



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 15 June, 2011
at 6.30pm**

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QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

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 acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

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

Presentation of the National Bronze Award – 50:50 Vision – Councils for Gender Equity – Australian Local Government Women's Association Inc.

Presentation of Certificate of Merit – Australian Crime and Violence Prevention Awards.

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 18 May, 2011 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

Page Number 1

Item 1 MM5/11 AUGUST 2011 ORDINARY COUNCIL MEETING - PROPOSED CHANGE OF DATE

RECOMMENDATION

THAT Council reschedule its August 2011 Ordinary Meeting from Wednesday 17 August 2011 to Wednesday 24 August 2011 and appropriate advertising be undertaken to advise the public.

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 2****Item 2 GM14/11 LGSA COST SHIFTING RESEARCH PROJECT 2009/10****RECOMMENDATION**

THAT:

1. Council receive and note the contents of Report No. GM14/11; and
2. The extent and value of cost shifting in 2009/10 be submitted to the LGSA for inclusion in research on the topic.

Page Number 6**Item 3 GM15/11 REVIEW OF POLICES - GENERAL MANAGER'S DIVISION****RECOMMENDATION**

THAT:

1. The contents of this report be received and noted.

2. Council adopt the proposed amendments and deletions to the General Manager, Corporate Strategy and Human Resources Branch Policies as outlined in this report and its attachments.

CORPORATE AND COMMUNITY DIVISION

Page Number 13

Item 4 CC2/11 LEASED AREAS 1, 2 AND 3 - LOWER LEVEL OF THE BEECROFT COMMUNITY CENTRE - 111 BEECROFT ROAD, BEECROFT - PROPOSED RENEWAL OF LEASE TO NORTHERN DISTRICTS LAPIDARY CLUB INC.

RECOMMENDATION

THAT:

1. Council note the contents of Executive Manager's Report No. CC2/11.
2. The proposed lease to the Northern Districts Lapidary Club Inc. be publicly advertised and submissions invited within a period of not less than 28 days.
3. Should submissions be received objecting to the lease proposal, a further report be provided for Council's consideration.
4. Subject to the outcome of recommendations 2 and 3, Council grant a 10 year lease to the Northern Districts Lapidary Club Inc of Leased Areas 1, 2 and 3 on the Lower Level of the Beecroft Community Centre in accordance with Sections 46 and 47 of the Local Government Act 1993 (Lease/Licence of Community Land) on the following basis:
 - The rental to be at the rate of \$2,288 per annum inclusive of GST during the initial 12 months of tenure.
 - The rental to be subject to annual review in accordance with the movement in the Consumer Price Index.
 - The rental to be subject to a market review at the end of the fourth 12 month period of tenure in accordance with the provisions of the Code for the Lease/Licence of Council Land and Buildings to Community Groups.
 - The lessee to be responsible for the payment of 50% of any assessed Council rates on an area occupied basis.
 - The lessee to be responsible for the payment of all operating costs including all telephone line rental and calls and electricity
 - The lessee to be responsible for the payment of 50% of lease preparation costs and all statutory advertising costs

-
- The lessee to be responsible for all internal repairs and maintenance, including internal painting and decoration and repairs of own fixtures and fittings
 - The lessee to be responsible for security and cleaning of the Leased Areas and any equipment located therein.
 - The lessee to indemnify Council against all claims in respect of public liability to an amount not less than \$20 million, with such public liability policy to note Council as an interested party.
 - The premises to be used for activities associated with the Northern Districts Lapidary Club Inc.
 - The lessee to acknowledge Council's support in respect to the provision of the space in its annual reports and publications, any advertising and community events.

Page Number 17**Item 5 CC28/11 DEBTORS TO BE WRITTEN OFF - 30 JUNE 2011**

THAT for 2010/11, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$15,254 (as detailed in Schedule A attached to Report No. CC28/11).
2. Note debts considered bad totalling \$6,798 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Report No. CC28/11).

Page Number 20**Item 6 CC29/11 DISCLOSURES 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 23**Item 7 CC30/11 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2011 REPORT AND DETERMINATION****RECOMMENDATION**

THAT:

1. Council note that the Local Government Remuneration Tribunal's 2011 Report and Determination proposes no change to the categories of councils and consequently Hornsby Shire Council will remain in the Metropolitan Centre Category.
2. In accordance with Section 248 of the Local Government Act, and the 2011 determination of the Local Government Remuneration Tribunal, an annual fee of \$21,170 be paid to each Councillor for the period 1 July 2011 to 30 June 2012.
3. In accordance with Section 249 of the Local Government Act, and the 2011 determination of the Local Government Remuneration Tribunal, an additional annual fee of \$56,250 be paid to the Mayor for the period 1 July 2011 to 30 June 2012.

Page Number 27**Item 8 CC32/11 2010/11 INVESTMENTS AND BORROWINGS - PERIOD ENDING APRIL 2011****RECOMMENDATION**

THAT the contents of the Executive Manager's Report No. CC32/11 be received and noted.

Page Number 31**Item 9 CC33/11 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 28 FEBRUARY 2011**

THAT the contents of Executive Manager's Report No. CC33/11 be received and noted.

Page Number 33**Item 10 CC35/11 COUNCIL'S APPLICATION FOR A SPECIAL RATE VARIATION TO COMMENCE FROM 2011/12****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC35/11 be received and noted.

2. Consequent upon the receipt of the Independent Pricing and Regulatory Tribunal's decision regarding Council's Special Rate Variation application for 2011/12, Council review any Late Item information recommendations provided to it in relation to Executive Manager's Report No. CC35/11.

ENVIRONMENT DIVISION

Page Number 37

Item 11 EN12/11 DRAFT SUSTAINABLE WATER BASED RECREATION FACILITIES PLAN

RECOMMENDATION

THAT:

1. Council endorse the attached Sustainable Water Based Recreation Facilities Plan for exhibition for one month.
2. A report be brought back to Council should submissions that require amendments be received.

Page Number 42

Item 12 EN21/11 TREE AND VEGETATION PROTECTION MATTERS

RECOMMENDATION

THAT:

1. The revised Tree Preservation Order be adopted for public notification and gazettal.
2. The discussion of options for offsetting tree loss and valuing trees be noted.

Page Number 47

Item 13 EN23/11 CARBON PRICE IMPACT ON HORNSBY SHIRE COUNCIL

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN23/11 be received and noted.

PLANNING DIVISION

Nil

WORKS DIVISION**Page Number 50****Item 14 WK28/11 WORKS DIVISION 2011/12 ASSETS BRANCH PROGRAMS****RECOMMENDATION**

THAT Council adopt the Works Division 2011/2012 Assets Branch Programmes contained in the bound document dated May 2011.

Page Number 57**Item 15 WK15/11 REVIEW OF POLICIES AND CODES - WORKS DIVISION****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. WK15/11 be received and noted.
2. Council adopt the proposed amendments to Works Division Policies and Codes as outlined in Report No. WK15/11 and its attachments.

Page Number 60**Item 16 WK31/11 CAR SHARE SCHEME****RECOMMENDATION**

THAT:

1. Council not proceed with a public car share scheme in Hornsby Shire at this stage due to the ongoing cost implications, and cancel the expression of interest process.
2. Council consider a car share scheme for inclusion in projects to be funded from the Waste and Environment Levy (WASIP).
3. Parking offsets for developer funded car share schemes be considered in the preparation of Council's draft Comprehensive DCP.

Page Number 66**Item 17 WK32/11 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - RLCIP 3 PROGRESS REPORT****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. WK32/11 be received and noted.

Page Number 69**Item 18 WK33/11 ROADS TO RECOVERY PROGRAM (2009 - 2014)****RECOMMENDATION**

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

Page Number 72**Item 19 WK34/11 REDEVELOPMENT OF HORNSBY AQUATIC CENTRE****RECOMMENDATION**

THAT:

1. Council receive the Community Feedback report and note the responses to the issues raised therein.
2. Council decline the offer of a community representative to be part of the design team.
3. The project budget be confirmed following advice from IPART regarding Council's application for a rate increase.
4. Council continue to progress the design to development application stage as resolved on 27 April 2011.

Page Number 75**Item 20 WK35/11 2011/2015 - 4 YEAR ROLLING WORKS IMPROVEMENT PROGRAMS - REVISED PRIORITISATION OF "C" WARD PROJECTS****RECOMMENDATION**

THAT:

1. Council adopt the revised 2011/15 4-Year Rolling Local Road and Footpath Improvement Programs for "C" Ward presented at Appendix A1 in Executive Manager's Report No. WK35/11 subject to the adoption of the Council's 2011/12 Budget.
2. Council adopt the revised 2011/15 4-Year Rolling Local Road and Footpath Improvement Programs for "C" Ward with Rate Increase presented at Appendix A2 and Appendix B2, respectively, in Executive Manager's Report No. WK35/11 in the event that Council's Rate Increase Application is approved.

SUPPLEMENTARY AGENDA

CONFIDENTIAL ITEMS

PUBLIC FORUM – NON AGENDA ITEMS

MAYOR'S NOTES

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Page Number 80

Item 21 QWNHBG3/11 RURAL SPORTS FACILITY, GALSTON

QUESTIONS WITHOUT NOTICE

1 AUGUST 2011 ORDINARY COUNCIL MEETING - PROPOSED CHANGE OF DATE

The purpose of this Minute is to recommend that Council's August 2011 Ordinary Meeting be rescheduled from Wednesday 17 August 2011 to Wednesday 24 August 2011.

The reason for the recommendation is that the General Manager and I have been invited to participate in a workshop of all Mayors and General Managers to discuss and consider options for the future of local government in NSW. In this regard, the Division of Local Government, with the help of the Local Government and Shires Association, the Local Government Managers Australia (NSW) and the Australian Centre of Excellence for Local Government is currently making preparations for a two day workshop: *Local Government – Destination 2036*.

The primary purpose of the workshop, which is to be held in Dubbo on 17 and 18 August 2011, is to produce a roadmap for an effective and sustainable local government sector through to the year 2036 (i.e. a 25 year horizon). Of particular emphasis is the requirement to develop a shared action plan for local government, with a strong focus on the next four years.

In making my recommendation, I have checked the Mayor and Councillors' Electronic Diary to ensure that no other meetings are affected by the proposed change.

RECOMMENDATION

THAT Council reschedule its August 2011 Ordinary Meeting from Wednesday 17 August 2011 to Wednesday 24 August 2011 and appropriate advertising be undertaken to advise the public.

NICK BERMAN

Mayor

Attachments:

There are no attachments for this report.

File Reference: F2011/00003

Document Number: D01683789

2 LGSA COST SHIFTING RESEARCH PROJECT 2009/10

EXECUTIVE SUMMARY

The Local Government and Shires Associations of NSW (LGSA) cost shifting survey is an annual survey which seeks to establish the extent of cost shifting by other levels of government on to NSW Local Government.

The survey results help quantify the extent of cost shifting and support Local Government's argument for that practice to end. It also assists in monitoring compliance with the national Intergovernmental Agreement Establishing Principles Guiding Intergovernmental Relations on Local Government Matters, (2006).

In the financial year 2008/09 the estimated cost shift to Hornsby Shire Council was \$9,610,900 which is 9.7% of Council's 2008/09 total operating income, excluding capital activities, of \$98.9 million.

In the financial year 2009/10 the estimated cost shift to Hornsby Shire Council was **\$9,887,912**, which is 9.75% of Council's total operating income, excluding capital activities, of \$103.3 million.

PURPOSE/OBJECTIVE

The purpose of this report is to present to Council the estimated cost shifting details for Hornsby Shire Council in the 2009/10 year. The cost shifting details will be forwarded to the LGSA for inclusion in a local government study on the topic.

DISCUSSION

Cost shifting describes a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset or regulatory function are "shifted" from a higher level of government onto a lower level of government without the provision of corresponding funding or the conferral of corresponding and adequate revenue raising capacity.

Each year the LGSA undertake research into the amount of cost shifting by other levels of government onto local government.

Hornsby Shire Council participated in the research based on the 2005/06 financial year and estimated a cost of approximately \$7 million in that year. Council did not contribute to the research into cost shifting in 2006/07 or 2007/08, however did participate in 2008/09 (Report No. GM13/10) which demonstrated an estimated cost shift valued at \$9.6 million.

In May 2011 Council prepared information pertaining to the current research into the cost of cost shifting in 2009/10 which showed that the value of costs "shifted" in that year was \$9,887,912.

The research requires each participating council to complete survey questions detailing cost estimates for 23 services recognised to incur cost shifts, and to include any other cost shifting examples known.

The 2009/10 estimated costs 'shifted' to Hornsby Shire Council are listed below.

	The LGSA's service aspects subject to cost shifting	HSC 2009/10 estimated cost
1	Contribution to NSW Fire Brigade	1,660,399
2	Contribution to Rural Fire Service	453,632
3	Pensioner rates rebates	748,000
4	Voluntary conservation agreements	1,550
5	Public library operations	1,832,079
6	On site sewage facilities	138,755
7	Administration of the Companion Animals Act	189,679
8	Administration of the Contaminated Land Act	23,000
9	Functions under the Protection of the Environment Operations Act	394,958
10	Functions as the local control authority for noxious weeds	85,000
11	Functions under the Rural Fires Act	228,000
12	Immigration and citizenship services	30,000
13	Administration of food safety regulation	140,000
14	Provision of educational services	68,500
15	Community safety	1,500
16	Flood mitigation program	22,000
17	Transfer of responsibilities under RTA road reclassifications	0
18	Medical services	0
19	Road safety	45,000
20	Community and human services	1,400,000
21	Waste levy	1,161,860
22	Sewage treatment license fee	0
23	Waste management site license fee	0
	TOTAL	\$8,623,912

The additional examples of cost shifting identified at Hornsby Shire Council in 2009/10 are:

1	Contribution to State Emergency Services	141,000
2	Planning issues - inspection of essential services, collection of building insurance and long service levies, prescriptive development application fees that do not permit full cost recovery, excluding corporate overheads	1,053,000
3	Street lighting subsidy not keeping pace with expenditure - between 2008/09 and 2009/10 expenditure increased by \$26,000 and subsidy decreased by \$44,000	70,000
4	Crown Land - 15% levy on all leases/licenses within crown lands. The 15% income reduction was to replace funds withdrawn by Treasurer from the NSW Department of Lands Public Reserves Management Fund	38,000
	TOTAL	\$1,302,000

The total of the service aspects identified by the LGSA subject to cost shifting and the additional examples identified at Hornsby Shire Council equate to a combined annual cost shifting burden for the Hornsby Shire ratepayers of **\$9,887,912**.

BUDGET

Each year Council's budget is impacted by the value of cost shifting. In 2009/10 the estimated value was \$9,887,912 which is 9.75% of Council's total operating income, excluding capital activities.

Cost shifting causes substantial hardship for NSW Local Government and impedes its ability to deliver services and maintain infrastructure. While Hornsby Shire Council is managed in a fiscally responsible manner, if it wishes to maintain its capital program and address infrastructure issues, cost shifting must be recognised and addressed.

POLICY

Council does not have a formal policy relating to cost shifting. Participating in the LGSA cost shifting survey signals the value and extent of the cost shift and validates Council informal stance opposing cost shifting.

CONSULTATION

All Divisions of Council provided data relating to the value of cost shifting in 2009/10.

TRIPLE BOTTOM LINE SUMMARY

This report details historical data and therefore a sustainability assessment is not required.

RESPONSIBLE OFFICER

The responsible officer is Julie Williams, Manager Corporate Strategy, and she can be contacted on 9847-6790.

