



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

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

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QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Karina Kreminski of Community Life Church, Cherrybrook will be opening the meeting in Prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

"We 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

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 15 June, 2011 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

Page Number 1

Item 1 MM7/11 GENERAL MANAGER RECRUITMENT

RECOMMENDATION

THAT Council confirm

1. The appointment of McArthur as the Recruitment Consultant;
2. The interview process to be utilised; and
3. The revised General Manager Job Description.

NOTICES OF MOTION**Page Number 3****Item 2 NOM9/11 COUNCIL OWNED PROPERTY - JOHNSTON ROAD, GALSTON****COUNCILLOR MILLS TO MOVE**

The Executive Manager Environment in conjunction with the Executive Manager Works provide a report to the October Ordinary Meeting of Council canvassing:

- a. Sale (including timing) options for the disposal of the former pony club site at Johnson Road, Galston.
- b. Projects that could benefit from the proceeds of the sale of the property.

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 4****Item 3 GM16/11 CODE OF CONDUCT COMPLAINTS****RECOMMENDATION**

THAT the Report be received and noted.

Page Number 6

Item 4 GM17/11 INDEPENDENT COMMISSION AGAINST CORRUPTION REPORTS

RECOMMENDATION

THAT the contents of the Report received and noted and the proposed actions outlined be endorsed.

CORPORATE AND COMMUNITY DIVISION

Page Number 17

Item 5 CC34/11 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 20

Item 6 CC36/11 2010/11 INVESTMENTS AND BORROWINGS - PERIOD ENDING MAY 2011

RECOMMENDATION

THAT the contents of the Executive Manager's Report No. CC36/11 be received and noted

Page Number 24

Item 7 CC37/11 LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2011 - SUBMISSIONS OF MOTIONS AND NOMINATIONS OF VOTING DELEGATES

RECOMMENDATION

THAT Council:

1. Adopt the Motions included within Executive Manager's Report No. CC37/11 for submission to the 2011 Local Government Association Conference.
2. Determine attendees and voting delegates for the 2011 Local Government Association Conference.

Page Number 31**Item 8 CC38/11 TENDER T7/2011 - LEASE OF CHILD CARE CENTRE SITE -
10 EUCALYPTUS DRIVE, WESTLEIGH****RECOMMENDATION**

THAT:

1. Council accept the tender submitted by "First Grammar Parramatta Pty Limited (ACN 149 114 303) as trustee for First Grammar Parramatta Trust (ABN 73 771 658 123)" for the lease of the property at 10 Eucalyptus Drive, Westleigh.
2. The price of the final preferred tender be made public upon formal acceptance of the tender.
3. Funds received from the rental be used to manage and maintain the property at 10 Eucalyptus Drive, Westleigh in the first instance, with any funds remaining be used for the maintenance of Council's other community building assets.
4. The forthcoming review of the Council Buildings – Use by Kindergartens Policy consider whether it may be appropriate to seek open tenders, upon the expiry of the current leases, in respect of the 11 Council buildings currently leased by child care operators.

Page Number 35**Item 9 CC41/11 2011/12 BUDGET AND FEES AND CHARGES****RECOMMENDATION**

THAT

1. The contents of Executive Manager's Report No. CC41/11 be received and noted.
2. The amendments to the 2011/12 Budget and Fees and Charges outlined in Executive Manager's Report No. CC41/11 be adopted and actions consequent upon those amendments be implemented.
3. Any further amendments required to balance the 2011/12 Budget be considered as part of quarterly reviews of the Budget and take into account the External Services Review which is due to be commenced in the near future.
4. The Executive Manager, Environment Division submit a report for Council's consideration about the proposal to levy an annual management fee of \$40 per annum (plus GST) for wastewater management to replace the existing inspection fee regime.

ENVIRONMENT DIVISION

Page Number 40

Item 10 EN20/11 MEMORANDUM OF UNDERSTANDING BETWEEN HORNSBY SHIRE COUNCIL AND BROKEN BAY OYSTER ASSOCIATION

RECOMMENDATION

THAT:

1. Council support the actions and services within the Memorandum of Understanding (MOU) between Hornsby Shire Council and Broken Bay Oysters Association.
2. The General Manager be authorised to sign the MOU to instigate the partnership between Hornsby Shire Council and the Broken Bay Oyster Association.

Page Number 46

Item 11 EN26/11 KANGAROO POINT PARK DEVELOPMENT

RECOMMENDATION

THAT:

1. Council note the results of the public notification process for the proposed 21 year lease of community land to Gen March Pty Limited and authorise the General Manager to execute the relevant documents.
2. Council endorse the scope of the landscape plan and the identification of up to \$500,000 towards improvement works within the Kangaroo Point Reserve.
3. Council agree in principle to include in the lease documentation the commitments identified in the landscape plan as works to be undertaken by Council.
4. Council note that in the event that the leases with Gen March do not proceed the park improvements may not proceed.

Page Number 51

Item 12 EN28/11 HORNSBY MOUNTAIN BIKE TRAIL PLAN AND IMPLEMENTATION

RECOMMENDATION

THAT:

1. Council endorse the Hornsby Mountain Bike Trail Plan identified in Attachment 1.

2. Council endorse commencement of the Hornsby Park loop (labelled as Stage 1 in Attachment 1) in 2011/12 and the Old Mans Valley Loop (labelled as Stage 2 on Attachment 1) pending the adoption of Old Mans Valley Plan of Management.
3. Council endorse the design and development of the bike pocket park in cooperation with other open space requirements for the site.
4. Council prepare a communication strategy for the development, access and monitoring of the mountain bike trail.

PLANNING DIVISION

Nil

WORKS DIVISION**Page Number 57**

Item 13 WK40/11 "WELLUM BULLA" - HORNSBY SHIRE COUNCIL MATERIALS HANDLING FACILITY MONITORING COMMITTEE

RECOMMENDATION

THAT Council note the attached Minutes of Meeting 2/11 of "Wellum Bulla" – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 16 June 2011.

Page Number 59

Item 14 WK37/11 2011/15 4-YEAR ROLLING STORMWATER DRAINAGE IMPROVEMENT PROGRAMS

RECOMMENDATION

THAT Council adopt the 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs presented at Appendix A – Major Drainage Projects and Appendix B – Minor Drainage Projects in Executive Managers Report No.WK 37/11.

Page Number 65

Item 15 WK38/11 2011/2012 IMPROVEMENTS PROGRAM - CIVIL WORKS

RECOMMENDATION

THAT the Civil Works program for 2011/12 as shown in the included Gantt Charts be adopted.

Page Number 70

Item 16 WK39/11 REDEVELOPMENT OF HORNSBY AQUATIC CENTRE

RECOMMENDATION

THAT:

1. Council confirm the budget for the Centre on receipt of further advice from the Architect and Quantity Surveyor.
2. Council confirm that access to the Centre be provided at the southern end of Hornsby Park, opposite Coronation Street, Hornsby.
3. The current Licence with the CWA be terminated as at 1 March 2012, with Council noting that options in respect of the relocation of the Women's Rest Centre and accommodation for the CWA are being actively pursued.
4. The arrangements for public toilet facilities be noted.
5. Council continue to progress the design of the Centre to development application stage.

SUPPLEMENTARY AGENDA

CONFIDENTIAL ITEMS

PUBLIC FORUM – NON AGENDA ITEMS

MAYOR'S NOTES

Page Number 75

Item 17 MN7/11 MAYOR'S NOTES FROM 1 TO 30 JUNE 2011

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

QUESTIONS WITHOUT NOTICE

1 GENERAL MANAGER RECRUITMENT

With the impending retirement of the General Manager Councillors have met, and on Wednesday 22 June 2011, interviewed two of the four recruitment consultants who had submitted proposals for appointment to recruit a new General Manager.

Councillors agreed to the appointment of McArthur as the Recruitment Consultant with Mr Gary Withyman, Senior Consultant to manage the recruitment. The appointment has been made in accordance with the Expression of Interest dated 31 May 2011.

Councillors met further with Mr Withyman on Monday 4 July 2011 and addressed issues related to the recruitment process. Whilst many details discussed must remain confidential it is appropriate for Council to confirm a number of agreed matters. These matters are:

1. Appointment of McArthur as the Recruitment Consultant;
2. The interview process to be utilised; and
3. The revised General Manager Job Description.

Councillors have considered various approaches to the interview process and have agreed that the consultant should process all applicants and develop an eligibility shortlist, all of whom should then be interviewed by the full Council. A copy of the agreed revised job description is attached for confirmation.

RECOMMENDATION

THAT Council confirm

1. The appointment of McArthur as the Recruitment Consultant;
2. The interview process to be utilised; and
3. The revised General Manager Job Description.

NICK BERMAN
Mayor

Attachments:

1. Position Description General Manager

File Reference: EMP00515
Document Number: D01712612

2 COUNCIL OWNED PROPERTY - JOHNSTON ROAD, GALSTON

COUNCILLOR MILLS TO MOVE

The Executive Manager Environment in conjunction with the Executive Manager Works provide a report to the October Ordinary Meeting of Council canvassing:

- a. Sale (including timing) options for the disposal of the former pony club site at Johnson Road, Galston.
- b. Projects that could benefit from the proceeds of the sale of the property.

Attachments:

There are no attachments for this report.

File Reference: F2004/09437
Document Number: D01710219

3 CODE OF CONDUCT COMPLAINTS

EXECUTIVE SUMMARY

Clause 15.33 of Council’s Code of Conduct requires the General Manager to report annually to Council on Code of Conduct complaints. This Report covers the period July 2010 to June 2010

It is recommended that the Report be received and noted.

PURPOSE/OBJECTIVE

To report on Code of Conduct complaints for the periods July 2010 to June 2011.

DISCUSSION

Clause 15.33 of Council’s Code of Conduct requires the General Manager to report annually to Council on Code of Conduct complaints. Clause 15.33 of Council’s current Code of Conduct states:

“Reporting on complaints

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

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

This Report covers the period July 2010 June 2011.

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

TABLE OF COMPLAINTS – JULY 2010/JUNE 2011

Date	Nature of Complaint	Subject of Complaint	Finalised Inadequate information	Finalised after preliminary assessment	Proceeded to investigation	Finding of investigation	Outcome of complaint
8 June 2010	Multiple complaints (5)	Mayor and General Manager	✓	✓			These complaints were assessed and finalised in July 2010.
12 July 2010	Multiple Complaints	General Manager	✓				Complainant advised because of concerns regarding bias to refer concerns to other relevant authorities
1 Dec 2010	Use of Council resources for political material	Crs Berman and Evans		✓			Councillors reminded of obligations in relation to elections

BUDGET

There are no budget implications.

POLICY

There are no policy implications

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

The General Manager, Mr Robert Ball.

RECOMMENDATION

THAT the Report be received and noted.

ROBERT BALL
General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2005/00156
Document Number: D01705514

4 INDEPENDENT COMMISSION AGAINST CORRUPTION REPORTS

EXECUTIVE SUMMARY

The Independent Commission against Corruption (ICAC) has recently completed three investigations into activities within local government. The three reports are with respect to Burwood Council, Strathfield Council and Willoughby City Council.

In the reports the ICAC has made corruption prevention recommendations; some of these recommendations are made specifically to the Council involved, while others are made to the NSW Government/State Departments to help improve systems in government across the State.

General Manager's Report No, GM 17/11 provides a commentary as to the applicability to Hornsby Shire Council of the corruption prevention recommendations made by the ICAC.

The review of the ICAC Reports discloses that at Council the relevant policies and procedures are embedded within the organisation.

PURPOSE/OBJECTIVE

The purpose of the report is to advise Council of three recent investigations into activities within local government conducted by the Independent Commission against Corruption (ICAC) together with a commentary as to the applicability to Hornsby Shire Council of the corruption prevention recommendations made by the ICAC.

DISCUSSION

The Independent Commission against Corruption (ICAC) has recently completed three investigations into activities within local government. The reports of the investigations have been published and in two, recommendations in relation to corruption prevention measures are made. Some recommendations are specific to each council but some are of a general nature and interest and should be addressed by Council. Information for this Report (General Manager's Report No. GM 17/11) has been obtained from the ICAC website www.icac.nsw.gov.au

The three reports are with respect to Burwood Council, Strathfield Council and Willoughby City Council. Detailed below is a summary of the investigations together with the corruption prevention recommendations made by ICAC. Shown in italics is a commentary related to Hornsby Shire Council.

Burwood Council – allegations of corrupt conduct involving the General Manager and other staff

The ICAC conducted an investigation into whether Pasquale (Pat) Romano, the former General Manager of Burwood Council, and other Council officers, engaged in corrupt conduct in the course of their administration of staff and use of resources at the Council.

In its report on this investigation, which was made public on 20 April 2011, the ICAC made findings of corrupt conduct against Mr Romano.

The ICAC has stated its opinion that the advice of the Director of Public Prosecutions be sought with respect to the prosecution of Mr Romano for various offences. The Commission has also made 31 corruption prevention recommendations.

Recommendations for corruption prevention and updates

The ICAC has made the following 31 corruption prevention recommendations; some of these recommendations are to Burwood Council, while others are made to the NSW Government to help improve systems in local government across the state:

Recommendation 1

That Burwood Council develops a policy for the payment of appropriate out-of-pocket expenses incurred by the General Manager and Council employees. Such a policy should incorporate the provisions of the NSW Government Expenses Policy.

Council's existing determinations and procedures align closely with the provisions of the NSW Government Expenses Policy.

Recommendation 2

That Burwood Council's out-of-pocket expenses policy for staff and the General Manager includes protocols for the approval of out-of-pocket expenditure. The protocols should explicitly prohibit the General Manager or any other Council employee from approving expenses where there is an actual or perceived personal benefit derived from the expenditure. The protocol should also provide that the Mayor must approve the expense claims of the General Manager.

The Mayor approves the credit card expense claims of the General Manager and in future will approve all claims, including petty cash claims. The credit card expense claims were recently audited by Council's Internal Auditor in January 2011.

Recommendation 3

That Burwood Council modifies its Councillor Expenses and Facilities Policy to require the payment of expenses and the provision of facilities to Councillors only where specifically provided for in the Policy.

