



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 21 December, 2011
at 6.30pm**

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QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."

APOLOGIES / LEAVE OF ABSENCE

PRESENTATIONS

Presentation of Award - Sustainable Cities 2011 - Biodiversity Conservation - Runner Up for Innovative community bushland and biodiversity conservation in the Hornsby Shire

Presentation of Award - Sustainable Cities 2100 - Heritage Conservation - Runner Up for Conservation of natural, built and Aboriginal heritage including Depression era steps, Bar Island works, Wisemans Ferry Cemetery and Wallarobba

Presentation of Awards - Clean Beaches 2011 - Young Legends Award - Sydney Region Winner; and Highly Commended in NSW - Bar Island - recognising its importance for sport and recreation, kayak tours by school and adventure groups, Green Corps teams working to restore its bushland and visits by young indigenous people.

Presentation of Award - Clean Beaches 2011 - Friendly Beach Award - Sydney Region Winner - Bar Island - in recognition of Council building the new jetty to create access for young and old to the island and cemetery, and support by heritage, indigenous and other community members.

DECLARATIONS OF INTEREST

Clause 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

The Councillor or member of a Council committee must not be present at, or in sight of, the meeting of the Council or committee:

- (a) at any time during which the matter is being considered or discussed by the Council or committee.*
- (b) at any time during which the Council or committee is voting on any question in relation to the matter.*

Clause 51A of Council's Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a non pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

If the non-pecuniary interest is significant, the Councillor must:

- a) remove the source of conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.*

OR

- b) have no involvement in the matter by absenting themselves from and not taking part in any debate or voting on the issue as if the provisions of Section 451(2) of the Act apply.*

If the non-pecuniary interest is less than significant, the Councillor must provide an explanation of why they consider that the interest does not require further action in the circumstances.

CONFIRMATION OF MINUTES

THAT the Minutes of the Ordinary Council Meeting held on 16 November, 2011 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

RESCISSION MOTIONS**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

Nil

CORPORATE AND COMMUNITY DIVISION**Page Number 1**

**Item 1 CC72/11 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD
UNTIL 31 AUGUST 2011**

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC72/11 be received and noted.

Page Number 3

**Item 2 CC73/11 2011/12 INVESTMENTS AND BORROWINGS - PERIOD
ENDING OCTOBER 2011**

RECOMMENDATION

THAT the contents of the Executive Manager's Report No. CC73/11 be received and noted.

Page Number 7

**Item 3 CC74/11 CODE OF MEETING PRACTICE – PROPOSED
AMENDMENT IN RESPECT OF THE SCHEDULE OF COUNCIL
MEETINGS - APRIL 2012 TO OCTOBER 2012**

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC74/11 be received and noted.
2. The draft amended Code of Meeting Practice attached to Executive Manager's Report No. CC74/11 be placed on public exhibition from Tuesday 24 January 2012 to Monday 20 February 2012, and submissions in respect of the draft Code be received up until Monday 5 March 2012.
3. A further report be prepared for Council's consideration at the 21 March 2012 Ordinary Meeting which deals with any submissions received and makes appropriate recommendations in respect of the adoption of a new Code.

Page Number 12**Item 4 CC75/11 ROSELEA COMMUNITY CENTRE - PROPOSED REDEVELOPMENT****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC75/11 be received and noted.
2. Council amend Option 5B as detailed in Executive Manager's Report No. CC60/11 to now include a simplified eastern deck roof as designed in Option 5B (minus vergola and awning but including cupboards); and a western verandah and roof as designed (including cupboards). This amended option is to be referred to as Option 6A.
3. Tenders be called for in respect of Option 6A, seeking separate prices for Stage 1 and Stage 2 of the construction.
4. Prior to agreeing to Stage 2 of the Project and determining a funding source for the work, Council consider a business case that supports the commitment of additional expenditure.

Page Number 19**Item 5 CC76/11 COMMUNITY AND CULTURAL FACILITIES - MANAGEMENT COMMITTEE ANNUAL GENERAL MEETINGS 2011****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC76/11 be received and noted.

2. Council determine its preferred option in respect of how to address the non submission of inspection and reporting documents by the Section 377 Management Committees nominated in Executive Manager's Report No. CC76/11.

Page Number 26

- Item 6 CC77/11 FUTURE USE OF 179 BEECROFT ROAD, CHELTENHAM - CONSIDERATION OF EPPING RSL GOLDEN KANGAROOS REVISED PROPOSAL AND AN OFFER TO BUY THE PROPERTY FROM A THIRD PARTY**

RECOMMENDATION

THAT Council consider the options discussed in Executive Manager's Report No. CC77/11 and determine its position in respect of the future use of 179 Beecroft Road, Cheltenham.

ENVIRONMENT DIVISION**Page Number 35**

- Item 7 EN60/11 DOG OFF LEASH AREAS IN C WARD**

RECOMMENDATION

THAT Council:

1. Resolve to prepare a REF for the development of a local or secondary DOA at Lyne Road Reserve, Cheltenham and place the REF on public exhibition.
2. Review the budget with a view to determining an allocation of funds up to \$25,000 for the establishment of a secondary or local DOA at Lyne Road, Reserve from any savings that can be gained from completed or advanced projects within the Parks Capital Works Program for 2011/2012.

Page Number 40

- Item 8 EN61/11 AMENDED BUSHCODE DOCUMENT**

RECOMMENDATION

THAT Council adopt the proposed amendments to Environment Division policies and codes as outlined in Executive Manager's Report.

Page Number 43

- Item 9 EN62/11 LEASE OF TENNIS COURT CENTRES VARIOUS LOCATIONS IN HORNSBY SHIRE**

RECOMMENDATION

THAT Council:

1. Accept the tender from the Beecroft Lawn Tennis Club Inc for Beecroft Village Green, Beecroft for a period of ten years at 30% of court hire.
2. Accept the tender from Hornsby Kuring-gai District Tennis Association for Boundary Rd, Berowra for a period of ten years at 30% of court hire.
3. Accept the tender from Hornsby Kuring-gai District Tennis Association for Mills Park, Asquith for a period of ten years at 30% of court hire.
4. Accept the tender from Eastwood Thornleigh District Tennis Association for Pennant Hills Park, Pennant Hills for a period of ten years at 30% of court hire.
5. Accept the tender from Rod Fahey Tennis School P/L for Ruddock Park, Westleigh for a period of ten years at 45% of court hire.
6. Accept the tender from Kim Warwick Tennis Academy P/L for Waitara Oval, Waitara for a period of ten years at a period of 10 years at \$45,000 + 2% of gross yearly revenue in the first year rising to \$70,000 +2% of gross yearly revenue in year 10.
7. Give delegation to the General Manager to enter into negotiations with the current tennis centre operators for North Epping Oval, North Epping and West Epping Park, West Epping, with a view to entering into contracts for the operation of the respective tennis centres.

Page Number 47**Item 10 EN63/11 CLIMATE CHANGE ADAPTATION PLAN****RECOMMENDATION**

THAT:

1. The contents of Executive Managers Report No. EN63/11 be received and noted.
2. Council endorse priority actions included in Tables 1 and 2.
3. Council endorse priority actions included in Table 3 subject to receiving grant funding.
4. Council monitor priority actions included in Table 4 for consideration for future grant opportunities and when developing future budgets.

Page Number 54**Item 11 EN64/11 WATER QUALITY MONITORING PROGRAM - ANNUAL REPORT 2010/2011**

RECOMMENDATION

THAT the contents of Executive Manager's Report EN64/11 be received and noted and that the Water Quality Monitoring Program 2010-2011 Annual Report be adopted

Page Number 59

Item 12 EN65/11 SUSTAINABLE TOTAL WATER CYCLE MANAGEMENT STRATEGY - 2011

RECOMMENDATION

THAT the contents of Executive Manager's Report No. 65/11 be received and noted.

PLANNING DIVISION

Nil

WORKS DIVISION

Page Number 62

Item 13 WK72/11 TENDER T17/2011: PATCHING OF ROAD PAVEMENTS IN FULL DEPTH ASPHALT

RECOMMENDATION

THAT Council accept the tender of J & G Excavations and Asphaltting (NSW) Pty Ltd for all work under Tender No. T17/2011: Patching of Road Pavements in Full Depth Asphalt.

Page Number 66

Item 14 WK73/11 EXPRESSION OF INTEREST - EOI 16/2011 CONSTRUCTION OF HORNSBY AQUATIC CENTRE

RECOMMENDATION

THAT:

1. Council invite A W Edwards Pty Ltd, ADCO Constructions Pty Ltd, Reed Constructions Australia Pty Ltd, Broad Construction Services, Lipman Pty Ltd and Paynter Dixon Constructions Pty Ltd to tender for the construction of Hornsby Aquatic Centre.
2. The result of the tender be reported back to Council.

Page Number 69

Item 15 WK74/11 ADDITION TO FEES AND CHARGES 2011-2012

RECOMMENDATION

THAT:

1. Council approve the amendment to the 2012-2013 Fees and Charges by the addition of a provision for a 50% fee discount to the category “Display Stalls with Handbills / Giveaways / Pamphleteers” under “Commercial Usage”, for activities involving commercially operated and/or sponsored charity fundraising activities in the Hornsby Mall, as identified in option 2 within Executive Manager’s Report WK 74/11.
2. Council approve a 50% refund, subject to proof of donation, of the display fee charged to the operator referred to in Executive Manager’s Report WK74/11.

CONFIDENTIAL ITEMS

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1 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 31 AUGUST 2011

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

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

DISCUSSION

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

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

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

BUDGET

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

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC72/11 be received and noted.

ROBYN ABICAIR
Manager - Governance & Customer Service
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Council Resolutions as at 31 August 2011

File Reference: F2005/00112
Document Number: D01796854

**2 2011/12 INVESTMENTS AND BORROWINGS - PERIOD ENDING
OCTOBER 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 quarter ending October 2011 was \$610,000 compared to the budgeted income for the same period of \$512,000. Of the investment income earned, 34% 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 – October 2011

- The At-Call and Term Deposits achieved an annualised return of 5.86% 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 42.59% for the month compared to the benchmark of 55.84%. This fund has a 70% allocation to growth assets. Short term performance is expected to be volatile and the investment should be viewed over the longer term.
- Floating Rate Notes (FRNs) are bonds that have a variable coupon equal to a money market reference rate. This FRN investment achieved an annualised return of 6.76% for the month compared to the benchmark of 5.06. This note will mature on 10 November 2011.
- The Capital Guaranteed Notes achieved an annualised return of 0% for the month compared to the benchmark of 5.06%. No interest will be accrued for the remaining life of the securities.
- For total investments, the annualised return for October 2011 was 6.12% compared to the benchmark of 5.92%.

Economic Commentary

Statement by Glenn Stevens, Governor: Monetary Policy Decision – Media Release – 1 November 2011

At its meeting today, the Board decided to lower the cash rate by 25 basis points to 4.5 per cent, effective 2 November 2011.

Recent information is consistent with a moderation in the pace of global growth, though fears of a major downturn have not been borne out so far. The pace of US economic expansion picked up in the September quarter, but is still only moderate and leaves considerable spare capacity. China's growth has slowed, as policymakers there had intended. Output in Asia has now recovered from the effects of the Japanese earthquake, and domestic demand in the region is generally expanding. Trade performance, however, is starting to see some effects of a significant slowing in economic activity in Europe, where the prospects are for economic weakness to continue. Commodity prices, while still at high levels, have generally declined over recent months.