RECOMMENDATION

THAT:

1. Council receive and note the contents of Report No. GM14/11; and
2. The extent and value of cost shifting in 2009/10 be submitted to the LGSA for inclusion in research on the topic.

ROBERT BALL
General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2010/00296
Document Number: D01671476

3 REVIEW OF POLICES - GENERAL MANAGER'S DIVISION

EXECUTIVE SUMMARY

Council's Policy – "Adoption, Alteration and Review of Policies and Codes" – states that each Division of Council has a two month period in each second year to review all Policies and Codes under their control and recommend any changes to Council.

The Branches of General Manager, incorporating Internal Audit, Corporate Strategy and Human Resources, in consultation with relevant officers in the organisation, have reviewed the policies and codes controlled by their respective branches, and made the following recommendations based on current service needs and legislative changes:

- General Manager Branch recommends a minor alteration to one policy and the Code of Conduct to reflect a legislative name change and no change to one code and three policies.
- Corporate Strategy Branch recommends deletion of two policies, transfer of responsibility for one policy and one code, minor amendments to reflect contemporary practice for two policies, and no change to two policies.
- Human Resources Branch recommends deletion of one policy and no change to three policies.

Detail pertaining to each recommendation is included in the body of this report.

PURPOSE/OBJECTIVE

The purpose of this report is to present to Council the outcomes of the review of policies and codes under the control of the General Manager, Corporate Strategy and Human Resources Branches and to seek Council's endorsement of the recommended actions in response to the review of policies and codes.

DISCUSSION

The General Manager's Division consists of four branches being General Manager, incorporating Internal Audit, Community Relations, Corporate Strategy and Human Resources.

Each branch of the General Manager's Division was required to undertake a review of policies before the end of June 2011. The outcomes from the review by the Community Relations Branch of its policies was adopted by Council at the May 2011 Ordinary Meeting. The remaining three branches have completed their policy reviews, which now are presented to Council with the recommendations below for consideration.

A listing of the current policies under the control of each of the branches, together with the outcomes of the review, is contained below.

General Manager

Policy or Code	Review Status	Comment and Recommendation
Code of Conduct (Statutory) POL00272	Amendment proposed	This is a statutory code under s440 of the Local Government Act defining the standard of conduct expected of Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council in carrying out their functions as council officials. Recommendation – The code requires minor updating to reflect legislative change in the name of the Protected Disclosures Act 1994 to the Public Interest Disclosures Act 1994.
Code – Statutory – Code of Conduct – Conflict of Duties POL00273	No amendments proposed	This is a supplement to Council’s Code of Conduct defining the standard of conduct expected when there is a conflict between competing or incompatible public duties. Recommendation – No change to the Policy
Councillors & Staff – Memo of Understanding POL00201	No amendments proposed	This policy describes a working relationship between elected members and staff. Recommendation – No change to the Policy
Organisational Performance Review POL00232	No amendments proposed	A policy targeted to ensure cost effective services for Council’s customers. Recommendation – No change to the Policy
Public Meetings – Staff Attendance POL00238	No amendments proposed	This policy is aimed to ensure information on the attendance of staff at significant public meetings is available to Councillors. Recommendation – No change to the Policy

Reporting of Corruption, Maladministration and Substantial Waste POL00245	Amendment proposed	This policy aims to enhance the establishment of procedures for making disclosures. Recommendation – The policy requires minor updating to reflect legislative change in the name of the Protected Disclosures Act 1994 to the Public Interest Disclosures Act 1994.
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Corporate Strategy Branch

Policy or Code	Review Status	Comment and Recommendation
Integrated Management Systems POL00210	Recommend deletion, policy superseded	This policy, introduced in 1998, is Council's stance on the organisation's management systems. The policy was updated in early 2009 to reflect the broader concepts of sustainability; however it is now superseded by the strategy titled Hornsby 2020-Our Framework for a Sustainable Future, adopted by Council in October 2009. Recommendation – Deletion of this Policy
Competitive Provision of Services and Security of Employment POL00190	Recommend deletion, policy obsolete	This policy was developed in 1997 in response to the move in local government to compulsory competitive tendering. The policy describes the need to provide services to the community at agreed quality standards, and it recognises that as part of continuous improvement it may be necessary to adjust quality standards, with implications for staffing. The policy also states that adjusted service levels should not threaten employment or lead to forced retrenchments. Compulsory competitive tendering concepts have been superseded by the DLG's integrated planning and reporting requirements. Recommendation – Deletion of this Policy

Consultants – Engagement and Selection POL00192	Amendments proposed	<p>This policy describes Council’s stance on the use of consultancies to ensure equity, accountability and value for money, and includes a requirement for reporting quarterly various aspects of consultancies.</p> <p>Recommendation - The policy requires minor updating:</p> <ul style="list-style-type: none"> • to reflect current arrangements for quarterly reporting to Council • to reference requirements relating to the occupational health and safety procedures outlined in Council’s OHS Contractor Management Determination (POL00348) and associated procedures
Customer Service POL00205	Amendments proposed	<p>This policy describes the minimum levels of service a customer can expect when dealing with Council and provides guidance to staff when dealing with customers. Council’s customer service group has reviewed the Policy and recommends minor amendments to reflect legislative changes and to acknowledge that some customers may require additional support.</p> <p>Recommendation – The policy requires minor updating to</p> <ul style="list-style-type: none"> • Reflect the Government Information (Public Access) Act • Recognise the different service needs of those with a disability and those from culturally diverse backgrounds
Consultants – Engagement and Selection – Pecuniary Interest POL00193	No amendments proposed	<p>This policy documents both a requirement for consultants engaged by Council to declare any pecuniary interest before commencement of the consultancy, and Council’s right to rescind the engagement if the declared pecuniary interest is deemed to be unacceptable.</p> <p>Recommendation – No change to the Policy</p>

Complaints Handling POL00191	No amendments proposed	<p>This policy describes guidelines and procedures and sets customer expectations for the management of complaints made to Council. The policy was reviewed in February 2011 to take into consideration the NSW Ombudsman's "Managing Unreasonable Complainant Conduct Practice Manual".</p> <p>Recommendation – No change to the Policy</p>
Sponsorship – Council's Involvement POL00258	Recommend transfer of responsibility	<p>The sponsorship policy provides guidelines to assist Council to use sponsorship effectively and with probity. Sponsorship generally occurs in relation to community events and therefore Community Relations Branch has both the strategic oversight and operational responsibility for the execution of this policy.</p> <p>Recommendation – Transfer responsibility for this policy to Community Relations Branch</p>
Outdoor Dining Code POL00284	Recommend transfer of responsibility	<p>This code describes the process and controls to encourage outdoor dining at various sites throughout the Shire. The code is implemented and administered by the Assets Branch and therefore should logically be the responsibility of that Branch.</p> <p>Recommendation – Responsibility for the strategic and operational aspects of the Outdoor Dining Code be transferred to the Assets Branch, Works Division.</p>

Human Resources Branch

Policy or Code	Review Status	Comment and Recommendation
Equal Employment Opportunity POL00211	No amendments proposed	<p>This policy is implemented to ensure Council's workplace is recognised as free of discrimination and harassment.</p> <p>Recommendation – No change to the Policy</p>

Organisation Development POL00231	Recommend deletion	This policy although titled Organisation Development was targeted at the development of staff in leadership and management. Council has recently adopted a Human Resources Strategic Plan which is more encompassing. It is therefore considered that this policy is no longer required and the broader staff development matters be pursued through the strategic plan and determinations. Recommendation – Deletion of this Policy
Industrial Agreement Severance Payments POL00218	No amendments proposed	This policy details payments to recognise long service of union members. Recommendation – No change to the Policy
Leave- Concessional POL00226	No amendments proposed	This policy outlines additional leave offered to staff on a concessional basis. Recommendation – No change to the Policy

For more detail, the branch policies are attached. Where amendments are proposed, they are shown on the attached copy of each policy, with deletions shown by ~~strike through~~ and additions shown by underlining.

BUDGET

This report recommends changes to policy wording and the deletion of superseded policies. The recommendations do not have any budget implications.

POLICY

There are no policy implications. The proposed amendments to the policies has no impact on the intent of those policies.

CONSULTATION

Relevant members of the organisation have reviewed the policies that impact on their work areas.

TRIPLE BOTTOM LINE SUMMARY

Triple bottom line attempts to improve Council's decisions by being more accountable and transparent on social, environmental and economic factors. This report does not propose any new initiatives or require the allocation of funds, and therefore a triple bottom line assessment is not required.

RESPONSIBLE OFFICER

The responsible officer is Julie Williams, Manager Corporate Strategy, and she can be contacted on 9847 6790.

RECOMMENDATION

THAT:

1. The contents of this report be received and noted.
2. Council adopt the proposed amendments and deletions to the general Manager, Corporate Strategy and Human Resources Branch Policies as outlined in this report and its attachments.

ROBERT BALL
General Manager
General Manager Division

Attachments:

1. POL00097 Complaints
2. POL00098 Consultants Engagement and Selection
3. POL00099 Consultants Pecuniary Interest
4. POL00100 Customer Service
5. POL00190 Competitive Provision of Services
6. POL00210 Integrated Management Systems
7. POL00258 Sponsorship
8. POL00283 Code for Outdoor Dining
9. POL00245 Reporting of Corruption, Maladministration and Substantial Waste
10. POL00272 Statutory Code of Conduct
11. POL00210 Integrated Management Systems
12. POL00190 Competitive Provision of Services and Security of Employment
13. POL00192 Consultants - Engagement and Selection
14. POL00211 Equal Employment Opportunity
15. POL00231 Organisation Development
16. POL00218 Industrial Agreement Severance Payments
17. POL00226 Leave Concessional
18. POL00273 Code - Statutory - Code of Conduct - Conflict of Duties

File Reference: F2009/00369
Document Number: D01675743

4 LEASED AREAS 1, 2 AND 3 - LOWER LEVEL OF THE BEECROFT COMMUNITY CENTRE - 111 BEECROFT ROAD, BEECROFT - PROPOSED RENEWAL OF LEASE TO NORTHERN DISTRICTS LAPIDARY CLUB INC.

EXECUTIVE SUMMARY

Northern Districts Lapidary Club Inc. (The Club) has submitted an application seeking the formalisation of their ongoing occupation of Leased Areas 1, 2 and 3 on the Lower Level of the Beecroft Community Centre.

Following an assessment of the application in accordance with the provisions of the Code for the Lease/Licence of Council Owned Land and Buildings to Community Groups, and agreement by the Club to the proposed terms of the lease, officers are of the opinion that Council's interests would not be adversely affected if it entered into a new 10 year lease with The Club.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with information and a recommendation in respect of the formalisation of the ongoing use and occupation of Leased Areas 1, 2 and 3 on the Lower Level of the Beecroft Community Centre by the Northern Districts Lapidary Club Inc.

DISCUSSION

Beecroft Community Centre is located at 111 Beecroft Road, Beecroft and is currently managed on behalf of Council by the Beecroft Community Centre Section 377 Management Committee. The land upon which the Beecroft Community Centre is situated is currently zoned Special Uses A (Community Purposes) in the 1994 Hornsby Shire Local Environment Plan and is classified as Community Land under the Local Government Act 1993.

The Community Centre building is comprised of a main hall, a supper or meeting room and a library room and is used by seven to eight community related groups under short term hiring arrangements. The District 1 Generic Plan of Management expressly authorises the building's use as the Beecroft Community Centre.

Since the early 1970's, Leased Areas 1, 2 and 3 of the Lower Level of the Centre (comprising a total floor area of approximately 193 square metres) has been occupied by The Club under a number of lease agreements. The most recent agreement expired on 7 March 2010, and since that time, The Club has continued its occupation on monthly holding over arrangements. The Club provides workshop facilities for turning stones into decorative items, conducts teaching courses and organises field trips and social functions for its members. A plan indicating the area currently occupied by The Club is included as an attachment to this Report.

As the Management Committee of the Community Centre does not have the authority to grant a lease or licence in respect of the Centre, The Club has submitted an application to Council to formalise their ongoing use of Leased Areas 1, 2 and 3 in line with the provisions

of Council's Code for the Lease/Licence of Council Land and Buildings to Community Groups.

The Code, originally adopted by Council in May 2007, provides a framework for the equitable, efficient and effective lease/licence of Council's property assets to community groups. The Code assists Council officers to assess community group applications for the use of Council land and buildings in a transparent manner, based on agreed eligibility criteria, and formulate appropriate lease/licence terms and conditions for the consideration and endorsement of Council.

An assessment of The Club's application has determined that a further lease of Leased Areas 1, 2 and 3 would, in accordance with the provisions of the Code, be on the following basis:

Term of lease:	10 years
Permitted Use:	Activities associated with the Northern Districts Lapidary Club Inc.
Initial Rental:	\$2,288 per annum (inc of GST)
Rent Review:	Annual review in accordance with the Consumer Price Index with a market rent review to apply in year five of the lease term.
Statutory Outgoings:	Lessee responsible for 50% of any assessed Council rates on an area occupied basis.
Operating Costs:	Lessee responsible for the payment of 100% of all telephone line rental and calls and electricity
Insurance:	Lessee responsible for public liability insurance, indemnity \$20 million
Legal fees:	Lessee responsible for the payment of 50% of lease preparation costs and all statutory advertising costs
Maintenance:	Lessee responsible for all internal repairs and maintenance, including internal painting and decoration and repairs of own fixtures and fittings
Other:	Lessee responsible for security and cleaning of Leased Areas 1, 2 and 3 and any equipment located therein.

Following an exchange of correspondence about the officer's assessment of The Club's application, The Club has indicated their agreement to enter into a further lease on the above basis.

In line with the provisions of Section 47 of the Local Government Act 1993, any proposal to lease community land is required to be publicly notified for a period of not less than 28 days. In respect of a lease for a term of greater than five years, Council must consider all submissions received and not grant any lease without the consent of the Minister for Local Government.

BUDGET

The granting of a 10 year lease to The Club will realise a minimum income of \$2,288 per annum (inclusive of GST). This income will be held and utilised by the Beecroft Community Centre Section 377 Management Committee for the purposes of funding the ongoing care, control and management of the facility.

POLICY

This Report has been prepared having consideration to the Code for the Lease/Licence of Council Land and Buildings to Community Groups.

CONSULTATION

There has been consultation with the Northern Districts Lapidary Club Inc., representatives of the Beecroft Community Centre Section 377 Management Committee and officers of Council's Commercial Property Section in the preparation of this Report.

TRIPLE BOTTOM LINE SUMMARY

The Triple Bottom Line is a framework for improving Council's decisions ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. If Council was to proceed with the recommendations proposed in this Report, contribution would be made to the following strategic themes:

- Society and Culture – enhance social and community well-being.
- Economy – vibrant local economy and sustainable resource use.
- Human Habitat - effective community infrastructure and services.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are Ms Samantha Colbert, Co-ordinator Community and Cultural Facilities and Mr David Johnston, Manager - Community Services Branch, who may be contacted on 9847-6548 and 9847-6800 respectively.