Currently applicable.

Recommendation 4

That Burwood Council modifies the Councillor Expenses and Facilities Policy to require the approval of significant Councillor expenses and facilities, where possible, at a full Council meeting. Where approval at a full Council meeting is not possible or appropriate then approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval, it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

Payments outside Council's policy are not made however any interpretations of Council's existing policy are approved by the General Manager.

Recommendation 5

That Burwood Council aligns its Motor Vehicle Management Policy to reflect key areas of NSW state government policy and practice, including preference for leasing, cars not

exceeding the luxury car tax threshold, procedures for disposal and appropriate treatment of optional accessories.

The NSW state government fleet management policy indicates that agencies must lease all standard passenger and standard light commercial vehicles. This must be undertaken through the New South Wales Government leasing facility unless exempted by Treasury. The leasing facility is managed by StateFleet Services, a business unit of the Department of Commerce. Council's policy does not reflect a preference for leasing but is regularly reviewed to ensure Council's fleet is environmentally and financially sustainable. Council's motor vehicle selection list does not include vehicles exceeding the luxury car tax threshold and includes procedures for disposal and appropriate treatment of optional accessories. Council's policy will be reviewed taking into consideration the key areas of the state government policy and in particular any preference for leasing evaluated.

Recommendation 6

That contracts and remuneration packages for the General Manager and senior staff at Burwood Council comply with the Council's Motor Vehicle Management Policy.

Currently applicable.

Recommendation 7

That the NSW Division of Local Government be given the authority through legislative amendment to require councils in NSW to adopt policy and practice considered to be of state-wide significance by the Division's Chief Executive. This amendment should include an appeal mechanism to the Chief Executive for councils seeking specific dispensation.

Noted.

Recommendation 8

That non-compliance with the requirement for adoption of policy (as described in recommendation 7) be dealt with as a discipline issue for relevant council administrative officers under the Model Code of Conduct for Local Councils in NSW.

Noted.

Recommendation 9

That the NSW Division of Local Government reviews all circulars and pronouncements by the Department of Premier and Cabinet for issues of relevance to NSW local councils and issues guidelines to councils accordingly.

Noted.

Recommendation 10

That the NSW Minister for Local Government seeks legislative amendment to the *Local Government Act 1993* to establish internal audit for local authorities as a statutory function.

Noted.

Recommendation 11

That Burwood Council establishes an internal audit function with an independent internal audit committee as a matter of priority. This committee should be chaired by a person independent of the Council.

Council currently employs a fulltime Internal Auditor.

Recommendation 12

That the elected body of Burwood Council receives regular updates on the outcome of internal audits.

Council receives two Internal Audit Plan update reports each year.

Recommendation 13

That the NSW Minister for Local Government seeks legislative amendments to the *Local Government Act 1993* to require general managers to report to the elected council a decision to dismiss an internal auditor and the reasons for the decision.

Noted.

Recommendation 14

That the NSW Minister for Local Government seeks legislative amendments to the *Local Government Act 1993* to provide internal auditors unfettered access to all documents and any council staff they deem necessary for the conduct of their role.

Currently applicable.

Recommendation 15

That the NSW Minister for Local Government amends Part 9.2(d) of the Model Code of Conduct for Local Councils in NSW to allow councillors to provide information to an internal auditor on any matter related to council business.

Noted.

Recommendation 16

That the NSW Minister for Local Government seeks legislative amendment of section 376(2) of the *Local Government Act 1993* to remove the automatic entitlement of a general manager to attend an audit committee meeting.

Noted.

Recommendation 17

That Burwood Council's internal audit function monitors compliance with the Councillor Expenses and Facilities Policy as part of its oversight role.

Noted.

Recommendation 18

That Burwood Council's internal audit function monitors compliance with Council's (foreshadowed) policy for the payment of out-of-pocket expenses to the General Manager and staff.

Currently applicable.

Recommendation 19

That Burwood Council's internal audit function monitors compliance with Council's system for allocating work to legal practitioners.

This will be considered when next determining the annual Internal Audit Program.

Recommendation 20

That Burwood Council's internal audit function conducts audits of the authorisation, certification and approval processes for expenditure that is unusual by its nature or its infrequency.

This will be considered when next determining the annual Internal Audit Program.

Recommendation 21

That Burwood Council amends its Code of Conduct and the Employee's Handbook to clearly prescribe that all complaints concerning the General Manager be referred to the Mayor in the first instance. If the Mayor is also implicated, the complaint should be referred to the NSW Division of Local Government.

In accordance with the Model and Council's adopted Code of Conduct all complaints concerning the General Manager are referred to the Mayor. The second part of the recommendation is noted.

Recommendation 22

That Burwood Council policies be amended to prohibit the General Manager from having any involvement or giving directions to staff in relation to any formal or informal complaints where he/she is the subject of the complaint. This recommendation does not prohibit the General Manager from providing information or a statement as part of the investigation process.

Currently applicable.

Recommendation 23

That Burwood Council amends its Internal Reporting System to include an officer's line manager/supervisor as a designated officer to whom a protected disclosure can be made. All officers to whom a protected disclosure can be made under the policy should receive training on how they should deal with a protected disclosure.

Council has an extensive list of officers to whom a protected disclosure can be made including Mayor, General Manager, all Executive Managers, all Branch Managers, the Public Officer and the Internal Auditor, who is the "Whistleblower Investigation Officer".

Recommendation 24

That Burwood Council ensures that the handling and investigation of complaints about the General Manager are overseen by the Mayor and conducted by investigators who are independent of the Council.

Noted.

Recommendation 25

That Burwood Council develops a suspension policy for all Council staff aligned to the intention and effect of Premier and Cabinet guidelines for the NSW public sector, as espoused in Premier's Memorandum 94/35.

NSW Premier's Memorandum 94/35 relates to the Suspension of Public Employees and details the options for dealing with employees facing criminal charges or disciplinary

proceedings, including suspending employees from duty without pay before criminal or disciplinary charges have been finalised, in exceptional circumstances.

Appropriate actions are determined taking into consideration the nature of allegation, nature and location of current/proposed duties, public interest, nature of crime /conviction, efficient operation of the agency and maintenance of good order and discipline.

Whilst similar procedures are implemented at Council such will be formally documented and be applicable to all employees.

Recommendation 26

That the Chief Executive of the NSW Division of Local Government amends the *Standard contract for the employment of general managers* to include specific provision for a council to suspend the general manager from duty on a reasonable apprehension that he/she has engaged in corrupt conduct or serious misconduct.

Noted.

Recommendation 27

That Part 3 of the Model Code of Conduct for Local Councils in NSW be amended to improve the guidance provided to mayors in managing complaints against a general manager. In particular, guidance should be provided about the consideration of the suspension of the general manager in appropriate cases. A duty should also be placed on the mayor to monitor decisions and actions of the general manager and other council officers for possible detrimental action against staff or contractors who have provided information about alleged misconduct.

Noted, although concern is expressed in relation to overloading the Model Code of Conduct for Local Councils in NSW with guidance/guidelines for specific circumstances. Such detail may be better placed in supplementary documents.

Recommendation 28

That the NSW Division of Local Government endorses a core package of information for trainers to deliver to councillors. The package should be tailored to the needs of new and existing councillors.

Noted.

Recommendation 29

That all NSW councillors undertake a foundation education and training program endorsed by the NSW Division of Local Government, at a minimum of once per term.

Noted.

Recommendation 30

That all current Burwood Council Councillors undertake a foundation education and training program endorsed by the NSW Division of Local Government as a matter of priority.

Noted.

Recommendation 31

That the NSW Division of Local Government promotes its capacity to provide information and assistance to councillors in the discharge of their role.

Noted.

Strathfield Council - Allegation of corrupt conduct involving Community Services Manager

The ICAC investigated an allegation that Strathfield Council's Community Services Manager, Michael Chau, solicited a payment of \$10,000 from Phillip Armstrong of Tenix Solutions for his own benefit. In its report on this investigation, which was made public on 12 May 2011, the ICAC made a finding of corrupt conduct against Mr Chau.

The ICAC has stated its opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of Mr Chau for an offence of soliciting a corrupt payment under section 249B(1) of the *Crimes Act 1900*.

The Commission has also stated its opinion that consideration should be given to the taking of action against Mr Chau with a view to dismissing, dispensing with the services of or otherwise terminating his services on the grounds that he engaged in described misconduct.

Recommendations for corruption prevention and updates

There were no corruption prevention recommendations made in relation to this investigation.

Willoughby City Council – Alleged corrupt conduct of Council employee

The ICAC investigated allegations that Willoughby City Council employee, Edward Karkowski, corruptly exercised his official functions in favour of various business owners within the Council area in return for financial and other benefits. In its report on this investigation, which was made public on 22 June 2011, the ICAC made findings of corrupt conduct against Mr Karkowski. The ICAC has stated its opinion that the advice of the Director of Public Prosecutions be sought with respect to the prosecution of Mr Karkowski for various offences. The Commission has also made seven corruption prevention recommendations.

Recommendations for corruption prevention and updates

The Commission has made the following seven corruption prevention recommendations. Six of the recommendations are made to Willoughby City Council, and one recommendation is made to the Department of Planning and Infrastructure.

Recommendation 1

That Willoughby City Council improves the supervision and monitoring of its staff in the Environmental Services Division with powers and/or responsibilities under the *Environmental Planning and Assessment Act 1979* in order to help reduce opportunities for corrupt behaviour to occur. Specific measures to achieve this should include the need to:

a. review the current organisational structure to ensure managers are able effectively to supervise the work of staff reporting to them and are involved in the reviewing and auditing of work completed by staff

Currently applicable.

b. assess and implement strategies to manage corruption risks associated with specialisation amongst regulatory staff, such as:

i. introducing staff rotation duties and limiting the role of specialist staff to providing advice on specialist issues to building surveyors, planners and other staff

Currently applicable.

- ii. establishing a periodic auditing by directors and internal auditors of determinations of development applications and construction certificates

Included in Internal Audit Plan. Executive Manager is provided with weekly list of Development Applications (DA's) received and determined.

- iii. introducing or improving existing systems to track the out-of-office movements of Council staff during work hours

Noted.

- c. establish systems to reduce end-to-end control of regulatory approvals by a single Council officer, such as Council officers assessing an application under delegated authority and determining and approving the same application. This may include changing Fast Track Approval System procedures to require the assessing officer to complete a report and a different officer to make the determination.

Currently applicable.

Recommendation 2

That Willoughby City Council reviews its current practices and develops policies for the awarding of overtime, including:

- a. establishing a formal process for managers to determine and approve in advance the need for staff working overtime

Currently applicable.

- b. retaining a formal process for the claiming of overtime actually worked.

Currently applicable.

Recommendation 3

That, as an interim measure, Willoughby City Council:

- a. produces and makes publicly available a clear list of what activities and work associated with a development are to be included in calculating the estimated costs of works

Currently applicable.

- b. requires any person submitting an application for development or a construction certificate to submit a quote from a builder or suitably qualified and licensed person of the estimated cost of work for the development proposal

Currently applicable for DA's over \$1M (as per EP&A Act).

- c. reinforces to staff who assess development applications that, under clause 255 of the Environmental Planning and Assessment Regulation 2000, there is a need to be satisfied that the estimated cost associated with the construction of the building is genuine and accurate.

Noted.

Recommendation 4

That the NSW Department of Planning and Infrastructure prepares and makes public guidelines that specify which activities and what work associated with a development are to be used by planning authorities when calculating the estimated costs of works.

Noted.

Recommendation 5

That Willoughby City Council implements changes to its Gifts and Benefits Policy and section 5 of its Code of Conduct that establish, as a minimum, a prohibition on Council staff and officials who exercise regulatory functions from accepting any gift, benefit or hospitality irrespective of its value.

This recommendation will be considered in conjunction with a review of the Code of Conduct.

Recommendation 6

That Willoughby City Council formalises its practices around the Fast Track Approval System, and publishes these documents as an information pack that is publicly available for use by developers, builders and others in the business community. This should include the following:

- a. information required to be submitted by applicants in relation to the development proposal and the estimated cost of works
- b. fees payable by applicants
- c. level of information to be provided by Council officers assessing and determining the application in their worksheet or report with regard to the matters considered and the reasons for their determination
- d. circumstances in which applications should be referred to the Council's Development Assessment Review Committee or the Peer Review Group.

Currently applicable.

Recommendation 7

That Willoughby City Council:

- a. further enhances its campaign to educate the local community, including non-English speaking members, that gifts, hospitality and other benefits are not appropriate and that Council officers cannot accept them
- b. develops a program to engage and actively involve the local business community, with a view to establishing a dialogue that communicates the above message
- c. establishes an education program on cross-cultural matters for all frontline and regulatory staff.

Council has ICAC literature available in other languages and this material is offered at Citizenship Ceremonies and through Council's Settlement Officer.

Conclusion

General Manager's Report No. GM 17/11 provides a commentary as to the applicability to Hornsby Shire Council of the corruption prevention recommendations made by the ICAC.

The review of the ICAC Reports discloses that at Council the relevant policies and procedures are embedded substantially within the organisation. Reviews however will continue to be undertaken to maintain the high level of management integrity.

BUDGET

There are no budget implications.

POLICY

Minimal policy implications are as noted throughout the Report.

CONSULTATION

Consultation has been undertaken with members of the Executive Committee (Exco) and the Internal Auditor.

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. The adoption of the recommendations will contribute to the following Triple Bottom Line considerations:

Governance – Guidance towards a sustainable future
Society and Culture – Enhance social and community wellbeing

RESPONSIBLE OFFICER

General Manager, Mr Robert Ball.

RECOMMENDATION

THAT the contents of the Report received and noted and the proposed actions outlined be endorsed.

ROBERT BALL
General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00121
Document Number: D01707276

5 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 15 June 2011 (see Report No. CC29/11). Since that time, two additional Returns have been lodged with the General Manager and are now tabled as required by the Local Government Act.

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
26/05/2011	Community Development Officer	New appointment
8/06/2011	Community Development Officer	Resignation

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Council's Senior Access to Information Officer – Stephen Waller who can be contacted on 9847 6749.

