 2009) which supplement the relevant provisions of the *Local Government Act 1993 – sections 644, 644A, 644B, 644B(4), 644C and 646*, provides for a Council to prepare a proposal for an AFZ to be established for a period not exceeding four years.

A proposal has been prepared to re-establish the AFZ for the Hunter Street/Florence Street Mall and Hornsby Town Centre for a further four (4) years.

ZONE EXTENT

The area for the Hunter Street/Florence Street Mall and Hornsby Town Centre is shown on the plan attached. The area includes the Hunter Street/Florence Street Mall, Florence Lane, George Street south of Burdett Street, Burdett Street between Muriel and George Streets, Hunter Lane between Florence and Burdett Streets, Hunter Street north of the mall to Burdett Street, Muriel Street south of Burdett Street, Muriel Lane between Florence Street and Edgeworth David Avenue, Albert Street, Albert Lane south of Florence Street, Edgeworth David Avenue west of Muriel Street, Station Street, Coronation Street, Jersey Street from Coronation Street to Beattie Lane, Pacific Highway between Edgeworth David Avenue and Coronation Street, High Street and Ashley Street east of Forbes Street. The AFZ area excludes outdoor dining areas.

REASONS FOR CONSIDERING THE AFZ

It is noted that the AFZ within the Hunter/Florence Street Malls and Hornsby Town Centre, (as described in “Zone Extent” above), has expired. The previous AFZ in the Hunter/Florence Street Malls and Hornsby Town Centre was effective in assisting in the management of anti-social behaviour and provided a degree of comfort to users of the space. The Police support the re-establishment of the AFZ. It is considered appropriate for Council to re-establish the AFZ. It is also understood that *Sections 644(3) and 644B(4) of the Local Government Act 1993* enables Council to re-establish an AFZ for further periods each not exceeding four years.

DURATION OF AFZ

Council should now resolve to adopt the re-establishment of the AFZ for the maximum period of four years as permitted under Section *644(3) of the Local Government Act 1993* and by the Ministerial Guidelines. The AFZ will commence 7 days after publication of Council’s decision to establish the AFZ, and when roads affected are adequately signposted.

PUBLIC CONSULTATION

Notification of the proposed AFZ was undertaken in accordance with the requirements of Section 644A(1) of the Act by way of an advertisement in the Hornsby and Upper North Shore Advocate local newspaper on 10 March 2011.

In accordance with the requirements of Section 644A(2) of the Act, a copy of the proposal by letter dated 3 March 2011, were sent to the local Hornsby Police, local hoteliers, other holders of liquor licences in the locality and registered clubs. Submissions were invited with a closing date of 4 April 2011.

At the submission closing date of 4 April 2011, one submission has been received. This submission was from a liquor licence holder located within Westfield. The comments were not relevant to Council’s proposal to re-establish the AFZ.

BUDGET

The erection of AFZ signage in the Shire can be funded from the current Works Division budget.

POLICY

Related legislation/policies include:

- *Local Government Act 1993*
- *Ministerial Guidelines on Alcohol Free Zones 2009*
- *Liquor Legislation Amendment Bill 2010*

Legislative Provisions

The *Liquor Legislation Amendment Bill 2010* was introduced to give Police additional powers to enforce alcohol free zones. This includes the removal of mandatory warnings prior to any enforcement action being undertaken. A Police Officer is able to immediately confiscate alcohol and dispose of it.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

Council is working with the community by advertising the proposal for the re-establishment of the AFZ in a local newspaper, sending letters to the relevant parties including local Police, local hoteliers and other holders of liquor licences in the affected areas and by receiving submissions.

Conserving our natural environment

The AFZ excluding approved outdoor dining areas will have no adverse impacts on our natural environment.

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

The AFZ promotes safer communities. By creating safer communities, Council is fulfilling our community's vision in planning for the future of the Shire.

Supporting our diverse economy

The AFZ will compliment outside local dining and improve the level of safety and security for other businesses. This will have a positive benefit to the diverse economy of the Shire.

RESPONSIBLE OFFICER

The responsible officer is the Manager, Assets Branch, Mr Chon-Sin Chua, who can be contacted on telephone no. 9847 6677.

RECOMMENDATION

THAT Council:

1. Adopt the proposal for the re-establishment of an Alcohol Free Zone (AFZ) for the Hunter Street / Florence Street Mall and Hornsby Town Centre for a period of four (4) years as follows:

as shown on the plan attached to this report and including the Hunter Street/Florence Street Mall, Florence Lane, George Street south of Burdett Street, Burdett Street between Muriel and George Streets, Hunter Lane between Florence and Burdett Streets, Hunter Street north of the mall to Burdett Street, Muriel Street south of Burdett Street, Muriel Lane between Florence Street and Edgeworth David Avenue, Albert Street, Albert Lane south of Florence Street, Edgeworth David Avenue west of Muriel Street, Station Street, Coronation Street, Jersey Street from Coronation Street to Beattie Lane, Pacific Highway between Edgeworth David Avenue and Coronation Street, High Street and Ashley Street east of Forbes Street, excluding approved outdoor dining areas.