Financial markets have recovered somewhat from the turmoil of recent months, helped by stronger economic data in the United States and by signs that European governments are making progress in their efforts to deal with the sovereign debt and banking problems. Equity markets have gained ground and the Australian dollar has risen significantly as risk aversion has lessened. But it is likely to be some time yet before concerns about the European situation can definitively be laid to rest and the effects of the recent turmoil on confidence may result in a period of precautionary behaviour by firms and households.

Information about the Australian economy suggests moderate growth overall. The terms of trade have now peaked and will decline somewhat in the near term, but they remain very high. In response, investment in the resources sector is picking up very strongly, with much more to come. Some related service sectors are enjoying better-than-average conditions. In other sectors, cautious behaviour by households and the high exchange rate have had a noticeable dampening effect. The unemployment rate has increased a little over recent months, though it remains close to 5 per cent.

After underlying inflation started to pick up in the first half of the year, recent information suggests the subdued demand conditions and the high exchange rate have contained inflation more recently, notwithstanding continuing sizeable increases in utilities charges. CPI inflation on a year-ended basis remains above the target, due to the effects of weather events last summer, but is now starting to decline as production of key crops recovers. Moreover, with labour market conditions now softer, the likelihood of a significant acceleration in labour costs outside the resources and related sectors in the near term has lessened. Accordingly, the Bank's current judgement is that inflation is likely to be consistent with the 2–3 per cent target in 2012 and 2013, abstracting from the impact of the carbon pricing scheme.

Financial conditions have been easing somewhat recently, with market interest rates declining a little and competition to lend increasing. But overall conditions have remained tighter than normal, with borrowing rates still a little higher than average, credit growth subdued and asset prices lower than earlier in the year. The exchange rate has been very variable over the past few months, but on the whole has remained at historically high levels.

Over the past year, the Board has maintained a mildly restrictive stance of monetary policy, in view of its concerns about inflation. With overall growth moderate, inflation now likely to be close to target and confidence subdued outside the resources sector, the Board concluded that a more neutral stance of monetary policy would now be consistent with achieving sustainable growth and 2–3 per cent inflation over time.

Borrowings

In respect of borrowings, the weighted average interest rate payable on loans taken out from June 2002 to June 2011, based on the principal balances outstanding, is 6.89%. The Borrowings Schedule as at 31 October 2011 is attached for Council's information.

BUDGET

Total investment income for the year ending October was \$610,000. The budgeted income for the period was \$512,000. Approximately 34% 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. CC73/11 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 October 2011
2. HSC Borrowings Schedule as at 31 October 2011

File Reference: F2004/06987
Document Number: D01803429

3 CODE OF MEETING PRACTICE - PROPOSED AMENDMENT IN RESPECT OF THE SCHEDULE OF COUNCIL MEETINGS - APRIL 2012 TO OCTOBER 2012

EXECUTIVE SUMMARY

At the 21 September 2011 Ordinary Meeting, Council resolved to continue through to October 2012 with an ordinary meeting timetable which comprised a Planning Meeting on the first Wednesday of the month, an Ordinary Meeting on the third Wednesday of the month, and Workshop Meetings on any other Wednesday of the month, if required.

A reduction in development activity requiring Council's resolution has contributed to a decrease in the volume of reports being submitted for consideration at Planning Meetings over the past 6-12 months. In light of this, ExCo believes it is appropriate for Council to move to a new, more efficient schedule whereby the items currently considered at Planning and Ordinary Meetings are included in one monthly meeting which is proposed to be referred to as a General Meeting. Whilst this would remove the Planning Meeting from the monthly schedule of Council Meetings, the first, second, fourth and fifth Wednesdays of the month would all be nominated as Workshop Meetings (if required) such that they would be available (with appropriate notice being given) to conduct any necessary or urgent business.

In accordance with Sections 360 to 364 of the Local Government Act, Council is required to publicly exhibit the proposed changes to its meeting schedule (which are detailed in the Code of Meeting Practice) and any other consequential changes before formally adopting a new Code. It is recommended that the exhibition of the draft Code occur from 24 January 2012 to 20 February 2012, and that a further report be prepared for Council's consideration at the 21 March 2012 Ordinary Meeting.

PURPOSE/OBJECTIVE

The purpose of this Report is to recommend that Council's Code of Meeting Practice be amended such that the monthly Planning Meeting is removed from the schedule of Council Meetings.

DISCUSSION

Section 2(1) of Council's Code of Meeting Practice currently states the following in respect of ordinary meetings:

ordinary meetings are meetings of Council, other than extraordinary meetings, held during each year on such regular days and at such regular times as Council may appoint. They include:

Planning Meetings which are held at 6.30 pm on the first Wednesday of each month (excluding January) to consider items relating to planning matters;

Ordinary Meetings which are held at 6.30 pm on the third Wednesday of each month (excluding January) to generally consider items other than planning

matters, noting that planning matters may be considered as necessary and appropriate;

***Workshop Meetings** which are held at 6.30 pm on the second and/or fourth Wednesdays of each month as required (excluding January) to consider relevant items, especially those where a presentation by Council staff or an external person or organisation is required.*

At the 21 September 2011 Ordinary Meeting, Council resolved to continue through to October 2012 with an ordinary meeting timetable which comprised a Planning Meeting on the first Wednesday of the month, an Ordinary Meeting on the third Wednesday of the month, and Workshop Meetings on any other Wednesday of the month, if required.

A reduction in development activity requiring Council's resolution has contributed to a decrease in the volume of reports being submitted for consideration at Planning Meetings over the past 6-12 months. In light of this, ExCo believes it is appropriate for Council to move to a new, more efficient schedule whereby the items currently considered at Planning and Ordinary Meetings are included in one monthly meeting which is proposed to be referred to as a General Meeting. Whilst this would remove the Planning Meeting from the monthly schedule of Council Meetings, the first, second, fourth and fifth Wednesdays of the month would all be nominated as Workshop Meetings (if required) such that they would be available (with appropriate notice being given) to conduct any necessary or urgent business.

If Council is supportive of moving to such a Meeting arrangement, it will be necessary to make amendments to the relevant sections of its Code of Meeting Practice. These are all detailed in track changes in the attached document and would include the above wording in the Code about ordinary meetings being amended to the following:

***ordinary meetings** are meetings of Council, other than extraordinary meetings, held during each year on such regular days and at such regular times as Council may appoint. They include:*

***General Meetings** which are held at 6.30 pm on the third Wednesday of each month (excluding January) to consider all relevant matters;*

***Workshop Meetings** which are held at 6.30 pm on the first, second, fourth and fifth Wednesdays of each month as required (excluding January), to consider all relevant matters, especially those where a presentation by Council staff or an external person or organisation is required.*

In accordance with Sections 360 to 364 of the Local Government Act, Council is required to publicly exhibit the draft amended Code for a period of not less than 28 days and consider any submissions received in a period of not less than 42 days from when the document is placed on public exhibition, before formally adopting a new Code. Due to restrictions in Council's Public and Community Input Policy, the period between 20 December and 20 January cannot be counted as part of the exhibition period. Therefore, it is proposed that the exhibition period for the draft amended Code be from Tuesday 24 January 2012 to Monday 20 February 2012, and that submissions in respect of the draft Code be received up until Monday 5 March 2012. This would allow a further report to be prepared for Council's consideration at the 21 March 2012 Ordinary Meeting dealing with any submissions received and making appropriate recommendations in respect of the adoption of a new Code.

The effect of the proposed changes would be that for the period April 2012 to October 2012 (when the meeting schedule would need to be considered by the new Council), the schedule of ordinary meeting dates would become:

General Meetings

- Wednesday 18 April 2012
- Wednesday 16 May 2012
- Wednesday 20 June 2012
- Wednesday 18 July 2012
- Wednesday 15 August 2012
- Wednesday 19 September 2012
- Wednesday 17 October 2012

Workshop Meetings (if required)

- Wednesday 4 and 11 April 2012
- Wednesday 2, 9, 23 and 30 May 2012
- Wednesday 6, 13 and 27 June 2012
- Wednesday 4, 11 and 25 July 2012
- Wednesday 1, 8, 22 and 29 August 2012
- Wednesday 5, 12 and 26 September 2012
- Wednesday 3, 10, 24 and 31 October 2012

These dates are also detailed in the attached document “Schedule of ordinary Council Meetings – April 2012 – October 2012.

It should be noted that due to the local government elections being scheduled for 8 September 2012, Council will be in “caretaker” mode from the close of rolls for the election (i.e. 40 days before the election) until the election is declared. In this regard, the Division of Local Government (DLG), through Circular No. 08-37, has advised that routine business should proceed as usual during the caretaker period, however councils should exercise due caution in making major policy decisions that would bind an incoming council such as determining controversial or significant development applications, new or potentially controversial permanent appointments of general managers, and entering major contracts and undertakings.

Although certain matters will not be able to be considered by Council during the caretaker period, the schedule of meetings would continue throughout this period, up to and including a Workshop Meeting, if required, on 5 September 2012. The above schedule of meetings has also been extended beyond the date of the 2012 local government elections on 8 September to include General Meetings on 19 September 2012 and 17 October 2012 and Workshop Meetings, if required, on 12 and 26 September 2012 and 3, 10, 24 and 31 October 2012. This will allow maximum flexibility in setting the first meeting of the newly-elected Council having regard to when the Declaration of the Poll for the 2012 election is made.

To cater for the proposed change to the meeting schedule discussed above, the administrative deadlines associated with General Meetings would need to be in accordance with the attached document titled “Administration of Council Meetings – from April 2012”. There would also need to be minor changes to the Order of Business for ordinary Council Meetings and these are shown on the attached document titled Order of Business at ordinary Council Meetings – April 2012 – October 2012.

BUDGET

A reduction in the number of scheduled Council Meetings per month may reduce the costs of catering and meeting support arrangements if alternate meetings are not otherwise held.

POLICY

This Report has been prepared in accordance with the requirements of Council's Code of Meeting Practice and the Local Government Act.

CONSULTATION

There has been consultation with appropriate Council officers in the preparation of this Report as well as reference to relevant Council Policies and legislative documentation.

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Administration and Risk Manager – Scott Allen and the Manager, Governance and Customer Service – Robyn Abicair. They can be contacted on 9847 6609 and 9847 6608 respectively.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC74/11 be received and noted.
2. The draft amended Code of Meeting Practice attached to Executive Manager's Report No. CC74/11 be placed on public exhibition from Tuesday 24 January 2012 to Monday 20 February 2012, and submissions in respect of the draft Code be received up until Monday 5 March 2012.
3. A further report be prepared for Council's consideration at the 21 March 2012 Ordinary Meeting which deals with any submissions received and makes appropriate recommendations in respect of the adoption of a new Code.

ROBYN ABICAIR
Manager - Governance & Customer Service
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Code of Meeting Practice - Draft
2. Schedule of ordinary Council Meetings - April 2012 - October 2012
3. Administration of Council Meetings - From April 2012
4. Council Meetings Order of Business

File Reference: F2004/07032
Document Number: D01806816

4 ROSELEA COMMUNITY CENTRE - PROPOSED REDEVELOPMENT

EXECUTIVE SUMMARY

Executive Manager's Report No. CC60/11 updated Councillors on the concept design options for the proposed redevelopment of the Roselea Community Centre. It resulted in Council adopting an amended and staged version of the project design (Option 5B) such that Council could potentially add value to the \$1.6 million in grant funds to provide additional space/inclusions taking advantage of economies of scale that would exist within a larger construction project. However, prior to committing to proceed with a larger scope of works, Council needed to be sure that any additional work would not compromise the grant funded component of the project; that there were potential funding sources for the additional work; and that it knew the estimated cost of the additional work.