RECOMMENDATION

THAT Council note that the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

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

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2010/00368
Document Number: D01685770

6 2010/11 INVESTMENTS AND BORROWINGS - PERIOD ENDING MAY 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 May 2011 was \$1,819,000 compared to the revised budgeted income for the same period of \$1,424,000. Of the investment income earned, 38% 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 – May 2011

- The At-Call and Term Deposits achieved an annualised return of 6.01% 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 -1.11% for the month compared to the benchmark of -4.50%. 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 5.02%.
- The Capital Guaranteed Notes achieved an annualised return of 0% for the month compared to the benchmark of 5.02%. No interest will be accrued for the remaining life of the securities.

For total investments, the annualised return for May 2011 was 5.08% compared to the benchmark of 4.48%. It is noted that for the 2010/11 year to date, the annualised return is 5.26% compared to the benchmark of 4.93%.

Economic Commentary

Statement by Glenn Stevens, Governor: Monetary Policy Decision- Media Release 7 June 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, though the recent disaster in Japan is having a major impact on Japanese production, and significant effects on production of some manufactured products further afield. Commodity prices have generally softened a little of late, but they remain at very high levels, which is weighing on income and demand in major countries and also pushing up measures of consumer price inflation. In response, a number of the countries with stronger expansions have been moving to tighten their monetary policy settings over recent months. Overall, though, financial conditions for the global economy remain accommodative. Uncertainty over the prospects for resolution of the banking and sovereign debt problems in Europe has increased over the past couple of months, which has been adding to financial market volatility.

Australia's terms of trade are reaching very high levels and national income has been growing strongly. Private investment is picking up, led by very large capital spending programs in the resources sector, in response to high levels of commodity prices. Outside the resources sector, investment intentions have been revised lower recently. In the household sector thus far, there continues to be a degree of caution in spending and borrowing and a higher rate of saving out of current income. The impetus from earlier Australian Government spending programs is now also abating, as had been intended.

The floods and cyclones over the summer have reduced output in some key sectors. As a result there was a sharp fall in real GDP in the March quarter, despite a solid increase in aggregate demand. The resumption of coal production in flooded mines is taking longer than initially expected, but production levels are now increasing again and there will be a mild boost to demand from the broader 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 that this slower pace of employment growth is likely to continue in the near term. 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 expanded this year after a period of contraction. Growth in credit to households, on the other hand, has softened, as have housing prices. The exchange rate remains, in real effective terms, close to its highest level in several decades. If sustained, this could be expected to exert continued restraint on the traded sector.

CPI inflation has risen over the past year, reflecting the effects of extreme weather and rises in utilities prices, with lower prices for traded goods providing some offset. The weather-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 next 12 months.

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 31 May 2011 is attached for Council's information.

BUDGET

Total investment income for the period ending May was \$1,819,000. The revised budgeted income for the same period was \$1,424,000. 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 38% 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. CC36/11 be received and noted

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. HSC Investment Portfolio as at 31 May 2011
2. HSC Borrowings Schedule as at 31 May 2011

File Reference: F2004/06987

Document Number: D01694887

**7 LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2011 -
SUBMISSIONS OF MOTIONS AND NOMINATIONS OF VOTING
DELEGATES**

EXECUTIVE SUMMARY

The 2011 Annual Conference of the NSW Local Government Association (LGA) will be held in Nowra from 23 October to 26 October 2011.

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

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

PURPOSE/OBJECTIVE

The purpose of this Report is to provide an opportunity for Council to formally adopt motions to be submitted to the 2011 Annual Conference of the LGA and to provide information about the nomination of voting delegates such that Council's attendees and voting delegates for the Conference can be determined and advised to the LGA.

DISCUSSION

The 2011 Annual Conference of the NSW Local Government Association (LGA) will be held in Nowra from 23 October to 26 October 2011. The Conference provides an opportunity for Council to submit motions for debate and decision by delegates from member local governments across New South Wales.

Delegates for the Conference

Voting delegate entitlements for each council at the Annual Conference are determined by population of the council area using Australian Bureau of Statistics figures. As Hornsby Council's population is greater than 150,000, it is entitled to seven voting delegates. This report recommends that attendees and voting delegates be determined by Council so that registrations for the Conference can be forwarded to the LGA.

Motions for the Conference

The closing date for submission of motions is 5 August 2011. As such, it is recommended that Council make a determination at its meeting on 20 July 2011 of motions to be submitted for consideration at the LGA Conference. Motions submitted after 5 August 2011 will be

deemed late motions. Late motions will be able to be received by the LGA up until 14 October 2011.

As in previous years, motions will be categorised, however, the LGA no longer requires the motions to fall within a specific Conference Theme. It is important to note that for motions to be considered at the Conference, they must seek to extend, enhance or replace the Associations' current policy position.

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

Council:

Topic: Select from: Aboriginal Affairs, Arts, Education, Environment and Heritage, Family and Community Services, Health, Local Government, Planning, Police and Emergency Services, Primary Industries, Telecommunications, Trade, Investment and Regional Infrastructure, Other

Issue: Maximum allowed: 80 characters

Motion: *Insert Motion Text which should commence*

That the Local Government Association...

Note from Council: *Insert Note from Council*

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

Environment Division

Motion 1

Topic: Local Government

Issue: Funding of grant programs for local Councils and other organisations

Motion: That the Local Government Association request the NSW Government to consider a substantial increase in the funding of grant programs that make funds available for the development of public open space and community sport and recreation facilities generally.

Note: The NSW Government has several grant programs that provide funds to local government and other organisations for the development of open space or community recreation facilities generally. The funding is restricted such that the majority of applications fail to gain funding, even though they may have merit and match the funding guidelines established for the programs. It must be concluded that insufficient funding is made available for the grant programs with the result that many worthy projects are unable to proceed due to lack of funding.

In turn, this means that opportunities to involve the community in healthy, active lifestyles are restricted.

The key programs that require additional funding are:

- Greenspace Program
- Sport & Recreation Facility Development Program
- Sport & Recreation Participation Program

Motion 2

Topic: Environment and Heritage

Issue: Waste Levy revenue to finance State owned Alternate Waste Treatment Facilities

Motion: That the Local Government Association request the NSW State Government to investigate the feasibility of using revenue gained from the Waste Levy to provide appropriate waste treatment infrastructure to enable local government to achieve the State's 66% waste diversion from landfill target.

Note: The State Government has a requirement that local government divert 66% of domestic waste from landfill by the year 2014. The target is achievable based on waste composition audits undertaken over a number of years. The only hindrance to achieving the target is the lack of appropriate treatment facilities.

The Waste Levy was purportedly introduced to achieve the 66% diversion of waste from landfill target. Use of a portion of the revenue collected each year from the Waste Levy for the development of appropriate waste management infrastructure is a far more effective tool for reducing landfill rather than simply pricing landfill out of the market.

Alternative Waste Treatment (AWT) facilities are expensive and this is perhaps one of the main reasons why the waste industry has been slow to develop AWT facilities in the Sydney Metropolitan Area (SMA). Consideration should be given to the use of Waste Levy funds to develop a partnership arrangement between the State Government who would be responsible for building and owning the facilities, and industry who would operate them in a competitive manner. This approach would in turn provide councils with access to an expanded range of facilities. The end result would be the achievement of the 66% diversion rate and the provision of adequate environmentally responsible and viable waste processing facilities. The Waste Levy would remain in place for those who decide not to use a facility. This is a far better option than the one being pursued now.

In 2010 the State Government sold WSN Environmental Solutions to private enterprise. This effectively removed any government involvement in the waste disposal industry other than the collection of extremely large amounts of revenue from the Waste Levy. The Waste Levy is a tax imposed on landfill operators which is subsequently passed onto local government and residents for the disposal of residual waste. Since 1993 the levy has steadily increased. The 2011/2012 levy

will be \$80.20 per tonne. Putting this into context, it's a little more than the actual disposal cost at landfill and equates to a tax on Hornsby residents and businesses of about \$4.6 million dollars.

When WSN Environmental Solutions was State owned it gave some confidence that competition would be kept under control and that possibly more infrastructure would eventuate. For example, the two largest AWT facilities in Sydney were established by WSN.

The concept of the Waste Levy is not in question. It is one tool to encourage waste diversion from landfill.

What is in question is the appropriate use of the funds generated.

Currently funds are allocated to local government annually for Environmental Waste and Sustainable Programs (WaSIP). These are worthwhile programs that would not necessarily be able to be funded by local government. This is a worthwhile and commendable program but only accounts for a portion of the funds received. It does very little to address the current lack of waste treatment options in the SMA. The WaSIP program will return to Hornsby Council in 2011/2012 just over \$1 million of that \$4.6 million. Some of the remaining \$3.6 million could go to other environmental activities but a large proportion could be better spent on what it arguably was originally intended for – Waste Management

Corporate and Community Division

Motion 3

Topic: Family and Community Services

Issue: Funding for Crisis Support Services

Motion: That the Local Government Association request the NSW Government to consider a substantial increase in the funding of programs that address crisis support, in particular services that provide immediate and ongoing support to individuals at crisis points in their lives, in order to address mental health, financial crises, suicide prevention and homelessness.

Note: The NSW Government has several grant programs that provide funds to a range of services including Health and the Non-Government sector to deliver support services locally within the community. A better coordination of these funds is required in order to provide the community with crisis support. Currently the funding available is limited and Local Government is often requested to support these services through its community development work and by way of providing subsidised or free accommodation for service providers at a cost to Council. There is a significant lack of funding causing service gaps at a local level and cost shifting towards local government.

The key programs that require additional funding are:-

- emergency relief and financial assistance
- financial counselling
- Mental health support including social and emotional wellbeing support

- Domestic violence support for victims
- Suicide prevention (in particular services to young people)
- homelessness

Motion 4

Topic: Local Government

Issue: Public Library Funding

Motion: That the Local Government Association lobby the NSW Government to increase funding to NSW public libraries. Public libraries provide a vital service to NSW residents from a wide range of cultural and socio-economic backgrounds. If this high quality service is to continue, it is critical that the growing imbalance between State and Local government funding be addressed.

Note: Funding to public libraries has decreased despite the increasing demands being placed on them for a range of services and programs, many of which support government programs and initiatives. These include the provision of government information online and the purchase of resources to support the Premier's Reading Challenge, and the information needs of school students. The level of public library funding in NSW is the lowest in Australia, with local government providing over 90% of the costs. Over the last ten years, public library visits have increased by over 34%. In 2009-2010, almost half the population of NSW were registered as a member of their local public library.

Planning Division**Motion 5**

Topic: Planning

Issue: Local Development Contribution System

Motion: That the Local Government Association lobby the NSW Government to amend the local development contribution system in respect of all brownfield development to provide Councils the ability to impose a condition of consent requiring the payment of a levy set at 3% of the value of the development, or \$20,000 (indexed at CPI) for subdivision and that Councils be able to use funds collected from the levy to construct new community services and infrastructure and/or augment/update existing community services and infrastructure in accordance with an adopted infrastructure/community plan.

Note: The development contributions system allow Councils the following methods of funding local infrastructure:

- * Section 94 development levies (direct levies)
- * Section 94A development levies (indirect levies)
- * Planning agreements

In the case of indirect levies, the maximum rate that a levy can be set is 1% of the estimated value of the development. As opposed to direct levies, indirect levies provide Councils with a simpler and more flexible method of allocating development levies to local infrastructure and services in circumstances where new development is sporadic and not closely linked to centres (i.e. brownfield development). Equally, indirect levies provide greater certainty for the development industry in establishing the economic justification for a brownfield development. However, the current rate of the levy is too low to be a viable alternative to direct levies. This motion recommends that in the case of brownfield development, Councils be given the opportunity to collect indirect levies at a value comparable to direct levies and in doing so create simpler and more flexible local development contributions plans.

BUDGET

Funds have been allocated in the 2011/12 Budget for attendance at the LGA Annual Conference.

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

As this Report simply provides Council with information and does not propose any 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 Acting Administration Coordinator – Scott Allen who can be contacted on 9847 6609.

RECOMMENDATION

THAT Council:

1. Adopt the Motions included within Executive Manager's Report No. CC37/11 for submission to the 2011 Local Government Association Conference.
2. Determine attendees and voting delegates for the 2011 Local Government Association Conference.

ROBYN ABICAIR
Manager - Administration Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00595

Document Number: D01697094

**8 TENDER T7/2011 - LEASE OF CHILD CARE CENTRE SITE - 10
EUCALYPTUS DRIVE, WESTLEIGH**

EXECUTIVE SUMMARY

At the Workshop Meeting held on 23 March 2011, Council considered a report dealing with the future of the Westleigh Child Care Centre and decided to call for expressions of interest for the operation of a long day care centre or preschool centre from the site commencing from 1 January 2012.

Formal tenders were subsequently called which resulted in five tenders being received. Following an evaluation of those tenders, it is recommended that Council accept the tender from First Grammar Parramatta Pty Ltd.

As a consequence of the results of this tender, it is also recommended that the forthcoming review of the Council Buildings – Use by Kindergartens Policy consider whether it may be appropriate to seek open tenders, upon the expiry of the current leases, in respect of the 11 Council buildings currently leased by child care operators.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide details of the tender process followed in respect of the operation of a long day care centre or preschool centre from the current Westleigh Child Care Centre site from January 2012.

DISCUSSION

At the 23 March 2011 Workshop Meeting, Council considered Executive Manager's Report No. CC13/11 - Westleigh Nursery and Preschool - 10 Eucalyptus Drive, Westleigh - Considerations in Respect of Closure of Child Care Service and Subsequent Sale of the Property - and resolved that:

- 1. The contents of Executive Manager's Report No. CC13/11 be received and noted.*
- 2. Council call for expressions of interest for the operation of a long day care centre or preschool centre at the former Westleigh Nursery and Preschool site from 1 January 2012.*
- 3. Following receipt of the expressions of interest referred to in point 2. above, a report be prepared for Council's consideration detailing the outcomes of the process.*
- 4. Council cease its operation of the Westleigh Nursery and Preschool on Christmas Eve 2011.*

In accordance with points 2 and 3 of the above resolution and the requirements of the Local Government Act, Tender No T7/2011 sought interest from the market place to lease the

property currently known as the Westleigh Nursery and Preschool Centre for the purpose of operating a long day care centre or preschool.