2. Publish in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
 - a) a notice declaring that an alcohol free zone has been established, and
 - b) specify that the alcohol free zone is to commence operation after 7 days from the date of publication, and when the affected area is adequately signposted.
3. Prepare signage:
 - a) declaring that an alcohol free zone has been established, and
 - b) erect signage at the gateways to the Zone, and at suitable intervals within the Zone.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Hunter/Florence St Mall & Hornsby Town Centre - Proposed Alcohol Free Zones

File Reference: F2004/08355
Document Number: D01608166

16 HORNSBY TOWN CENTRE PARKING MANAGEMENT REVIEW

EXECUTIVE SUMMARY

The background principles and actions that underpin the Shire's Integrated Land Use and Transport Strategy (ILUTS) were presented at the Councillor Workshop on 27 May 2009 along with a proposed framework for the development of a car parking management strategy for the Shire.

The Workshop presentation explained why current parking management practices which have been in place for over a decade require extensive review to ensure that anticipated future development and parking demand can be effectively managed throughout the Shire.

At the Ordinary Meeting of 9 September, 2009 Council considered report WK71/09 regarding a "Framework of Undertaking Transport and Car Parking Management Activities in Hornsby Shire." Council resolved that a further report be prepared to identify the resources required to progress the strategies identified in the report.

Traffic and Road Safety Branch engaged a consultant to prepare a scoping report outlining issues that needed to be considered in preparation of the Hornsby Shire Parking Management Strategy. The cost of preparing a strategy for the Hornsby Town Centre (including Waitara and Hornsby Hospital) based on the scoping report was estimated to be \$39,000, with an additional \$36,000 for the rest of the Shire. The latter amount excludes Epping Town Centre which will be addressed in a separate study funded by the state government and is currently under way. The Roads and Traffic Authority agreed to fund half the \$39,000 for the Hornsby Town Centre Parking Management Review in March 2010. The Review report was completed in November 2010 and a full copy is included as Attachment 1.

The key findings and recommendations of the Review were presented at a Councillor Workshop on 9 March 2011. The Review report provides an inventory of current parking availability and management practices and identifies actions needed to achieve medium and long term goals to manage parking demand generated by visitors, employees and commuters.

While the Review report has considered paid parking and resident parking schemes, such measures are not recommended in the short term due to the high start up costs. A number of other more cost effective parking management measures have been identified as being able to achieve the medium term goals identified in the report.

The current practice of managing parking by way of timed parking restrictions has proven effective. In this regard, extending the area covered by timed parking within convenient walking distance of commercial and service areas should be considered to manage future parking demand before other measures.

PURPOSE/OBJECTIVE

The purpose of this report is to seek Council's adoption of the recommendations of this report which are generally based on the recommendations contained in the Hornsby Town Centre Parking Management Review Report (the Report) with some amendments following consideration of the Report. If adopted these recommendations will determine the actions used to manage parking supply in Hornsby Town Centre.

DISCUSSION

Need for parking management

In cities where private vehicles are the predominant mode of transport, residents are denied freedom of choice about the way they live and move around. As meeting the demand for private car use is proving unsustainable at current growth rates, there is a need for all levels of government to co-ordinate planning to ensure transport costs and traffic congestion are minimised.

The relationship between car use and parking availability is noted in the Parking Strategy component of the *ILUTS*:

"Parking is a critical part of an integrated transport system. It has a significant influence on car use in that, if parking is not available at the destination, car use is minimised. The aim of a parking policy is to balance the supply of, and demand for, parking spaces with the objective of minimising additional traffic generation through restraining car use, while ensuring the economic viability of each centre is maintained."

Role of Council

While the problems with meeting unrestrained private vehicle use are self evident, imposing wholesale parking restrictions to restrict vehicle use will have an adverse impact on the viability of businesses and services that have developed in our vehicle centric environment. Council has a role to play with managing vehicle use by regulating new development and parking availability however this role is complicated by the state government's ability to override Council planning controls or resolutions and delay planned public transport improvements. Therefore, Council's approach to transport change management should involve a series of carefully applied measures to incrementally introduce changes to parking management and monitor the results before engaging on the next step.

With funding assistance from the RTA, Council engaged GHD to prepare a parking review encompassing Hornsby Town Centre and the interacting precincts of Waitara and Hornsby Hospital. The review provides an inventory of current parking availability and management practices and identifies initiatives and strategies needed to achieve short, medium and long term goals to manage parking demand generated by visitors, employees and commuters.

Plans and Policies influencing current Parking Management Practices.

Parking management practices in Hornsby Shire are influenced by current practices including plans and policies contained in the following strategic documents:

- Hornsby Integrated Land Use and Transport Study;
- Hornsby Shire Economic Development Strategy;

- Metropolitan Transport Plan – Moving the City of Cities;
- Draft North Subregional Strategy;
- Hornsby Town Centre Development Control Plan; and
- Hornsby Town Centre Section 94 Development Contributions Plan.

It is envisaged that the above strategies will continue to influence future parking demand in Hornsby. The key demand drivers of population and employment growth will necessitate the need to develop a staged approach to parking that will balance the short term needs with the long term objectives for sustainable parking management.

Current parking supply and Utilisation

Council has in the past provided unrestricted parking (hence commuter or employee parking) on streets where the carriageway widths can accommodate on-street parking while allowing safe and efficient traffic movements.

The current car parking provision and management makes it difficult to distinguish between commuter parking and local employee parking. While preference can be given for employee parking with 5 hr to 7 hr time-limit restrictions, restricting commuter parking in this way will have adverse impacts on key State Government initiatives to encourage public transport use.

In addition to the CityRail commuter car parks, on-street unrestricted car parking spaces close to the Hornsby and Waitara Stations are currently available as commuter car parking spaces. Commuter parking demand within these unrestricted parking areas competes with short-stay parking demand for shoppers/visitors. Staff parking around Hornsby Hospital precinct likewise restricts visitor access.