The adopted Option 5B stages the work on the Roselea Community Centre in such a way that the \$1.6 million of grant funds could be wholly spent on a rebuild of the small hall and foyer space to the north of the main hall, as well as constructing the floor of the deck on the eastern side of the building. This is known as Stage 1. Council has previously committed to fund any cost overrun on this stage of the project in order to remove a risk factor associated with the grant assessment process. Stage 2 of the project would be the construction of the roof (and fittings) on the eastern side of the building as well as a roofed verandah and fittings on the western (Pennant Hills Road) side of the building.

Since the adoption of Executive Manager's Report No. CC60/11, the Federal Government has confirmed that Stage 1 of the project as identified in Option 5B will meet the election commitment. As such, any decision that Council makes to fund additional work at Roselea (or otherwise) will not compromise the funding allocation provided by the Federal Government. Sources of funding for any additional work appear to be limited to existing development contribution funds for multipurpose community facilities, future development contribution funds from the Carlingford area or proceeds from the sale of Council properties. Whilst development contribution funds (current or future), or proceeds from asset sales, could be used to fund Stage 2 works, the question to be answered is whether or not Council will see a reasonable return on investment if it commits additional funds to the project. Similarly, if funding is committed to the Roselea Project (from any of the sources proposed), there will be an opportunity cost in respect of other works that cannot be completed.

Council's Management Plan for 2009/10 listed a significant action for that year as being to "*undertake research into the demand, desired size and location and possible partnership model for a multicultural centre in the Shire*". Unfortunately, this task was unfunded and, therefore, not completed in that year. Staff are aware, however, that the Roselea Community Centre informally functions as the Shire's Multicultural Centre due to the nature of its use. Now would be an appropriate time to test the demand for such a facility given the opportunity of adding value to the grant funded component of the project. This work could be undertaken whilst tenders are being called for the construction work such that a commitment can be made to funding prior to construction commencing in early 2013.

In the event that an acceptable business case is developed, staff are of the opinion that a satisfactory and cost effective outcome could be achieved by agreeing to a simplified eastern

deck roof as designed in Option 5B (minus vergola and awning but including cupboards); and a western verandah and roof as designed (including cupboards). This equates to an estimated extra cost of \$360,253 and can be referred to as Option 6A. If Council is of a mind to, in principle, progress Option 6A, it is recommended that the project designs be amended and that a tender be called on the amended design. The tender can be staged such that Stage 1 and Stage 2 are separated and a price provided for each stage. Council would be formally asked to commit funding to this project when appointing the winning tenderer once an understanding of the demand for the additional facilities is known.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council's resolution from Executive Manager's Report No. CC60/11 which relates to the scale and inclusions in the proposed redevelopment of the Roselea Community Centre.

DISCUSSION

Executive Manager's Report No. CC60/11 (which was considered by Council at the 21 September 2011 Ordinary Meeting) updated Councillors on the concept design options for the proposed redevelopment of the Roselea Community Centre. It is noted that the project is to be primarily funded (to the value of \$1.6 million) through a promise that was made by the then Member for Bennelong prior to the 2010 Federal election.

Following its consideration of Executive Manager's Report No. CC60/11, Council adopted an amended and staged version of the project design (Option 5B) such that Council could potentially add value to the \$1.6 million in grant funds to provide additional space/inclusions taking advantage of economies of scale that would exist within a larger construction project. Specifically, Council's resolution was that:

1. *The contents of Executive Manager's Report No. CC60/11 be received and noted.*
2. *Council amend the draft designs attached to Executive Manager's Report No. CC60/11 to include an extension to the eastern and western deck areas as detailed in a plan prepared for the Manager, Community Services on 21 September 2011 and identified as Option 5B.*
3. *A Development Application be submitted in line with the Option 5B plan such that a staged development could be implemented as funding becomes available.*
4. *Council provide in principle support to fund any project cost overrun for the grant funded component of the Roselea Community Centre Renovation/Extension Project noting that prior to determining the final scope of works, tenders will be called to ensure that the project budget is within the funded amount.*
5. *Prior to Council committing to proceed with a larger scope of works than that outlined in Executive Manager's Report No. CC60/11, consideration be given to the cost of the work, the funding source of the work and to ensuring that this work does not compromise the grant funded component of the works as detailed in the election commitment made by the former Member for Bennelong.*

It is noted that a development application has been submitted for the project in line with Option 5B and that the public exhibition period closed on 7 December 2011.

The remainder of this Report specifically responds to point 5 of the above resolution and provides comment on the relevant issues of how to ensure that the additional work does not compromise the grant funded component of the project; potential funding sources for the additional work; and cost of the additional work.

How to ensure that the additional work does not compromise the grant funded component of the project

The election promise and, therefore, the grant funded component of the project requires Council to deliver a “*full refurbishment and upgrade of the Roselea Community Centre including a new outdoor weather deck*”. This project scope, as formalised by the Federal Department of Regional Australia, Regional Development and Local Government (the Department), is based on the media release of the former Member for Bennelong as part of her election promise.

Since the adoption of Executive Manager’s Report No. CC60/11, the Department has confirmed that Stage 1 of the project as identified in Option 5B will meet the Member for Bennelong’s election commitment. As such, any decision that Council makes to fund additional work at Roselea (or otherwise) will not compromise the funding allocation provided by the Federal Government.

It is noted that Stage 1 of Option 5B involves the rebuild of the small hall and foyer space to the north of the Roselea Community Centre main hall as well as the construction of the eastern deck (minus the roof/cupboards and plumbing). Stage 2 of Option 5B includes the roof on the eastern deck (including cupboards and plumbing) and the construction of the western verandah and roof (including cupboards and plumbing). The project has been divided up in this manner so as to as best as possible account for the grant funded component separately. A copy of the Option 5B designs are attached for the information of Councillors.

It is also noted that the original concept option put forward by staff (Option 5A), could have been funded entirely by grant funds. Option 5A involved a smaller deck area and roof on the eastern side of the building as compared to Option 5B. Option 5A did not include a covered verandah on the western side of the building.

Potential funding sources for the additional work

Sources of funding for any additional work appear to be limited to existing development contribution funds for multipurpose community facilities, future development contribution funds from the Carlingford area or proceeds from the sale of Council properties. With respect to existing development contribution funds, account needs to be taken of budgeted commitments to other projects (i.e. the proposed Storey Park redevelopment) to determine if sufficient funds are available to fund the work at Roselea. It also needs to be noted that the funding model for the Storey Park redevelopment is largely dependent on asset sales and the plan is for these assets to be sold after the completion of construction. In this regard, the risk for Council is that whilst it has valuation estimates for the properties that it intends to rationalise to fund the Storey Park project, these returns are not guaranteed and a greater (or lesser) proportion of development contribution funds may be required for this project.

Similarly, Council’s current budget estimates for the Storey Park redevelopment are based on quantity surveyor estimates and have not been tested in the market place. The cost of the project could increase (or decrease) once tenders for the project have been called. As such, it is perhaps premature to commit funding to Stage 2 at Roselea from existing development

contribution funds without first having a more definite idea regarding the net costs of the Storey Park project once asset sales are taken into account.

The second option relates to a new development contributions plan which is being developed for the Carlingford area following the gazettal of the Hornsby Housing Strategy. A nexus could be made between the additional floor space that the Council funded components of the Roselea Project would provide and the new population in the area that will require community facilities. In this respect, it is recommended that this project be considered for inclusion in the forthcoming development contributions plan. This option would not take funding away from where it is potentially required on other major infrastructure projects to which an in principle commitment has already been made.

The third option is the use of the capital proceeds from the sale of Council property (probably most appropriately from C Ward). In this regard, Council is in the process of considering the future use of the Council property at 179 Beecroft Road, Cheltenham - refer Executive Manager's Report No. CC77/11 which is also on the agenda for the 21 December 2011 Ordinary Meeting. In the event that Council resolves to dispose of this property, a proportion of the proceeds from this sale could be put towards the construction of the eastern roof and western verandah of the Roselea Community Centre. It is noted that a final decision on the sale of 179 Beecroft Road, Cheltenham is unlikely to occur at the 21 December 2011 Ordinary Meeting and the most likely outcome is that staff further investigate the offer to buy the property, with a further report being provided for Council's consideration early in 2012.

Whilst development contribution funds (current or future), or proceeds from asset sales, could be used to fund Stage 2 works at Roselea Community Centre, the question to be answered is whether or not Council will see a reasonable return on investment if it commits additional funds to the project. Whilst a roofed deck and verandah on the eastern and western sides of the buildings would support multicultural food fairs, it is currently understood that these food fairs operate up to five times a year. Undoubtedly, there will be other uses for the deck and verandah but these uses are not immediately apparent. As such, it is appropriate that a feasibility study should be undertaken to determine what use the decked areas would be put towards and how often they would be used in the event that Council resolves to contribute additional funding to the project. It is noted that such a study could be undertaken whilst project construction tenders are being called. Construction tenders could then include a separate price for Stage 2 works which would allow Council to consider a funding allocation at that point – estimated to be mid to late 2012. By this point in time, Council is likely to have made a decision on the sale of 179 Beecroft Road, Cheltenham thereby including or excluding this option as a funding source.

Similarly, if funding is committed to the Roselea Project (from any of the sources proposed), there will be an opportunity cost in respect of other works that cannot be completed. In terms of other possible community facility projects in C Ward, parking at Beecroft Community Centre and air conditioning at Pennant Hills Community Centre are two projects that rate highly in terms of community feedback. It is proposed, therefore, that the report which presents Council with the business case for the additional commitment of funds to Stage 2 of the Roselea Redevelopment Project also outline other projects that the funding could be used for.

Cost of the additional work

The adopted Option 5B stages the work on the Roselea Community Centre in such a way that the \$1.6 million of grant funds could be wholly spent on a rebuild of the small hall and foyer space to the north of the main hall, as well as constructing the floor of the deck on the eastern

side of the building. This is known as Stage 1. Council has previously committed to fund any cost overrun on this stage of the project in order to remove a risk factor associated with the grant assessment process. Stage 2 of the project would be the construction of the roof (and fittings) on the eastern side of the building as well as a roofed verandah and fittings on the western (Pennant Hills Road) side of the building.

Councillors were advised at a briefing session held on 9 November 2011 that the lump sum quantity surveyor estimates for Stage 2 works were in the vicinity of \$471,000. Following discussion, Councillors requested a detailed break up of Stage 2 costs. These estimated costs, as well as options for less expensive designs, are as follows:

Eastern Deck

- Roof over eastern deck as in Option 5B (including vergola, retractable shade awning, cupboards and plumbing) - \$242,570
- Simplified eastern deck roof as designed in Option 5B (minus vergola and awning but including cupboards) - \$131,379
- Eastern Deck full roof cover (extra blinds and including cupboards) – \$222,257
- Eastern Deck cupboards and plumbing only - \$43,622

Western Verandah

- Western verandah and roof as designed (including cupboards) - \$228,874

Proposed Way Forward

Council's Management Plan for 2009/10 listed a significant action for that year as being to "*undertake research into the demand, desired size and location and possible partnership model for a multicultural centre in the Shire*". Unfortunately, this task was unfunded and, therefore, not completed in that year. Staff are aware, however, that the Roselea Community Centre informally functions as the Shire's Multicultural Centre due to the nature of its use. This is due to the multicultural food fairs and other cultural activities that take place at the Centre throughout the year. Now would be an appropriate time to test the demand for such a facility given the opportunity of adding value to the grant funded component of the project. This work could be undertaken whilst tenders are being called for the construction work such that a commitment can be made to funding prior to construction commencing in early 2013.