RECOMMENDATION

THAT:

1. Council note the contents of Executive Manager's Report No. CC2/11.
2. The proposed lease to the Northern Districts Lapidary Club Inc. be publicly advertised and submissions invited within a period of not less than 28 days.
3. Should submissions be received objecting to the lease proposal, a further report be provided for Council's consideration.
4. Subject to the outcome of recommendations 2 and 3, Council grant a 10 year lease to the Northern Districts Lapidary Club Inc of Leased Areas 1, 2 and 3 on the Lower Level of the Beecroft Community Centre in accordance with Sections 46 and 47 of the Local Government Act 1993 (Lease/Licence of Community Land) on the following basis:

- The rental to be at the rate of \$2,288 per annum inclusive of GST during the initial 12 months of tenure.
- The rental to be subject to annual review in accordance with the movement in the Consumer Price Index.
- The rental to be subject to a market review at the end of the fourth 12 month period of tenure in accordance with the provisions of the Code for the Lease/Licence of Council Land and Buildings to Community Groups.
- The lessee to be responsible for the payment of 50% of any assessed Council rates on an area occupied basis.
- The lessee to be responsible for the payment of all operating costs including all telephone line rental and calls and electricity
- The lessee to be responsible for the payment of 50% of lease preparation costs and all statutory advertising costs
- The lessee to be responsible for all internal repairs and maintenance, including internal painting and decoration and repairs of own fixtures and fittings
- The lessee to be responsible for security and cleaning of the Leased Areas and any equipment located therein.
- The lessee to indemnify Council against all claims in respect of public liability to an amount not less than \$20 million, with such public liability policy to note Council as an interested party.
- The premises to be used for activities associated with the Northern Districts Lapidary Club Inc.
- The lessee to acknowledge Council's support in respect to the provision of the space in its annual reports and publications, any advertising and community events.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Plan indicating Leased Areas 1, 2 and 3 on the Lower Level -Leased to Northern Districts Lapidary Club Inc.

File Reference: F2008/00418
Document Number: D01472840

5 DEBTORS TO BE WRITTEN OFF - 30 JUNE 2011

EXECUTIVE SUMMARY

Each year, Financial Services Branch staff assesses Council's outstanding debtors to determine those debts which are bad, doubtful or recoverable. Debts considered bad are either recommended for write off by the General Manager under delegated authority or submitted to Council for approval to write off.

For 2010/11, it is recommended that Council write off debts considered bad totalling \$15,254 (see Schedule A), and note debts considered bad totalling \$6,798 which will be written off under the General Manager's delegated authority (see Schedule B).

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council approval, in accordance with Clause 213 of the Local Government (General) Regulation, to write off debts considered bad for the 2010/11 financial year.

DISCUSSION

The writing off of debts by Council is undertaken in accordance with Clause 213 of the Local Government (General) Regulation. At the Ordinary Meeting held on 10 July 1996, Council resolved that the General Manager be delegated authority to write off individual debts up to \$1,000 which are considered irrecoverable. Debts over \$1,000 may only be written off by resolution of Council. It is noted that, since 2006/07, the amount of bad debts written off by Council in accordance with Clause 213 of the Regulation is:

2006/07	\$ 7,295
2007/08	\$21,165
2008/09	\$ 4,636
2009/10	\$ 4,526

Each year, Financial Services Branch staff assesses outstanding debtors to determine those debts which are bad, doubtful or recoverable. Debts considered bad are either recommended for write off by the General Manager under his delegated authority or submitted to Council for approval to write off. (N.B. Doubtful debts are provided for in the financial records in contrast to bad debts which are written off)

In respect of 2010/11, it is recommended that Council write off debts considered bad totalling \$15,254 (see details in Schedule A); and note debts considered bad totalling \$6,798 which will be written off under the General Manager's delegated authority (see details in Schedule B).

It should be noted that even if a debt is written off, Council is not prevented from taking future legal proceedings to recover the debt.

BUDGET

The 2010/11 budget for bad debts written off was set at \$4,000. As the amount of debts recommended for write off exceeds that amount, net available working funds will decrease by the excess amount.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

This Report has been prepared in consultation with Council's debt collection agency - Recoveries and Reconstruction (Australia) Pty Ltd; Council's Team Leader, Revenue Section; and other relevant Council staff.

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 does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer is Glen Magus, Manager Financial Services. He can be contacted on 9847-6635.

RECOMMENDATION

THAT for 2010/11, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$15,254 (as detailed in Schedule A attached to Report No. CC28/11).
2. Note debts considered bad totalling \$6,798 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Report No. CC28/11).

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Impairment of Debtors

File Reference: F2004/06978-02

Document Number: D01670806

6 DISCLOSURES 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 18 May 2011 (see Report No. CC21/11). 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
12/5/2011	Engineer Investigations. Stormwater Management	Internal transfer

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: D01671119

7 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2011 REPORT AND DETERMINATION

EXECUTIVE SUMMARY

Sections 248(2) and 249(3) of the Local Government Act allow Council to fix the annual fee payable to Councillors and the additional annual fee payable to the Mayor. The annual fees must be fixed in accordance with the relevant annual determination of the Local Government Remuneration Tribunal (the Tribunal). Should Council choose not to fix the annual fees, the Act requires that the minimum fees, as determined by the Tribunal, will be automatically applicable.

Section 239 of the Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every three years. The Tribunal last undertook a fundamental review of the categories of councils in 2009. In undertaking that review, the Tribunal found that there was no strong case to significantly alter the current categories of councillor and mayoral offices or to move individual councils between categories. While the groupings remain unchanged, the Tribunal decided to apply descriptive titles to the categories which more accurately reflect the nature of the differences between the various groups.

Based on the Tribunal's 2011 Report and Determination, it is recommended that Council note that it remains in the Metropolitan Centre Category (previously known as Category 1); and, as a consequence, approve a 4.2% increase in Councillor and Mayoral fees for the 2011/12 financial year.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with the 2011 Report and Determination of the Tribunal such that it can determine the amount of the annual fee payable to each Councillor and the additional fee payable to the Mayor for the 2011/12 financial year.

DISCUSSION

Local Government Remuneration Tribunal – 2011 Report and Determination

A copy of the Tribunal's 2011 Report and Determination is attached.

The Tribunal is established under Chapter 9, Part 2, Division 4 of the Local Government Act. In this regard, Section 239 of the Act states:-

- (1) *The Remuneration Tribunal must, at least once every 3 years:*
 - (a) *determine categories for councils and mayoral offices, and*
 - (b) *place each council and mayoral office into one of the categories it has determined*

- (2) *The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the maximum and minimum*

amounts of fees to be paid to mayors and councillors in each of the categories so determined.

Section 241 of the Act states:-

The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.

The Tribunal's Report advises that the next review of council categories is scheduled to take place in 2012. Until then, the Tribunal does not expect to make changes within categories unless there is a significant change in the role and responsibilities of individual councils.

The Report also advises that its 2011 review of the minimum and maximum fees applicable to councillors and mayors in each Category has had regard to issues raised in submissions received from the Local Government and Shires Associations and individual councils. In this regard, 16 submissions were received from individual councils, the majority of which supported an increase in the fees payable to councillors and mayors. The submissions also addressed the following issues:

- Workload
- Complexity of issues
- Training and development
- Expenses
- Categorisation

The Tribunal has provided responses to the issues raised and they are included in the attached Report and Determination.

With respect to all of the above, and taking into account the views of their own assessors, the Tribunal has recommended that an increase of 4.2% in the fees for Councillors and Mayors is appropriate for the 2011/12 financial year.

Impact on Council

As a result of the Tribunal's determination, Hornsby remains placed in the Metropolitan Centre Category (previously known as Category 1) of councils together with Bankstown, Campbelltown, Fairfield, Gosford, The Hills, Hurstville, Lake Macquarie, Liverpool, North Sydney, Randwick, Ryde, Sutherland, Warringah, Willoughby and Wyong Councils.

The fees determined by the Tribunal as being applicable to the Metropolitan Centre Category of councils are:

Councillor	Mayor
Annual Fee Minimum - Maximum	Additional Fee Minimum - Maximum
\$11,340 - \$21,170	\$24,100 - \$56,250

In 2010, when Council last determined the fees payable to Councillors and the Mayor, it resolved to pay fees at the maximum level which applied to Metropolitan Centre councils.

Having regard to the Tribunal's statement in its 2002 Report that "*Gosford, Hornsby, Liverpool, Sutherland and Randwick certainly warrant payment of the maximum fee for Category 1 and their activities have been taken into account in determining the maximum fee for Category 1*", it is considered appropriate that the maximum fee for the Metropolitan Centre Category continue to be paid to Councillors and the Mayor for the period 1 July 2011 to 30 June 2012.

This would result in each Councillor receiving an annual fee of \$21,170 and the Mayor receiving an additional annual fee of \$56,250 for the 2011/12 financial year.

BUDGET

The 2011/12 Budget was prepared on the basis of an estimated 3% increase over the previous year in the amount to be paid as fees to the Mayor and Councillors. Assuming that Council supports the recommendations contained within this Report that the fees for the Mayor and Councillors be increased in line with the Tribunal's proposed figure of 4.2%, the 2011/12 budget allocation for fees is estimated to be short by an amount of \$9,350. If this amount is unable to be found as a saving within other line items in the Councillors' budget responsibility centre, it will need to be the subject of a budget adjustment as part of a 2011/12 Quarterly Budget Review.

POLICY

No Council policies are affected by this Report.

CONSULTATION

This Report has been prepared having regard to the 2011 Report and Determination of the Local Government Remuneration Tribunal. The Tribunal consulted with various organisations as part of their 2011 review.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Administration Services Branch - Mrs Robyn Abicair who can be contacted on 9847-6608.

RECOMMENDATION

THAT:

1. Council note that the Local Government Remuneration Tribunal's 2011 Report and Determination proposes no change to the categories of councils and consequently Hornsby Shire Council will remain in the Metropolitan Centre Category.
2. In accordance with Section 248 of the Local Government Act, and the 2011 determination of the Local Government Remuneration Tribunal, an annual fee of \$21,170 be paid to each Councillor for the period 1 July 2011 to 30 June 2012.
3. In accordance with Section 249 of the Local Government Act, and the 2011 determination of the Local Government Remuneration Tribunal, an additional annual fee of \$56,250 be paid to the Mayor for the period 1 July 2011 to 30 June 2012.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. 2011 Local Government Remuneration Tribunal Report & Determination

File Reference: F2004/06043
Document Number: D01672140

8 2010/11 INVESTMENTS AND BORROWINGS - PERIOD ENDING APRIL 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 April 2011 was \$1,689,000 compared to the revised budgeted income for the same period of \$1,296,000. Of the investment income earned, 40% 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 of Surplus Funds Policy (which was last reviewed by Council at its 20 April 2011 Ordinary Meeting).

DISCUSSION

Council's Investment Performance – April 2011

- The At-Call and Term Deposits achieved an annualised return of 6.03% 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 -4.00% for the month compared to the benchmark of -0.12%. 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 7.01% for the month compared to the benchmark of 5.01%.
- The Capital Guaranteed Notes achieved an annualised return of 0% for the month compared to the benchmark of 5.01%. No interest will be accrued for the remaining life of the securities.

For total investments, the annualised return for April 2011 was 5.02% compared to the benchmark of 4.64%. It is noted that for the 2010/11 year to date, the annualised return is 5.28% compared to the benchmark of 4.97%.

Economic Commentary

Statement by Glenn Stevens, Governor: Monetary Policy Decision - Media Release 3 May 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. The recent disaster in Japan is having a major impact on Japanese production, and some effects on production of manufactured products further afield. Commodity prices, including oil prices, have generally continued to rise 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. Uncertainty remains over the prospects for resolution of the banking and sovereign debt issues in Europe.

Australia's terms of trade are reaching higher levels than assumed a few months ago, 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 natural disasters over the summer have reduced output in some key sectors and the resumption of coal production in flooded mines is taking longer than initially expected. It is likely this caused a decline in real GDP in the March quarter. Production levels should, however, recover over the months ahead, and there will be a mild boost to demand from the rebuilding efforts as they get under way. Over the medium term, overall growth is likely to be at trend or higher.

Growth in employment has moderated over recent months and the unemployment rate has been little changed, near 5 per cent. Most leading indicators suggest further growth in employment, though most likely at a slower pace than in 2010. 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.

Overall credit growth remains quite modest. Signs have continued to emerge of some greater willingness to lend, and business credit has resumed growth after a period of contraction. Growth in credit to households, on the other hand, has softened recently, as have housing prices in several cities. The exchange rate has risen further and, in real effective terms, is at its highest level in several decades. This, if sustained, could be expected to exert additional restraint on the traded sector.

Recent data on inflation show the effects of production losses due to the floods and Cyclone Yasi. The affected prices should fall back later in the year, though substantial rises in utilities prices are still occurring. The Bank expects that, as the temporary price shocks dissipate over the coming quarters, CPI inflation will be close to target over the year ahead.

Looking through these short-term movements, however, the recent information suggests that the marked decline in underlying inflation from the peak in 2008 has now run its course. While the rising exchange rate will be helping to hold down prices for some consumer products over the coming few quarters, over the longer term inflation can be expected to increase somewhat if economic conditions evolve broadly as expected.

At today's meeting, the Board judged that the current mildly restrictive stance of monetary policy remained appropriate. In future meetings, the Board will continue to assess carefully the evolving outlook for growth and inflation.

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 30 April 2011 is attached for Council's information.

BUDGET

Total investment income for the period ending April was \$1,689,000. The revised budgeted income for the same period was \$1,296,000. Of the total variance, \$210,000 relates to the recovery of the previously written down fair value of the CDO's and Capital Guaranteed Notes which were sold or matured during this financial year. Approximately 40% 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 of Surplus Funds Policy.

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 the Executive Manager's Report No. CC32/11 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 30 April 2011
2. HSC Borrowings Schedule as at 30 April 2011

File Reference: F2004/06987

Document Number: D01677669

9 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 28 FEBRUARY 2011

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

The purpose of this Report is to provide details in respect of resolutions adopted by Council up until the end of February 2011 which have not been substantially implemented.

DISCUSSION

In accordance with the Council Resolutions Policy, each Division has carried out a review of any resolutions adopted by Council up until the end of February 2011 which have not been substantially implemented. This has resulted in the attached spreadsheet being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

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

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

BUDGET

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

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC33/11 be received and noted.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Council Resolutions - As at 28 February 2011

File Reference: F2005/00112
Document Number: D01678173

10 COUNCIL'S APPLICATION FOR A SPECIAL RATE VARIATION TO COMMENCE FROM 2011/12

EXECUTIVE SUMMARY

At the Workshop Meeting held on 23 March 2011, Council adopted its Community Plan 2010-2020 and associated documents together with the rating structure to apply for 2011/12, subject to the Independent Pricing and Regulatory Tribunal's (IPART's) determination of Council's Special Rate Variation application.

Whilst no response in respect of Council's Special Rate Variation application has been received at the time of writing of this Report, IPART has indicated that their decision will be advised to Council by 10 June 2011. The inclusion of this Report on the agenda for the 15 June 2011 Ordinary Meeting ensures that the matter is listed for discussion.

As further information comes to hand from IPART following finalisation of this Report, it will be made available to Council as Late Item information. The Late Item information will also include details of any further recommendations that Council will need to consider at the 15 June 2011 Ordinary Meeting.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide an opportunity at the 15 June 2011 Ordinary Meeting for Council to discuss IPART's decision in respect of Council's Special Rate Variation application for 2011/12 and, depending on such decision, to make appropriate resolutions consequent upon the decision.