Council has incrementally provided parking restrictions ranging from ¼ hr – 3 hrs in streets near these three traffic generators for visitors. By monitoring the occupancy rates, Council determines when the time is appropriate to extend the areas covered by restrictions, thereby ensuring timed parking spaces are efficiently used and minimising the disruption to those motorists requiring all day parking.

As part of this review, car parking utilisation surveys were carried out to assess the existing demand and supply of parking provision in key areas of Hornsby Town Centre, Waitara and Hornsby Hospital.

Hornsby Town Centre – West of the Railway Line

A total of 1,134 car parking spaces were surveyed generally within 500 metres of Hornsby Station. These included 270 off-street car parking spaces in the Dural Street, William Street, and Pacific Highway car parks, as well as the Hornsby RSL and Community Car Park. The extent of the parking survey area is illustrated in Attachment 2.

Hornsby Town Centre – East of the Railway Line

A total of 1,471 car parking spaces were surveyed generally within 500 metres of Hornsby Station. These included 523 off-street car parking spaces in the Burdett Street and George Street Car Parks. The extent of the parking survey area is also illustrated in Attachment 2.

Waitara

A total of 1,494 car parking spaces were covered in the Waitara parking occupancy surveys. These included 118 off-street car parking spaces in the Waitara Avenue, Pattison Avenue and Park Avenue car parks. The extent of the parking survey area is also illustrated in Attachment 2.

Hornsby Hospital

A total of 568 car parking spaces were covered in the Hornsby Hospital parking occupancy surveys. The surveys around Hornsby Hospital were restricted to on-street parking areas only. The extent of the parking survey area is also illustrated in Attachment 2.

A summary of parking occupancy of surveyed spaces is provided in the table below.

Summary of Parking Occupancy of Surveyed Spaces

Study Area	RESTRICTED SPACES				UNRESTRICTED SPACES			
	Total	Occupied	Vacant	Average Occupancy	Total	Occupied	Vacant	Average Occupancy
Hornsby Town Centre – West Side	545	364	181	66.7%	589	469	120	79.6%
Hornsby Town Centre – East Side	248	183	65	73.9%	1,224	1,085	139	88.6%
Waitara	127	75	52	59.3%	1,367	1,038	329	75.9%
Hornsby Hospital	40	31	9	77.2%	528	437	91	82.8%

Summary of current parking Utilisation

- The occupancy of unrestricted car parking spaces has been observed to be higher than the occupancy of car parking spaces with time restrictions;
- Off-street car parks in the Hornsby Town Centre – East are practically fully occupied throughout the survey period;
- Average parking occupancy for unrestricted parking spaces is highest in Hornsby Town Centre – East among the study areas, followed by Hornsby Hospital; and
- For parking spaces with restrictions, average occupancy is highest in the Hornsby Hospital area followed by Hornsby Town Centre – East.

Future parking needs

To cater for future parking needs within the Hornsby Town Centre, a greater reliance will be required for off street parking facilities, alternative modes of transportation, such as public transport, cycling and walking, and travel demand management measures (e.g. peak spreading, travel plans, telecommuting etc) to reduce car usage and parking demand.

Future parking demands will be influenced by a range of demand drivers including:

- Population and employment growth;
- Growth in rail commuters compared to car commuters; and
- Anticipated developments within the Hornsby Town Centre.

Trends in population and employment – The *(Draft) North Subregional Strategy* identifies Hornsby Town Centre as a Major Centre wherein a targeted 3,000 additional employees will be working by 2031, from about 9,400 in 2001. This represents a 32% increase over 30 years. The additional workers will likely focus on the retail and educational services sectors.

Rail patronage growth – The *Metropolitan Transport Plan* (TransportNSW 2010) sets a target public transport mode share for all trips to work 28% by 2016. While not specifically explaining how this can be achieved, measures may include schemes that would make it more difficult or more expensive to drive to work (e.g. road pricing). This shift is likely to result in rail patronage growth on top of normal background growth due to population increases. In the context of Hornsby and Waitara, the CityRail stations will potentially see an increase in patronage, and invariably, an increase in demand for commuter car parking spaces.

Proposed new developments – New developments within the town centre, including residential, commercial and other land uses will create additional demand for car parking. Not all developable areas will be able to meet car parking requirements onsite, and as allowed for in the Contributions Plan, off-site car parking can be provided by Council with the payment of a contribution. In line with this, the additional parking demand in the future attributable to new development may be estimated based on forecast additional development.

Other Factors Influencing Parking Demand – In addition to the key demand drivers, parking demand will be influenced by the following:

- Parking availability and restrictions;
- Relative generalised cost of travel compared with other modes; and
- Convenience and reliability of public transport and other alternative modes such as walking and cycling.

Recommended Actions

When considering a response to the above needs it will be necessary to balance competing needs for car parking spaces in the light of shifting trends towards more intensive travel activities in the town centre borne about by increasing development. It is noted that the Town Centre functions both as a morning peak trip producer, with a number of residents travelling to work outside the centre, and a trip attractor, with the commercial and retail land uses in the town centre. These varied mixes of uses compound the demand for car parking to an extent that would not be sustainable into the future without updating current management practices.

The review undertaken by GHD examined options and developed recommendations to manage parking in Hornsby Town Centre, Waitara and Hornsby Hospital areas. The recommendations were developed with reference to the Hornsby ILUTS as well as the *Scoping Report for Car Parking Management Strategy* previously presented and adopted by Council. GHD's key findings and recommendations are shown in Attachment 3 to this report.