At the closing date, tenders had been received from the following five parties:

- Kevin Alexander
- Milestones Childcare
- First Grammar Parramatta Pty Ltd
- Jack and Jill Kindergarten (Berowra) Pty Ltd
- Z & M Development Group Pty Ltd

The following criteria were then used for the evaluation of the tenders received:

- The degree to which the tender achieves the principle objective
- The nature of the future use of the property
- The capability, experience and past performance of the tenderer in the operation of an enterprise
- Skills and qualifications of the proposed personnel
- The proposed approach to be adopted by the tenderer in terms of finance, operation and maintenance of the property
- The demonstrated financial capability of the tenderer
- Maximisation of value to Council having regard to various factors including, but not limited to economic, social and environmental sustainability
- The rental offered

Whilst full details of the tenders received are available for viewing by Councillors on TRIM folder F2011/00668, the tender evaluation carried out by staff is included as a confidential attachment to this Report. Based on the staff's evaluation, it is recommended that Council accept the tender submitted by First Grammar Parramatta Pty Ltd.

In considering the tenders received, a focus was placed on ensuring that the rental received from the lease of the property would be sufficient to meet Council's obligations under the lease agreement with respect to maintenance of the facility. In this regard, it is noted that the rental offer made by First Grammar Parramatta Pty Ltd meets this requirement. In order to ensure that future year's asset maintenance costs are provided for, it is considered appropriate that the net proceeds from the rental of the property be consolidated into a pool of funds which are currently used to maintain Council's leased community facilities.

Whilst undertaking this tender process, it was noted that 11 other Council buildings across the Shire are leased for child care operations and the rental paid by those operators is currently determined in accordance with the Council Buildings – Use by Kindergartens Policy. Under the Policy, the rental is calculated on the basis of a dollar figure multiplied by the number of child care places offered multiplied by five days per week multiplied by the number of operational weeks of the centre. In this regard, the total rental received by Council from the lease of those 11 facilities is approximately 50% more per annum than what will be received per annum as a result of this particular tender. As a consequence, it is recommended that the forthcoming review of the Council Buildings – Use by Kindergartens Policy should consider whether it may be appropriate to seek open tenders in respect of the 11 buildings upon the expiry of the current leases.

BUDGET

The offered rental is sufficient to cover the ongoing asset maintenance costs associated with the facility. It is recommended that the balance of funds be used across the network of Council's community facilities such that, over time, a concerted approach to asset management of those facilities can be achieved.

POLICY

There are no policy implications associated with the acceptance of the preferred tenderer. However, as a consequence of the results of this tender, it is recommended that the forthcoming review of the Council Buildings – Use by Kindergartens Policy consider whether it may be appropriate to seek open tenders, upon the expiry of the current leases, in respect of the 11 Council buildings currently leased by child care operators.

CONSULTATION

The tender has been evaluated by a panel comprising the Manager, Community Services Branch; the Manager, Commercial Property; and the Contracts and Catalogue Coordinator.

TRIPLE BOTTOM LINE SUMMARY

A triple bottom line assessment has been considered in the rating and ranking of the tenders received.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Mr David Johnston, Manager - Community Services Branch, who may be contacted on 9847 6800.

RECOMMENDATION

THAT:

1. Council accept the tender submitted by "First Grammar Parramatta Pty Limited (ACN 149 114 303) as trustee for First Grammar Parramatta Trust (ABN 73 771 658 123)" for the lease of the property at 10 Eucalyptus Drive, Westleigh.
2. The price of the final preferred tender be made public upon formal acceptance of the tender.
3. Funds received from the rental be used to manage and maintain the property at 10 Eucalyptus Drive, Westleigh in the first instance, with any funds remaining be used for the maintenance of Council's other community building assets.
4. The forthcoming review of the Council Buildings – Use by Kindergartens Policy consider whether it may be appropriate to seek open tenders, upon the expiry of the current leases, in respect of the 11 Council buildings currently leased by child care operators.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

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

File Reference: F2011/00668
Document Number: D01700138

9 2011/12 BUDGET AND FEES AND CHARGES

EXECUTIVE SUMMARY

At the 15 June 2011 Ordinary Meeting, Council considered a report dealing with the approval of its Special Rate Variation application and agreed that any necessary amendments to the 2011/12 Budget and Fees and Charges should be discussed at an Informal Briefing/Workshop of Councillors prior to being formally considered and determined by Council. In this regard, it was noted that Council's application was based on it achieving budget savings of at least \$1.45 million per annum commencing in 2011/12.

Discussions have since ensued regarding a number of budget saving options and amendments to fees and charges. The options for budget savings have included a mix of those emanating from the recently completed Internal Services Review together with other suggestions from Councillors and/or senior staff. The options for amendments to fees and charges have related mainly to cricket ground hire and environmental health administration and inspection; but have also included the potential imposition of a new wastewater management fee to replace the existing regime of inspection fees.

It is now appropriate that Council formally consider its options in respect of amendments to the 2011/12 Budget and Fees and Charges, noting that any further savings required to balance the 2011/12 Budget will need to be considered as part of quarterly reviews of the Budget and take into account the External Services Review which is due to be commenced in the near future.

PURPOSE/OBJECTIVE

The purpose of this Report is to submit for Council's consideration a number of potential amendments to the 2011/12 Budget and Fees and Charges.

DISCUSSION

At the 15 June 2011 Ordinary Meeting, Council considered Report No. CC35/11 – Council's Application for a Special Rate Variation to Commence from 2011/12 and resolved that:

- 1. The contents of Executive Manager's Report No. CC35/11, the Late Items information associated with that Report, and the Independent Pricing and Regulatory Tribunal's decision in respect of Council's Special Rate Variation application be received and noted.*
- 2. Council confirm the adoption of its Community Plan 2010-2020 and associated documents together with the rating structure to apply for 2011/12, in line with Council's resolution in respect General Manager's Report No. GM6/11 at the 25 March 2011 Workshop Meeting.*
- 3. Having regard to Council's Special Rate Variation application being 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 detailed in Council's application, the issues of savings and adjustments to fees and charges be the subject of discussion at an informal briefing/workshop of Councillors on 29 June 2011, prior to being formally considered and determined by Council at the 21 July 2011 Ordinary Meeting.

4. *Council acknowledge with thanks the efforts made by the General Manager and his staff, particularly the Manager Corporate Strategy, Julie Williams, Manager Financial Services, Glen Magus and the Corporate Strategy staff in planning, implementing and compiling Council's Special Rate Variation application.*

In accordance with point 3 of the resolution, an Informal Briefing of Councillors was held on 29 June 2011 and included discussion of potential amendments to the 2011/12 Budget and Fees and Charges.

2011/12 Budget

Council's Special Rate Variation application for 2011/12 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. Those savings are additional to the estimated \$2,000,000 cuts that had already been made to the 2010/11 Budget (since its preparation as a draft) to achieve a balanced budget position for that 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.

Council's formal consideration of the options shown in the table below is now required:

	Budget Savings 2011/12
Implement the short term agreed actions in respect of the Internal Services Review - ongoing	\$700,000*
Implement the agreed actions in respect of the Financial Services Branch Review - ongoing	\$100,000
Cease the hardcopy production of the Bushland Shire News and instead make the publication available on Council's website or through distribution by email - ongoing	\$60,000
Provide for income to be achieved through rental of a property not included in original Budget - ongoing	\$80,000
Remove the budget for the provision of indoor plants in the Administration Centre - ongoing	\$15,000
Discontinue the operation of the Heritage Committee (\$30,000) and the Heritage Assistance Fund (\$60,000) - ongoing	\$90,000
Reduction in overhead charges associated with the Works Division - ongoing	\$25,000
Sale of unused trucks and grader – one off	\$150,000
Reduce the budget associated with the operation of Council's cricket turf wickets - ongoing	\$40,000
Reduce the legal expenses budget associated with sullage - ongoing	\$5,000
	\$1,265,000

(* The amount shown as savings is for 2011/12 only. A full year's savings on short term agreed actions will not be achieved until 2012/13. In that year, some medium term agreed actions will also be implemented and will result in further annual savings)

2011/12 Fees and Charges

Class 1 Cricket Ground Hire Fees

During the public exhibition period associated with the Special Rate Variation application, cricket organisations had been advised that the adopted increase for the hire of Class 1 cricket grounds (i.e. those with turf pitches) may be reviewed if Council's application was approved. Now that IPART has approved Council's application, the Executive Manager, Environment Division has recommended that the previously adopted fees be reduced, as set out below. Based on the 2010/11 usage of cricket grounds, the loss of projected income resulting from such reductions would be \$9,436. This would need to be reflected as an amendment to the adopted 2011/12 Budget.

Cricket	Adopted 2011/12 GST Inc	New proposal 2011/12 GST Inc	2010/11 Fees GST Inc
Class 1 Ground - per season	\$7,318	\$6,754	\$5,629
Class 1 Ground - competition/day	\$501	\$462	\$385
Class 1 non-competition/day	\$825	\$790	\$688

(N.B. Because the fees for 2011/12 are proposed to be reduced from those publicly advertised and adopted, it is not considered necessary for a further public exhibition process of the fees to occur)

Environmental Health Administration and Inspection Fees

The food business administration and inspection fees adopted for 2011/12 have significantly increased from the fees which applied in respect of 2010/11. There is now concern that the fees will be onerous, especially for smaller operators. The proposal set out below is for a more modest increase which will provide a fairer outcome, particularly on the smaller businesses with five or less food handlers.

The reduced fee structure is considered justifiable because the fee for the 2008/09 financial year for the majority of small business operators for a combined administration fee and one inspection was \$150. For the 2009/10 and 2010/11 years this increased to \$327. It has taken the two year period for there to be a reasonable level of acceptance in respect of this fee. To further increase fees to \$500 in 2011/12 is predicted to have consequences including rising complaints from small business owners, possible increased fee avoidance and increased debt recovery costs. The price resistance could mean that should the adopted fee for 2011/12 be maintained, fee avoidance could result in a revenue shortfall in any case.

The majority of food businesses fall in to the Small (with direct food handling) category. Under the new proposal, the total fee would be \$360 inclusive of the annual administration charge and one inspection in the year. A new category has been introduced for small businesses that handle high risk food, but have no direct food handling involvement other than heating. An administration charge of \$100 is proposed to reflect the lower level of risk and administration associated with these businesses. This would mean that these businesses would be charged \$210 for an initial inspection rather than the previously adopted charge of \$360.

The administration fee is levied once a year but fees are charged for reinspections and/or if a second routine inspection is conducted in the financial year. It is estimated that the changes would produce a 2011/12 Budget shortfall of \$20,000, however, increasing efficiencies may be able to reduce this figure. As a consequence, any change to the 2011/12 Budget should occur as part of a quarterly review.

Food Premises - Annual Administration Charge - High & Medium Risk Businesses Only as Per NSW Food Authority Categories:	Adopted 2011/12 (Exc GST)	New Proposal 2011/12 (Exc GST)	Fee for 2010/11 (Exc GST)
Small - 5 or less FTE food handlers selling high risk food but no direct food handling required (e.g. packaged only)	N/A	\$100	N/A
Small - 5 or less equivalent full time food handlers	\$390	\$250	\$250
Medium - 6-50 equivalent full time food handlers	\$800	\$550	\$500
Large - 51 or more equivalent full time food handlers	\$3,500	\$2,500	\$2,000

(N.B. Because the fees for 2011/12 are proposed to be reduced from those publicly advertised and adopted, it is not considered necessary for a further public exhibition process of the fees to occur)

Wastewater Management Fee

The levying of an annual management fee of \$40 per annum (plus GST) for wastewater management may be appropriate to replace the existing regime of inspection fees. However, as the management fee would be a new fee, it would need to be exhibited for public comment prior to any formal adoption. For this to occur, the Executive Manager, Environment Division would need to submit a report about such a proposal for Council's consideration.

BUDGET

This Report seeks Council's consideration of amendments to the 2011/12 Budget and Fees and Charges which are in line with organisational savings proposed in the Special Rate Variation application.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

This Report reflects discussions which were held at an Informal Briefing to discuss proposed amendments to the 2011/12 Budget and Fees and Charges. The Briefing was attended by Councillors, the General Manager and Executive 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.

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, contributes 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. It 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 rate increase and the efficiency and other savings outlined in this Report 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. CC41/11 be received and noted.
2. The amendments to the 2011/12 Budget and Fees and Charges outlined in Executive Manager's Report No. CC41/11 be adopted and actions consequent upon those amendments be implemented.
3. Any further amendments required to balance the 2011/12 Budget be considered as part of quarterly reviews of the Budget and take into account the External Services Review which is due to be commenced in the near future.
4. The Executive Manager, Environment Division submit a report for Council's consideration about the proposal to levy an annual management fee of \$40 per annum (plus GST) for wastewater management to replace the existing inspection fee regime.

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2008/00630
Document Number: D01708419

10 MEMORANDUM OF UNDERSTANDING BETWEEN HORNSBY SHIRE COUNCIL AND BROKEN BAY OYSTER ASSOCIATION

EXECUTIVE SUMMARY

Hornsby Shire Council's Lower Hawkesbury Estuary Management Plan (LHEMP) and program provide an integrated and strategic approach to the management of estuarine assets. To assist with the implementation of the LHEMP and to protect estuarine water quality a formal partnership with the Broken Bay Oyster Association (BBOA) is sought via a Memorandum of Understanding (MOU) (Attachment 1).

The MOU defines services and actions to be undertaken by both parties which will benefit both parties and general public whilst improving estuarine water quality and amenity. Services assigned to HSC within the MOU relate to compliance obligations for onsite sewage management and pollution incident response as required by the Local Government Act (1993) and the Protection of the Environment Operations Act (1997). Actions within the MOU for HSC to implement, which improve estuarine water quality, are actions consistent with those being implemented as part of the LHEMP. The MOU is a statement of intent with service delivery and action implementation being dependent upon the availability of funding and staff resources.