DISCUSSION

At the Workshop Meeting held on 23 March 2011, Council considered Report No. GM6/11 – The Hornsby Shire Community Plan 2010-2020, the Resourcing Strategy, the Delivery Program 2011-2015 including Operational Plan and Budget 2011/12 and Fees and Charges 2011/12 and resolved:

THAT following consideration of the submissions received, and taking account of the requirements of IPART regarding special rate variations, Council:

- 1. Adopt the amended Hornsby Shire Community Plan 2010–2020; the Resourcing Strategy; the Delivery Program 2011-2015, including the 2011/12 Operational Plan; and 2011/12 Fees and Charges, incorporating the amendments recommended in General Manager's Report No. GM6/11 and Late Item information associated with that Report.*
- 2. Subject to IPART's determination, make and levy the Ordinary, Catchments Remediation and Hornsby Quarry Loan Rates for 2011/12 based on the preferred 7.8% rate structure outlined in the Delivery Program, that is:*

- *Make and levy the Ordinary Rates in accordance with the table shown in General Manager's Report No. GM6/11.*
 - *Make and levy the Catchments Remediation Rate on all rateable land in the Shire, in accordance with the table shown in General Manager's Report No. GM6/11.*
 - *Make and levy the Hornsby Quarry Loan Rate on all rateable land in the Shire, in accordance with the table shown in General Manager's Report No. GM6/11.*
 - *Continue to provide eligible pensioners with a \$10 concession in respect of the Hornsby Quarry Loan Rate, represented by a reduction in the Base amount.*
 - *Provide eligible pensioners with an additional \$20 concession in respect of the rate variation represented by a reduction in the Base amount.*
3. *Consider a further report following the IPART determination, reviewing the Integrated Planning and Reporting Framework documents as necessary.*

Whilst no response in respect of Council's Special Rate Variation application has been received at the time of writing of this Report, IPART has indicated that their decision will be advised to Council by 10 June 2011. The inclusion of this Report on the agenda for the 15 June 2011 Ordinary Meeting ensures that the matter is listed for discussion.

It is noted that if IPART approves Council's application, then points 1 and 2 of the above resolution will be able to be implemented without any further decision being required from Council.

If, however, the Special Rate Variation application is not approved at all or not in full, Council will need to make a new resolution at the 15 June 2011 Ordinary Meeting to at least account for a changed rating structure to apply in respect of the 2011/12 financial year. Decisions will also need to be made in the short term to reflect the changes to be made to the Community Plan, Resourcing Strategy, Budget, etc as a consequence of the reduction in the amount of rate income against what is currently projected in those documents. Further community consultation about variations to the projects/services outlined in those documents will also be required if additional sources of funding equivalent to the reduction in rate income are unable to be identified by Council.

As further information comes to hand from IPART following finalisation of this Report, it will be made available to Council as Late Item information. The Late Item information will also include details of any further recommendations that Council will need to consider at the 15 June 2011 Ordinary Meeting.

Irrespective of whether Council's Special Rate Variation application is approved or not, Council will, in the short term, need to determine the specifics of expenditure savings to be achieved in the 2011/12 Budget and beyond. In this regard, Council's Special Rate Variation application was predicated on the basis that savings of at least \$1,450,000 per annum would be achieved across the organisation in the 2011/12 and future Budgets to contribute to the achievement of the program of works/services (including the rebuild of the Hornsby Aquatic Centre) detailed in Council's application.

It is noted that the savings to be achieved for 2011/12 are on top of the estimated \$2,000,000 cuts that had already been made to the 2010/11 Budget since its preparation to achieve a

balanced budget position for the year; and the considerable savings made over at least the previous five years by not providing any increase in non-salary related operating budgets i.e. increases in the costs associated with plant, materials, charges etc have been met by efficiency and other gains across Council in those years.

Most, if not all of those savings (which included salary/wage reductions across the organisation; reductions in stationery, printing, contractors, etc; reduction in telephone/communication expenses; reductions in legal and consultant expenses; reductions in training expenditure; etc) were required to offset the major increases in expenditure facing Council because of non-negotiable cost shifting from the Federal and State Governments e.g. increased street lighting and electricity costs of \$850,000 for 2010/11 alone; a doubling of the amount payable to the NSW Electoral Commission in respect of Council's election costs; increases in contributions to the Board of Fire Commissioners; etc.

It should be noted that Report No. GM14/11, which is also on this Meeting's agenda, provides comprehensive details of the amount of cost shifting to Council from other levels of government. That Report states that in the 2009/10 financial year, the estimated cost shift to Hornsby Shire Council from other levels of government was \$9,887,912, which is 9.75% of Council's total operating income, excluding capital activities, of \$103.3 million)

To allow all options available to be fully explored following the announcement of IPART's decision regarding Council's Special Rate Variation application, it is recommended that proposed expenditure savings for 2011/12 (and future years as appropriate) be further discussed with Councillors at workshop/s in June and July prior to being formally determined by Council at the August 2011 Ordinary Meeting.

BUDGET

The Budget implications associated with Council's Special Rate Variation application are outlined in General Manager's Report No GM6/11 and the documents referenced in that Report, particularly the Long Term Financial Plan. In this regard, it is noted that the objective of the Special Rate Variation application is to:

- Fund infrastructure enhancements desired by the community
- Fund the renewal and upgrade of all significant community infrastructure over the long term
- Achieve a satisfactory level of financial sustainability for the Shire into the future.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

The Hornsby Shire Community Plan 2010 – 2020, the Resourcing Strategy, the Delivery Program 2011 – 2015, the Operational Plan 2011/12 including the Fees and Charges 2011/12 (all of which provided the basis of the need for a Special Rate Variation application) were adopted after considerable community engagement with many of the communities in the Shire, and detailed discussion with relevant staff, taking into account the key issues for Councillors, together with phaseups/issues nominated by staff and Councillors leading up to and during 2011/12 Budget meetings. Broad community consultation occurred using a variety of methods and multiple technologies. A community engagement strategy guided all consultations.

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.

The Hornsby Shire Community Plan 2010 – 2020, Delivery Program 2011 – 2015 and Operational Plan including Budget 2011/12 are aligned to Council's strategic themes which are based on triple bottom line principles plus governance.

A Community Strategic Plan and Resourcing Strategy, including a special variation to general income to fund infrastructure improvements, will contribute to community development through the provision of sustainable facilities and services by enhancing the amenity and use of recreation facilities and public open space.

Enabling the community, in collaboration with Councillors, to influence the projects to be funded by a rate increase encourages community pride in the area. This proposal will also have a positive impact on the use of existing infrastructure by upgrading and improving the functionality and public safety of civil assets. The proposed rate increase will also enable Council to maintain its assets in a financially viable manner.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Executive Manager, Corporate and Community Division – Mr Gary Bensley. He can be contacted on 9847-6605.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC35/11 be received and noted.
2. Consequent upon the receipt of the Independent Pricing and Regulatory Tribunal's decision regarding Council's Special Rate Variation application for 2011/12, Council review any Late Item information recommendations provided to it in relation to Executive Manager's Report No. CC35/11.

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2010/00460

Document Number: D01685884

11 DRAFT SUSTAINABLE WATER BASED RECREATION FACILITIES PLAN

EXECUTIVE SUMMARY

The purpose of this project is to develop a sustainable water based recreation strategy for public access points on the Lower Hawkesbury by consulting the community to gain a greater understanding of the needs of those who participate in water based recreational activities. It includes an extensive literature review, stakeholder and user interviews, an online survey and a community forum.

The Sustainable Water Based Recreation Facilities Plan (SWBRFP) (Attachment 2) will be used to determine the support required to encourage and sustain recreational pursuits that are in keeping with maintaining the environmental quality of the Hawkesbury estuary. The support includes maintenance of existing facilities, community education and developing initiatives to minimise further decline of environmental qualities and aquatic life of the Lower Hawkesbury.

The attached summary of recommendations in Attachment 1 provides a good overview of the Plan, however it is not a stand alone product and should be read in conjunction with the overall Plan.

PURPOSE/OBJECTIVE

The need for the SWBRFP became evident during the extensive community consultation and research on which the Lower Hawkesbury Estuary Management Plan and the Unstructured Recreation Strategy are based. The main aim of the SWBRFP is to prepare a strategic approach for the future provision of facilities for water based recreation so that the community's needs for a healthy lifestyle are better met, while the environmental quality of the Hawkesbury estuary is maintained.

Approval is sought to place the Sustainable Water Based Recreation Facilities Plan on public exhibition.

DISCUSSION

Council adopted the Unstructured Recreation Strategy in 2008 and the Lower Hawkesbury Estuary Management Plan in 2009. Within these reports a number of issues are identified, including the need for:

- Clear and sustainable directions on a wide range of water based recreation uses
- Identification of possible conflicts between users
- Infrastructure and asset condition analysis
- Identification of suitable access points for water based recreation
- Information regarding permitted fishing areas, facilities provided and identification of sensitive areas which are not suitable for fishing
- An analysis of information relating to the study area from the Recreational Fishing Study in the Sydney Region

- Adequate waste disposal facilities (for recreational fishing waste, foreshore bins and pumpout facilities)
- Principles and guidelines for the provision of current and future facilities for water based recreation.

The draft SWBRFP has been prepared by consultants @leisure under the direction of Council. It focuses on the Lower Hawkesbury River in the following locations:

- Kangaroo Point
- Crosslands Reserve
- Berowra Waters
- Brooklyn
- Parsley Bay
- Wiseman's Ferry
- Deerubbin Reserve

The project involved extensive demand and supply analysis. A variety of consultation methods were used, including:

- inviting submissions
- publishing an online survey
- undertaking 40 telephone interviews
- holding a community workshop.
- liaison with other agencies and academic institutions who had undertaken related research

The supply analysis involved site inspections of all public access sites, a bus tour with the Lower Hawkesbury Estuary Management Committee, a tour with National Parks, an analysis of issues and opportunities at each access point and a review of infrastructure audit information.

Due to the limited funding available for the project, the strategy is a relatively high level plan.

Key Findings

The majority of users appear to be seeking an experience associated with the scenic natural beauty and high environmental quality in a setting with only minimal support facilities. The Lower Hawkesbury is being eroded at road access points and by motorised craft and will further decline with additional use or access points and increased facilities.

The plan recommends the following policy directions:

Sustainability

- Not widening, sealing or providing additional road access points to the river
- Not substantially increasing car parking or providing recreational infrastructure that is not dependant on a riparian setting
- Not hardening additional informal road access fishing spots
- Not increasing the number of moorings or the mooring cap

Conflicts

- Better communication and education between users about environmental sensitivities; available facilities and how to use them, and waste materials
- Promotion of car pooling and access to the river through means other than private car (e.g. train)
- Discouraging live bait collection
- Diversion of effluent/stormwater away from the river

Recreation Participation

- Give preference to non motorised uses of the river over motorised
- B Give preference to pedestrian and public transport access over car based use
- Incrementally upgrade infrastructure and services to include people with a disability, enhance functionality, sustainability and efficiency of use and minimise environmental impact
- Assist fishing, sailing and canoe clubs to establish headquarters and to include more children and people with a disability
- Provide extended and linked circuit paths along the waterfront at Brooklyn
- Encourage City Rail to provide a lift at the Hawkesbury River railway station

Communication

- Connect with users who are involved with the river and involve them more in its protection
- Provide better information about what water based recreation activities can be undertaken where, and how they can remain environmentally sustainable
- Prepare codes of conduct for all water based uses and for boat ramp behaviour
- Prepare a marketing plan to direct design of signage, maps, guides, brochures and GPS products, all including environmental messages
- Hold regular forums for stakeholders and user groups

Considerable information is provided in the 10 appendices which form part of the SWBRFP.

BUDGET

Many of the recommendations in the SWBRFP have a financial impact on the budget for the Works Assets Management Systems Section, the Parks and Landscape Team and the Water Catchments Team. Future reviews of capital works programs and/or Section 94 plans will take into account policy directions contained within the Plan. It is unlikely that there will be full implementation of all policy areas in the near future without the provision of additional funding to the teams involved.

No detailed planning or cost estimates have been prepared for the policy directions discussed in the SWBRFP. There may be opportunities to include some of these items in capital works programs in the future, but other projects may have to be deferred to subsequent years. Some directions will be dependent on submissions for phase ups or grant applications or a combination of both funding sources.

POLICY

The report is in accordance with the policy directions set out in the Unstructured Recreation Strategy (2008) and the Lower Hawkesbury Estuary Management Plan (2009).

CONSULTATION

The draft SWBRFP has been developed with the joint oversight of the Water Catchments Team and the Parks and Landscape Team. Consultation has been undertaken with the Asset Management Services Team and the Estuary Advisory Committee.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line 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

The SWBRFP will be used to determine the support required to encourage and sustain recreational pursuits that are in keeping with maintaining the environmental quality of the Hawkesbury estuary. It has been developed through extensive consultation with stakeholders and the community. The SWBRFP will be used to determine the support required to encourage and sustain recreational pursuits that are in keeping with maintaining the environmental quality of the Hawkesbury estuary. The SWBRFP promotes social equity by giving a high priority to the recreation needs of a full range of age groups and both genders.

Conserving our natural environment

The major focus of the SWBRFP is to provide direction to sustaining recreational pursuits that are in keeping with maintaining the environmental quality of the Hawkesbury estuary.

Contributing to community development through sustainable facilities and services

The SWBRFP identifies a strategy for the maintenance and support of existing facilities that can be sustained in balance with protecting the environment. It seeks to address conflicts between users and provide facilities where the areas of need are greatest.

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

The SWBRFP arose from the extensive community consultation and research that underlies the Lower Hawkesbury Estuary Management Plan and the Unstructured Recreation Strategy. The main aim of the SWBRFP is to prepare a strategic approach for the future provision of facilities for water based recreation so that the community's needs for a healthy lifestyle are better met and the environmental quality of the Hawkesbury estuary is maintained.

Supporting our diverse economy

The provision of recreation facilities enhances the quality of life for a community and this is often a prime consideration for new businesses wishing to relocate. Development of new facilities involves capital investment and subsequent engagement of suppliers and contractors.

Maintaining sound corporate and financial management

The SWBRFP identifies policies, plans and actions for implementation by Council. Each will have its own associated financial implications. The SWBRFP does not identify the cost of providing the nominated solutions so further work will be required in the preparation of annual budgets to ensure that any facilities developed as a result of the policy directions do

not lead to a situation of increased financial burden. Facilities will only be provided when sufficient capital and maintenance funds have been secured for the long term.

Other Sustainability Considerations

The SWBRFP seeks to integrate social, economic and environmental considerations.

RESPONSIBLE OFFICER

The responsible officer is Dana Spence, Parks Assets Coordinator, Parks and Landscape Team, telephone 9847 6896, between 9am and 5pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council endorse the attached Sustainable Water Based Recreation Facilities Plan for exhibition for one month.
2. A report be brought back to Council should submissions that require amendments be received.

PETER KEMP
Acting Executive Manager
Environment Division

Colour Attachments:

1. Summary of Recommendations
2. Sustainable Water Based Recreation Facilities Plan

File Reference: F2009/00566
Document Number: D01635494

12 TREE AND VEGETATION PROTECTION MATTERS

EXECUTIVE SUMMARY

Pursuant to Council's resolution of Report EN2/11, presented to the Ordinary Meeting held on 20 April 2011, it is considered necessary to introduce a revised Tree Preservation Order that reflects the changes to tree protection that were contained within the adopted Option 1 mentioned in that resolution.

Pursuant to point 6 of that resolution, the report discusses measures that may be introduced to offset tree loss, primarily the use of Voluntary Planning Agreements.

Also pursuant to point 6 of the resolution, the report shows the results of trials of the available tree valuation methods. None were found to be satisfactory. Two possible alternative methods of valuation are discussed.

The report also discusses planning that is currently underway to measure tree loss, pursuant to point 4 of the resolution.

PURPOSE/OBJECTIVE

The purpose of the report is to advance matters in response to Council's resolution of 20 April 2011.