Council consideration of the Report resulted in some relatively minor amendments to the GHD review recommendations. The amended recommendations are:

1 Contributions Rate

1.1 Review DCP and S94 Plan contribution rates – as a minimum apply the 2002 rate (\$22,000) indexed to CPI (\$26,650 as of September 2010).

1.2 Include a detailed land valuation assessment to ensure the selected rate remains commensurate with costs of providing car parking;

1.3 The current (Council) sites earmarked for public parking should be reviewed to determine the sites that best satisfy Council's corporate objectives.

2 Pay Parking

Short Term <5 Years

2.2 Do not introduce pay parking at this time, but keep under review

2.3 Progressively extend time restricted parking as need is identified, with regular review of effectiveness following installation

Medium Term/Long Term >5 Years

2.4 Periodically review parking utilisation and turnover to determine areas that are beginning to experience higher demand.

3 Resident Parking Schemes

Short Term < 5 Years

3.1 No action (this initiative is seen to be linked with pay parking).

Medium Term > 5 Years

3.2 Review impacts on residents as on street parking is progressively converted to restricted (on going)

4 Commuter Parking

4.1 No additional all-day 'rail or bus commuter parking areas' should be provided by Council.

4.2 Investigate opportunities to provide additional commuter car parking where appropriate, funded by State Government, at rail stations.

4.3 Lobby to improve peak hour public transport frequency and connecting bus services to the Hornsby and Waitara Railway Stations.

5 Employee Parking (in conjunction with review of DCP)

5.1 Review Car Parking DCP to limit all day parking within 500 metres of Hornsby and Waitara Stations over time;

5.2 Progressively increase the supply of short-stay parking spaces within 500 metres of the town centre and Hornsby Hospital (on going);

5.3 Provide bonuses for developers who have employee travel plans that encourage use of public transport, walking or cycling;

6 On Street Parking

6.1 Review time restrictions and turn over patterns as needs are identified, with reference to LTC in accordance with current practice, and review following installation (on going);

6.2 Progressively provide more restricted parking spaces in Waitara and Hornsby Hospital medical precinct.

7 Off-Street Parking Sites

7.1 Review the suitability of current proposed car parking areas and determine if they meet Council's expected returns in terms of its strategic property portfolio

8 Parking Provision Rates (in conjunction with review of DCP)

Short term:

8.1 Retain the current minimum 1 space per 40m².

8.2 Generally satisfy demand to foster development.

8.3 Current public parking supply should remain free

Medium-term

8.4 Consider setting the rate as a maximum, or reducing the current rate in line with the objectives of the ILUTS.

8.5 Pool off-street visitor and casual employee parking where possible.

BUDGET

There are no budget implications intended in this report.

POLICY

There are no policy implications in adopting the recommendation.

CONSULTATION

The Manager Town Planning Services and Manager Property Development were consulted in the preparation of this report.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. This TBL Statement forms part of Council's efforts towards "creating a living environment".

- *Working with our community:* All changes to parking management will require consultation with affected owner/occupiers on public roads before referral to the Local

Traffic Committee for a recommendation. Any changes to parking rates in the relevant Development Control Plans, and changes to contribution rates in the Section 94 Plan, will require further public consultation.

- *Conserving our natural environment:* The review advocates more efficient use of existing parking spaces which will reduce the demand for more parking infrastructure. Areas with high biodiversity value to be protected are not included in this proposal.
- *Contributing to community development through sustainable facilities and services:* Regulating parking supply will help encourage walking and cycling using existing facilities while ensuring the car parking needs of businesses and services are met.
- *Fulfilling our community's vision in planning for the future of the Shire:* Fulfils one of the goals of the Shire's Integrated Land Use and Transport Strategy (ILUTS). The review has enabled the future growth potential of Hornsby Town Centre to be investigated on a holistic basis in order to facilitate development required to respond to the need to rejuvenate the Centre.
- *Supporting our diverse economy:* The recommendations will ensure that the car parking needs of businesses and services are met as well as maximising the returns of Council's assets invested in currently identified public parking sites.
- *Maintaining sound corporate and financial management:* The review has been completed with funding from an RTA grant and the Traffic and Road Safety Branch Annual Operating Budget.
- *Other Sustainability Considerations:* The review has been prepared by Council using a triple bottom line approach to ensure a clear understanding of the social, environmental and economic factors being considered in decision making. Potential negative community and stakeholder impacts have been considered through the review process.

RESPONSIBLE OFFICER

This report was prepared by Council's Manager Traffic and Road Safety, Mr Lawrence Nagy, telephone 9847 6524.

RECOMMENDATION

THAT:

1. The Parking Management Review Report for Hornsby Town Centre, Waitara and Hornsby Hospital areas be endorsed.
2. Recommended actions 1 to 8.5 listed above be adopted for implementation by Council staff subject to ongoing monitoring of parking areas, consultation with affected owner/occupiers and referral to Local Traffic Committee where changes to on street parking management are proposed, and funding where necessary.
3. The parking provision rate in the Hornsby Town Centre Development Control Plan and contribution rate in the Section 94 Plan be reviewed.
4. The adopted parking management actions for Hornsby Town Centre, Waitara and

Hornsby Hospital areas be used as a framework for developing parking management actions in other parts of the Shire.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Hornsby Town Centre Parking Management Strategy Report (Colour Attachment)
2. Extent of Parking Survey Area (Colour Attachment)
3. Key Findings and Recommendations GHD Report (Colour Attachment)

File Reference: F2007/01499
Document Number: D01579114

17 WINTER TRADING HOURS - EPPING AND GALSTON AQUATIC CENTRES

EXECUTIVE SUMMARY

Council operates two Aquatic Centres located at Epping and Galston. These centres operate all year round. In the past, winter trading hours at the centres have been reduced due to patronage levels declining over the winter period. In March 2010 Council endorsed report WK16/10 with regards to closing Epping Aquatic Centre on Sundays over winter and reducing Galston Aquatic Centre's trading hours to 8.00am – 11.00am on Sundays over winter.