In the event that an acceptable business case is developed, staff are of the opinion that a satisfactory and cost effective outcome could be achieved by adopting the following from the above Eastern Deck and Western Verandah options:

Eastern Deck

- Simplified eastern deck roof as designed in Option 5B (minus vergola and awning but including cupboards) - \$131,379

Western Verandah

- Western verandah and roof as designed (including cupboards) - \$228,874

This equates to an estimated extra cost of \$360,253 (which includes contingencies, escalations and overheads) and can be referred to as Option 6A. If Council is of a mind to, in principle, progress Option 6A, it is recommended that the project designs be amended and that a tender be called on the amended design. The tender can be staged such that Stage 1

and Stage 2 are separated and a price provided for each stage. Council would be formally asked to commit funding to this project when appointing the winning tenderer once an understanding of the demand for the additional facilities is known.

BUDGET

This Report asks Council to consider contributing additional funds to the Roselea Community Centre Redevelopment Project but recommends that it do so on the basis of the contents of a business case and with an understanding of the opportunity costs. Such information would be provided for Council's consideration in mid 2012.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

Consultation has been undertaken with representatives of the Roselea Community Centre Management Committee as well as Council's Engineering Services Branch and Planning Division. Consultation has also taken place with Council's Financial Services Branch with respect to how to best manage the number of large capital projects that Council currently has in progress.

TRIPLE BOTTOM LINE SUMMARY

As this Report seeks only to provide Councillors with a project update and to seek in principle support for funding additional work on the project, a Triple Bottom Line Summary is not required.

RESPONSIBLE OFFICER

The officer responsible for this Report is the Manager Community Services Branch, Mr David Johnston who can be contacted on 9847 6800 during business hours.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC75/11 be received and noted.
2. Council amend Option 5B as detailed in Executive Manager's Report No. CC60/11 to now include a simplified eastern deck roof as designed in Option 5B (minus vergola and awning but including cupboards); and a western verandah and roof as designed (including cupboards). This amended option is to be referred to as Option 6A.
3. Tenders be called for in respect of Option 6A, seeking separate prices for Stage 1 and Stage 2 of the construction.
4. Prior to agreeing to Stage 2 of the Project and determining a funding source for the work, Council consider a business case that supports the commitment of additional expenditure.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Roselea Ground Floor Plan - Option 5B
2. Roselea Lower Ground Floor Plan - Option 5B

File Reference: F2011/00633
Document Number: D01809051

5 COMMUNITY AND CULTURAL FACILITIES - MANAGEMENT COMMITTEE ANNUAL GENERAL MEETINGS 2011

EXECUTIVE SUMMARY

Throughout 2009 and 2010, Council reviewed the Section 377 Management Committee Model of management of community facilities. This led to consideration of Executive Manager's Report No. CC70/10 at the 24 November 2010 Workshop Meeting when Council determined its position in respect of the management of the Centres.

This Report has been prepared to provide Council with the results of the Annual General Meetings held by the Section 377 Management Committees in 2011 and to discuss the Committees' performance against the agreed criteria for the review period from January to October 2011. It is pleasing to note that at the 2011 Annual General Meetings, all Section 377 Management Committees were formed appropriately and in accordance with current requirements; and that the Advisory Committees formed in 2010/11 for the Epping and Pennant Hills Community Centres have reviewed their operations and are keen to continue in that role (refer to the attached comments from the Advisory Committees).

In respect of the new reporting schedules, there still appear to be challenges involved with some Section 377 Committees producing and submitting financial reporting documents and, in respect of the amended inspection and other reporting schedules, there are still issues being encountered. Concern is also raised about those Committees who have failed to submit scheduled reports or scheduled inspections at any time during the review period. In this respect, officers have made recommendations regarding the frequency of inspections and reports on the basis of what is considered to be reasonable to manage Council's exposure to risk. In some instances, these risks are not being managed appropriately despite the extra support provided to Committees and a less onerous inspection schedule.

Two options appear to exist for Council to consider in terms of addressing the above matters. Firstly, Council could require those Committees that have failed to submit information and/or reports to show cause why they should be allowed to continue to manage their Centre. If this action was taken, the Cherrybrook, Glenorie and Mt Kuring-gai Committees would be asked to respond. A second option for Council to consider would be to employ an officer on a temporary basis in order to trial Council inspections of some or all of the community facilities. This option was considered in 2010 prior to the current Section 377 Management Committee Model of management of community facilities being adopted. It would ensure that community facilities are being inspected to ensure their ongoing safety but will not address issues like the provision of information on utilisation or the provision of financial information.

In summary, many Community Centre Management Committees have responded favourably to the reviewed operating conditions that have been implemented in 2011 and met all requirements in terms of the submission of information. These Committees are to be congratulated on their efforts. Additional work needs to be undertaken to investigate ongoing problems with the financial management of some centres in the future. Unfortunately, some centres have been unable to meet the new (lesser) requirements despite the provision of dedicated support staff within the Community and Cultural Facilities Team and Financial

Services Branch. Officers recommend that Council take up either of the options described above in order to respond to the matters raised. In this regard, draft resolutions for the two options are provided to assist Council.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with details of the Annual General Meetings conducted by Section 377 Community Centre Management Committees and to discuss Committee performance based on the revised reporting schedule adopted by Council in November 2010.

DISCUSSION

Throughout 2009 and 2010, Council reviewed the Section 377 Management Committee Model of management of community facilities. This led to consideration of Executive Manager's Report No. CC70/10 at the 24 November 2010 Workshop Meeting, when Council resolved that:

1. *The contents of Executive Manager's Report No. CC70/10 be received and noted.*
2. *Council note the further consultation undertaken with Section 377 Management Committees regarding the amended Option 7 that was developed following Council's 28 July 2010 Workshop Meeting.*
3. *The minimum committee number for Management Committees be reduced from seven to five, with the conditions detailed in Report No. CC70/10 applying to the makeup of the Committees.*
4. *The frequency of asset inspections conducted by Management Committees be reduced from monthly to quarterly for all Centres.*
5. *Council accept the management of Epping and Pennant Hills Community Centres and the associated conditions detailed in the submissions made by those Committees.*
6. *Council write to and formally thank the Committees of Epping and Pennant Hills Community Centres for their outstanding community service and the professional manner in which they operated these Centres.*
7. *Advisory Committees be formed at the Epping and Pennant Hills Community Centres with outgoing members of the Management Committees encouraged to serve in this capacity.*
8. *Council allow other Management Committees to self determine their preferred model of management where they continue to meet the amended and agreed inspection and reporting standards and where an appropriately constituted committee is formed.*
9. *Following appropriate consultation with the relevant Committee, a report be prepared for Council's consideration if that Committee does not meet agreed performance standards regarding inspection and reporting i.e. it fails to submit required documents in a reasonable time on two occasions in the period between Annual General Meetings.*
10. *Council require members of Section 377 Management Committees to sign Working with Children Checks in order for their places on the Committee to be considered valid and*

contributing to the quorum. In the event that quorum numbers for Management Committees are not met, Council resume management of the relevant centre.

11. *Funds derived from the hire of Council managed centres be used to employ a full time officer to manage the bookings associated with Epping, Arcadia, West Epping and Brooklyn Community Centres/Meeting Rooms and to provide additional support to Management Committees and Advisory Committees.*
12. *The Branch Administrator role within the Community Services Branch be redesigned in order to provide additional support to Management and Advisory Committees in order to ensure that agreed performance standards are met.*
13. *The Section 377 Reference Committee undertake a review of the booking processes and procedures of centres managed by Section 377 Management Committees and make recommendations to Council with the goal of improving efficiencies, taking advantage of partnership opportunities between Centres and improving the customer service outcomes for Community Centre clients. A report on the recommendations of the Section 377 Reference Committee be provided to Council staff by the end of April 2011 such that an informal briefing can be provided to Councillors by staff no later than May 2011 with a final report and recommendation subsequently considered by Council at the June 2011 Ordinary Meeting.*

This Report has been prepared to provide Council with the results of the Annual General Meetings held by the Section 377 Management Committees in 2011 and to discuss the Committees' performance against the agreed criteria for the review period from January to October 2011. This review period is differentiated from previous reviews because of the reduced requirement (see above resolution) to inspect the facilities and a simplified reporting on the functioning of the various Centres.

It is noted that as at the date of preparation of this Report the Beecroft, Cherrybrook, Cowan, Dangar Island, Epping Creative, Galston, Glenorie, Gumnut, Mt Kuring-gai, Roselea and Thornleigh Community Centres are managed by Section 377 Management Committees. The Asquith, Asquith Leisure and Learning, Brooklyn Leisure and Learning, Epping Leisure and Learning, Hornsby (Beatrice Taylor Hall - Willow Park), Hornsby Heights, Hornsby Leisure and Learning (Willow Park), Hornsby Youth and Family, Mount Colah, Pennant Hills Leisure and Learning, Thornleigh (Hawkins Hall) and West Epping Community Centres are managed by Council's Community Services Branch. The Arcadia, Berowra, Brooklyn, Epping and Pennant Hills Community Centres are managed by Council's Community Services Branch with input provided by a Centre Advisory Committee.

It is pleasing to note that at the 2011 Annual General Meetings, all Section 377 Management Committees were formed appropriately and in accordance with current requirements; and that the Advisory Committees formed in 2010/11 for the Epping and Pennant Hills Community Centres have reviewed their operations and are keen to continue in that role (refer to the attached comments from the Advisory Committees).

Also attached are documents providing the year end financial summaries of the various Section 377 Management Committees as well as a document which details the dates that various reports required by Council in the Procedures and Finance Manuals were due and when they were received.

There are two key issues that officers wish to raise in respect of the outcomes of the new reporting schedules:

1. There appear to be challenges involved with some Section 377 Committees producing and submitting financial reporting documents. This issue has arisen despite significant offers of support from Council's Financial Services Branch during the review period and the provision of a dedicated staff member within the Community and Cultural Facilities Team whose job it is to support Management Committees. Such additional support was provided in response to point 12 of the resolution referred to above. Staff in the Financial Services Branch have estimated that support has been provided at an average rate of seven hours per week over the review period although the officer is available at all times during business hours to provide support. GST reporting by Management Committees received after the due date are highlighted in bold in the attached document. Due to the high number being received after the due date, officers are of the opinion that Committees would benefit from the provision of standardised financial templates and/or additional training in MYOB or Quicken software. It is proposed that these actions be implemented in the forthcoming year and the results reported back to Council in 2012.
2. In respect of the amended inspection and other reporting schedules detailed in the attached document, there are still issues being encountered. With respect to point 9 of the above resolution, there has been some discussion between Committees and Council officers about what constitutes "*reasonable time*" for the submission of required documents. The officers' view for this Report is that it would be inappropriate to retrospectively apply a definition of "*reasonable time*" and make recommendations on the basis of that definition. However, for the purposes of future considerations, officers believe that "*reasonable time*" should be defined as being within two weeks of the defined deadline, and would be on the basis that a reminder will be provided to Committees one week prior to the due date and one week after the due date if the required documentation has still not been received. There is a need, however, in this Report to raise a concern about those Committees who have failed to submit scheduled reports or scheduled inspections at all during the review period. In this respect, officers have previously made recommendations regarding the frequency of inspections and reports on the basis of what is considered to be reasonable to manage Council's exposure to risk. In some instances, these risks are not being managed appropriately despite the extra support provided to Committees and a less onerous inspection schedule.