This MOU offers explicit support to local industry, a priority of Council's Community Plan (Goal 2.2 "To create a vibrant and resilient economy"). Furthermore, the MOU creates a precedent for engaging local business and is not exclusive to Broken Bay Oysters. Organisations which have environmental management systems and can partner with Council in implementing the LHEMP will be considered. This formal understanding offers local business increased long-term viability and subsequent investment security for their industry whilst encouraging the implementation of environmental management systems.

This MOU is a first for New South Wales (NSW) and has been developed with the BBOA and NSW Industry and Investment. Instigating services and actions within the MOU will realise benefits to the public, environment, economy and governance. It is therefore recommended to support the MOU, by which HSC and BBOA can formally acknowledge their partnership and commitment towards improving the health of the Hawkesbury River.

PURPOSE/OBJECTIVE

The proposed Memorandum of Understanding, an initiative of Hornsby Shire Council (HSC) and Broken Bay Oysters Association, has the principle objective of improving the health of the Lower Hawkesbury Estuary. This environmental improvement will be achieved by a formal partnership between HSC and BBOA, who both agree to implement strategies within Council's Lower Hawkesbury Estuary Management Plan and BBOA's Environmental Management System. Formal recognition of this partnership and implementation of environmental actions and services contained within the MOU will improve the health of the estuary and increase the long term viability of the oyster industry. In achieving this, improved estuarine water quality and amenity will provide additional public benefits to other

commercial and recreational users of the Hawkesbury River. Establishment of such an MOU will be a first for NSW.

DISCUSSION

Both HSC and BBOA seek to responsibly manage estuarine resources on behalf of present and future generations. Improvement in the health of the estuary during the last decade has resulted from various industry, government and community activities. As a result of these activities, which have improved water quality, oyster harvest areas within the Hawkesbury have been given export approval (October, 2010) by the Australian Quarantine and Inspection Service (AQIS) and direct harvest classification by the NSW Food Authority (NSW FA).

Implementation of this MOU seeks to improve and maintain the health of the estuary to ensure a viable oyster aquaculture industry is maintained and that BBOA export and direct harvest approvals are continued. Further, by supporting the MOU, Hornsby Shire Council recognises the public benefit of the oyster industry as a means of generating employment, supporting local communities and improving the health of the Hawkesbury River. Benefits of supporting and implementing the MOU are described in Table 1.

Table 1 Memorandum of understanding public benefits of a viable oyster industry

Category	BBOA Industry activity	Public benefit
Environment	Implementation of BBOA Environmental Management System	Improved estuarine water quality
	Removal of abandoned infrastructure and equipment	Reduced waste which is a hazard to the environment and navigation safety
	Water quality monitoring (including event monitoring)	Improved data acquisition and knowledge of key estuarine processes
	Potential to cultivate a native species	Reduced risk of marine invasive pest species establishing in the Hawkesbury
	Maintenance of infrastructure which provides habitat and a food source for aquatic organisms	Improved estuarine biodiversity and support for recreational pursuits such as fishing
	Annual oyster productivity provides an indicator of estuarine health	Indicator of cumulative impacts within the estuary and requirements for catchment remediation
Economy	Participation in local economy	Encourage and support for regional business
	Promotion of BBOA and oyster products	Improved local employment and investment opportunities
Society and Culture	Iconic, inter-generational farming industry which attracts external interest (e.g. tourism, film making, etc)	Maintain tourism and local identity
Local community	Participation in local events, fairs and educational field days	Improved community understanding of estuarine values and local industries
	“Eyes and ears” of the water-provide informal surveillance on activities within the estuary	Presence on the estuary provides informal assistance to other users (e.g. clean-up operations) and are

Category	BBOA Industry activity	Public benefit
		able to report potential water quality problems to relevant authorities
	Maintenance of oyster infrastructure within shallow tidal areas of the estuary	Improved navigational safety and awareness of shallow areas
	Implement a good neighbour policy which respects the peace, concerns, comfort and privacy of estuarine users	Reduced community conflict and improved social amenity
	Recognition the Aboriginal people who may have occupied lease areas and/or land adjacent	Increased preservation of Aboriginal heritage values
Governance	Involvement in local resource management planning, estuary management and land use decision making	Improved management of the Hawkesbury rivers' natural assets
	Advocacy for improved estuarine health	Implementation of Hornsby Shire Councils' 2020 Community plan and estuary management program

BUDGET

The MOU is a formal understanding between Hornsby Shire Council and BBOA. Implementation of services within the MOU, actions within Lower Hawkesbury Estuary Management Plan and BBOA Environmental Management System are dependent on the availability of sufficient resources and funding.

POLICY

Implementation of the MOU actions and services supports actions (15b, 9a, 7i) and objectives of Council's adopted Lower Hawkesbury Estuary Management Program.

CONSULTATION

The MOU has been prepared by the Water Catchments Team in consultation with Environmental Sustainability and Health Team, Broken Bay Oysters Association (BBOA), NSW Food Authority and NSW Industry and Investment.

TRIPLE BOTTOM LINE SUMMARY

Working with our community

Consultation with BBOA members was undertaken during the development of this MOU. This MOU encourages and supports the local oyster industry and will enable improved local employment and investment opportunities. Further the MOU will improve the environmental conditions required for aquaculture so that BBOA export and direct harvest approvals are secured and oyster stress and the likelihood of disease is reduced. In achieving this, improved estuarine water quality and amenity will provide additional public benefits to other commercial (e.g. tourism) and recreational users of the Hawkesbury River.

Conserving our natural environment

There are growing pressures that influence the health of the Hawkesbury River and the viability of the local oyster industry. By formal agreement, as acknowledged by this MOU, services and environmental actions required to improve the natural environment will be implemented by HSC and BBOA.

Contributing to community development through sustainable facilities and services

Proposed actions and services within the MOU will enhance facilities and services including removal of derelict oyster infrastructure, event based water quality monitoring and improved coordination of remedial actions following pollution incidents. The MOU is designed to encourage and foster ongoing project partnerships and capacity building between HSC and BBOA.

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

The MOU will enhance both the existing built and natural environment by maintaining a balance between a sustainable estuarine habitat and a viable oyster industry. Services and actions within the MOU were developed to protect and enhance existing values of the estuary and to address issues that have been identified as being detrimental to the estuary.

Supporting our diverse economy

The MOU supports our diverse economy by providing opportunity and securing a viable oyster industry. Services and actions within the MOU, once implemented, will improve estuarine health and provide support to the oyster industry to help ensure their long term viability.

Maintaining sound corporate and financial management

This MOU presents no adverse impacts in terms of corporate and financial management. While a number of the actions and services do have financial implications it is anticipated that most, if not all, of these costs will be accommodated within existing financial resources or through sourcing suitable external funding ventures.

Other Sustainability Considerations

Nil

RESPONSIBLE OFFICER

The responsible officer is Mr Peter Coad, Team Leader - Estuary Management, telephone 9847 6766, 8.30am to 5pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council support the actions and services within the Memorandum of Understanding (MOU) between Hornsby Shire Council and Broken Bay Oysters Association.
2. The General Manager be authorised to sign the MOU to instigate the partnership between Hornsby Shire Council and the Broken Bay Oyster Association.

ROBERT STEPHENS
Executive Manager
Environment Division

Attachments:

1. Memorandum of Understanding between Hornsby Shire Council and Broken Bay Oysters

File Reference: F2004/06711
Document Number: D01678037

11 KANGAROO POINT PARK DEVELOPMENT

EXECUTIVE SUMMARY

Council considered the Report No. WK9/11 on 16 February 2011 where a tender was accepted from Gen March Pty Limited to enter into a lease to construct and operate a commercial takeaway food kiosk and restaurant facility on the site of the former food bar at Kangaroo Point.

This report advises that no submissions were received from the public notification process regarding Council's intention to enter into a lease agreement with Gen March Pty Limited, as required by the Local Government Act 1993. Consequently, Council may proceed to finalise and enter into the consecutive leases with Gen March without referral to the Minister for consent. It also presents a Kangaroo Point Parkland landscape concept plan that proposes improvements that fall outside of the proposed lease area and will complement the proposed Gen March building works.

This report seeks Council's endorsement of the scope works identified in the landscape plan and a financial commitment of up to \$500,000 to fund these works. It seeks endorsement of the scope and financial commitments by Council being included in the lease documentation.

PURPOSE/OBJECTIVE

To advise on the outcome of public notification of Council's intention to lease community land at Kangaroo Point to Gen March Pty Ltd in accordance with the requirements of the Local Government Act.

To seek endorsement of the attached landscape concept plan as the basis of development of the park.

To seek endorsement of the identification of funding for park construction works.

DISCUSSION

At the Ordinary Meeting of Council on 16 February 2011, Council considered Executive Manager's Report No. WK9/11 and resolved:

“THAT:

- 1. Council accept the tender of Gen March Pty Limited for Tender No. T35/2010: Lease of Land – Kangaroo Point Brooklyn.*
- 2. Council authorise the General Manager to enter into detailed negotiations associated with Tender No. T35/2010: Lease of Land – Kangaroo Point Brooklyn.*
- 3. The General Manager be authorised to execute all associated documents under Power of Attorney or pursuant to this delegation.*

In summary, the tender proposal was for Gen March to enter into a lease agreement for the construction and operation of a takeaway food kiosk, restaurant, oyster retail outlet and function room facility by way of consecutive leases for a total term of 21 years.

The proposed lease area is restricted to the site of the former food bar building, covering an area of approximately 700 square metres of land. It may be subject to some minor variations before being finalised and may include a small additional portion of the Kangaroo Point Reserve, Brooklyn. Attachment 1 indicates the location of the proposed lease within Kangaroo Point.

The tender conditions stipulate that Gen March shall prepare a Development Application and gain all approvals for the redevelopment of the building site.

The lease terms do not require Gen March to develop any of the land outside of the lease area. Gen March has clearly stated that the commercial viability of the development is reliant on the whole Kangaroo Point setting being improved. Without a commitment from Council to undertake park improvements, Gen March has indicated that it will not proceed with the development.

Extensive discussions and site meetings have been undertaken between Council and various representatives of Gen March in agreeing upon the details of the scope of the works to be accommodated within the landscape plan and the level of financial commitment from Council and Gen March in this respect.

Ultimately, the Council officers agree with Gen March that the proposed landscape plan prepared by Council's landscape architect and the level of financial commitment by Council are considered to be fair and reasonable in realising the achievement of the goals of this project.

This report seeks Council's endorsement of the scope and financial commitment by Council in respect of the landscape plan, as it will form part of the commitments by Council in the lease documentation.

Results of the public notification process for the proposed 21 year lease of community land

Sections 47 and 705 of the *Local Government Act 1993* require Council to give notice, exhibit and specifically notify adjoining owners of the proposal to grant a lease of community land in excess of five years. Accordingly, Council's intention to grant a lease to Gen March Pty Limited of the former Food Bar site located within the Kangaroo Point Reserve, Brooklyn was notified in four local papers and exhibited in the ground floor of Council's administration building between 31 May 2011 and 1 July 2011. Additionally, letters were mailed to the two adjoining owners (Crown and RTA), notifying them of the proposal.

This process invited written submissions regarding the granting of the lease to be lodged on or before 1 July 2011. No submissions were received, therefore Council may proceed to finalise and enter into the consecutive leases with Gen March without referral to the Minister for consent.

Kangaroo Point Parkland Landscape Concept Plan

Attachment 2 is a copy of a plan that indicates the scope of improvement works to the parkland which include the following elements:

- A public viewing deck adjacent to the proposed building optimising views over the Hawkesbury River and in close association with existing 'cultural' plantings
- A pathway with stairs leading to a lower viewing deck near to the waters edge, providing an attractive pathway to the lower lawn and wharf area
- Expansion and improvement to the upper parkland area, including new and expanded grass areas and attractive pedestrian areas where views to the river can be appreciated and the central lawn is expanded for general community open space use
- Improved organisation of the upper carparking and bus parking areas to meet current standards for carparking regulation, providing 30 short stay parking spaces, up to a further 19 long stay parking spaces and 2 bus parking spaces.

Council will need to prepare a Review of Environmental Factors and exhibit the landscape concept plan publicly prior to any decision to proceed to construction of the park improvements. The works identified in the landscape concept plan are considered to meet the objectives of the Kangaroo Point masterplan and the Brooklyn Development Control Plan and generic Plan of Management.

Council has prepared a cost plan for the improvement works identified in the landscape concept plan occurring outside of the proposed lease area. These works incorporate new footpaths, grass areas, decks and carpark works estimated to require a budget of up to approximately \$500,000.

In the event that the commercial lease does not proceed, it is proposed that the improvement works may not proceed until an alternative Kangaroo Point Parkland landscape concept plan is prepared and approved by Council.

BUDGET

This report proposes that funding of up to \$500,000 is identified to fund park improvement works at Kangaroo Point, Brooklyn. The final cost is subject to design resolution, but it is anticipated that it will not exceed \$500,000. There may be opportunities to stage the project and reduce the cost. The works shall complement construction to be undertaken by Gen March Pty Limited to redevelop the former food bar at the site and will only occur if the Gen March development proceeds to construction.

The source of the funding is to be confirmed and will need to be identified in Council's forward delivery program. A potential source of these funds is the income from the sale of land now occupied by the Sydney Water Sewerage Treatment Plant at the old dairy site in Brooklyn.

POLICY

The proposal to develop and operate a restaurant facility is consistent with the provisions of the Brooklyn Development Control Plan which permits the development of the former restaurant building for either commercial or community use. In the event that the commercial lease does not proceed, the Brooklyn DCP allows Council to proceed to undertake demolition works and the construction of public toilets, BBQ and picnic facilities on the former food bar building site. It is estimated that the cost of these works may be substantial.

Council's generic Plan of Management for Community Land and Crown Reserves Planning District Five and Seven expressly authorises Council to enter into a commercial lease to operate a restaurant and takeaway food venue at Kangaroo Point. It requires that any building development on the site is conditional on retaining association with park and recreation opportunities on the site.

CONSULTATION

This report has been prepared in consultation with Council's Manager, Property Development, Principal Strategic Town Planner and Executive Manager Works Division.

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 Council's Landscape Coordinator, Mr Kurt Henkel. Additional information can be obtained by calling 9847 6887, Monday to Friday, 9am to 5pm.