DISCUSSION

At the Ordinary Meeting of 20 April 2011, it was resolved:

“THAT:

- 1. Council endorse Option 1 as outlined in Executive Manager's Report No. EN2/11 as its preferred option for inclusion in the Tree and Vegetation Chapter of the proposed comprehensive Development Control Plan.*
- 2. Council limit clearing of areas of vegetation without consent to once every five years.*
- 3. Council incorporate amendments indicated in the Discussion Section of Executive Manager's Report No. EN2/11 into Option 1.*
- 4. A report be prepared for Council's consideration detailing the outcomes achieved from implementation of Option 1 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 Division provide a report to Council in June 2011 on options to offset the loss of trees in the Shire as well as possible methodologies for valuing these trees.”*

Revised Tree Preservation Order

It has become clear that the time needed to adopt the Comprehensive Local Environmental Plan and the associated Comprehensive Development Control Plan (of which the adopted Option 1 for Tree and Vegetation controls will become a chapter) will be 12 to 18 months.

Due to the amount of consultation that was involved and publicity that was received around the exhibition and adoption of the options for Tree and Vegetation Controls, there is a level of public perception that the proposed change has already occurred and is in effect. It would be beneficial to public understanding of and support for tree protection measures to adopt an interim Tree Preservation Order (TPO) to make tree protection measures with the proposal adopted in-principle on 20 April.

To that end it is recommended that the draft revised Tree Preservation Order (Attachment 1) is adopted, to come into effect on 1 September 2011. This will introduce the new level of protection involving trees that are indigenous to Hornsby Shire and trees that grow within heritage conservation zones only.

Vegetation protection is not included in the revised TPO and it is preferable to leave this measure for the comprehensive DCP, or to amend the relevant existing DCP. The list of additional species that are indigenous to Hornsby Shire referred to in point 3 of the resolution has been added to the list of those species already contained in option 1 as adopted, and the amended and consolidated list is included in the revised TPO.

As aspects of the mechanism for tree loss offset are still being considered (see Discussion section below) and because the comprehensive DCP will not be adopted in the near future, it is best to leave any such provisions out of the revised TPO, however such measures could still be introduced in practice through conditions of consent for tree removals when they have progressed to a satisfactory stage.

This will allow testing of the favoured offset mechanism prior to the adoption of the DCP including the tree and vegetation chapter.

The recommendation for the delayed commencement of the revised TPO until 1 September 2011 is to allow the Environment Division to produce clear information that is easy to understand by the community on the trees that are indigenous to Hornsby Shire. The availability of such information in easily accessible form is essential to the success of the changes to tree protection.

Means of Offsetting Tree Loss

Point 6 of Council's resolution requires a consideration of options to offset the loss of trees in the Shire, as well as possible options for valuing these trees.

A planning consultant has been engaged to advise on what methods exist under current legislation that enable tree loss to be offset, and what may be the best method.

There are two main processes governing tree loss: development applications (DAs) and tree applications (TAs).

In the case of a DA where trees are proposed to be removed, the longstanding practice of considering an arborist's assessment of the impact of the tree loss will continue. The arborist assesses whether the proposed impact of the tree loss is significant and, if it is so considered,

the consent conditions will require changes to the proposal in order to preserve some or all of the trees proposed for removal.

Where the development is not feasible if all the trees recommended for retention by the arborist are retained, Council has the choice of:

1. Acceding to the proposal to remove the trees, offsetting the loss by consent conditions requiring alternative planting
2. Not consenting to the DA.

Where Council is inclined to grant development consent and allow the tree/s to be lost with approved offset methods, the methods may include:

1. Consent conditions requiring onsite replacement planting
2. Where onsite planting cannot be achieved, entering into a Voluntary Planning Agreement (VPA) under the NSW Environmental Planning and Assessment Act 1979, where the applicant may pay an agreed fee for the planting of the tree on public land
3. A combination of 1 and 2.

The consultant's advice currently being sought is expected to confirm that a VPA is a suitable means of obtaining funds for the public purpose of offsetting tree loss from development and explain some of the detail of how this would work in practice.

It's not yet clear whether there are any other means of obtaining funds from developers to offset tree loss.

The situation is somewhat different under a TA, where development is not a reason to seek consent for a removal of a tree. Council's current guidelines for determining a TA are expected to remain in place following changes to tree protection regulation. They provide that an application to remove a tree must satisfy Council that the tree is:

1. Diseased, dying or dangerous
2. Causing substantial property damage, where the removal of the tree is the only means to mitigate the damage
3. A misshapen specimen, due to overcrowding by other tree
4. The proven cause of an allergy that causes severe illness, where the removal of the tree is the only practicable means to relieve the allergy.

The removal of trees where these grounds are deemed by Council to be established is not really discretionary, as is the case under a DA.

In all but in point 3 above, the removal of the tree will create space for the planting of a replacement tree to offset the loss. In the case of point 3, the condition of the tree will be such that its loss is not a great impact and remaining trees will grow to offset the loss.

Therefore, it appears that it would be a rare occasion where the applicant could not offset the tree loss caused by the granting of a TA on any of the above grounds 1 - 4 by planting replacement tree/s on the subject property (or, in the case of point 3, by retaining and cultivating remaining trees). If this is not possible, and the applicant is unwilling to enter into a VPA, that may limit Council's options to offset the loss of the tree at the applicant's expense, because the proposed agreement would not be voluntary.

In the situation whereby Council is inclined to allow the removal of a tree where staff have refused the application because none of the above four grounds were established, it may be possible to enter into a VPA.

One difficulty with a VPA is that it implies that there is an unlimited supply of cleared public land where offsetting tree planting can be undertaken. No assessment of the long term capacity of Council's parks and roadside areas for tree planting has been undertaken. Large areas of land will be required to offset tree losses from public land.

The consultant's report, not available at time of writing this report, is expected to provide more detailed advice on offsetting measures.

When the best method for offsetting the loss of significant canopy trees is known and adopted, it could be through an amendment to Council's Green Offsets Code. Some draft amendments have been made to the code in anticipation of the inclusion of the loss of significant canopy trees as items to be offset under the code.

Tree Valuation Methods

Council's Parks and Landscape Team has investigated several known methods of tree valuation.

It was found that results using the various methods were widely variable, each had advantages and disadvantages, and no particular method stood out as superior. There would be no reasonable basis for choosing one of these methods over the rest.

Two other methods more suited to Council's purpose may be devised.

Council's arborists assess trees on development sites using a pro-forma that analyses whether a tree should be classified as 'significant'. Trees that are not rated as significant may be rated as worthy of preservation or not worthy of preservation.

It would be possible to arbitrarily select a standard valuation for all trees that are rated as significant and a lower standard valuation for all trees that are rated as worthy of preservation, and use these as the basis of a VPA. The fees would be set at a level that would favour and encourage the retention of trees affected by development, over their removal. Trees that are not worthy of preservation would attract no offset fee.

This method could be called the **Tree Significance Valuation Method**.

Another method would be to use land valuation as the basis, because it may be said that the real cost of offsetting tree loss from private land by planting trees on public land is the opportunity cost of the public land to support a tree.

The method could be called the **Land and Tree Value Equalisation Method** and would involve a calculation of the area of the property (in plan view) occupied by a tree canopy, or use the standard protection zone that is used in development consent conditions. A very large tree could occupy more than ten per cent of the site area, and on some properties this may equate to a six figure sum when calculated as a percentage of the Valuer-General's valuation for the property. If such sums were more than could be considered reasonable in order to make a VPA, there may have to be an arbitrary discount factor, or a ceiling on tree replacement fees.

Impact Monitoring

A consultant has been asked to devise a methodology for monitoring impacts of changes to tree protection regulation. This would involve comparison of aerial photography through time, and ground-truthing through transects used for sampling the tree population.

BUDGET

There are no budget implications from this report.

POLICY

There are no policy implications from this report.

CONSULTATION

The Planning Division and the Bushland and Biodiversity Team were consulted for this report.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Peter Kemp, Acting Executive Manager Environment, telephone 9847 6686, between 8.30am and 5pm, Monday to Friday.

RECOMMENDATION

THAT:

1. The revised Tree Preservation Order be adopted for public notification and gazettal.
2. The discussion of options for offsetting tree loss and valuing trees be noted.

PETER KEMP
Acting Executive Manager
Environment Division

Attachments:

1. Attachment 1 - Draft Revised Tree Preservation Order

File Reference: F2010/00633
Document Number: D01678798

13 CARBON PRICE IMPACT ON HORNSBY SHIRE COUNCIL

EXECUTIVE SUMMARY

The Australian Government and the Opposition have each committed to reducing Australia's emissions by 2020 by at least 5% (relative to 2000 levels). The Prime Minister announced in February 2011 the broad framework for the implementation of a carbon price in 2012.

The framework is based on an emissions trading scheme, beginning with a fixed price in the form of a tax for greenhouse gas emissions in the first three years before transitioning to a variable price set by the market.

A consultant, Kinesis, was appointed and has produced a report outlining the potential implications of a carbon price for Council (Attachment 1). It provides an indication of possible price rises under two different carbon price scenarios and how these price rises may affect the current costs Council pays for electricity, gas and fuel (relative to 2000 levels).

The report examines the potential cost impacts across Council's buildings, street lighting, vehicle fleet and other assets and services. Analysis has been provided using a projected carbon price of either \$20 or \$40 per ton of carbon.

The analysis within this report does indicate potential cost implications for Council if a carbon price is introduced and the possible measures Council can take to reduce its cost exposure.

PURPOSE/OBJECTIVE

This report is to assess the potential impacts of a carbon price on Hornsby Shire Council as requested by Council through a resolution on March 16 2011.

DISCUSSION

Council resolved on Notice of Motion 03/11 *'THAT the Executive Manager, Environment prepare a report for Council's consideration outlining the possible implications of a carbon tax on Council's activities.'*

The framework is based on an emissions trading scheme beginning with a fixed price for greenhouse gas emissions in the first three years, in the form of a tax, before transitioning to a variable price set by the market.

CONCLUSION

It is not possible to accurately state the cost that a carbon tax will impose on Council as scant detail has been announced to date. There is no mention of local government at all yet in the announcements made by the Federal Government on its plan for a carbon tax. There has been no announcement of whether the Federal Government will compensate local government for any increased costs flowing from the application of the tax, nor from the State Government as

to whether it may permit special rate variations to enable councils to pass on any cost from the carbon tax.

It remains a possibility that the necessary legislation will not pass through Federal Parliament when it is eventually tabled, and therefore no carbon tax would be imposed in the foreseeable future.

As further details regarding the carbon price are released, a more accurate analysis will be possible. The analysis in this report does enable Council to begin planning for the impacts of a carbon price.

Over time, there should be an increase in the amount of renewable energy supplying the grid which will result in lower carbon emissions and less carbon tax payable, and that should lead to lower electricity generating costs. Such an increase in renewable energy offset by decreases in the carbon tax or carbon price paid is proposed to bring about the Federal Government's planned transfer to renewable energy as a means of achieving emissions reduction. It remains to be seen how much of any reduced cost of generating electricity would be passed to consumers.

The analysis indicates that Council's costs could rise, based on current consumption and assuming the full cost of carbon is passed onto Council. Please refer to the table below, extracted from the Kinesis report.

Resource Use	Potential Annual Price Increase
Building electricity consumption	Approx. \$90,000- \$180,000 per annum
Building gas consumption	Approx. \$15,000- \$40,000 per annum
Street lighting electricity consumption	Approx. \$110,000- \$210,000 per annum
Vehicle fleet fuel consumption	Approx. \$25,000- \$50,000 per annum

If the carbon price is to achieve its planned objective, the most effective measure by which Council may reduce its cost exposure to the tax or carbon price should be to reduce its greenhouse gas emissions. This can be achieved through two means:

1. Improving the energy efficiency of its activities
2. Switching to less emission-intensive fuels, such as natural gas and renewable electricity.

Actions Council could undertake to achieve the above include introducing more energy-efficient lighting, installing low carbon power generation systems and purchasing more fuel efficient cars for its vehicle fleet.

The development by Council of a strategy to reduce energy consumption and carbon emissions may be able to offset the potential cost impacts of a carbon tax. The Waste and Sustainability Improvement Program introduced by the NSW Government provides funds that may assist, but requires councils to produce a plan to reduce use of energy, water and waste to justify funding applications.

Other government grant programs may be able to assist in the transition to reduced energy use in Council's operations.

BUDGET

Based on the report provided by Kinesis, there are potential budgetary impacts for Council if a carbon price is introduced. A more accurate analysis of these impacts will be possible once details of the carbon price framework are released. If the budgetary impacts are realised and cannot be fully offset, this will affect Council's ability to fund its operations.

POLICY

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

CONSULTATION

No consultation was required to complete this report.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Peter Kemp, Acting Executive Manager Environment, telephone 9847 6686, between 8.30am and 5pm, Monday to Friday.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN23/11 be received and noted.

PETER KEMP
Acting Executive Manager
Environment Division

Attachments:

1. Attachment 1 - Kinesis Report - The Implications of a Carbon Price

File Reference: F2011/00839
Document Number: D01683899

14 WORKS DIVISION 2011/12 ASSETS BRANCH PROGRAMS

EXECUTIVE SUMMARY

The Works Division's Assets Branch Programmes for 2011/12 are presented for Council's adoption in accordance with Council's Policy POL00110, "Civil Infrastructure – Maintenance".

Programmes presented include:

- Works Maintenance Programmes for the Northern and Southern Districts (managed by the Roads and Drainage Section and work undertaken by the Field Operations Section and contractors).
- Works Maintenance Programme for Road Pavements (managed by the Pavements Section and work undertaken by the Field Operations Section and contractors).
- Stormwater Management Programme (managed by the Asset Management Section and work undertaken by the Design & Construction Branch, consultants and the Field Operations Section).
- Asset Management Systems Implementation Programme (managed by the Asset Management Section and work undertaken by consultants and contractors).

Gantt charts showing the various activities and their proposed timing, as well as details of upgrading works are included in the programmes presented in the bound document titled, "2011/2012 Assets Branch Programmes".

OBJECTIVE

This report presents the Works Division's Assets Branch Programmes for 2011/12 for Council's adoption. The following programmes are presented:

- Northern and Southern Districts Works Maintenance Programmes
- Pavement Works Maintenance Programmes
- Stormwater Management Programme
- Asset Management Systems Implementation Programme

BACKGROUND

The replacement cost of Council's civil assets is estimated at \$872 million. It is hence essential that these assets are maintained by the most efficient and effective methods. The works maintenance programmes proposed have been formulated in accordance with strategies which were developed to meet the objectives of the various programmes in the Delivery Program for 2011 - 2015.

The maintenance of Council's civil assets by the Works Division's Assets Branch is managed and undertaken by the various sections within the Assets Branch, contractors and consultants:

Programmes	Programme managed by:	Works undertaken by:
Northern and Southern District Works Maintenance Programmes	Roads & Drainage Section	Field Operations Section and Contractors
Pavement Works Maintenance Programmes	Pavements Section	Contractors and Field Operations Section
Stormwater Management Programme	Asset Management Section	Field Operations Section, Contractors & Consultants
Asset Management Systems Implementation Programme	Asset Management Section	Contractors and Consultants

PROPOSED 2010/11 PROGRAMMES

The Works Division 2011/12 Assets Branch Programmes are in a bound document, dated June 2011, presented to Council under separate cover. This document outlines the proposed programmes, including various upgrading works, based on the funds allocated in the draft 2011/12 Budget to be adopted by Council in June, 2011.