Two options appear to exist for Council to consider in terms of addressing the above matters.

Firstly, as per point 9 of the resolution referred to above, Council could require those Committees that have failed to submit information/reports on multiple occasions during the review period to show cause why they should be allowed to continue to manage their Centre as they have failed to comply with Council's resolutions associated with these matters. If this action was taken, the Cherrybrook, Glenorie and Mt Kuring-gai Committees would be asked to respond. Cowan has failed to submit the most recent reports as at the time of writing but it is proposed that they be given an opportunity to submit this report prior to the end of January 2012 and not be issued with a show cause letter if they meet that revised deadline. Particular concern is raised regarding the management of Cherrybrook Community and Cultural Centre given the apparent lack of financial accountability that the Committee is exhibiting.

A second option for Council to consider is to employ an officer on a temporary basis in order to trial Council inspections of some or all of the community facilities. This option was considered in 2010 prior to a final Option 7 Management Model being adopted – see Report No. CC33/10. This action would ensure that community facilities are being inspected to

ensure their ongoing safety but will not address issues like the provision of information on utilisation or the provision of financial information.

In summary, many Community Centre Management Committees have responded favourably to the reviewed operating conditions that have been implemented in 2011 and met all requirements in terms of the submission of information. These Committees are to be congratulated on their efforts. Additional work needs to be undertaken to investigate ongoing problems with the financial management of some centres in the future. Unfortunately, some centres have been unable to meet the new (lesser) requirements despite the provision of dedicated support staff within the Community and Cultural Facilities Team and Financial Services Branch. Officers recommend that Council take up either of the options described above in order to respond to the matters raised. In this respect, the following two draft resolutions are suggested:

Option 1 – Committees that have not met Council’s requirements be asked to show cause

THAT

- 1. The contents of Executive Manager’s Report No. CC 76/11 be received and noted.*
- 2. Council note the feedback provided by the former Epping and Pennant Hills Community Centre Management Committees and their acceptance to continuing in the Advisory Committee Model of Management for these centres.*
- 3. Council note the additional staffing support that has been provided to Committees to assist them in meeting their inspection and reporting requirements during the review period.*
- 4. Council require those Committees that have failed to submit required information as per the Finance and Procedures Manual in the period January 2011 to October 2011 (i.e. Cherrybrook, Glenorie and Mt Kuring-gai) to show cause as to why Council should not resume management of those centres.*
- 5. A further report be provided for Council’s consideration which provides the response from the Committees nominated in 4. above and makes a recommendation on the way forward.*

Option 2 – Council to undertake facility inspections on Committee’s behalf

THAT

- 1. The contents of Executive Manager’s Report No. CC 76/11 be received and noted.*
- 2. Council note the feedback provided by the former Epping and Pennant Hills Community Centre Management Committees and their acceptance to continuing in the Advisory Committee Model of Management for these centres.*
- 3. Council note the additional staffing support that has been provided to Committees to assist them in meeting their inspection and reporting tasks during the review period.*
- 4. Council provide additional support to Committees in order to ensure that facility safety inspections are undertaken as per the revised and adopted Procedures Manual*

- noting that the cost of these inspections would be accommodated from within the income derived from the Council managed Community Centres but that this expenditure comes at the cost of upgrades to these facilities.

BUDGET

The budget implications associated with this Report are dependant upon the option chosen by Council to resolve the matters raised. The cost of Option 1, if chosen, depends upon the outcome of the “show cause” process and can be addressed in a future report if this option is chosen. Option 2 would have a maximum cost of \$57,000 per annum for a temporary full time staff member. This would be subject to it being determined how long the inspections would take, and given that the number of participating centres has yet to be defined, whether a full time staff member would be required.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

Consultation has been undertaken with the Section 377 Management Committees and Advisory Committees in the production of this Report, as well as staff from Council’s Financial Services Branch.

TRIPLE BOTTOM LINE SUMMARY

The Triple Bottom Line is a framework for improving Council’s decisions ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council’s strategic themes. If Council was to proceed with the options proposed in this Report, contributions would be made to the Human Habitat Strategic Theme through the provision of effective community infrastructure and services.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. The contents of Executive Manager’s Report No. CC76/11 be received and noted.
2. Council determine its preferred option in respect of how to address the non submission of inspection and reporting documents by the Section 377 Management Committees nominated in Executive Manager’s Report No. CC76/11.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. 377 Management Committee Reporting Summary final
2. Epping Community Centre Feedback
3. 2011 PHCC Performance Objectives and Measures Report

File Reference: F2004/05947

Document Number: D01810630

**6 FUTURE USE OF 179 BEECROFT ROAD, CHELTENHAM -
CONSIDERATION OF EPPING RSL GOLDEN KANGAROOS REVISED
PROPOSAL AND AN OFFER TO BUY THE PROPERTY FROM A THIRD
PARTY**

EXECUTIVE SUMMARY

At the 23 November 2011 Workshop Meeting, Council was advised of an offer to purchase 179 Beecroft Road, Cheltenham and decided to defer consideration of Executive Manager's Report No. CC67/11 such that Council officers could continue consultation with representatives of the Epping RSL Golden Kangaroos regarding options for the tenure and conditions of lease in respect of their occupation of 179 Beecroft Road, Cheltenham and/or other suitable properties.

Having regard to the current offer to purchase 179 Beecroft Road, Cheltenham, the Manager, Land and Property Services Branch has recommended that Council not offer the property for lease for a term of more than two years in order to provide flexibility for Council in respect of strategic options which may include sale of the property. On the basis of those comments, and on feedback from the Golden Kangaroos, officers have developed two options for Council to consider in order to resolve this matter in the short to medium term. Appropriate resolutions are provided for each. The options are:

- Option 1 – Offer the Golden Kangaroos a five year lease of the property as negotiated and detailed in Executive Manager's Report No. CC67/11, and not investigate further the strategic value of the subject property at this time.
- Option 2 – Offer the Golden Kangaroos a two year lease of the property under the conditions discussed below whilst Council further investigates the strategic value of the subject property.

It is noted that the Golden Kangaroos have submitted four main points in their attached correspondence which predominantly relate to securing Council's ongoing commitment to provide accommodation support to the band. Whilst the request for a commitment for such support is understood, officers are of the opinion that it is reasonable that Council first determine whether or not re-accommodation support is required (by considering the future use of the said property) before a commitment is made to offer re-accommodation support. The suggested resolutions associated with Options 1 and 2, therefore, do not guarantee future accommodation support to the Golden Kangaroos beyond the terms of a new lease, but instead defers this decision until after a decision is made with respect to the possible sale of the property at 179 Beecroft Road, Cheltenham.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to the deferral of Executive Manager's Report No. CC67/11 at the 23 November 2011 Workshop Meeting by providing further information such that Council can determine its position in respect of the future use of the property at 179 Beecroft Road, Cheltenham.

DISCUSSION

Background

At the 23 November 2011 Workshop Meeting, Council considered Executive Manager's Report No. CC67/11 (which attached an updated offer from the Golden Kangaroos with respect to their proposed future lease of the Council property at 179 Beecroft Road, Cheltenham) and associated Confidential Late Item documentation to the Report (which presented an offer from a third party to buy the property at 179 Beecroft Road, Cheltenham), and resolved that:

- 1. Consideration of Executive Manager's Report No. CC67/11 be deferred to the 21 December 2011 Ordinary Meeting.*
- 2. Council officers continue consultation with representatives of the Golden Kangaroos regarding options for the tenure and conditions of lease in respect of their occupation of 179 Beecroft Road, Cheltenham and/or other suitable properties.*

A copy of Report No. CC67/11, its attachments and the associated Confidential Late Items documentation is attached for Council's information.

Consideration of the offer to purchase 179 Beecroft Road, Cheltenham

Officers of Council's Planning Division have advised that over recent years Council has received a number of enquiries from religious organisations expressing an interest in acquiring the subject property for use as a place of worship. It is noted that the current zoning does not allow this use but that these circumstances will change once the Hornsby Shire Comprehensive Local Environment Plan is gazetted in approximately 18 months time. More recently, Council's Manager, Land and Property Services Branch has received a formal written offer to purchase the subject property from Council, the details of which are outlined in the attached confidential document.

Given the market interest in the property, the Manager, Land and Property Services Branch has recommended that Council not offer the subject property for lease for a term of more than two years such that flexibility is provided for Council in respect of strategic property options. These options may include a future sale of the property. Having regard to such options, it is recommended in the first instance that the current interest in the property be further investigated and that a report on the matter be submitted to Council for its consideration in early 2012. Such a report would also be expected to include an asset strategy for the subject property.

Options for progressing the lease of 179 Beecroft Road, Cheltenham

On the basis of the above comments and feedback from the Golden Kangaroos, officers have developed two options for Council to consider in order to resolve this matter in the short to medium term. Attached is a letter from the Golden Kangaroos dated 1 December 2011 which outlines their preferred outcomes in respect of this matter given the deferral of Executive Manager's Report No. CC67/11. It is noted that officers had previously negotiated conditions of a lease when the term of that lease was proposed to be five years. These terms and conditions are discussed in Report No. CC67/11 and are detailed below in Option 1. Council officers have further negotiated a position with the Golden Kangaroos and have reached agreement in terms of the conditions of a lease should a lease of the property only be offered

for two years. These conditions are referred to as Option 2 below and reflect the officers' response to the contents of the latest submission from the Golden Kangaroos.

In the event that Council is unwilling to offer a five year lease of the Council property at 179 Beecroft Road, Cheltenham, the Golden Kangaroos are keen to secure Council support such that they are provided with suitable short and medium term accommodation options and a commitment from Council to accommodate the group in the longer term. Officers note that Council has not yet committed to provide accommodation support to the Golden Kangaroos beyond the term of a renewed lease. Regardless of Council's position on this, it is recommended that Council should first consider its strategic options in respect of the property at 179 Beecroft Road, Cheltenham prior to determining whether future accommodation support is offered, or is needed to be offered, to the Golden Kangaroos. In addition to this, given the scale of the investment that would be required to re-accommodate the Golden Kangaroos at another site, a business plan or feasibility study should be developed to support such an allocation of funding.

There appear, therefore, to be two broad options for Council to consider in respect of this matter. They are:

- **Option 1 – Offer the Golden Kangaroos a five year lease of the property as negotiated and detailed in Executive Manager's Report No. CC67/11, and not investigate further the strategic value of the subject property at this time.**
- **Option 2 – Offer the Golden Kangaroos a two year lease of the property under the conditions discussed below whilst Council further investigates the strategic value of the subject property.**

There is potentially a third option which was the officer's recommendation in Executive Manager's Report No. CC5/11. That recommendation involved the immediate termination of the lease of the property at 179 Beecroft Road, Cheltenham on the basis of the state of repair of the building, the estimated costs to repair the building and the acknowledged lack of a funding source to undertake these repairs. Since the time that Executive Manager's Report No. CC5/11 was considered by Council, however, further discussions with the Golden Kangaroos have resulted in their agreement to undertake additional works which will, to some extent, address the safety related issues raised by the officers. As such, it is not considered necessary for Council to reconsider this option at this time.

Option 1 – Five year lease

This is the Option which was proposed in Executive Manager's Report No. CC67/11, and if it is the preferred position of Council, an appropriate resolution would be that:

1. *The contents of Executive Manager's Report No. CC77/11 be received and noted.*
2. *Council delegate authority to the General Manager to enter into a lease of 179 Beecroft Road, Cheltenham with the Epping RSL Golden Kangaroos on the following basis:*

Period of Lease – five years.