RECOMMENDATION

THAT:

1. Council note the results of the public notification process for the proposed 21 year lease of community land to Gen March Pty Limited and authorise the General Manager to execute the relevant documents.
2. Council endorse the scope of the landscape plan and the identification of up to \$500,000 towards improvement works within the Kangaroo Point Reserve.
3. Council agree in principle to include in the lease documentation the commitments identified in the landscape plan as works to be undertaken by Council.
4. Council note that in the event that the leases with Gen March do not proceed the park improvements may not proceed.

ROBERT STEPHENS
Executive Manager
Environment Division

Colour Attachments:

1. Attachment 1: Lease area plan
2. Attachment 2: Landscape Concept Plan

File Reference: F2005/00827

Document Number: D01703794

12 HORNSBY MOUNTAIN BIKE TRAIL PLAN AND IMPLEMENTATION

EXECUTIVE SUMMARY

Council considered Executive Manager Environment's Report No. EN37/10 of 15 September 2010 regarding the planning for mountain bike facilities in the northern Sydney region and the findings of the feasibility study for a mountain bike facility in Hornsby Shire. Council resolved in principle to support the establishment a mountain bike facility in Hornsby Park/upper Old Mans Valley subject to funding.

Submissions received from the open space masterplan community consultations for Old Mans Valley in April 2010 indicated that Twyfords found "there was a strong emphasis on supporting mountain bike facilities" with the support for a mountain bike track being by far the most raised issue in the written submissions. Feedback provided to the community at the consultative forum regarding a mountain bike track was that "Council is currently investigating a route".

The outcome of the open space masterplan consultation in 2010 was that Council resolved to investigate modifying the preferred Option 2 (parkland and sportsground development) to incorporate a range of additional recreation facilities, including mountain bike trails, in a final masterplan to be incorporated into a Plan of Management.

Since then the Hornsby Mountain Bike Trail Plan and a Review of Environmental Factors have been completed by external consultants. These documents will be placed on public exhibition in July. The detailed International Mountain Biking Association Hornsby Mountain Trail Bike Trail Plan has carefully considered planning for other proposed infrastructure in this area.

The project is to be developed in a staged manner, to be complementary to future parkland and sportsground uses of Old Mans Valley. The initial Hornsby Park loop as shown in Attachment 1 is proposed to commence early this financial year as it does not conflict with any parkland or sportsground uses. It is envisaged the mountain bike trail will ultimately complement future development of the parkland for a range of recreation facilities which would include a specialty park, a large sportsground and other associated amenities.

There is currently a project budget of \$200,000 which is adequate for construction of the cross country mountain bike trails as shown in Attachment 1. Funding could be supplemented by two pending grant applications to the Department of Sport and Recreation and the Department of Planning. Written offers of assistance from skilled and unskilled volunteers have been received by Council to assist with rubbish removal, site preparation and trail construction.

Detailed design and development of associated facilities called a 'bike pocket park,' which would contain a skills park, pump track and jump runs are recommended by the consultants, this would be staged after construction of the cross country trail.

A communication strategy is a key component of the project. This will communicate messages of trail standards and safety, as well as future trail sections that may require relocation due to potential sportsground and parkland development.

The project is to be undertaken in 2011/12. The project is beneficial to a wide range of users given the focus on beginner and intermediate tracks, its complementary nature to recreational use of Old Mans Valley, its proximity to public transport and high density living areas and its role in supporting healthy communities in line with the *Hornsby Shire Council Delivery Plan 2011-2015*.

PURPOSE/OBJECTIVE

The purpose of this report is to seek Council's approval for the Hornsby Mountain Bike Trail Plan / Trail Network design so that implementation can commence early this financial year.

DISCUSSION

The Hornsby Mountain Bike Trail Plan was completed in June 2011 by International Mountain Biking Association –Australia (IMBA Aus.). The project site information provided to IMBA by the Council clearly mapped site constraints, hence leaving IMBA Australia with some specific areas to develop trails. Trail corridors were identified on site after developing links to public access points and formed trail routes for beginner, intermediate and advanced riders. Once these were designed along sustainable gradients, the trail was marked with tape and GPS recorded. This formed the basis of the map provided in the IMBA Aus. report.

The proposed cross country mountain bike trail is a 1 metre wide natural surface trail known as 'single track'. These trails are designed to follow close to the contour line and use other design features to establish sustainable trail gradients that are not prone to water erosion. Much of the proposed trail will look like a bush walking trail and is approximately 5.5 km in length. It traverses a combination of open and closed terrain including degraded bushland (40%), non-bushland (32%) and intact bushland (28%). Net environmental gains of this project are likely due to weed removal, landscape improvements and rubbish removal that will form part of the overall site management. By comparison with mountain bike tracks in other local government areas, this track traverses significantly less intact bushland and provides a more substantial net environmental gain. Construction of this trail will commence in 2011/12 subject to approvals, beginning with a trail loop in the southern portion of the project area. Final alignments in a small area south of Quarry Road will be subject to additional detailed investigations and design considerations due to environmental sensitivity of the site. Interim parking and hired amenities associated with this start up phase would be provided on Quarry Road. This loop is graded as an intermediate trail, the beginner trail cannot be constructed until the new Plan of Management is finalised later this year.

Development of a bike pocket park would be staged after the construction of the cross country trail. This type of facility which would contain a skills circuit, pump track and jump runs, is compact in size and is often the focal point of a public bike facility. Car access to a central trail head and permanent amenities are recommended for this stage of the project and for any future park development to enable safe access for families with young children. Detailed design and development of this bike pocket park complement the design of the recreation facilities which will include a specialty park and other associated amenities.

Development of the future sports field and parkland in Old Mans Valley is subject to further planning including an open space masterplan which would be based on the preferred Option 2 design plan considered by Council in April 2010, a Plan of Management and funding for

implementation. As development of a future oval would likely require the relocation of some MTB trail sections, a communication strategy will be put in place including track signs, web page information and brochures addressing frequently asked questions. Current thinking is that these trails will need to be incorporated in the embankments associated with the development of a sportsground. These messages will be packaged with other safety and access information.

To flag this possibility, the northernmost tracks within Old Man's Valley land parcel that may conflict with other future uses will be signposted at their time of opening with information about their possible future relocation. Oval development is not likely to occur in the short term but could occur in a 10 year timeframe corresponding with upgrade works of the trails due to wear and tear.

The natural topography of the site lends itself to recreational trails and the mountain bike facility is a comparatively low cost item that offers a new recreational opportunity for the community. The proposal offers good cost benefits and is intended for community use.

A significant amount of community momentum has been established for this project over the last two years. This has enabled Council staff to establish good communication channels with interested community members. The Environment Division acknowledges the assistance, skill and patience of key volunteer contributors involved in the lengthy planning process.

The mountain bike track was included in the 10 year Capital Works Program which accompanied the rate variation application recently approved by IPART. It is scheduled for construction in 2011/12. The beginner and intermediate tracks offered by the facility will attract a wide range of users. This aspect will be further enhanced by the close access to public transport and to high density living areas, as well as the potential future housing precincts. It will become a well used community facility and will assist Council to meet its corporate goal to "support healthy communities".

BUDGET

The Old Mans Valley Mountain Bike Trails project is included in the Program of Works (2011/12 for \$200,000) that accompanied the rate variation application to IPART. All of these funds would be required to construct the cross country mountain bike (MTB) trail. Additional funds would be required to design and construct the bike pocket park and associated trailhead parking.

Department of Planning officers recently visited the site as part of their evaluation of Council's application for \$102,000 of Metropolitan Greenspace Grant funding. Another grant application for a similar amount is pending and will be announced later this year by the Department of Sport and Recreation.

Council has been advised that maintenance costs for a new facility of this kind are typically 5% per annum of capital costs. It is recommended that the project receives at least this level of financial support from Council to ensure ongoing provision of a high quality off road cycling venue. There may be interim costs associated with provision of temporary toilet facilities and other amenities.

Council has received written support from organisations and individuals offering volunteer assistance with trail monitoring and maintenance and offers of corporate sponsorship for capital costs are likely. Other trails facilities have web-based reporting from riders which would reduce the frequency required for monitoring by Council staff. In addition,

community volunteers are awaiting favourable consideration of this report to be allowed approval to proceed with a clean-up within stage one area to remove dumped rubbish. A Council volunteer induction program for these mountain bike volunteers is currently being developed.

POLICY

The report is in accordance with policy directions adopted by Council in the Unstructured Recreation Strategy 2008.

The MBT proposal is consistent with the requirements of the Generic POM for Community and Crown Reserves for Planning Districts 3 and 9 adopted 2005, which covers Hornsby Park and permits stage 1 of the MTB cross country trail. The Old Mans Valley lands relevant to latter stages of the facility are not identified in this POM and a new Plan of Management (POM) is to be prepared for Old Mans Valley.

The draft POM shall include a refined masterplan for the Old Mans Valley lands that has been further assessed against the 'validated and weighted' selection criteria outlined in Report EN 13/10 April 2010.

CONSULTATION

The Hornsby MTB Trail Plan / Trail Network Design Documentation have been developed by the International Mountain Bike Association- Australia, assisted by the Hornsby Shire Mountain Bike Alliance (HSMBA) and project managed Council's Bushland and Biodiversity Team. Consultation has been undertaken with Council's Parks and Landscape Team, the Bushland Management Advisory Committee, the Works Division, Heritage Consultants Long Blackledge, Engineering Consultants Pells Sullivan Meynink, DECCW (NPWS) and IMBA Australia. A review of environmental factors was prepared by Dragonfly Environmental. Close consideration has been given to information on the current condition and future development of the Hornsby quarry area and adjacent lands.

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 Unstructured Recreation Study (URS) identifies a strategy for the delivery of a range of additional recreation facilities for Hornsby Shire. It has been developed through building upon community surveys undertaken for the Leisure Strategic Plan. HSMBA and Council staff have been working closely to gather information on track options, trail needs, rider demographics and regional context.

Conserving our natural environment

The consultant's report on preferred MTB trail options locates facilities within or close to bushland, bringing people to bushland for the purposes of recreation, and it is hoped this will promote community appreciation and understanding of bushland preservation. These facilities will need to be carefully designed to minimise potential environmental impacts, provide MTB facilities and progress closure of unauthorised tracks. No endangered ecological communities or significant bushland communities are adversely impacted by the proposal.

Contributing to community development through sustainable facilities and services

A range of community benefits are discussed on page 3 of this report. Primarily, there will be improved opportunities for recreation activity and better access to healthy activity options. A proposal to develop a MTB facility addresses a shortfall for a high demand activity, currently there are no MTB facilities or trails set aside for public use in the Hornsby Shire. Authorised MTB trail facilities would relieve the pressure on some walking tracks.

Models of sustainable MTB trail design, construction and maintenance are well established in other parts of Australia.

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

The URS arose from the extensive community consultation and research that underlies the Hornsby Leisure Strategic Plan. The main aim of the URS is to prepare a strategic approach for the future provision of facilities for unstructured recreation so that the community's needs for a healthy lifestyle are better met.

Consultation undertaken on behalf of the NSW Government in 2004–05 identified a strong community desire for parks and trails as places to enjoy a healthy, outdoor lifestyle and, as such, the current emphasis for the Metropolitan Greenspace Program is to encourage Councils to enter into partnerships to develop regional trails projects across their local government boundaries.

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. As discussed in the report MTB facilities have the potential for significant tourist influx.

Maintaining sound corporate and financial management

Further work will be required in the preparation of detailed capital cost estimates and maintenance budgets. Facilities will only be provided when sufficient funds and sufficient community support has been secured for the long term.

Other Sustainability Considerations

An MTB facility proposal will seek to integrate social, economic and environmental considerations.

RESPONSIBLE OFFICER

The responsible officer is Council's Bushland Management Operation Coordinator, Mr Anthony Newling, who can be contacted on telephone 9847 6839 between 9am and 5pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council endorse the Hornsby Mountain Bike Trail Plan identified in Attachment 1.
2. Council endorse commencement of the Hornsby Park loop (labelled as Stage 1 in Attachment 1) in 2011/12 and the Old Mans Valley Loop (labelled as Stage 2 on Attachment 1) pending the adoption of Old Mans Valley Plan of Management.

3. Council endorse the design and development of the bike pocket park in cooperation with other open space requirements for the site.
4. Council prepare a communication strategy for the development, access and monitoring of the mountain bike trail.

ROBERT STEPHENS
Executive Manager
Environment Division

Colour Attachments:

1. Staging Map for MTB Facility
2. IMBA Report - Hornsby Mountain Bike Trail Plan

File Reference: F2008/00693
Document Number: D01707195

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

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

The purpose of this report is to advise the Council of the Monitoring Committee meeting held on site on Thursday, 16 June 2011, and of the actions noted in the minutes of the meeting.

DISCUSSION

The minutes of the Hornsby Shire Materials Handling Facility Monitoring Committee held on 16 June 2011 are included in this report as an attachment.

BUDGET

No impact on the budget.

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council note the attached Minutes of Meeting 2/11 of “Wellum Bulla” – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 16 June 2011.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Minutes - 16 June 2011
2. Monitoring Report, Site and Environmental Management Plan Audit - June 2011

File Reference: F2004/09261-02
Document Number: D01708388

14 2011/15 4-YEAR ROLLING STORMWATER DRAINAGE IMPROVEMENT PROGRAMS

EXECUTIVE SUMMARY

The Stormwater Drainage Improvement Program was commenced by Council in 1989 as a result of severe storms which affected the Shire in 1988.

Council at its Ordinary Meeting of 30 June 2010, considered Executive Manager's Report No. WK35/10 and adopted the 2010/14 4-Year Rolling Stormwater Drainage Improvement Programs. The next 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs are now presented for Council's consideration and adoption. A 4-year rolling program has been prepared to tie in with the Delivery Program.