The proposed funding allocation for civil infrastructure maintenance in the draft 2011/12 Budget is \$12,239,000. The breakdown for the various programmes is tabulated below:

Programme	Funding Allocation for 2011/12
Northern and Southern District Works Maintenance Programmes	\$ 6,115,000
Pavement Works Maintenance Programmes	\$ 2,650,000
Stormwater Management Programme	\$ 274,000
Asset Management Systems Implementation Programme	\$ 3,200,000
Total for Civil Infrastructure Maintenance	\$12,239,000

NORTHERN DISTRICT WORKS MAINTENANCE PROGRAMMES (A Ward and Part B Ward)

Gantt Chart A

Road Shoulder Maintenance

- Routine Maintenance
- Upgrading (Stabilisation and Flush Seal or Asphaltic Concrete)

Unsealed Road Maintenance

- Routine Maintenance
- Urban Unsealed Road Upgrading

Stormwater Drainage Maintenance

- Routine Drainage System Checking/Repair
- Minor Repairs (kerb inlets, pits, pipelines, channels)
- Minor Repairs (kerb & gutter)
- Minor Upgrading (kerb inlets, pits, pipeline, and channel stabilisation)

Footpath Maintenance

Routine Maintenance
Minor Footpath Repairs

Foreshore Facilities Maintenance & Upgrading

Routine Inspection/Maintenance
Upgrading/ Reconstruction

**SOUTHERN DISTRICT WORKS MAINTENANCE PROGRAMMES
(Part B Ward and C Ward)****Gantt Chart B*****Road Shoulder Maintenance***

Routine Maintenance
Upgrading (Stabilisation and Flush Seal or Asphaltic Concrete)

Stormwater Drainage Maintenance

Routine Drainage System Checking/Repair
Minor Repairs (kerb inlets, pits, pipelines, channels)
Minor Repairs (kerb & gutter)
Minor Upgrading (Kerb inlets, pits, pipelines, and channel stabilisation)

Footpath Maintenance

Routine Maintenance
Upgrading/Reconstruction
Minor Footpath Repairs

**PAVEMENT WORKS MAINTENANCE PROGRAMMES
(Northern and Southern Districts)****Gantt Chart C*****Pavement Heavy Patching***

Suburb groupings

Pavement Rehabilitation

Suburb groupings
Regional Roads

Flush Seal Resurfacing

Primer Seals - Stabilised Pavements
C170 Seals - One (1) suburb grouping
Poly Seals - One (1) suburb grouping
Regional Roads

Pavement Surface Rejuvenation

Suburb groupings

Zubri Program

Shire wide

Profiling Program

Regional Roads
Suburb groupings

Asphaltic Concrete Resurfacing

Regional Roads
Suburb groupings

Pothole Repair

12 monthly periods

STORMWATER MANAGEMENT PROGRAM**Gantt Chart D*****Major Drainage Works***

Hornsby Creek Catchment SWIP: Hornsby CBD Stage 1 - Water Street to Hunter Street
SWIP Preconstruction Activities

Minor Drainage Works

Design
Community Consultation/Design Finalisation
Construction

Major/Minor Drainage Projects List

Update Priority Lists incorporating FMA requirements
Scoping of high priority projects

Floodplain Risk Management

Storm Inundation Record review and update
Floodplain Management Authorities Conference
Floodplain Risk Management Plan Development

Stormwater Catchment Management Plans

General Review of completed SCMPs

Other Stormwater Management Activities

Planning Division Referrals with respect to DAs and s149 Certificates
State of Environment Report with respect to Stormwater Management
Urban Runoff Management Code Review
Various Minor Drainage Correspondence Matters

ASSET MANAGEMENT SYSTEMS IMPLEMENTATION PROGRAM**Gantt Chart E*****Pavement Management System (PMS) Implementation***

PMS Model Refinement
PMS Maintenance and Update
Pavement Management Strategy Development/Refinement

PIPEPAK (DRAMS-Drainage Asset Management System) Implementation

GPS/Condition Data Audit
PIPEPAK (DRAMS) Development
Drainage Asset Management Strategy Development

Footpath Management System (FMS) Implementation

FMS Maintenance and Update
FMS Development

DISCUSSION

Council's policy on maintenance programmes requires that maintenance be undertaken in accordance with programmes adopted by Council.

Where works in the maintenance programmes are in Heritage or Conservation areas, such maintenance works will require strategies that are different and more expensive than those adopted for normal works.

The achievement of the programmes presented is subject to weather conditions. This is especially so with regard to Unsealed Road maintenance.

BUDGET

The Programmes presented are based on funds allocated in the draft 2011/12 Budget to be adopted by Council in June 2011.

POLICY

The Programmes presented meet the objectives of Council Policy POL00110, "Civil Infrastructure – Maintenance".

CONSULTATION

Consultation with the Environment and Planning Divisions was made in respect of Stormwater Management activities. Intra Works Division branch consultation was made when preparing the programmes presented in this report.

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 the 2011/12 Assets Branch Programmes presented is as follows:

Working with our community

This report and the Proposed 2011/12 Assets Branch Programmes that are being presented to Council for adoption are readily accessible and understandable to the community. The programmes presented promote social equity by undertaking maintenance activities throughout the Shire on a priority basis.

Conserving our natural environment

The maintenance and upgrading activities in the various programmes facilitate the recovery of materials such as profiled materials during road resurfacing work and the winning of old concrete footpath slabs for recycling during footpath reconstruction work. Recycled profiled materials are used for unsealed road shoulder and unsealed road maintenance and recycled crushed concrete footpath slabs are used for some drainage maintenance works

Contributing to community developments through sustainable facilities and services

The maintenance and upgrading activities proposed will have a positive effect on the safety of the public environment, as well as the development of a healthy, equitable and active community.

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

The maintenance and upgrading activities proposed will give special consideration to the heritage values of the natural and built environment such as heritage footpaths, bushland and trees, and gardens. The well-being of the area's current and future population will also be promoted by maintaining facilities and assets that are safe for use by the community.

Supporting our diverse economy

Effective and efficient maintenance of Council's assets will have a positive effect on economic development in people wanting to live and work in the Shire.

Maintaining sound corporate and financial management

The maintenance and upgrading activities proposed will ensure that asset life-cycle costs are minimised and assets are able to function as planned during their life cycle. The activities proposed will also protect the value of Council's assets.

Other Sustainability Considerations

Potential negative impacts from maintenance and upgrading activities have been identified in the Review of Environmental Factors for such activities and appropriate measures will be undertaken to avoid or minimise such impacts.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council adopt the Works Division 2011/2012 Assets Branch Programmes contained in the bound document dated May 2011.

MAXWELL WOODWARD
Executive Manager
Works Division

Colour Attachments:

1. 2011/12 Assets Branch Programmes

File Reference: F2004/05959-02
Document Number: D01656166

15 REVIEW OF POLICIES AND CODES - WORKS 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 Works Division has now occurred 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 Works Division (i.e. Assets, Design and Construction, Engineering Services, Traffic and Road Safety, Property Development and Aquatic and Recreation Facilities Branches) and to seek Council's approval to the proposed amendments.

DISCUSSION

The last full review of Policies and Codes pertaining to the Works Division was conducted in June 2009 (Report No. WK19/09) and a review is now due as part of the timetable agreed to by ExCo.

Policies and Codes relevant to the Division are listed in the tables below, grouped by Branch. The "Review Status" column of the table indicated 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.

Assets Branch Policies/Codes

Policy/Code	Review Status
Policy – Asset Management	No amendments proposed
Policy - Vehicular Crossings	Amendments proposed
Policy - Street Signs	No amendments proposed
Policy - Street Lighting	No amendments proposed
Policy - Roads and Footpaths - Opening	No amendments proposed
Policy - Road Boundary Levels	No amendments proposed
Policy - Road Improvement Projects - Funding Allocation	No amendments proposed
Policy - Kerbing Guttering and Footpaths - Contributions for Construction	No amendments proposed
Policy - Footpath Levels - Alterations	No amendments proposed
Policy - Footpath and Footway Widths	No amendments proposed
Code - Stormwater Management	No amendments proposed

Engineering Services Policies/Codes

Policy - Corporate Attire - Outdoor Staff	No amendments proposed
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Property Development

Policy - Disposal of Land	Amendments proposed
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Traffic and Road Safety

Policy - Roads - Light Traffic	No amendments proposed
Policy - Road Closures and Special Event Traffic Management	No amendments proposed
Policy - Parking Restrictions - Council Car Parks	No amendments proposed
Code – Parking Restrictions near Laneways and Driveways	No amendments proposed

Design and Construction

Policy - Civil Infrastructure - Provision	No amendments proposed
Policy - Civil Infrastructure - Maintenance	No amendments proposed
Policy - Civil Infrastructure - Heritage Conservation and Selected Areas	No amendments proposed
Policy - Carriageway Widths	No amendments proposed

Explanations of the amendments recommended by staff in respect of the above document are shown below:

Assets Branch Policies/Codes**Policy - Vehicular Crossings**

Amendments have been proposed to clarify the responsibility of property owners to maintain non-standard (special) crossings.

Property Development Branch**Policy – Disposal of Land**

Amendments are proposed in recognition of the increasingly demonstrated need to provide an increased degree of flexibility to better account for the often unique circumstances attributable to property transactions. The insertion of words such as “may”, “most” and “should” will provide better effectiveness and efficiency, whilst maintaining a reasonable framework within which matters may be actioned, in accordance with the intent of a policy being a guide rather than a rule.

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 Works Division.

CONSULTATION

The Policies/Codes have been reviewed, and amendments proposed by the Managers and relevant staff of the Assets Branch, Design and Construction Branch, Traffic and Road Safety Branch, Property Development Branch and Aquatic and Recreation Facilities 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, Works Division – Maxwell Woodward; Works Support Coordinator – Lyndon Taylor; the Manager, Engineering Services Branch – Peter Powell; the Manager, Traffic and Road Safety – Lawrence Nagy; the Manager, Property Development Branch – Peter Thompson; the Manager, Assets Branch – Chua; the Manager, Aquatic and Recreation Facilities – Scott Hewitt. They can be contacted on 9847 6665, 9847 6697, 9847 4803, 9847 6524, 9847 6669, 9847 6677 and 9477 3855 respectively.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. WK15/11 be received and noted.
2. Council adopt the proposed amendments to Works Division Policies and Codes as outlined in Report No. WK15/11 and its attachments.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Works Division Policies and Codes

File Reference: F2011/00414
Document Number: D01630340

16 CAR SHARE SCHEME

EXECUTIVE SUMMARY

Car share schemes offer residents and businesses access to pool vehicles that are shared amongst scheme subscribers. Such schemes are attractive in situations where cars are used occasionally, or for short periods, since the considerable costs of purchasing and maintaining the vehicle is borne by the car share company. To be commercially viable a car share operation requires a critical mass of subscribers within walking distance of the car share parking space.

While car share participation is increasing throughout high density areas near the centre of Sydney and large centres including Parramatta, operators have yet to set up operations in outer suburbs.

To further advance the proposed operation of a car share scheme within the Shire, Council invited expressions of interest to run a scheme in Hornsby Shire. Only two responses were received, neither conforming to the expression. One required a cash subsidy from Council in addition to Council donating two vehicles for a period of two years to a trial, and this proposal was rejected. The other proposal initially agreed to the trial on the basis that Council provide two vehicles for two years with no cash contribution. Council staff commenced negotiations with the second operator regarding a deed of agreement however the interested operator was taken over by another company who now requires additional financial and administrative contributions from Council.

At this time it appears that car share scheme operators will only operate in Hornsby Shire subject to Council becoming financially involved, in which case proceeding with an agreement cannot be recommended.

PURPOSE/OBJECTIVE

This report provides information to Council regarding attempts to negotiate an agreement with car share operators to provide a public car share scheme in a manner that is cost neutral to Council.

DISCUSSION

Notice of Motion NOM5/08 considered by Council at the Planning Meeting of 12 December 2008, resolved that -

1. Council investigate methods whereby a car share scheme can be implemented in suitable areas of the Shire
2. A report be prepared identifying the parameters of such a scheme, including potential operators, locations, parking and other issues, including any associated cost implications for Council, together with an implementation plan should Council resolve to proceed.

At the Ordinary meeting of 11 March 2009 Council considered report WK9/09 and resolved that -

1. Council call for expressions of interest from the three companies operating car share in Sydney to determine their ability, conditions and locations of operation of a car share scheme in the Hornsby Shire.
2. Car share schemes are to be taken into consideration when developing the Development Control Plans for the areas proposed for the Hornsby Shire Housing Strategy (2008-2016) and Employment Strategy.

A full copy of report WK9/09, which includes a summary of the associated car share scheme requirements, is included as Attachment 1 to this report.

Results of expression of interest

No formal responses to Council's request for expressions of interest were received from the car share companies by the deadline, however the expression received from GoGet after the deadline, and an email from Charter Drive, together with meetings with representatives from both companies, was used to assess the potential for a viable car share scheme in Hornsby Shire.

The EOI process confirmed that to establish a car share scheme in the Hornsby Shire, it will be necessary for Council to provide financial support for a limited time. A two year period of Council support should be sufficient to determine whether a car share scheme might be successful. During this trial period extensive advertising and community consultation will be required. This would include publishing information on Council's web and intranet sites, Mayoral Column, and within Council's publications on sustainability.

The information obtained from the EOI process was used to prepare a request for quotation sent to the two interested car share companies.

Results of request for quotation

Following meetings with GoGet and Charter Drive, a request for quotation (RFQ 27/2009) was sent to both companies on 27 August 2009 with a closing date of 30 September 2009. The RFQ was based on the following considerations however it was indicated that non-conforming quotations would be considered by Council. The goal is to achieve car share operation that will be cost neutral to Council.

1. Council lends two pool vehicles for two years to the successful company
 - o Toyota Prius
 - o Corolla Ascent sedan
2. Vehicles are fitted out by the company with all electronic equipment required to allow them to operate as part of the overall car share scheme.
3. All service, cleaning, insurance, and registration is covered by the company.
4. E-tag costs passed on at cost to member.
5. All bookings are handled by the company.
6. Members can book and use vehicles at other pods, e.g. in other Sydney locations or even in other cities when travelling.
7. The location of the pod will be determined in consultation with the successful company.

8. Locations to be considered, but not limited to, are
 - o Pacific Highway in front of Council chambers
 - o Burdett Street Council car park adjacent to the library and community services
9. Council is to have exclusive use of one car between 8.00am and 6.00pm Monday to Friday.
10. Council staff will need to book the second car on-line, as this vehicle will also be available for general public use between 8.00am and 6.00pm Monday to Friday.
11. Both cars are to be available to the general public outside Council's exclusive use period.
12. Council staff will need to book on-line for car use 6:00pm to 8:00am Monday to Friday and 6:00pm to 8:00am Friday to Monday.
13. All Council staff use is to be at no cost to council.

The additional cost to Council, above the provision of the two vehicles valued at \$10,000 per vehicle per year, will be offset by the savings to council of servicing, registration, insurance, fuel and cleaning. The cost for council use of the second car when operated by the car share company will also inhibit council employees from booking the car for longer periods than they actually need it.

The result of the RFQ process was that only Charter Drive offered a proposal that would be cost neutral to Council as per the confidential addendum attached to this report as Attachment 2.

Original proposal

Charter Drive initially agreed to cover the costs of installing smart card access systems to the vehicles, all servicing, petrol, registration and insurance for the two vehicles. At the end of the two years the car share operation would be reviewed to determine its viability. Under this proposal, one vehicle would be available to Council through the car share scheme during business hours, enabling the public to use that vehicle during evenings and weekends only. The other vehicle would be available for use by any car share member, including Council, as per the normal on line booking process. Schemes of this mixed use type are operating in Randwick and Parramatta. The cars would be parked on street in the Hornsby Town Centre, serving a catchment that would include medium and high density development in Hornsby and Waitara.