Use of Property – musical tuition, rehearsal, audition centre and for meetings associated with the Golden Kangaroos.

Rental as per Code – \$19,503 per annum inclusive of GST - comprised of \$9,751 per annum in cash and the balance via in kind contributions as listed in the letter dated 10 November 2011 from the Golden Kangaroos attached to Executive Manager's Report No. CC67/11.

Rental Review – Annual CPI adjustments.

Statutory Outgoings – 50% payment of any Council and water/sewerage rates.

Operating Costs – 100% of electricity, gas, telephone, water usage, etc.

Insurance – Public liability insurance, indemnity \$20 million.

Legal Fees – 50% of lease preparation costs.

Maintenance as per Code – Responsible for repairs and maintenance of the premises as shown in the "Discounted Market Rent" Category of the Code plus the agreed maintenance regime as outlined in the letter dated 10 November 2011 from the Golden Kangaroos attached to Executive Manager's Report No. CC67/11 as part of their in kind rental contribution.

3. A further report be prepared for Council's consideration outlining the strategic options for the Council property at 179 Beecroft Road, Cheltenham and discussing the possibility of reinvesting a proportion of the proceeds from its sale (if this is the preferred option) into the construction of a new facility that has the capacity to be shared by the Golden Kangaroos and other community groups.
4. Asset maintenance for the property at 179 Beecroft Road, Cheltenham be managed over the forthcoming five years in the knowledge that the property may be disposed of within this period. Funding for this asset management work should be derived from the cash rental paid by the Epping RSL Golden Kangaroos in the first instance and then from the income derived from the leasing of the former Westleigh Nursery and Preschool.
5. The asbestos shed at 179 Beecroft Road, Cheltenham be removed at the earliest possible time, with funding for the removal of the shed (estimated to be \$25,000) to be considered at the next available quarterly budget review.

Option 2 - Two year lease

This Option takes into account further discussion that officers have had with the Golden Kangaroos in respect to their latest written submission dated 1 December 2011 (attached) and the issues that have been raised therein. The Option has three specific compromise components designed to respond to the preferences raised by the Golden Kangaroos:

- It amends the nature of the asset maintenance that the tenant would undertake given the shorter lease term. Maintenance would be focused on safety related issues only and not exceed the value of in kind contributions required by the Code for the Lease/Licence of Council Land and Buildings to Community Groups (the Code).
- It proposes a mechanism whereby the tenant would pay Council the rent as specified by the Code but that Council would hold the balance of funds not required to be spent on the property in any given year to be allocated to fit out costs of any temporary or alternate re-accommodation option that Council MAY offer the Golden Kangaroos in

the future. This responds to the Golden Kangaroos request to remain on nominal rent and to “bank” the balance of funds for future use on a facility. It is noted that Council has yet to commit to the provision of ongoing accommodation support and as such it is considered inappropriate for Council to waive the rental requirement. In the event that Council resolves not to provide future accommodation support, the funds would be able to be used for asset maintenance elsewhere in the community facility network.

- It proposes that any “non transferrable” asset maintenance work undertaken by the Golden Kangaroos on the property at 179 Beecroft Road, Cheltenham outside of that which is agreed by staff and required by the Code, be allowed to be treated as a capital contribution to any future property that they MAY lease from Council. This element is offered in order to address the tenant’s concerns regarding limited return on investment of the asset maintenance contributions that they may make due to a shorter lease period.

It is noted that Option 2 will also require Council to expend approximately \$45,000 over two years to have the Golden Kangaroos continue to occupy the property. This estimated figure is based on the cost of removing the asbestos shed and costs associated with essential safety works that may not be able to be undertaken by the Golden Kangaroos (but which have not yet been identified). This discussion with the Golden Kangaroos has not yet been completed due to the rapid turn around associated with the preparation of this Report between the 23 November 2011 Workshop Meeting and the 21 December 2011 Ordinary Meeting. The Golden Kangaroos have provided their endorsement for the approach but have emphasised their request for Council to commit to providing the band with ongoing accommodation support beyond the term of the lease.

An appropriate resolution if Council is supportive of Option 2 would be that:

1. *The contents of Executive Manager’s Report No. CC67/11 be received and noted.*
2. *Council delegate authority to the General Manager to enter into a lease of 179 Beecroft Road, Cheltenham with the Epping RSL Golden Kangaroos on the following basis:*

Period of Lease – two years.

Use of Property – musical tuition, rehearsal, audition centre and for meetings associated with the Golden Kangaroos.

Rental as per Code – \$19,503 per annum inclusive of GST - comprised of \$9,751 per annum in cash and the balance via in kind contributions as determined to be mutually agreeable by staff and the Epping RSL Golden Kangaroos.

Rental Review – Annual CPI adjustments.

Statutory Outgoings – 50% payment of any Council and water/sewerage rates.

Operating Costs – 100% of electricity, gas, telephone, water usage, etc.

Insurance – Public liability insurance, indemnity \$20 million.

Legal Fees – 50% of lease preparation costs.

Maintenance as per Code – Responsible for repairs and maintenance of the premises as shown in the “Discounted Market Rent” Category of the Code.

3. *A further report be prepared for Council’s consideration in early 2012 outlining a property strategy for 179 Beecroft Road, Cheltenham and discussing the reinvestment of a proportion of the proceeds from its sale (if it eventuates) into the construction of a new facility that has the capacity to be shared by the Golden Kangaroos and other community groups.*
4. *Asset maintenance for the property at 179 Beecroft Road, Cheltenham be managed over the forthcoming two years in the knowledge that the property may be disposed of within this period. Funding for this asset management work should be derived from the cash rental paid by the Epping RSL Golden Kangaroos in the first instance and then from the income derived from the leasing of the former Westleigh Nursery and Preschool.*
5. *Any “non transferrable” maintenance undertaken on the property at 179 Beecroft Road, Cheltenham during the lease period which is outside of that required by the Code or agreed to by officers as an in kind contribution to lease payments, be treated as a capital contribution to any future building leased to the Epping RSL Golden Kangaroos*
6. *The asbestos shed at 179 Beecroft Road, Cheltenham be removed at the earliest possible time, with funding for the removal of the shed (estimated to be \$25,000) to be considered at the next available quarterly budget review.*

It is noted that, in the event that Council resolves to sell this property within two years, many of the asset maintenance tasks that were to be undertaken in lieu of cash payment of rent by the Golden Kangaroos will be of little value to new property owners and are unlikely to impact on the selling price. As such, it is recommended that the task list agreed to by the Golden Kangaroos in Executive Manager’s Report No. CC67/11 be amended to reflect only urgent safety related items up to the value of the rental figure nominated by the Code. The end result of this action should be the development of a mutually agreeable schedule of asset maintenance tasks.

Re-accommodating the Golden Kangaroos

The Golden Kangaroos have submitted four main points in their attached correspondence which predominantly relate to securing Council’s ongoing commitment to provide accommodation support to the band. It has been previously noted in this Report that Council has yet to provide any specific indication of a commitment to provide such support. Council has, at this point, resolved that *Council officers continue consultation with representatives of the Golden Kangaroos regarding options for the tenure and conditions of lease in respect of their occupation of 179 Beecroft Road, Cheltenham and/or other suitable properties.*

Whilst the request for a commitment for such support is understood, officers are of the opinion that it is reasonable that Council first determine whether or not re-accommodation support is required (by considering the future use of the said property) before a commitment is made to offer re-accommodation support. This Report provides two options which both include a recommendation that the investigation into the possible sale of the property take place with a further report provided to Council in early 2012. It is noted that the uncertainty around the availability of ongoing accommodation support does create angst for the Golden Kangaroos and that it may impact on membership numbers. However, there is only a relatively short period of time between the consideration of this Report and the report that

will be presented for Council's consideration on the strategic value of the said property in early 2012.

Further to the above, the challenge for Council in making a decision about future accommodation support to be provided to the Golden Kangaroos at this point in the process is that it is literally a multi million dollar decision and needs to have a greater degree of rigour around it. The facility needs being discussed in the Golden Kangaroos' submission are substantial with an estimated 200 square metres of rehearsal space, additional music storage and instrument storage space, an office space, committee meeting spaces, 40 parking spaces and unencumbered access at least four nights a week. Council needs to consider whether an investment of between \$1 million and \$3 million in a purpose built, exclusive use space is appropriate for a group that currently has approximately 100 members and has had up to 300 members in the past. This would be a substantial investment per band member and on the basis of this information, officers could not recommend such an expenditure at this point. However, with careful planning such that multiple users could be accommodated in a new facility, such an expenditure may be warranted. Unfortunately such investigative work takes time and requires resources to undertake.

It is within the above context that a response is provided below to the four main points raised by the Golden Kangaroos (shown in bold below) at the conclusion of their submission dated 1 December 2011:

1. The band stay on holding over provisions of the current lease until the sale is completed.

Officers believe that the intent of this request is addressed in the conditions recommended in Option 2. If Council resolves to adopt Option 1, this point is irrelevant.

2. The Council commit to using some or all of the proceeds from the sale to build a new facility on Council land to replace the hall.

A commitment to allocate proceeds from the sale of 179 Beecroft Road, Cheltenham to build a new hall is not recommended at this stage. For a commitment of this scale to be made, officers recommend that a feasibility study or business plan be developed that would support the allocation of these funds. Officers note that the Golden Kangaroos have recommended in their submission that a feasibility study be undertaken and are prepared to support this request with the view to there being no formal commitment to provide, either in practice or in principle, a new facility until such time as the results of the feasibility study are known. It is noted that funding would be required to progress this feasibility study but with current projects at Storey Park, Roselea Community Centre, major renovations at Pennant Hills Community Centre and Wallarobba Arts and Cultural Centre (Stage 2) progressing in the next 18 months, there is little available staff time to progress these matters in the next two years. These issues should, therefore, be dealt with early in 2012 in the event that investigations into the strategic use of the property at 179 Beecroft Road, Cheltenham result in a recommendation to sell the property.

3. Council commit to paying the lease on any facility used as a short term home for the band while a new facility is being prepared.

Such a commitment would be dependant upon Council agreeing to the above point 2 and then agreeing to provide ongoing accommodation support to the Golden Kangaroos. Until such time as the strategic plan for the property at 179 Beecroft Road, Cheltenham is considered by Council, it is inappropriate to move on what could be considered to be a "contingency

commitment". In this regard, it is possible that the most cost effective option if Council chooses to continue to provide accommodation support to the Golden Kangaroos is to allow them to remain in the current property and find funds to address backlog and ongoing maintenance issues. If this were the case, no short term accommodation would be required. These issues could be explored in a scoping/feasibility study that would be initiated if required.

4. The band to use the funds saved by remaining on the current rental to enable acoustic treatment of a warehouse, with the intent of then reusing this material where possible in the new facility.

Officers believe that the intent of this request is addressed in the conditions recommended in Option 2 and is irrelevant if Option 1 is taken up.

Summary

Officers note that the suggested resolutions associated with Options 1 and 2 do not guarantee future accommodation support to the Golden Kangaroos but instead defers this decision until after a decision is made with respect to the possible sale of the property at 179 Beecroft Road, Cheltenham. Key to the decision to provide alternate accommodation will be the capacity of a new space to cater for more than the Golden Kangaroos as an investment of between \$1 million and \$3 million would be difficult to justify for the use by one group with a current membership of approximately 100. Time is needed to investigate and cost re-accommodation options and designs even though these steps provide the Golden Kangaroos with a lengthier period of uncertainty. However, once these options and costs are understood, it may be the case that remaining in the current facility is the most cost effective option if Council wishes to provide the Golden Kangaroos with ongoing accommodation support.