Given that the Hornsby Aquatic Centre closed on 24 December 2010 and West Pymble pool is closing for major works in April 2011, Council officers have reviewed winter trading hours at both Epping and Galston pools. It is proposed to continue seven day a week trading with the following hours available for public swimming on Sundays over winter: Epping - Sunday 7.00am – 12 noon, Galston - 7.00am to 5.00pm.

PURPOSE/OBJECTIVE

The purpose of this report is to seek Council's approval to continue seven day a week operating at the Epping and Galston Aquatic Centres, commencing 1 May 2011 and concluding 1 October 2011.

DISCUSSION

With the closure of Hornsby Aquatic Centre on 24 December 2010, some Hornsby residents have travelled to either Epping or Galston pools to continue their aquatic activities. Residents have also travelled to West Pymble pool for aquatic leisure. It should be noted that West Pymble pool is due to close in April 2011 for the construction of an indoor 25 metre pool and associated facilities. With the closure of two prominent aquatic centres, it is recommended Council should consider continuing the seven day operation of the Epping and Galston pools over the winter period, given the lack of other available water space in the Hornsby area.

BUDGET

If Epping Aquatic Centre continues winter trading on Sundays, there will be an additional cost of \$9,760 in salaries. This cost, to some extent will be offset by admission charges. To operate Galston Aquatic Centre until 5.00pm on a Sunday will also require an additional cost of \$9,760 in salaries which will also be offset by admission charges to some extent.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

Consultation has been undertaken with the Executive Manager Works and the Centre Supervisor from each Centre.

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 Scott Hewitt, Manager Aquatic and Recreational Facilities, telephone 9847 6304.

RECOMMENDATION

THAT:

1. Council approve 7.00am – 12 noon Sunday winter trading at Epping Aquatic Centre, 1 May – 1 October 2011.
2. Council approve 7.00am – 5.00pm Sunday winter trading at Galston Aquatic Centre, 1 May – 1 October 2011.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08949-02
Document Number: D01634074

18 CODE FOR INSTALLATION OF PARKING RESTRICTIONS NEAR DRIVEWAYS AND LANEWAYS

EXECUTIVE SUMMARY

This report recommends adoption of a code for the installation of parking restrictions near driveways and laneways.

The report outlines the recommendation of the Councillor Workshop held on 9 March 2011 and seeks the agreement of Council to adopt the amended code included as Attachment 1 to this report.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with an amended Code for Installation of Parking Restrictions near Driveways and Laneways.

The Code seeks to ensure impartiality and transparency in the assessment of requests for parking restrictions near driveways and laneways, whilst identifying, managing and mitigating the road safety risks associated with on-street parking.

DISCUSSION

Council at its meeting of 17 March 2010 considered report WK17/10 *Code for Installation of Parking Restrictions near Driveways* (see Attachment 1) and resolved:

THAT consideration of Executive Manager's Report No. WK17/10 be deferred to a Councillor workshop on a date to be determined by the appropriate Council Officer.

A Councillor workshop was held on 9 March 2011. Councillors requested that the Code be amended to also include parking near laneways as some laneways appear to have excessive parking restrictions and additional kerbside parking could be considered.

The Workshop recommendation was that -

The Parking near Driveways Code be amended to include laneways and will also include a provision allowing Councillors to refer any parking issue near driveways or laneways to the Local Traffic Committee for consideration.

Both amendments have been included in the amended Code, included as Attachment 2 to this report.

BUDGET

There are no budget issues associated with this report.

POLICY

No other policy issues are attached to this report.

CONSULTATION

All changes to parking management on public roads must be referred to the Hornsby Shire Local Traffic Committee in accordance with the Roads and Traffic Authority's publication *Guide to the Delegation to Council's for the Regulation of Traffic*.

TRIPLE BOTTOM LINE SUMMARY**1. Working with our Community**

The adoption of this code will provide the community with a clearly articulated policy in relation to providing parking restrictions near driveways and laneways. This will improve the perception amongst the community and Council officers of accountability, transparency and impartiality in the way Council conducts its assessment for such requests.

2. Conserving our Natural Environment

No implications.

3. Contributing to Community Development through Suitable Facilities and Services

The Code seeks to maintain a balance between the need for parking while managing road safety and traffic flow.

4. Fulfilling our Community's Vision in Planning for the Future of the Shire

No implications.

5. Supporting our diverse economy

No implications.

6. Maintaining sound Corporate and Financial Management

By only restricting parking where required for traffic flow or road safety the existing parking supply in high demand areas is preserved, reducing demand for additional parking facilities.

7. Other Sustainable Considerations

No implications.

RESPONSIBLE OFFICER

This report has been prepared by Council's Senior Traffic Engineer, Mr Radek Zarzycki, telephone 9847 6684.