An amount of \$500,000 has been allocated for Stormwater Drainage Improvement in the adopted 2011/12 Budget. The Stormwater Drainage Improvement Program has four components - Major Drainage Projects with proposed funding of \$360,000, Minor Drainage Projects with proposed funding of \$100,000, Preconstruction Works for major and minor drainage projects with proposed funding of \$10,000, and Floodplain Risk Management with proposed funding of \$30,000. Additional funding to the current funding of \$460,000 per year for major and minor stormwater drainage improvements has been proposed in the rate application for 2011/12 to 2020/21. The proposed funding allocation for this period is given in Table 1 in the body of the report and reproduced below.

Table 1 – Proposed Stormwater Drainage Funding Allocations for 2011/12 to 2020/21

Funding Allocation	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Current funding, \$x1,000	\$3,350*	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460
Additional funding, \$x1,000	\$ 680	\$ 790	\$1,460	\$1,600	\$1,950	\$1,300	\$ 800	\$1,000	\$1,250	\$ 250
Total funding, \$x1,000	\$4,030*	\$1,250	\$1,920	\$2,060	\$2,410	\$1,760	\$1,260	\$1,460	\$1,710	\$ 710
- Major Drainage, \$x1,000	\$3,730*	\$ 950	\$1,620	\$1,760	\$2,110	\$1,660	\$1,160	\$1,360	\$1,610	\$ 610
- Minor Drainage, \$x1,000	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
* Includes \$2,890,000 from Restricted Asset Account										

The recommended 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs, formulated on the Major and Minor Drainage Projects Priority List and proposed funding allocation given in Table 1 is presented at:

- Appendix A - Major Drainage Projects
- Appendix B - Minor Drainage Projects.

Commencement of the Hornsby CBD major drainage project has been proposed for 2011/12 and 2012/13. The work proposed will be in accordance with Executive Manager's Report No. WK87/10 presented to Council at its 15 December 2010 Ordinary Meeting. The estimated cost of the work proposed is significantly lower than the estimated cost for the tunnel option which is now considered not cost effective. Several projects on the Major Drainage Projects Priority List have been brought forward in the programs proposed due to the lower cost now required for the Hornsby CBD project.

The Major Drainage Projects Priority List, reviewed following the February 2010 storms with the flow scores revised for some projects, is updated as at 30 June 2011 and is presented at Appendix C. Details of Major Drainage Projects completed as at 30 June 2011 are presented at Appendix D.

OBJECTIVE

This report presents the recommended 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs for Council's consideration and adoption. The programs presented have been formulated based on the current budget allocation and additional funding allocations proposed in the Rate Variation approved by IPART.

BACKGROUND

Drainage improvement projects are divided into major and minor drainage projects. Major drainage projects are projects with an estimated cost exceeding \$50,000 while minor drainage projects have estimated costs of \$10,000 to \$50,000. Drainage projects with estimated cost of less than \$10,000 are considered as drainage upgrading works and are undertaken under annual works maintenance programs.

Major and minor drainage projects as well as the associated preconstruction work and floodplain risk management activities are funded from the stormwater drainage improvement budget allocation. Drainage upgrading works are funded from the works maintenance budget allocation.

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

Priority Ranking Methodology

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

- ***The number of properties potentially affected by stormwater inundation or benefiting from the works*** - the higher the number of properties to benefit from the proposed works, the higher the score. Properties that have reported habitable area inundation were also given a higher weighting to give emphasis to this category of property.
- ***The estimated project cost*** - the higher the project cost the lower the points scored.
- ***The capacity of the existing stormwater drainage system to carry the 1 in 20 year and 1 in 100 year stormflows*** - a system with a 1 in 20 year existing capacity will have a lower score than one with a 1 in 5 year capacity.

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

Major Drainage Projects Priority List

The result of this overall priority ranking including scores for the various factors considered is presented at Appendix C - Major Drainage Projects Priority List. A total of 107 future major projects are listed in priority ranking from the 41 adopted SCMPs. It will be noted that

some projects with habitable property inundation are lower in the overall rankings. Generally, this is due to a higher project cost and resulting lower overall score.

Consideration has also been given to the packaging of projects that are in the same sub-catchments and which could reasonably be carried out more cost effectively. This gives advantages in economy of scale, especially for items such as preconstruction work and site establishment costs.

The Major Drainage Projects Priority List was reviewed following the February 2010 storms. The review has resulted in the flow score being revised for some projects and has resulted in changes to the ranking for some projects. The Major Drainage Projects Priority List, updated as at 30 June 2011, is presented at Appendix C.

Total funding requirements are estimated at some \$51.3 million. This represents a significant unfunded future commitment. The recommended programs reflect current funding levels plus the rate increase recently approved by IPART on 10 June 2011. It is noted that the additional funding secured as part of the rate increase is a significant step in addressing this strategic issue. Additional funding at the rate increase level will need to be considered if further works are to proceed in a reasonable time frame.

Major Drainage Projects Completed

Details of the 55 Major Drainage projects completed since 1989 are presented at Appendix D - Major Drainage Projects Completed - Status as at 30 June 2011.

Minor Drainage Projects Priority List

The methodology used for prioritising the major drainage projects was also used for the minor drainage projects. A total of 45 future minor drainage projects from the 41 adopted SCMPs have been prioritised. The total cost of these projects is estimated at \$1,700,000. The priority list is on Council's computer system but has not been included in this report as priorities may be changed due to protracted negotiations with property owners.

ALLOCATION OF FUNDING

Council's application for a rate increase was approved by IPART on 10 June 2011. Additional funding to the current funding of \$460,000 per year for stormwater drainage improvements has been proposed in the rate application for 2011/12 to 2020/21. The proposed funding allocation for this period is given in Table 1.

Table 1 – Proposed Stormwater Drainage Funding Allocations for 2011/12 to 2020/21

Funding Allocation	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Current funding, \$x1,000	\$3,350*	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460	\$ 460
Additional funding, \$x1,000	\$ 680	\$ 790	\$1,460	\$1,600	\$1,950	\$1,300	\$ 800	\$1,000	\$1,250	\$ 250
Total funding, \$x1,000	\$4,030*	\$1,250	\$1,920	\$2,060	\$2,410	\$1,760	\$1,260	\$1,460	\$1,710	\$ 710
- Major Drainage, \$x1,000	\$3,730*	\$ 950	\$1,620	\$1,760	\$2,110	\$1,660	\$1,160	\$1,360	\$1,610	\$ 610
- Minor Drainage, \$x1,000	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
* Includes \$2,890,000 from Restricted Asset Account										

RECOMMENDED 2011/15 4-YEAR ROLLING IMPROVEMENT PROGRAMS

The Stormwater Drainage Improvement Program has four components - Major Drainage Projects, Minor Drainage Projects, Preconstruction Works for major and minor drainage projects, and Floodplain Risk Management.

The recommended 2011/12 Stormwater Drainage Improvement Program is presented as the first part of the recommended 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs presented at Appendix A. The 2011/15 4-Year Rolling Minor Stormwater Drainage Improvement Programs are presented at Appendix B. The Rolling Stormwater Drainage Improvement Programs presented have been formulated based on the Major Drainage Projects Priority List presented at Appendix C.

Commencement of the Hornsby CBD major drainage project has been proposed for 2011/12 and 2012/13. The work proposed will be in accordance with Executive Manager's Report No. WK87/10 presented to Council at its 15 December 2010 Ordinary Meeting. The estimated cost of the work proposed is significantly lower than the estimated cost for the tunnel option which is now considered not cost effective. Several projects on the Major Drainage Projects Priority List have been brought forward in the programs proposed due to the lower cost now required for the Hornsby CBD project.

The lower cost coupled with the additional funding proposed in the Rate Variation has meant that Council can now consider additional projects. These projects require survey and detailed engineering designs to be prepared as well as some negotiations with affected property owners. All these activities take time and it is estimated that the funding available for 2011/12 will not be fully allocated due to the lead time required. The funding allocation will be used in the following year and the proposed programs reflect this strategy.

The funding proposed in the approved Rate Variation has been taken into consideration when formulating the 2012/13, 2013/14 and 2014/15 programs.

DISCUSSION

The ranking of the projects in the Major Drainage Projects Priority List is reviewed and updated annually as projects are funded and completed by Council.

In addition, the State Government Flood Prone Land Policy and the Floodplain Development Manual impacts on the Stormwater Drainage Improvement Program. In particular, consideration may need to be given in future to the Probable Maximum Flood (PMF) and its impact on properties although there is no requirement to do so currently. This may affect the ranking of projects and cost of works if the PMF needs to be considered.

In addition to the Major Drainage Projects, there are also Minor Drainage Projects with an estimated cost of between \$10,000 and \$50,000 for each project. These projects are ranked using similar methodology as for the Major Drainage Projects and have funding of \$100,000 per year plus an additional \$200,000 per year for the first 5 years of the Rate Variation. This allocation will accelerate the completion of the projects in the Minor Drainage Project Priority List.

Localised drainage issues and problems with an estimated cost of less than \$10,000 are undertaken by the Assets Branch, Roads and Drainage Section under the Northern and Southern District Works Maintenance and Upgrading Programs.

BUDGET

The adoption of the programs also indicates the current annual funding allocations that should be considered for future budgets in 2012/13, 2013/14 and 2014/15. The actual funding allocations for the 2012/13, 2013/14 and 2014/15 Programs are indicative at this stage and will be subject to future adoption by Council in conjunction with future budget considerations. The additional funding proposed in the Rate Variation are deemed to be committed in compliance with the IPART approval.

In order to complete the programs within a reasonable time frame, funding consideration for the Stormwater Drainage Improvement Programs in future budgets to the level committed in the Rate Variation would be desirable beyond the current 10 years approved.

POLICY

There are no policy implications.

CONSULTATION

The preparation of the 2011/15 4-year Rolling Stormwater Drainage Improvement Programs has been carried out in consultation with the relevant officers from the Environment, Planning and Works Divisions. Reference has also been made to the completed SCMPs to ensure compatibility and consistency.

RESPONSIBLE OFFICER

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

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 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs presented is as follows:

1. Working with our community.

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

2. Conserving our natural environment.

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

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

Community consultation is part of the design process for SDIP projects and the resulting increased public awareness of flooding issues will contribute to community

development. Safety in the public environment will be improved through the development of the SDIP projects and their community participation required. Council will cater to the physical access needs of the community as required.

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

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

5. Supporting our diverse economy.

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

6. Maintaining sound corporate and financial management.

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

7. Other Sustainable Considerations.

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

RECOMMENDATION

THAT Council adopt the 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs presented at Appendix A – Major Drainage Projects and Appendix B – Minor Drainage Projects in Executive Managers Report No.WK 37/11.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

1. Appendix A - Recommended 2011/15 4-Year Rolling Stormwater Drainage Improvement Programs
2. Appendix B - Recommended 2011/15 4-Year Rolling Minor Stormwater Drainage Improvement Programs
3. Appendix C - Major Drainage Projects Priority List - Status as at 30 June 2011
4. Appendix D - Major Drainage Projects Completed - Status as at 30 June 2011

File Reference: F2004/05959-02
Document Number: D01700894

15 2011/2012 IMPROVEMENTS PROGRAM - CIVIL WORKS

EXECUTIVE SUMMARY

This report brings together the various improvement programs being undertaken by the Design and Construction Branch of the Works Division for 2011/2012. These programs include Local Roads, Footpaths, Traffic Facilities, Drainage, Civic Improvements, Catchment Remediation and other special projects. The timing of the various works under these programs is shown in the included Gantt Charts now presented for Council's adoption.

PURPOSE/OBJECTIVE

The purpose of this report is to provide information as to the timing of the various Improvement Programs being undertaken by the Design and Construction Branch and for Council to adopt the Program.

DISCUSSION

Construction works are carried out under Council's various Improvements Programs namely: Local Roads, Footpaths, Stormwater Drainage, Traffic facilities and special projects. Local Roads, Footpaths and Stormwater Drainage Improvement Programs have additional funding as a result of Council's successful IPART application. Some of the Stormwater Drainage Improvements Program requires significant design and the 2011//2012 program reflects the need to carry out design works prior to construction. The 4 Year Rolling Stormwater Drainage Improvements Program is the subject of another report at this meeting.

In addition to the above programs, the Design and Construction Branch is involved in other works such as Catchment Remediation projects for the Water Catchments Team of the Environment Division and civil works for the Parks and Landscape Team.

Individual projects have been financed from Divisional allocations in accordance with the 2011/12 budget. If complementary grant funding identified for a project alters, the program will be reviewed and reported to Council in a subsequent quarterly review.

Following is a copy of the Gantt charts for the programs listed above.