BUDGET

Executive Manager's Report No. CC5/11 outlined forecast asset management costs associated with the retention of the property at 179 Beecroft Road, Cheltenham. The Report also outlined approximately \$200,000 in backlog maintenance for the building with approximately \$60,000 in safety related maintenance that had not been completed. If Council is supportive of offering the Golden Kangaroos a further two or five year lease, asset maintenance funds beyond that provided by the band via their cash rental contribution could be sourced from revenue generated by the lease of the former Westleigh Nursery and Preschool. The estimated cost is approximately \$10,000 per annum.

Further, if Council is supportive of the advice of the asbestos consultant which was detailed in Executive Manager's Report No. CC67/11, an additional \$25,000 is required to remove the shed on the property in order to ensure ongoing community safety. This funding would need to be allocated at the next available quarterly review if Council adopts either Option 1 or 2.

POLICY

The Code for the Lease/Licence of Council Land and Buildings to Community Groups is the relevant policy.

CONSULTATION

Consultation has been undertaken with representatives of the Epping RSL Golden Kangaroos, Council's Engineering Services Branch and Council's Land and Property Services Branch.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council consider the options discussed in Executive Manager's Report No. CC77/11 and determine its position in respect of the future use of 179 Beecroft Road, Cheltenham.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Executive Manager's Report No. CC67/11
2. Late Item Attachment Executive Manager's Report No. CC67/11 - *This attachment should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
3. Submission from Epping RSL Golden Kangaroos

File Reference: F2004/09440
Document Number: D01812278

7 DOG OFF LEASH AREAS IN C WARD

EXECUTIVE SUMMARY

A Dog off-leash area (DOA) is proposed by a residents' petition at a public reserve at Lyne Road, Cheltenham. Several southern C Ward parks were investigated by the Parks and Landscape Team for their suitability as a DOA. Ray Park, Carlingford and Lyne Road, Cheltenham are considered to be the most suitable.

It is recommended that a Review of Environmental Factors (REF) be prepared for a local or secondary DOA at Lyne Rd and placed on public exhibition with an on site information session to explain the proposal to interested parties.

PURPOSE/OBJECTIVE

The purpose of the report is:

- To present a petition calling for the establishment of a DOA at Lyne Road Reserve, Cheltenham
- To allow Council to consider whether to proceed to public consultation about a DOA at Lyne Road Reserve, Cheltenham
- To discuss other options for the establishment of dog off-leash areas in C Ward and seek in-principle endorsement of the identification of capital funding for the development of new leash free dog areas in C Ward.

DISCUSSION

A petition bearing 157 signatures has been received calling for the establishment of a DOA at Lyne Road Reserve, Cheltenham. The large majority of signatories are from Beecroft and Cheltenham, with a small number from adjoining suburbs or from outside Hornsby Shire.

Council currently provides the following DOAs within parks:

- A Ward – Crossroads Park, Berowra; Asquith Oval; Rofe Park, Hornsby Heights.
- B Ward –Ruddock Park, Westleigh; Greenway Park, Cherrybrook.
- C Ward – Dawson Avenue Reserve, Thornleigh; Epping Oval; Ron Payne Park, North Epping (both time-share on sportsgrounds).

The two existing DOAs in the south of C Ward are in Epping and North Epping. These two DOAs are not easily accessible for residents of Beecroft, Carlingford, Cheltenham and West Epping. They are both on the sportsground playing areas and may not be used as a DOA when organised sport or training or oval maintenance works are being conducted. These are the only two DOAs within Hornsby Shire that operate under such a restriction.

There is a case that could be made for additional DOAs in each ward, but no other strongly supported petition calling for a DOA apart from the subject petition has been recently received.

Conversely, most past proposals for DOAs have drawn strong opposition from some neighbours of the proposed parks, and they have only proceeded against these objections. Objections generally relate to concerns at excessive noise made by dogs, particularly at night and early morning. Sometimes intrusive noise has been reported at existing DOAs, but for the most part, these perceptions of heavily intrusive noise put forward in objections have not been confirmed once the DOAs are operating.

Alternative locations for additional Dog Off-leash Areas in C Ward

The Parks & Landscape Team has conducted some preliminary investigation of alternative parks in the Beecroft-Cheltenham-West Epping area. Several sites were investigated; however four parks have the most potential to serve as a site for a new DOA:

- Lyne Road Reserve, Cheltenham
- 1 Sutherland Rd Reserve, Cheltenham
- West Epping Park (lower area off Grant Close)
- Ray Park, Carlingford

Each park has distinct characteristics and suits the siting of a DOA to a greater or lesser extent.

Lyne Road Reserve is a good site in that there is a good space available with a low level of existing use. Due to resident requests in the past six months, additional bench seats, a dog tidy dispenser with bags and a bin have been installed at Lyne Rd. The disadvantages are the park is not centrally located in Cheltenham, and is not readily accessible by vehicle (left turn only to and from Beecroft Road). See Attachment 1 for a map of the site.

The site is considered to be suitable for development of recreation facilities due to the existing large level cleared area. It suits people who wish to walk to the park with their dogs, less so for those visiting with vehicles. It is therefore likely that most will arrive on foot.

It is proposed that should a DOA at Lyne Road Reserve be approved, it would not be fenced. There is a sufficient buffer zone and a low level of existing visitors to the park that there is only a low level of risk of incidents involving off-leash dogs. This will be another self-limiting factor as some owners would not visit an unfenced off-leash area.

A combination of limited vehicle access and the lack of a fence should ensure that the use of Lyne Road Reserve as a DOA would remain at the secondary level.

A DOA at Lyne Road reserve would encourage people with dogs to walk to the site, then both dogs and owners can socialise there. This brings both health and community benefits, and is the very purpose of open space.

1 Sutherland Road Reserve is similarly positioned on the fringe of Cheltenham, towards the end of a long road that terminates in a cul-de-sac and that has no footpath to it. Extensive work on the undeveloped park would be required to provide a DOA there. The site is considered to be unsuitable as a DOA in the short term.

West Epping Park (Grant Close) is accessible along a short cul-de-sac and well positioned within West Epping. The area of the park that could accommodate a DOA is on a lower level, dominated by tennis and netball courts, currently leased to the YMCA. Due to the small size and potential for other uses for the site, Grant Close is also considered unsuitable.

Ray Park has large, level cleared areas available and is well located on the boundary with Beecroft. It has good road access and on-street parking. A master plan will be prepared for the site which explores the potential of the site for multiple uses including a DOA, upgraded playground, pathways and interpretive and educational information on the park.

Ray Park is considered very suitable for a DOA, though, as an intended primary level DOA, it is more expensive to provide the necessary facilities there than at Lyne Road Reserve. A DOA is part of a facilities upgrade for Ray Park planned for 2014/2015 in Council's adopted Parks Capital Works Program 2011-2021. See Attachment 2 for a map of the site.

It had been planned to conduct public consultation by exhibiting a proposal inviting residents to nominate which of the four alternative parks they preferred as a site for a DOA. The proposed public consultation was abandoned because at the time funding could not be identified to establish a DOA at any of the sites. Further analysis of the sites finds that two (Lyne Road and Ray Park) are best suited to construction of new DOAs.

Cost

Council's earliest DOAs were constructed by fencing off a portion of under-used parkland (usually situated within the outer areas of sportsgrounds like Greenway Park and Asquith Oval). No preparation was made for the high level of wear and tear that they received, which has led to soil compaction and wear on grass, and a sometimes poor quality of presentation of the facilities.

To reduce such wear, it is necessary to improve the soil profile of the site to allow for better drainage and aeration of the grass roots. This is similar to building sports surfaces. Primary level DOAs have fencing, and furniture such as seats, paths, water and bins. The construction costs may be as high as \$100 per square metre.

Ongoing maintenance practices that are additional to grass cutting, such as fertilisation and de-compaction, need to be factored into the cost of establishing a DOA. Annual maintenance cost may exceed \$5,000.

Secondary or lower level DOAs may be able to absorb the lower level of impact on the turf surfaces without the costly upgrade of the soil profile mentioned above, and it may be unnecessary to install a fence or much additional furniture. This is considered to be the case at Lyne Road Reserve, where the only additional infrastructure required is a modest level of off-street parking.

BUDGET

Council has a recurrent budget of \$20,000 of General Funds identified for the establishment and improvement of dog off-leash areas which over the last few years has been allocated towards essential repairs and improvements to the already established dog off-leash parks in Berowra, Asquith, Westleigh, Cherrybrook and Epping.

Additional funds are required to establish new dedicated dog off-leash parks.

It is considered that an allocation of up to \$100,000 is required to establish a new primary level dog off-leash area, for a secondary area the costs could be much less, say \$25,000-\$30,000. For a local area, costs may be about \$5,000, depending on the level of existent facilities.

Council has identified rate variation funding towards park improvements at Ray Park of \$400,000 in 2014/15 to allow for a playground replacement, circuit path and development of a DOA. Additional rate variation funding of \$50,000 towards development of a dirt jump facility at Lyne Road Reserve in 2016/17 has also been identified.

Council recently accepted a tender for construction of a new amenities building at Hayes Oval within Galston Recreation Reserve. Construction is underway and expected to be completed in May 2012. At this point it appears that cost will under-run the budget to a sufficient extent to enable some of the savings to be transferred to the Lyne Road Reserve DOA should it proceed.

Conclusion

Of the areas investigated by the Parks and Landscape Team for a DOA, Lyne Rd, Cheltenham and Ray Park, Carlingford are considered to have the most merit.

As noted above, funding of \$400,000 has been identified in 2014/15 towards park improvements at Ray Park that will include a DOA.

The limitations of Lyne Rd Reserve for vehicle access are considered to be a limiting factor for the level of use of the reserve by dog owners, as would the proposed absence of a fence around the DOA. Lyne Road Reserve would therefore be most suitable for the development of a secondary or local dog off leash area. The designation of Lyne Road as a DOA would not include fencing as a primary DOA would have. This should reduce neighbours' concern about increased traffic and noise.

Funding has not been allocated so a future budget allocation would need to be identified during a review of the 2011-2012 budget. The necessary funding may be identified through a review of completed or near-completed projects within the Parks Capital Work Program 2011/2012, such as the Hayes Oval project.

It is recommended that a REF be prepared for the development of a secondary or local DOA at Lyne Road, Cheltenham and exhibited in accordance with Council policy.

POLICY

The Unstructured Recreation Strategy (URS) adopted December 2008, outlines policy directions for the dog off leash areas including the following:

- Council will seek to establish additional DOAs and investigate the following sites for this purpose (only those listed in C ward have been included here)
 - Lyne Road, Cheltenham
 - Plympton Road, open space Carlingford (in front of the scout/guide hall and since considered unsuitable)
- Seek to establish a three level hierarchy of designated dog off leash areas
 - Primary: major areas with specialised facilities
 - Secondary: smaller with less facilities
 - Local: the smaller local areas
- Assign a hierarchy to each dog off leash area and develop in accordance with the guidelines outlined in the URS.

Most DOAs that have been established to date would fall into the primary category.

CONSULTATION

It is proposed to consult local residents by way of the exhibition of the REF and an information session.

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 options, and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply. An assessment of the social, environmental and economic factors will be undertaken if and when a REF is prepared for the proposal.