RECOMMENDATION

THAT Council adopt the attached Code: Parking Restrictions near Driveways and Laneways.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Report WK17/10
2. Code: Parking Restrictions near Driveways and Laneways

File Reference: F2004/08694
Document Number: D01637982

19 STORMWATER DRAINAGE DESIGN AND PROJECTS PRIORITISATION

EXECUTIVE SUMMARY

The design of stormwater drainage systems in the Shire is in accordance with the Stormwater Management Code previously adopted by Council. Council's prioritisation model for stormwater drainage improvement projects takes into consideration: (i) the number of properties potentially affected by stormwater inundation or benefiting from the works; (ii) the estimated project cost, and (iii) the capacity of the existing stormwater drainage system to carry the 1 in 20 year and 1 in 100 year stormflows.

Council's Stormwater Drainage Improvements allocation in the draft 2011/12 budget is \$500,000 and has remained at this level since 2001/02. In the event that the current rate increase application to IPART is approved, a significant increase in funding will occur and stormwater drainage improvements estimated at \$11.08M are planned to be undertaken over the next 10 years. This would result in an average increase of approximately \$1.11M per year for stormwater drainage improvement.

It is hence timely to refresh and seek Council's endorsement of the design practices for improvements to stormwater drainage systems and the model used in prioritising stormwater drainage improvement projects.

PURPOSE/OBJECTIVE

The purpose of this report is to refresh and seek Council's endorsement of the design of stormwater drainage systems and the model used in prioritising stormwater drainage improvement projects. This report takes cognisance that Council will have a very large Stormwater Drainage Improvement Program over the next ten years in the event that the current rate increase application to IPART is approved. However, notwithstanding that a significant portion of outstanding work will proceed, a number of projects will remain outstanding, and in the case of completed work, overland flows will still occur in significant storm events.

STORMWATER MANAGEMENT CODE

Council's Stormwater Management Code has been compiled to provide security against flooding and a sustainable urban environment using innovative and affordable stormwater management systems.

The goals of the Code are to:

1. Manage stormwater as an integral part of the comprehensive urban planning and development process.
2. Implement a unified conceptual program for the management of urban stormwater.
3. Systematically reduce existing problems.
4. Prevent damage and improve the safety of proposed developments.
5. Maintain and enhance the quality of the natural waterways and adjoining bushlands

The objectives of the Code are to:

1. Retain major creeks, streams and watercourses in a condition that minimises interference to stormwater flows, especially those from major storms.
2. Minimise the exposure of people and property to stormwater inundation.
3. Systematically reduce the extent of stormwater damage.
4. Minimise erosion and sedimentation problems.
5. Protect and enhance the environmental quality and social well-being of residents.
6. Ensure that supportive, preventative and remedial measures are consistent with the overall principles, goals and objectives.
7. Implement education programs on the rights and responsibilities related to the management of watercourses and drainage systems.
8. Protect the natural environment against degradation from changes to stormwater runoff patterns and the transportation of pollutants.

STORMWATER DRAINAGE DESIGN

Stormwater drainage systems consist of pipelines, pits, channels, overland flow paths and natural watercourses.

The design of stormwater drainage systems is based on the 1987 edition of the Institution of Engineers, Australia publication "Australian Rainfall and Runoff" (AR&R).

It is not economically justifiable to construct a drainage system which will collect every drop of water from the most extreme storm. For this reason AR&R recommends the use of a major/minor design philosophy, ie. pipes be designed to carry minor flows while major flows be routed overland along streets and through drainage easements. Once the design capacity of a pipeline is exceeded, the additional runoff will flow overland. The method of control of this overland flow will depend on its magnitude. With any new drainage construction, due regard must be given to the capacity of the downstream system.

Design Storm Frequencies

The required design Average Recurrence Intervals (ARIs) to be applied for stormwater drainage systems in New and Redeveloping Areas is given in Table 1.

The following design criteria will apply for Existing Drainage Systems in Urban Areas.

Many old stormwater drainage systems do not meet the updated standards for "Drainage Systems in New and Redeveloping Areas" described above. It is beyond Council's financial capacity to upgrade all existing drainage systems to these standards.

Reconstruction of existing drainage systems will have regard to the standards for new areas but emphasis will be placed on the provision of overland routes and maximising the efficiency of the existing system. This will be achieved by:

- improving pit geometry
- improving inlet capacity
- regrading footways in road sag points
- improving pipe configuration.

Once the improvements to the existing pipe system are assessed, the capacity of the pipeline and the magnitude of the overland flow will be calculated using the methods outlined in AR&R. Council may then give consideration to undertaking other works along the pipe system if the project meets the criteria given in Table 2.

Table 1 - Design ARIs for New Development Areas

FLOW TYPE	DESIGN ARI
Flow in pipe or channel system along;	
Roads, pathways and easements through residential areas	20 year ARI
Trunk systems where $Q_{20} > 3\text{m}^3/\text{s}$	20 year ARI
Commercial, industrial, retail and service areas	20 year ARI
Overland Flow	
For overland flows of $Q_{100} \leq 3\text{m}^3/\text{s}$ the flow may be routed through private property. A "restriction as to user" shall be placed on the Certificate of Title covering the overland flow path and setting a minimum floor RL for dwellings outside the flow path. Where appropriate, Council may require a drainage easement and/or a Positive Covenant on the Certificate of Title.	100 year ARI
For overland flow of $Q_{100} > 3\text{m}^3/\text{s}$ the flow <u>must</u> be contained within public reserves, or drainage reserves. The drainage system will depend on the use of these areas and may not require a pipe system.	100 year ARI

Table 2 - Drainage Works Categories for Existing Pipelines

Category	Pipe Capacity less than Q_{20} but...	20 Year ARI Overland Flow (m^3/s)
1	$> Q_2$	< 1
2	$> Q_5$	1 - 2
3	$> Q_5$	2 - 10
4	$> Q_5$	> 10

Where pipe capacity does not meet these standards consideration may be given to reconstructing the pipeline.