In mid 2010 Council requested its Solicitors to prepare a draft deed of agreement reflecting the agreed terms, and this was forwarded to Charter Drive.

Amended proposal

In September 2010 Charter Drive advised that they were considering a purchase offer by another company, and as a result their involvement with the Hornsby car share proposal was put on hold. On 15 March 2011 the new company, Greensharecar, met with Council to discuss the terms of the car share agreement. On 25 March 2011 Council received an email from the new company requesting a number of amendments to the deed of agreement which, if accepted, would increase Council's costs in the partnership and increase Council's administrative obligations. The most significant change is that the company requires Council to pay for the costs of fitting out the vehicles for car share use, which is estimated to be about \$9,500 for both vehicles. This amount would be refunded by the company at the rate of 50% of all income derived from the vehicles.

Other significant amendments requested by the new company owner include –

- Increase the term of the trial to three years.
- Increase Council's notification period to withdraw from the scheme from 14 to 30 days.
- Each Council driver must book on line for own use.
- Vehicle maintenance may not be to Council's requirements.

If the trial proves car share in Hornsby is unviable, and Council agrees to the three year trial period and to pay for fitting out the vehicles, Council's contribution will have increased from the equivalent of \$40,000 (\$10,000 per vehicle per annum x two vehicles x 2 years) as originally proposed to the equivalent of \$69,500 (\$10,000 per vehicle x two vehicles x 3 years plus the cost of fit out).

The amendments requested indicate that the new owner is not prepared to carry any of the risk in operating a car share in an unproven environment. It is apparent that the current population density and employment density within Hornsby town centre is insufficient to allow a self funded car share operation. This calls into question the commercial viability of a publicly accessible scheme anywhere in Hornsby Shire.

Possible funding source

As both potential car share operators require a subsidy to run a trial scheme in Hornsby Shire it would appear ongoing external funding is required. The actual annual cost would not be known until the trial is complete and two years data is available. Under these circumstances the use of Council rate based income cannot be recommended.

This project may be included for consideration along with other projects for funding via the Waste and Environment Levy (WASIP), however Council will need to determine the relative priority of this project along with other nominated projects when the full list is known. It is likely the calculated costs will have to be reviewed at this time.

Development controls and car share

While the viability of a publicly accessible car share operation in Hornsby may be unproven, it is more likely a private car share scheme, run by a developer or body corporate for the benefit of owners and occupiers, will be viable. The attraction for the developer is that the costs of the car share scheme can be offset against the capital cost of providing car parking spaces in a new development. As car share schemes may reduce the number of parking spaces required in residential and commercial developments, it is possible to reduce the number of parking spaces required for new developments if car share schemes are incorporated within these developments. These offsets will be considered for incorporation in future Development Control Plans however it is unlikely the general public (non owner/occupiers) will have access to these private schemes.

BUDGET

There are no budget implications if the recommendation is adopted. If it is resolved to proceed with the introduction of a car share scheme the worst case scenario is that it may cost in the order of \$69,500 over three years assuming two vehicles are provided and there is low demand for the service. The best case scenario is that high demand will result in the scheme being self funding.

POLICY

There are no policy implications in this report.

CONSULTATION

Consultation has occurred between Council Officers and GoGet, Charter Drive and Greensharecar.

TRIPLE BOTTOM LINE SUMMARY

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

A Triple Bottom Line Assessment is not applicable if the officer's recommendation not to proceed with a public car share scheme in Hornsby is adopted.

RESPONSIBLE OFFICER

This report was prepared by Council's Manager Traffic and Road Safety, Lawrence Nagy, telephone 9847 6616.

RECOMMENDATION

THAT

1. Council not proceed with a public car share scheme in Hornsby Shire at this stage due to the ongoing cost implications, and cancel the expression of interest process.
2. Council consider a car share scheme for inclusion in projects to be funded from the Waste and Environment Levy (WASIP).
3. Parking offsets for developer funded car share schemes be considered in the preparation of Council's draft Comprehensive DCP.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Car Share Scheme Report - WK9/09
2. Confidential Addendum - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2007/01499

Document Number: D01678696

ITEM 16

17 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - RLCIP 3 PROGRESS REPORT

EXECUTIVE SUMMARY

This is the first progress report advising Council of current status of works to be funded under the Federal Government's Regional and Local Community Infrastructure program (RLCIP 3), the third and perhaps final component of the Government's economic stimulus measures. Council has been allocated \$360,000 under this Program for agreed works which can be completed by 31 December 2011.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council of progress of projects being constructed under this program.

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

DISCUSSION

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

The Government established two subsequent funds:

- RLCIP 2, from which Council received \$360,000 for projects completed by 31 December 2010. All projects were completed as required.
- RLCIP 3, from which Council will receive a further \$360,000 for projects which are to be completed by 31 December 2011.

Status of RLCIP 3 projects (as at 30 April 2011) is shown below in Table 1.

Project	RLCIP 3 Allocation	Spend as at 30/4	Status	% Complete
McKell Park Tidal Pool Upgrade – Upgrade piles, bearers, decking, handrails and pontoon	\$120,000	\$0	Contractor appointed. Anticipated completion end August 2011	0%
Hornsby Heritage Steps – Repair and restoration of 340 metres of historic bush track, sandstone steps and landings	\$75,000	\$3808	Detail planning and design completed. Work commenced end April	0%
Mike Kenny Oval, Cherrybrook – Upgrade and extend change rooms, canteen, storage areas and awnings	\$45,000	\$27,729	Works completed, not yet fully paid.	100%
Epping Community Centre	\$120,000	\$0	Design and spec. of works nearing completion. Site work to commence June, 2011	0%
TOTAL	\$360,000	\$31,537		

BUDGET

The RLCIP Program has provided positive benefit to Council in allowing hitherto unfunded projects to be brought forward. Any minor cost overspends that may occur in the course of completing RLCIP 3 projects will be funded from Council's normal budget allocations. These will be reported in future Budget Reviews as for previous programs.

POLICY

There are no policy implications.

CONSULTATION

Consultation has been maintained with the following:

- David Johnston – Manager, Community Services Branch
- Chon-Sin Chua – Manager, Assets Branch
- Peter Kemp – Manager, Parks and Landscape Team

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. WK32/11 be received and noted.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00661-02
Document Number: D01680069

18 ROADS TO RECOVERY PROGRAM (2009 - 2014)

EXECUTIVE SUMMARY

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

In March 2009, the Australian Government announced a further extension of Roads to Recovery Program (R2R3) for the period 1 July 2009 to 30 June 2014, for which Hornsby Shire will receive an allocation of \$3.6 million, divided nominally into five equal annual allocations of \$733,000.

PURPOSE/OBJECTIVE

The purpose of this report is to advise Council on the progress of projects being funded by R2R3 (2009 – 2014).

DISCUSSION

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

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

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

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

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

Council's attention is drawn to the implications for any strategic expenditure review that is a consequence of the requirement to maintain 'own source' expenditure. The effect of this requirement is to effectively quarantine Council's expenditure on roads from any strategic decision to alter its expenditure priorities. Representations to the relevant Federal Department in 2009 seeking to change this requirement were unsuccessful, although the

method of determining 'own source' expenditure for R2R3 was altered to account for any overall reduction in a Council expenditure budget.

The AusLink Roads to Recovery Program has become a crucial source of funding to Council. During the life of the program to date, cost pressures on Council have severely diminished Council's capacity to maintain and/or replace ageing infrastructure. It is imperative that Hornsby Shire continues to make representations to the Australian Government for extension of the program beyond 2014.

CURRENT PROGRAM FOR R2R3 (2009 – 2014)

The status of projects being funded by R2R3 is indicated in Table 1 below. A number of projects are yet to be identified for the period 2011 – 2014 in accordance with agreed grant distribution.

TABLE 1
Roads to Recovery (R2R3) 2009/10 – 2013/14
Completed and Proposed Projects as at 29 March 2011

Project	Status	2009/10 \$	2010/11 \$	2011/12 \$	2012/13 \$	2013/14 \$
1. Neale Avenue, Cherrybrook	Complete	50,000				
2. Quarter Sessions Road, Westleigh	Complete	150,000				
3. Oxford Street, Epping (Stages 2A and 2B)	Complete	391,790	300,210			
4. George Street, Hornsby, Pedestrian footbridge	Complete	41,800				
5. County Drive, Cherrybrook	Complete	61,058	35,153			
6. Francis Greenway Drive, Cherrybrook	Complete		68,077			
7. Oakhill Drive, Castle Hill	Complete		73,523			
8. Eucalyptus Drive, Westleigh	Complete		58,400			
9. County Drive, Cherrybrook (SW of Darlington Drive)	To occur April 11		3,789			
Road Pavement Maintenance <i>Projects to be advised</i>				200,000	200,000	200,000
Local Road Improvements <i>Projects to be advised</i>				300,000	300,000	300,000
Traffic Facilities <i>Projects to be advised</i>				100,000	100,000	200,000
Priority Projects <i>Projects to be advised</i>				133,590	133,590	266,972
TOTAL		694,648	539,152	733,590	733,590	966,972
Cumulative Total		694,648	1,233,800	2,200,770	2,934,360	3,667,952

BUDGET

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

POLICY

There are no policy implications associated with this report.

CONSULTATION

Consultation has been undertaken with appropriate Works Division staff.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

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

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/07284-02
Document Number: D01681699

19 REDEVELOPMENT OF HORNSBY AQUATIC CENTRE

EXECUTIVE SUMMARY

Council is advised of feedback arising from community considerations of the report of the Deliberative Forum for the redevelopment of the Hornsby Aquatic Centre. The community requested further time be granted at the conclusion of the Deliberative Forum process to provide feedback to Council, and additional information to be considered for the new Hornsby Aquatic Centre.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of the additional feedback received from the community regarding the re-development of the Hornsby Aquatic Centre and for Council to confirm those features to be provided in the new facility.

DISCUSSION

At its meeting of 27 April 2010, Council resolved to progress the design of an aquatic centre at Hornsby to Development Application stage. Council also resolved that representatives of the deliberative forum process be provided with the opportunity to complete their recommendations, to be received by Council no later than Friday 6 May 2011, and their recommendations and Council's responses be reported to the 15 June 2011 Ordinary Meeting.

An invitation was sent out to all Deliberative Forum participants to provide further feedback in accordance with the resolution. Shortly after, Council received a request to advise all forum attendees of a meeting to be convened by one of the participants in the Deliberative Forum. Council assisted by notifying participants accordingly. Resulting from that meeting, attended by nine representatives and one Councillor, a report was submitted with recommendations. Council received the Feedback Report on 9 May 2011. It is attached to this report along with responses to the suggestions and comments that were made by the group.

Council also received several other responses by email, details of which are attached. Council will consider all suggestions and incorporate these design elements within the overall design parameters that have been previously agreed on, where possible and reasonable.

Consideration has also been given to the petition presented at Council's meeting of 27 April 2011. That petition requested Council to include a 50 metre outdoor pool in the centre. Council resolved on 27 April 2011 that there will be a 50 metre outdoor pool.

Feedback included the proposal that a 'community representative' be appointed to the "design board". Council has now considered the suggestions from the group, many of which Council intended be included in the design, and has engaged expert consultants to proceed with the design. As such, there is no need to establish a design panel. Council will promote an open communication with all members of the public and the Project Manager is available to have meetings with the nominated representative when convenient. Further to this action,

it is confirmed that a meeting was held on Monday 30 May, 2011 with the representative and ideas exchanged.

THE WAY FORWARD

Council will continue to develop the design with the Architect and other consultants and prepare the Development Application for the project. The DA design will be available for community comment as part of the DA assessment process. During this period, information will be updated on Council's website and e-newsletters will continue to be sent to all registered residents.

BUDGET

Council has tentatively allocated \$20M for this project to proceed. Funds are currently available in the 2010/11 budget for design purposes, and subject to adoption by Council in the 2011/12 budget, for design and documentation to be completed. Funds for construction have not yet been allocated. Funding of the construction phase is also contingent upon further consideration by Council following advice from IPART of its application for a rate increase.

Further consideration of any additional features to be included in the centre will mean that the \$20M budget will be exceeded. Should Council decide to proceed in this manner, it will need to review the relative priority of other projects committed in the Delivery Program at the time of its application to IPART. Further community consultation may be required if an alternative source of funding the additional cost cannot be identified.

POLICY

There are no policy implications associated with this report.

CONSULTATION

Consultation has taken place with the Project Control Group, community representatives and Councillors Smart, Hutchence and Evans.

TRIPLE BOTTOM LINE

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

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

RESPONSIBLE OFFICER

The responsible officer for this report is the Project Manager Hornsby Aquatic Centre, James Nott on telephone 9847 6902.

RECOMMENDATION

THAT:

1. Council receive the Community Feedback report and note the responses to the issues raised therein.
2. Council decline the offer of a community representative to be part of the design team.
3. The project budget be confirmed following advice from IPART regarding Council's application for a rate increase.
4. Council continue to progress the design to development application stage as resolved on 27 April 2011.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Report on Community Feedback
2. Email from Helen Hajduk dated 11 April 2011
3. Email from Trevor Giblin dated 28 April 2011
4. Email from Michelle Mabbott dated 29 April 2011
5. Email from M Wilson dated 2 May 2011
6. Email from Chris Curran dated 12 May 2011

File Reference: F2009/00386
Document Number: D01683093

**20 2011/2015 - 4 YEAR ROLLING WORKS IMPROVEMENT PROGRAMS -
REVISED PRIORITISATION OF "C" WARD PROJECTS**

EXECUTIVE SUMMARY

The 2011/15 4-Year Rolling Works Improvement Programs as per the proposed current budget and subject to approval to the proposed rate increase, were presented for Council's consideration and adoption at its 18 May 2011 Ordinary Meeting.

Some revisions of the program including a re-prioritisation of the "C" Ward Projects were proposed and Council resolved,

"THAT:

1. (a) Council adopt the 2011-2015 4-Year Rolling Local Road and Footpath Improvement Programs presented at Appendix A1 and Appendix B1 respectively in Executive Manager's Report No. WK27/11, with the exception of the program for "C" Ward, subject to the adoption of Council's 2011/12 Budget.

(b) The program for "C" Ward as shown in Appendix A1 and A2 in Executive Manager's Report No. WK27/11, be amended to provide for the construction of Wongala Crescent, Pennant Hills in 2011/12 (and 2012/13 if necessary), in lieu of the New Farm Road, West Pennant Hills project, which is deferred for further consideration.
2. (a) Council adopt the 2011-2015 4-Year Rolling Local Road and Footpath Improvement Programs with Rate Increase presented at Appendix A2 and Appendix B2 respectively in Executive Manager's Report No. WK27/11, with the exception of the program for "C" Ward, in the event that Council's Rate Increase Application is approved.

(b) The program for "C" Ward as shown in Appendix B2 in Executive Manager's Report No. WK27/11, be amended to provide for the construction of footpath in Loftus Road, Pennant Hills (side of road to be determined in consultation with C Ward Councillors) in 2011/12 (and 2012/13 if necessary), in lieu of Hull Road, which is to be listed for consideration in a future program.
3. An amount of \$25,000 be allocated in the 2011/12 Budget for the Local Road Improvement Program Rural Component to implement the Rural Road Management Plan Long Term Recommendations, Year 8 of 10.
4. An amount of \$200,000 be allocated in the 2011/12 Budget for the Local Road Improvement Program Rural Component for the Sealing Unsealed Roads Implementation Program, Year 7 of 10.
5. The "C" Ward programs amended pursuant to the above, be the subject of a further report at the 15 June 2011 Ordinary Meeting.