2011 / 2012 IMPROVEMENTS PROGRAM - Civil Works

WARD	LOCAL ROADS - Construction	BUDGET	2011												2012				
			JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN					
A	Pacific Highway, Hornsby Stage2 - both sides Galsion Rd to Jersey St Nth (50% REPAIR)	\$680,000		C C C C	C 2 C C	C C C C													
A	Willarong Road, Mt Colah - No. 32 to Narraburra Cl	\$170,000				C C 1 C C													
A	Lady Street, Mt Colah - No. 2 to No. 26	\$230,000		C C 1 C C C															
B	Spurgin Street, Wahroonga - Jubilee St to Ascot Ave	\$250,000	D D D								C 1 C C								
B	Collings Street, Wahroonga - Jubilee St to Ascot Ave (various sections)	\$120,000	D	D								C 1 C							
B	Mildred Avenue, Hornsby - both sides - Pacific Hwy to Jersey Street Nth.	\$290,000	C C C 1	C C C															
C	Malton Road, Beecroft Stage 1 - Sutherland Road to Seale Close.	\$350,000	D								C C 1 C								
C	Wongala Crescent - Boundary Road to Sherwood Close - Stage 1	\$310,000	D																
Rural	Brookwood Rd, Arcadia Stage 2 - Upgrading of 2nd 1.22km of unsealed road	\$175,000	C 2																
Rural	Sallaway Road, Galsion - Upgrading of 0.32km of unsealed road from Johnson Road	\$70,000	C																
Rural	Banksia Place, Arcadia - Upgrading of whole 0.48km of unsealed road	\$125,000	C																
Rural	Fishburns Road, Galsion - Upgrading of remaining 0.2km of unsealed road	\$60,000	C																
Rural	Cairnes Lane, Glenorie - Upgrading of whole 0.22km of unsealed road	\$70,000	C																
LOCAL ROADS - Preconstruction 2012 / 2013																			
Various	Various 2012 / 2013 projects	\$150,000																	

WARD	FOOTPATHS	BUDGET	2011												2012				
			JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN					
A	Sherbrook Road, Hornsby - East Side Wilkinson Close to Stephen Street	\$24,000																	
A	Springfield Road, Hornsby Heights - East Side Henley Close to Meredith Avenue	\$10,000																	
A	SRV St Helens Ave, Mt Kuring-gai - North & West Side Blackwood Ave to King St	\$51,000				C C C C													
A	SRV Blackwood Avenue, Mt Kuring-gai - North Side Flanders Avenue St Helens Avenue	\$10,000				C C													
A	SRV High Street, Berowra - South Side Berowra Waters Road Boundary Street	\$11,000																	
A	SRV Cawthorne Street, Hornsby Heights - South Side Bushlands Road End	\$8,000																	
B	Quarar Sessions Road, Westleigh - West Side No.149 to Silver Crescent	\$8,000																	
B	Duneba Drive, Westleigh - North Side Gundy Place to No. 32	\$16,000																	
B	SRV Duneba Drive, Westleigh - North Side No. 32 to Brigalow	\$30,000																	
B	Currawong Avenue, Normanhurst - North Side Nepean Avenue to Osborn Road	\$12,000																	
B	SRV Tillock Street, Thornleigh - East Side Pritchard Street Eddy St	\$25,000																	
B	SRV Orchard Street, Thornleigh - West Side Thornleigh Street Station Street	\$7,000																	
B	SRV Macquarie Drive, Cherrybrook - North Side Francis Greenway Drive Gummut Road	\$14,000																	
B	SRV Kentwell Avenue, Thornleigh - East Side Barrett Avenue Duffy Avenue	\$18,000																	
C	Grayson Road, Nth Epping Stage 2 - North Side Holland Street to Devon Street	\$15,000																	
C	Britannia Street, Pennant Hills Stage 1 - West Side - Park Entrance to Kurralong Street	\$18,000																	
C	SRV Britannia Street, Pennant Hills Stage 2 - West Side - Park Entrance to Kurralong St	\$14,000																	
C	SRV Loftus Road, Pennant Hills Stage 1 - SideTBA Victoria Rd towards Boundary Rd	\$35,000																	
C	SRV Ray Road, Epping - North Side Arkana Avenue to Ridge Street	\$22,000																	
C	SRV Tobruk Avenue, Carlingford - West Side Alamein Avenue to North Rocks Road	\$30,000																	
Rural	Brooklyn Road, Brooklyn - Stage 1 North Side James Road to Government Road	\$11,000																	
Rural	SRV Brooklyn Road, Brooklyn Stage 2 - North Side James Road to Government Road	\$13,000																	

000 denotes preconstruction (including design) by Council
 4 d 4 denotes preconstruction (including design) by Consultants
 111 denotes calling tender/quotations, reporting & contract documentation
 C2C denotes construction by Subcontractors + Council (crew No. 2)
 C C C denotes construction by Contractors
 - - - denotes approvals, consultation, property negotiations etc.
 █ denotes programmed construction period in the last reported program.

BUDGET

The program is in accordance with the annual operating plan for 2011/2012.

POLICY

There are no policy implications.

CONSULTATION

The program has been developed in consultation with the respective program managers.

TRIPLE BOTTOM LINE SUMMARY

A Triple bottom line summary is not required for this report as this is done at an individual program level.

RESPONSIBLE OFFICER

The responsible officer is the Manager, Design and Construction Branch Mr Rob Rajca telephone 9847 6675 between 8:30 a.m.-5:00 p.m., Monday to Friday.

RECOMMENDATION

THAT the Civil Works program for 2011/12 as shown in the included Gantt Charts be adopted.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2004/05959-02
Document Number: D01706765

16 REDEVELOPMENT OF HORNSBY AQUATIC CENTRE

EXECUTIVE SUMMARY

Council is provided with additional information as resolved at its meeting of 27 April 2011. The current budget for the project has been set at \$20Million. Council should consider any change to the budget in the context of the terms of approval of the rate increase, following advice from the Architect's Quantity Surveyor and the completion of the design to development application stage. Access options have been considered, and it is proposed that Council confirm that access to the Centre be provided at the southern end of Hornsby park, opposite Coronation Street, Hornsby. This action will require the removal of the Women's Rest Centre, currently operated for Council by the Country Women's Association (CWA). The CWA also use this building as a meeting venue, as do other community groups. Action is proceeding to identify alternative accommodation options, and Council will be further advised of progress at the August Ordinary Meeting. Public toilet considerations are advised.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with the additional information as resolved at its meeting of 27 April 2011, in order to progress the redevelopment of the Hornsby Aquatic Centre.

BACKGROUND

At its meeting of 27 April 2011, Council resolved, in part, as follows:

- 2 a) The project cost be confirmed at \$20M. This figure is to be reviewed again at the 20 July 2011 Ordinary Meeting after Council is aware of the results of its rate variation application.
- c) The review at the 20 July 2011 Ordinary Meeting is to also include additional information to address the issues raised in the Deliberative Forum, namely the traffic implications and for ingress and egress from the site including costings, and for issues raised in relation to the public toilets and the Country Women's Association (CWA) building situated in Hornsby Park.

The design has been progressing to DA stage, and is anticipated to be ready for submission to Council at the end of July 2011.

DISCUSSION

Discussion in respect of the specific items referred to in Council's resolution now follows.

Budget

Council has previously identified the sum of \$20M for the subject project, with a view to its review following advice of Council's rate increase application. Planning has been proceeding on this basis. Council's architect has been requested to obtain advice from its

Quantity Surveyor to support the Development Application drawings now in preparation. It is acknowledged however that the one hundred parking spaces proposed in Council's resolution of 27 April 2011, will not be achieved within the project budget. It is further noted that the budget will not allow for additional aquatic features such as outdoor water slides (WOW factor). Further consideration of any additional features to be included in the Centre will mean that the \$20M budget will be exceeded, or alternatively that the planned scope of the project should be reduced.

The advice received from the Independent Pricing and Regulatory Tribunal (IPART) detailed obligations for Council in respect of the rate increase. Council is required to adhere to the program of works as exhibited at the time of application. Changes to the adopted program should only occur following consideration of a report to that effect, with changes subsequently included in annual reports to the community detailing program outcomes. As this project represents a significant portion of the total income to be raised from the rate increase, Council should carefully consider any proposed variation to the budget. Council may wish to consider alternate sources of funding for any increase in the budget for the project.

Traffic and Access

Council has been advised by its architect of the result of investigations undertaken by McLaren Traffic Engineering in respect of access to the proposed Centre. The consultant has concluded that an intersection incorporating a right turn lane from the Pacific Highway (south bound) can be provided at the southern end of Hornsby Park. This would involve the reconstruction of the existing traffic signals at the intersection of Pacific Highway and Coronation Street. Analysis shows that an upgraded intersection will operate at Level of Service "B", which represents good performance, with acceptable delays and spare capacity. A right turn bay for vehicles entering the Aquatic Centre car park from the north will be provided. Access for larger rigid vehicles will be possible. Pedestrian crossing facilities will be retained. The cost of these works is estimated to be of the order of \$250,000.

Consideration was given to other options for access. These alternatives included:

1. Dural Street

It has been suggested that access could be provided via vacant land on Dural Street. The vacant land, adjacent to the Montessori Preschool building (owned by Council) is privately owned and would need to be purchased by Council, at an estimated cost in the vicinity of \$1M. This land is substantially lower than the carriageway in Dural Street and would significantly increase construction costs. This access would not be suitable for use by heavy vehicles. Sight distance for vehicles exiting this access onto Dural Street will be a safety concern as a result of the grade and mature tree plantings in Dural Street. This option would also introduce additional vehicle movements at the Dural Street/Pacific Highway intersection, thereby increasing delays at this location. As Council is aware, this intersection is not signalised.

2. Northern Driveway, Hornsby Park

It has been suggested that Council could construct the car park driveway to the north of the Aquatic Centre site, in the location of the existing single lane maintenance access driveway. This access would need to be widened to two lane standard, and would require the removal of several large Turpentine trees. These trees form part of the older elements of the park and contribute to the heritage significance of the park. Reconstruction of the sandstone retaining

walls adjacent to the children's playground, and along the Highway frontage would be required. As the level of the Pacific Highway is significantly higher at the northern end of the park (when compared to the southern end), the grade of the driveway to the basement level means that the driveway would be significantly steeper than the preferred access route.

These works will have a detrimental impact on the character of Hornsby Park and its heritage value. Hornsby Park was modelled on a "city beautiful" style and illustrates simple formal layouts with straight and cross axes and large sweeping lawns combined with formal tree planting.

An access in this location would separate the barbeque and children's playground area from the rest of the highway and would adversely impact future pedestrian access to the heritage steps and Old Mans Valley. Turning right from the driveway onto the highway, and from the highway to the driveway would be more difficult manoeuvre in the absence of traffic signals at this location. From a traffic management perspective this option is not desirable, and would be more expensive to construct than the preferred option.

3. Other Options

It has been suggested that Council should locate the Aquatic Centre in a location other than Hornsby Park. This matter has been previously considered by Council prior to its resolution of 27 April 2011. Planning has proceeded on the basis of Council's prior resolution. It is considered that the existing site is a most suitable option given its central location and access to public transport. Other locations including Old Mans Valley were considered less suitable.

It is acknowledged that providing access to the car park under the new structure will result in the removal of Council's Women's Rest Centre. However, provision of access via the Coronation Street intersection is considered the most preferable and cost effective option, and will have minimum impact on the park. No significant trees will need to be removed as a result of this part of the project. Further, the traffic signals at Coronation Street were designed to be modified to provide the access now proposed.

Country Women's Association (Women's Rest Centre)

Council is aware that providing access as described above will have an impact on the CWA, who currently operate the Rest Centre under a Licence agreement on Council's behalf. The term of the Licence has expired, and the CWA are currently occupying the Centre on a monthly holding over basis. It is understood that other community groups also use this building for meeting purposes.

Council has met with representatives of the CWA on a number of occasions and on each occasion has confirmed its intention to provide an alternative venue for use by the CWA. Notwithstanding this, the CWA have stated their preference to remain in their current premises due to an affinity with both the building and the Hornsby Park. Whilst significant efforts have been expended to investigate alternate access options to the new Aquatic Centre such that the CWA may remain in its current location, it has become evident that this outcome can not be achieved. For this reason, and subject to heritage considerations associated with the building that will be addressed during the development assessment process for the Aquatic Centre, Council should now give consideration to formally terminating the Licence of the CWA at their current premises, effective 1 March 2012.

With respect to Council's commitment to re-accommodating the CWA, Council staff have identified options for relocation in consultation with Councillors. Council will be further

advised of the results of these investigations at an Informal Briefing on 13 July 2011 by the Manager Community Services, with the view to these options being formally considered by Council at its August Ordinary Meeting at the latest.

In order to evaluate the capacity of Council's other community facilities to re-accommodate hirers of the Women's Rest Centre, it is recommended that the CWA provide Council with a current list of their regular hirers at their earliest convenience.

Council is advised that the heritage implications of any proposal that will affect this building are required to be addressed as part of the Development Application and supporting documentation. This material will be provided as part of the DA submission.

Public Toilets

The new access road will also result in the demolition of the existing public toilet block. It is proposed that the existing accessible toilet at the front of the Rest Centre not be removed, and remain in place. This can be achieved without impeding the proposed road works, and will provide a facility that will be available while construction is proceeding. The usage and operation of this amenity will be monitored during construction, to determine if this facility will be adequate, or a new additional public toilet facility will be required. A suitable location at the northern end of the park has been identified if such is required.

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

RECOMMENDATION

THAT:

1. Council confirm the budget for the Centre on receipt of further advice from the Architect and Quantity Surveyor.
2. Council confirm that access to the Centre be provided at the southern end of Hornsby

Park, opposite Coronation Street, Hornsby.

3. The current Licence with the CWA be terminated as at 1 March 2012, with Council noting that options in respect of the relocation of the Women's Rest Centre and accommodation for the CWA are being actively pursued.
4. The arrangements for public toilet facilities be noted.
5. Council continue to progress the design of the Centre to development application stage.

MAXWELL WOODWARD
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2009/00386
Document Number: D01706798

17 MAYOR'S NOTES FROM 1 TO 30 JUNE 2011

Wednesday 8 June – The Mayor and Councillors hosted a Breakfast Meeting with Local State Members of Parliament at the Council Chambers.

Thursday 9 June – The Mayor attended Hornsby Heights Public School's 50th Birthday Celebration at the School in Hornsby Heights.

Thursday 16 June – The Mayor attended a performance of Mount St Benedict College's Musical "Sweet Charity" at the School in Pennant Hills.

Saturday 18 June – The Mayor attended a fundraising event to raise funds for Japan's Tsunami victims in Hornsby Mall.

Sunday 19 June to Wednesday 22 June – The Mayor and General Manager attended the National General Assembly of Local Government at the National Convention Centre in Canberra.

Thursday 23 June – The Mayor attended Sydney Adventist Hospital's Official Groundbreaking Ceremony to celebrate the commencement of the \$181 million Hospital Development at Wahroonga.

Thursday 23 June – The Mayor attended The Hills Grammar School Music Showcase at the School in Kenthurst.

Friday 24 June – The Mayor attended Studio ARTES Annual Ball "Cirque d'Artes" at Hornsby RSL Club.

Saturday 25 June – The Mayor and Mayoress attended the Primary School Section of the Hornsby Shire Dance Eisteddfod at Cherrybrook Technology High School.

Monday 27 June – The Mayor hosted three Citizenship Ceremonies at the Council Chambers.

Monday 27 June – The Mayor attended the Rotary Club of Epping's Annual Changeover Dinner at Boronia Grove Function Centre, Epping.

Thursday 30 June – The Mayor and Councillor Chopra attended Hornsby Baptist Church's Men's Dinner at the Blue Gum Hotel, Waitara.

Note: These are the functions that the Mayor, or his representative, has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.

File Reference: F2004/07053

Document Number: D01708339