For each of the categories detailed in Table 2, the actions described in Table 3 will apply.

Table 3 - Drainage Works Categories and Actions for Existing Pipelines

Category	Action
1	Some minor works may be undertaken under Council's maintenance program in the case where water is likely to enter any dwelling.
2	Council will give consideration to the construction of an overland flow path. Council may bear the cost of earthworks and removal of excess material. The cost of re-establishing the landscaping may be borne by the property owner.
3	Council will carry out a benefit/cost analysis for the following alternatives: (Council may bear the cost of all works for category 3.)
(i)	- Upgrade the pipeline
(ii)	- Construct an overland flow path
(iii)	- A combination of the above alternatives
(iv)	- Determine an appropriate design capacity for the system.
4	As for Category 3. In addition Council may consider the purchase of affected properties.

The hydraulic design of the drainage system components will be in accordance with Council's Urban Drainage Design Manual and/or other methods and publications approved by the Executive Manager Works Division.

PRIORITISATION OF STORMWATER PROJECTS

The major drainage projects for all the 41 Council adopted Stormwater Catchment Management Plans (SCMPs) have been included in the priority list to produce an overall priority ranking.

Priority Ranking Methodology

The methodology adopted for the ranking of major drainage projects considered the following factors:

- ***The number of properties potentially affected by stormwater inundation or benefiting from the works*** - the higher the number of properties to benefit from the proposed works, the higher the score. Properties that have reported habitable area inundation were also given a higher weighting to give emphasis to this category of property.
- ***The estimated project cost*** - the higher the project cost the lower the points scored. This is to allow a greater range of projects throughout the Shire with varying cost estimates to be undertaken within a limited overall funding allocation.
- ***The capacity of the existing stormwater drainage system to carry the 1 in 20 year and 1 in 100 year stormflows*** - a system with a 1 in 20 year existing capacity will have a lower score than one with a 1 in 5 year capacity.

For each category, a relative score ranging from 0 (least favourable) to 5 (most favourable) was attributed to each factor. The individual scores were then aggregated to arrive at a total score out of a maximum of 15 and ranked accordingly.

Major Drainage Projects Priority List

The result of this overall priority ranking including scores for the various factors considered is given in the Major Drainage Projects Priority List. A total of 107 future major projects are listed in priority ranking from the 41 adopted SCMPs. It will be noted that some projects with habitable property inundation are lower in the overall rankings. Generally, this is due to a higher project cost and resulting lower overall score.

The Major Drainage Projects Priority List was reviewed following the February 2010 storms. The review has resulted in the flow score being revised for some projects and has resulted in changes to the ranking for some projects. The Major Drainage Projects Priority List, updated as at 31 May 2010, is presented at Appendix A. Total funding requirements are estimated at some \$54.0 million.

BUDGET

An amount of \$500,000 has been allocated for Stormwater Drainage Improvement in the draft 2011/12 Budget. The Stormwater Drainage Improvement Program has four components - Major Drainage Projects with proposed funding of \$360,000, Minor Drainage Projects with proposed funding of \$100,000, Preconstruction Works for major and minor drainage projects with proposed funding of \$10,000, and Floodplain Risk Management with proposed funding of \$30,000.

Council has estimated an increase in expenditure of \$11.08M for stormwater drainage improvements to satisfy community demand to mitigate/alleviate stormwater inundation during the next 10 years in its current rate increase application to IPART. This is an average increase per year over the next 10 years of approximately \$1.11M over the current \$0.5M per year in the event that the application is approved.

POLICY

The design of stormwater drainage systems presented in this report is from Council's Stormwater Management Code. Design of stormwater drainage systems is based on AR&R. It should be noted that AR&R is currently being revised (timeframe for revision is not known). Among other things, this revision will address development in the industry since 1987 as well as climate change and other relevant environmental considerations. Council's Code and priority list will need to be reviewed in the light of any new standard; this will not be required in the next one to two years.

CONSULTATION

The preparation of this report has been carried out in consultation with the relevant officers from Works Divisions. Reference has been made to the SCMPs to ensure compatibility and consistency.

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 Theme.

The TBL assessment summary for this report on stormwater drainage system design and improvement project prioritisation is as follows:

1. Working with our community.

This report is readily available to the community. Social equity will be considered as part of the process for the Stormwater Drainage Improvement Program (SDIP) projects.

2. Conserving our natural environment.

The SDIP projects will lead to measures that minimise the impacts of stormwater on the natural environment. It is anticipated that the design process will explore various measures, including storage and treatment of stormwater as well as better management of any impacts on bushland and environmentally sensitive areas.

3. Contributing to community development through sustainable facilities and services.

Community consultation is part of the design process for SDIP projects and the resulting increased public awareness of flooding issues will contribute to community development. Safety in the public environment will be improved through the development of the SDIP projects and their community participation required. Council will cater to the physical access needs of the community as required.

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

The existing built and natural environment and their associated heritage values will be considered as part of the design process for the SDIP projects. Improved stormwater management will promote the well-being of the population.