PURPOSE/OBJECTIVE

The objectives of the rolling works improvement programs are to improve and provide civil infrastructure such as roads and footpaths in a safe, serviceable, efficient and effective manner and to ensure that the facilities meet the needs of the community. Such infrastructure shall be provided and improved in accordance with programs adopted by Council.

This report recommends the revised 2011/15 4-Year Rolling Works Improvement Programs for the "C" Ward for Local Roads and Footpaths for Council's consideration and adoption.

This report also recommends, in the event that the Rate Increase Application is approved, the revised 2011/15 4-Year Rolling Works Improvement Programs for the "C" Ward with Rate Increase for Local Roads and Footpaths for Council's consideration and adoption.

ALLOCATION OF FUNDING

The funding allocation for Local Road Improvements in the draft 2011/12 Budget is unchanged at \$2,500,000. The funding allocation for Footpath Improvements in the draft 2011/12 Budget is also unchanged at \$116,000. The revisions proposed do not affect the allocation of funding.

2011/15 ROLLING WORKS IMPROVEMENT PROGRAMS

The revised priority listing of projects in the current 2010/14 4-Year Rolling Works Improvement Programs does not affect the Delivery Program for 2011/12, or the 4-year rolling works improvement programs that have been developed as proposed in Report No. WK27/11.

A rate increase application has been made to IPART. In the event that the rate increase is approved, the 2011/15 4-Year Rolling Works Improvement Programs with Rate Increase have also been developed.

The projects recommended for inclusion which now incorporates the above revisions in the next 2011/15 4-Year Rolling Works Improvement Programs as per the budget and with rate increase are presented at:

- Appendix A1: Local Road Improvement Programs – Revised Local Roads in "C" Ward
- Appendix A2: Local Road Improvement Programs with Rate Increase – Revised Local Roads in "C" Ward
- Appendix B2: Footpath Improvement Programs with Rate Increase – Revised footpaths in "C" Ward

In recommending projects for inclusion in future programs as per budget and with rate increase, reference is made to the priority list for each Ward. A number of projects with total costs closest to the allocated funding for each ward are then recommended for inclusion in a program. Where practicable, projects are split into two stages to enable the project to be undertaken over two successive years within the funding allocation.

Council should now consider and adopt the revised 4-year rolling works improvement programs for "C" Ward so that pre-construction activities for the projects recommended for the 2012/13, 2013/14 and 2014/15 programs can be undertaken in "good" time to ensure the timely completion of programs within approved project budgets.

BUDGET

The adoption of the revised 2011/15 4-Year Rolling Works Improvement Programs for “C” Ward is subject to the adoption of Council's 2011/12 Budget. Its adoption would also indicate the level of funding that needs to be considered for future local road and footpath improvement programs in the 2012/13, 2013/14 and 2014/15 budgets. The funding allocations for 2012/13, 2013/14 and 2014/15 are however subject to adoption by Council in conjunction with future budget considerations.

POLICY

This report complies with Council's Policy reference POL00119, "Road Improvement Projects - Funding Allocation".

CONSULTATION

Officers from the relevant branches of the Works Division were consulted in the preparation of this report.

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 the revised 2011/15 4-Year Rolling Works Improvement Programs for “C” Ward presented is as follows:

Working with our community

This report and the Proposed 2011/15 4-Year Rolling Works Improvement Programmes as per budget and with rate increase being presented to Council for adoption are readily accessible and understandable to the community. The programmes presented promote social equity by undertaking local road and footpath improvement projects throughout the Shire on a priority basis.

Conserving our natural environment

The road and footpath improvement activities in the various programmes facilitate the recovery of materials such as profiled materials during road surfacing work and the use of existing materials for road base stabilisation where required. Recycled crushed concrete footpath slabs are used for some drainage and road sub-base construction works.

Contributing to community developments through sustainable facilities and services

The proposed local road and footpath improvement projects will have positive effects on the safety of the public environment, as well as the development of a healthy, equitable and active community.

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

The local road and footpath improvements proposed will give special consideration to heritage values of the natural and built environment such as retention of trees wherever possible and practicable. The well-being of the area's current and future population will also be promoted by providing new footpaths and improving local roads with the view to improving user safety and mitigating or minimising drainage problems.

Supporting our diverse economy

Providing new and improving existing Council assets will have a positive effect on economic development in people wanting to live and work in the Shire.

Maintaining sound corporate and financial management

The proposed local road and footpath improvements will ensure that asset life-cycle costs are minimised and assets are able to function as planned during their life cycle. The proposed new footpaths and local road improvements will increase the value of Council's assets.

Other Sustainability Considerations

Potential negative impacts from the local road and footpath construction activities have been identified in the Review of Environmental Factors for such activities and appropriate measures will be undertaken to avoid or minimise such impacts.

RESPONSIBLE OFFICER

The responsible officer is the Acting Manager, Assets Branch, Mr Alan Boyd, telephone number 9847 6672.

RECOMMENDATION

THAT:

1. Council adopt the revised 2011/15 4-Year Rolling Local Road and Footpath Improvement Programs for "C" Ward presented at Appendix A1 in Executive Manager's Report No. WK35/11 subject to the adoption of the Council's 2011/12 Budget.
2. Council adopt the revised 2011/15 4-Year Rolling Local Road and Footpath Improvement Programs for "C" Ward with Rate Increase presented at Appendix A2 and Appendix B2, respectively, in Executive Manager's Report No. WK35/11 in the event that Council's Rate Increase Application is approved.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. 1. Appendix A1 - 2011/15 4-Year RLRIP - C Ward - Revised
2. 2. Appendix A2 - 2011/15 4-Year RLRIP - Rate Increase - C Ward - Revised
3. 3. Appendix B2 - 2011/15 4-Year RLFIP - Rate Increase - C Ward - Revised

File Reference: F2004/05959-02

Document Number: D01683890

21 RURAL SPORTS FACILITY, GALSTON

ASKED BY COUNCILLOR MILLS

TO THE EXECUTIVE MANAGER, ENVIRONMENT DIVISION:

These questions are to appear, with answers, in the Business Papers.

- 1. Per EN09/05 the cost estimate for acquisition of the two properties in Bayfield Road was \$3.34 million and the construction work \$2.37 million. What were the actual costs for purchasing and constructing this facility?**

Response:

Actual acquisition cost was \$3.3 million (excludes conveyance and legal costs). Actual capital construction costs were \$3,091,652 for expenditure between 2005 and 2010.

- 2. Did the \$2.37 million estimate for construction work apply to the construction scope as outlined in EN09/05? If not, what scope of works did the \$2.37 million estimate apply to?**

Response:

The \$2.37 million estimate applied to the construction scope that was outlined in Report EN09/05.

- 3. In arriving at the actual figures for construction, what aspects of the construction scope outlined in EN09/05 were deleted from the final as delivered construction scope? Were there any construction works incurred that were not included in the original scope? What were the costs of these additional works? How were these additional costs absorbed? Were works deleted from the construction scope used to fund other necessary construction works?**

Response:

The scope of work changed significantly after the EN09/05 March 2005 Ordinary Meeting report due to subsequent amendments to the Development Application.

Works that were deleted from the final delivered construction include:

1. The youth facility component (estimate \$400,000)
2. The lunging area (estimate \$94,000)

Construction works that were not included in the original scope but required by development consent conditions:

1. Bayfield Road widening (approx. \$100,000)

2. Additional and larger water quality control ponds (approx. \$40,000)
3. Public address system and acoustic fencing requirements (approx \$25,000)

These additional works were absorbed into the overall costs of the project. Additional funding was also sought through the usual quarterly budget review process. Works that were deleted from the construction scope were used to fund other necessary construction works.

The overall cost of the project increased above the 2005 estimate due to requirements of the development consent that were not allowed for in earlier estimates, key elements of the construction works that were not adequately estimated in 2005 and tender prices for the civil and building works coming in well above estimate.

In developing the design following development consent, it was found that the 2005 estimate did not allow adequate costs for servicing or civil works (including demolition, site services, earthworks, road and car park construction works). This led to the provision of additional funds in Council's Management Plan in June 2007 and May 2008 (WK35/07 and EN18/08 accounting for an additional \$650,000) when Council accepted and considered tenders for the civil and building works packages.

In 2009 the Arcadia Pony Club (APC) constructed a large storage shed adjacent to Arena 1 and additional fencing works to create a day stall area for horses adjacent to Arena 2. This was undertaken with limited funding assistance from Council.

4. **Per EN09/05 the principal source of funding was development contributions levied under section 94. Should 75% or less of forecast s94 receipts be received, the financial position would then be recovered through an extension of the current s94 plan, sale of assets such as the Arcadia Pony Club site in Johnson Road, Galston. Was an internal loan raised against forecast s94 funds? If yes, has the internal loan from section 94 funds been paid in full? If not, what amount is still outstanding? At what date did s94 funds cease being directed to this facility?**

Response:

Council records indicate that a total of approximately \$6.4m of s94 funds were spent on this project. It appears that up to approximately \$1m may have been borrowed to cover a temporary shortfall in available s94 funds in the 2005-06 financial year, however records are no longer available. Any such internal debt has since been repaid. Funds in later years were sufficient to cover the actual construction costs. S94 funds stopped being spent on this facility in 2009/10.

5. **Per EN09/05 this was to be a 'Shire wide' facility. What data does Council have available to demonstrate that the facility, since opening, is used by a 'Shire wide' representation of the community? More specifically, what data does Council have to demonstrate that there is an equitable representation of usage by residents from planning districts 1-9?**

Response:

The Rural Sports Facility (RSF) is identified as a Shire wide sports facility due to it having the potential to attract sports users from across the Shire just like all the sportsgrounds that are provided by Council and used by soccer, football, cricket, baseball, AFL and other sports clubs. All of these clubs either attract users from a wider area or use

sports facilities outside of their immediate local area. As with all sports clubs, Council does not collect data on membership of the clubs who hire Council facilities.

- 6. What data does Council have to demonstrate that the facility, since opening, is used by residents on a 'regular' basis (i.e. more than 20 times a year per the May 2000 Hornsby Leisure Strategic Plan)? More specifically, what are the actual figures for usage by residents on a 'regular' basis and how do these compare to the projections the May 2000 Hornsby Leisure Strategic Plan (adjusted for population increase). Further, what data does Council have to demonstrate that there is an equitable representation of usage by residents on a 'regular' from planning districts 1-9.**

Response:

The APC uses the facility on a fortnightly basis with 27 annual events. The Galston Equestrian Club (GEC) uses the facility on a fortnightly basis, with 24 annual events held in the last year.

There are no actual figures available for use of the RSF although an estimate is put forward below in response to question 11 indicating a conservative monthly usage of 300 horses/riders per month.

Council's Leisure Strategic Plan (LSP) identified an unmet demand for horse riding of 1.6% of respondents to surveys, which equates to up to 3000 persons in the Hornsby population of 150,000 people.

- 7. What has been the annual revenue raised through charges and fees per annum since opening?**

Response:

Council financial records indicate the following income received:

2008/09	\$3,284.00 (½ yearly fees)
2009/10	\$6,568.00
2010/11	\$6,761.00

The figures do not include rental income from the residence at 18 Bayfield Road, which accrues in the same budget area as the other income and maintenance expenditure. Although there is also some maintenance cost involved with the residence, the rental income is \$22,412 per annum.

- 8. What have been the total expenses (direct and indirect) per annum incurred by Council in maintaining this facility since opening?**

Response:

The cost of maintaining the RSF has largely been absorbed into the cost of maintenance of adjoining Fagan Park. There has been no increase in staff or contractors used for maintenance of Fagan Park since the RSF was added to the maintenance responsibility of the staff based there.

In late 2010 Council undertook some additional maintenance works at Arena 3 involving de-compaction, topsoiling and resurfacing with new turf at a cost of approximately \$8,000.

Total expenses over the three years were not available prior to finalising this report. In the last year sewer pump out costs were approximately \$7050, electricity costs were \$904 and we have not been able to identify town water costs, although these are not expected to be significant due to the site not being irrigated.

A roof was recently installed on the horse wash bay by GEC which should greatly reduce the sewer costs as previously the wash bay was collecting rainwater as well as waste water from horse washing.

9. Are there any other Council expenses (like insurance costs) involving this facility?

Response:

Additional cost for insurance is approximately \$684 per year.

10. The fee for annual use by an equestrian club is \$3,850. Per EN48/08 in December 2008, these fees were reduced to \$2,718 for the Arcadia Pony Club "to help to stimulate demand and provide a community benefit by allowing the APC (Arcadia Pony Club) to transfer operations to the Rural Sports Facility (RFS) and the Galston Equestrian Club (GEC) to become established in sounder fashion than would otherwise be the case". Is it correct that per EN09/05 a rationale for the facility was to meet high levels of pre-existing unmet demand? How has the transfer of operations progressed since 2008? What are the fees for these clubs now? Is the strategic rationale per EN48/08 for maintaining lower fees still valid?

Response:

The annual fee for APC was set at \$2,718 in accordance with the resolution of Council, to apply to the years, 2009, 2010 and 2011.

GEC has paid the full annual hire cost, which in 2010/11 was \$4,043.

In the year commencing 1 July 2011 the fee will increase to \$4,500 for each equestrian club hiring the facility.

11. How many riders in total have used the facility on a monthly basis since opening? What is the proportion of fee-paying riders (i.e. clubs, etc.) to 'free' users (school carnivals, etc.). What proportion of total riders is from outside of the Hornsby Local Government Area?

Response:

No data is available that indicates the actual usage levels of the facility by casual users or club users.

The GEC has 106 registered members and has indicated that an average of 40 horses/riders attend per meeting. APC has 95 registered members and has not advised of its attendance numbers, although in the past these have been observed to be in the order

of 40-60 horses/riders per meeting. Council's ranger has observed occasional meetings with up to 120 horses.

Casual use of the RSF has been observed by Council staff as consistently being at least 2-4 riders every week day, and more on weekends when the facility is not booked by one of the clubs.

The following is a conservative estimate of average monthly usage, based on the above figures:

Club use - approximately 5 meetings per month x 40 = 200 horses/riders per month
- larger events of up to 120 horses / 2 times per year = 20 horses per month

Casual use – approximately 2 riders/weekday = 40 riders per month
- approximately 10 riders /weekend x 4 weekends = 40 riders per month

Total: 300 riders per month or 3,500 riders per year.

Note that these figures do not include club officials, family members or other non riders who attend events.

Based on the above estimate it would appear that approximately one third of users are non-fee paying users, although it should be noted that members of the public do not pay for casual use of other sportsgrounds within the Shire either.

Council officers have sought to move the Hornsby Dog Training Club's annual event to the RSF; however the absence of lights at the RSF has prevented this.

12. Which schools have used the facility since opening (please identify which schools paid fees to use the facility and which did not)? What has been the total number of uses by these schools on a monthly basis since opening (please identify which schools paid fees to use the facility and which did not)?

Response:

Council is not aware of any schools using the facility to date. No fees have been received from any schools since the facility opened in 2009. The statements that were made in the Development Application about projected school use were on the basis of interest in using the facility expressed by schools at that time.

As per Council's fees and charges, in most cases schools are not required to pay for use of the RSF or other sportsgrounds.

File Reference: F2004/09972-02

Document Number: D01665139