5. Supporting our diverse economy.

Better management of stormwater will lead to reduced impacts and financial losses. Any restrictive development controls arising are in the public interest in the long term, although they may have some impacts on locally affected owners. There will be a neutral effect on local employment.

6. Maintaining sound corporate and financial management.

The capital works proposed at this time address some of the normal life cycle costs of the stormwater drainage network. There is a draft budget allocation in 2011/2012 for the Stormwater Drainage Improvement Program. The implementation of the SDIP over the Long Term Financial Period will involve significant cost to Council; however, it will provide a substantial benefit to the community.

7. Other Sustainable Considerations.

There are no negative impacts from this proposal known at this stage. However the SDIP process will identify impacts from stormwater and any mitigation measures required

RESPONSIBLE OFFICER

The responsible officer is the Manager, Assets Branch, Mr. Chon-Sin Chua, telephone No. 9847 6677.

RECOMMENDATION

THAT Council confirm its current practice for the design of stormwater drainage systems and the model used in prioritising stormwater drainage improvement projects as presented in Executive Manager's Report No. WK19/11.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Appendix A - Major Drainage Projects Priority List - Status as at 31 May 2010.

File Reference: F2004/05959-02
Document Number: D01638213

21 WOODCOURT ROAD AND PATRICK PLACE DRAINAGE EASEMENT

ASKED BY COUNCILLOR RUSSELL

TO THE EXECUTIVE MANAGER, WORKS:

I have received a request as to the progress on addressing drainage problems in Woodcourt Road and Patrick Place, Berowra Heights.

This matter was raised by me in my Question of Which Notice Has Been Given (Item 8) on 14 February 2001.

Answer:

The answer given in 2001 is summarised below as background information and was:

“Stormwater Catchment Management Plans (SCMPs), as part of the Major Drainage Program, have been prepared and adopted by Council for various catchments. The SCMPs for the Joe Crafts Creek and Sams Creek catchments covering the Berowra and Berowra Heights area were adopted by Council at the Ordinary Meeting on 8 September 1999. These SCMPs considered both quantity and quality issues for stormwater and developed priority list of projects for improvement works.

The SCMP for Joe Crafts Creek identified the problems experienced in the Woodcourt Road catchment and proposed, inter alia, the Upgrading of the overland flowpath along the pipeline traversing properties from No. 61 Woodcourt Road (Mr Cosier’s property) to No. 93 Woodcourt Road from where the flowpath then follows the roadway.

These works were listed in the adopted 2000/03 Three-Year Major Drainage Program, with construction proposed to be funded in the 2001/02 financial year, subject to funding constraints and any changes in priority that may occur.

In addition, piping of the open channel passing through Mr Cosier’s property is required as part of the approval for the extension of Lingellen Street. Negotiations between Mr Cosier and the applicants for the granting of a drainage easement are still proceeding at this time.”

A recent review of the matter has been undertaken by the Manager-Assets Branch, Mr Chon Sin Chua, who has provided the following information:

There is currently a drainage improvement proposal for Woodcourt Road. Information relating to the Woodcourt Road project is as follows:

- 1. The Turner Road, Woodcourt Road project package, as stated in the background information, was recommended in the adopted 2000/03 Three-Year Major Drainage Program, with construction proposed to be funded in the 2001/02 financial year, subject to funding constraints and any changes in priority that may occur. The funding allocation for Stormwater Drainage Improvements for 2000/01 was \$950,000.*
- 2. For the 2001/04 Three-Year Major Drainage Program, the funding allocation was reduced to \$500,000 per annum. In addition to this reduction in funding allocation, a*

further eight Stormwater Catchment Management Plans (SCMPs) were completed and adopted by Council in March 2001. The completion of these SCMPs and other subsequent SCMPs have resulted in the continuous revision and updating of the Stormwater Drainage Improvement Projects Priority List from which subsequent rolling improvement programs are formulated.

The Completion of the SCMPs for the Shire has resulted in the identification of a number of projects that, when assessed in accordance with Council's prioritisation criteria, were determined to have a higher priority than the Turner Road and Woodcourt Road projects. Due to the change in priority, both the Turner Road and Woodcourt Road projects have not been included in any improvement programs since the 2000/03 Three-Year Major Drainage Program due to their relatively lower priority when compared to other competing projects.

The funding allocation of \$500,000 has not increased since 2001/02.

- 3. The Upgrading of the overland flowpath along the pipeline traversing properties from No. 61 Woodcourt Road (Mr Cosier's property) to No. 93 Woodcourt Road from where the flowpath then follows the roadway has been proposed for 2015/16 if the Rate Increase application is approved. If not approved, this project will not be able to proceed for many years with current funding levels.*
- 4. Mr Cosier has been in regular contact with Council's previous Investigations Engineer, Mr Michael Bickford, over the years and is aware of the relatively lower priority of the overland flowpath upgrading project through his property.*

The piping of the open channel passing through Mr Cosier's property was required as part of the approval for the extension of Lingellen Street. The extension of Lingellen Street is still under consideration by Council but at this stage is not expected to occur for some time, notwithstanding that some subdivision of relevant properties has taken place. Council understands that a separate negotiation between Mr Cosier and the adjoining property owner for the piping of the channel through Mr Cosier's property is proceeding at this time. If successful, the work will proceed independently of any funding commitment from Council.

There is no current proposal for stormwater drainage works to be undertaken in Patrick Place.

File Reference: F2004/09050

Document Number: D01639254