RESPONSIBLE OFFICER

The responsible officer is Ms Dana Spence, Parks Asset Coordinator, on 9847 6896 between 8:30am and 5pm, Monday to Friday.

RECOMMENDATION

THAT Council:

1. Resolve to prepare a REF for the development of a local or secondary DOA at Lyne Road Reserve, Cheltenham and place the REF on public exhibition.
2. Review the budget with a view to determining an allocation of funds up to \$25,000 for the establishment of a secondary or local DOA at Lyne Road, Reserve from any savings that can be gained from completed or advanced projects within the Parks Capital Works Program for 2011/2012.

DIANE CAMPBELL
Acting Executive Manager
Environment Division

Attachments:

1. Map of Lyne Road Cheltenham
2. Ray Road Carlingford Map

File Reference: F2004/09005
Document Number: D01807577

8 AMENDED BUSHCODE DOCUMENT

EXECUTIVE SUMMARY

Council's Bushcare Program is the largest volunteer program in the Hornsby Shire of 777 community members actively regenerating 71 ha of bushland through 123 groups and contributing a benchmarked dollar value of \$471,000 of work in Council reserves. Due to the growing nature of the program with an additional 40 members joining in the last year, the Bushcode as the primary policy document for the program has required a review. The current review has been undertaken in light of advice regarding risk and insurance matters affecting volunteer obligations to attend refresher training and hygiene protocols for the newly emerging plant pathogen Myrtle Rust affecting native vegetation in the Shire.

PURPOSE/OBJECTIVE

The purpose of this report is to seek Council's approval of the proposed amendments.

DISCUSSION

The last full review of policies and codes pertaining to the Environment Division was conducted in December 2009 (Report EN 38/09) which included changes to the Bushcode. The document again requires review to update the terms and conditions for bushcare volunteers.

Where amendments are proposed they are shown on the attached copy of each policy and code, with deletions shown by ~~strikethrough~~ and additions shown by underlining. Explanations in respect of the proposed amendments are provided below the table. For the purposes of this report, minor grammatical changes which do not alter the intent of the policy or code have not been treated as amendments requiring explanation.

Code - Bushcode	Environment	08/11/2006	POL00282
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Bushcode

The major amendment to the Bushcode is to include a 'Hygiene Procedure' to prevent the further spread of the air borne pathogen *Uredo rangelii* (Myrtle Rust) which is a newly emerging pathogen which a major threat to vegetation and is found in the Sydney Region and at some sites in Hornsby Shire.

Other amendments are to the Term of Agreement for volunteers where they are expected to attend a refresher OH&S workshop every 5 years to receive registration and authority to work on a Council Bushcare site. This has been changed from the previous 3 yearly requirement to refresh their OH&S training on advice from Council's Risk and Insurance Manager.

Additional amendments include the On-site Working Procedure for stormwater works, where Council will now require volunteers to get prior approval, rather than to consult with Council for changes to stormwater on a Bushcare site. The insurance cover has been expanded for

volunteers from the age of 10 to 90, which used to be 15 to 90, in line with the demand for younger people to become involved in Bushcare. Amendments also include altering 'Hornsby Bushcare Program' to 'Hornsby Shire Bushcare Program' in line with Council's Style Guide.

BUDGET

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

POLICY

The contents of this report concern the Bushcode of the Environment Division.

CONSULTATION

The Bushcode has been reviewed and amendments proposed by the manager and relevant staff of the Bushland and Biodiversity Management Team.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is Danielle Sutton, Coordinator Bushland Community Programs, telephone 9847 6360, 8.00am to 4.30pm, Tuesday and Thursday.

RECOMMENDATION

THAT Council adopt the proposed amendments to Environment Division policies and codes as outlined in Executive Manager's Report.

DIANE CAMPBELL
Acting Executive Manager
Environment Division

Attachments:

1. Bushcode Review - Track Changes
2. Myrtle Rust - Information Sheet

File Reference: F2009/00644
Document Number: D01815663

9 LEASE OF TENNIS COURT CENTRES VARIOUS LOCATIONS IN HORNSBY SHIRE

EXECUTIVE SUMMARY

Report EN16/11 outlined background to the leasing of a number of Council tennis centres. It recommended that Council authorise the preparation of an Invitation to Tender for those centres. This report outlines the outcome of the tender T15/2011.

Of Council's 18 tennis centres, nine have leases that expired on 30 June 2011. The tennis courts on Berowra Waters Road are being converted to multi purpose netball/basketball courts. Council called tenders for the remaining 8 tennis centres in accordance with the Local Government Act.

It is recommended that tenders be accepted for six of the eight centres. For the remaining two centres, it is recommended that Council give delegation to the General Manager to enter into negotiations with tennis centre operators for those centres with a view to entering into a contract for the operation of the tennis centre.

The award of the contract and execution of the lease will be subject to the obtaining of the Minister's consent in relation to the leases on Crown land and complying with the provisions of the Local Government Act 1993 in relation to leases over land owned by Council. This could take up to six months.

PURPOSE/OBJECTIVE

The report provides a recommendation to accept tenders for six of the eight centres.

DISCUSSION

Tender T15/2011 invited tenders for the following eight tennis centres: Beecroft Village Green, Beecroft; Boundary Road, Berowra; Mills Park, Asquith; North Epping Oval, North Epping; Pennant Hills Park, Pennant Hills; Ruddock Park, Westleigh; Waitara Oval, Waitara; and West Epping Park, West Epping.

Thirteen tenders were received as follows:

Beecroft Village Green, Beecroft:

1. Beecroft Lawn Tennis Club Inc Boundary Road, Berowra:
2. Berowra Tennis Club Inc
3. Hornsby Kuring-gai District Tennis Association (HKDTA) Mills Park, Asquith:
4. Hornsby Kuring-gai District Tennis Association (HKDTA) North Epping Oval, North Epping:
5. North Epping Rangers Sports Club Inc

Pennant Hills Park, Pennant Hills:

6. Eastwood Thornleigh District Tennis Association Inc
Ruddock Park, Westleigh:
7. Grand Slam Tennis Academy
8. Rod Fahey Tennis School P/L
9. Westleigh Tennis Club Inc Waitara Oval, Waitara:
10. Hornsby Kuring-gai District Tennis Association (HKDTA)
11. GG's Tennis
12. Kim Warwick Tennis Academy West Epping Park, West Epping:
13. YMCA of Sydney

The following criteria were used for the evaluation of tenders

- Track Record and expertise
- Capacity to deliver and meet principle objectives of the tender on p. 19
- Coaching and personnel qualifications, accreditations, and member of Tennis NSW
- Methodology, management and activities/programs
- Financial capability of the tenderer, rental offered and proposed capital works/asset management plan

The tender panel evaluated each tender against the above criteria and the tenders were assessed as conforming or non conforming.

The attached confidential memo ENV 26/11 (Attachment 1) provides the rental offered for each centre and a summary of the evaluation. Full details of the tender evaluation are on file.

BUDGET

By accepting the recommended tenders, there is proposed to be an increase in income in tennis court rental of at least \$55,000 if estimates provided by the tenderers are correct.

As previously reported (see Report no. EN16/11), there is the possibility that the minister administering the Crown Lands Act 1989 may direct that a levy of 15% of all proceeds received in respect of further leases of the respective crown reserves be paid into the Public Reserves Management Fund pursuant to Section 106 of the Crown Lands Act. Should such a direction be implemented, the financial return to Council will be adversely impacted as five of the eight centres (Beecroft, Berowra, Mills, North Epping and Pennant Hills Park) are on Crown land.

POLICY

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

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

CONSULTATION

The tender panel comprised a staff member from the Parks and Landscape Team, a staff member from Tennis NSW and an independent leisure management consultant. Council's Property Officer, Allan Selway, has also been consulted.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

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

Conserving our natural environment

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

Contributing to community development through sustainable facilities and services

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

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

Council is working with Tennis Australia to help deliver the goals outlined in Tennis 2020 a facility development and management framework for Australian tennis. This will ensure that tennis is available to the Hornsby shire community and is able to respond to community needs and growth targets.

Supporting our diverse economy

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

Maintaining sound corporate and financial management

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

Other Sustainability Considerations

The environmental, social policy and management systems of the tenderers were taken into consideration in assessing the tender.

RESPONSIBLE OFFICER

The responsible officer is Ms Dana Spence, Parks Asset Coordinator, on 9847 6896 between 8:30am and 5pm, Monday to Friday.

RECOMMENDATION

THAT Council:

1. Accept the tender from the Beecroft Lawn Tennis Club Inc for Beecroft Village Green, Beecroft for a period of ten years at 30% of court hire.
2. Accept the tender from Hornsby Kuring-gai District Tennis Association for Boundary Rd, Berowra for a period of ten years at 30% of court hire.
3. Accept the tender from Hornsby Kuring-gai District Tennis Association for Mills Park, Asquith for a period of ten years at 30% of court hire.
4. Accept the tender from Eastwood Thornleigh District Tennis Association for Pennant Hills Park, Pennant Hills for a period of ten years at 30% of court hire.
5. Accept the tender from Rod Fahey Tennis School P/L for Ruddock Park, Westleigh for a period of ten years at 45% of court hire.
6. Accept the tender from Kim Warwick Tennis Academy P/L for Waitara Oval, Waitara for a period of ten years at a period of 10 years at \$45,000 + 2% of gross yearly revenue in the first year rising to \$70,000 +2% of gross yearly revenue in year 10.
7. Give delegation to the General Manager to enter into negotiations with the current tennis centre operators for North Epping Oval, North Epping and West Epping Park, West Epping, with a view to entering into contracts for the operation of the respective tennis centres.

DIANE CAMPBELL
Acting Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2011/01086
Document Number: D01815969

10 CLIMATE CHANGE ADAPTATION PLAN

EXECUTIVE SUMMARY

In August 2009 Council adopted a Climate Change Adaptation Strategic Plan requesting that a works program be developed and reported to Council prioritising actions, assigning responsibilities, estimating costs and identifying funding opportunities for the work.

A prioritised works plan has been developed for Council's consideration identifying actions that are able to be undertaken with existing staff resources, funded through the Special Rate Variation, and potentially funded through grants and those that are presently unfunded.

This report recommends that Council endorse those priority actions that are able to be undertaken at no additional cost to Council, and monitor the remaining actions for consideration for future grant opportunities and when developing future budgets.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with a prioritised and costed works program arising out of the Climate Change Adaptation Strategic Plan.

DISCUSSION

Background

In August 2009 Council adopted a Climate Change Adaptation Strategic Plan requesting that a works program be developed and reported to Council prioritising actions, assigning responsibilities, estimating costs and identifying funding opportunities for the work.

Since this time, Council's insurer Statewide commenced a Climate Change Adaptation Project to address the potential climate change impacts facing member councils. Hornsby Council was invited to participate in this project.

To avoid duplication, staff worked with Echelon Australia (Statewide's consultant) to review the climate change scenarios and further develop and prioritise actions.

Climate Change Scenarios

For the purposes of the prioritisation process, seven key climate change scenarios were adopted as follows:

Hot Days	There is a risk that there will be between 4 to 6 hot days (above 35 degrees) by 2030 (currently 3 days).
Temperature	There is a risk that the average annual temperature may increase between 0.2 and 1.6 degrees by 2030 and 1.5 to 3 degrees by 2050.

Average Rainfall	There is a risk that the average annual rainfall will change with increased rainfall in spring and summer, and a decrease in winter.
Rainfall Intensity	There is a risk that intense rain periods (i.e. the number of 1 in 40 year, one day events) will increase by between -3% and +12% by 2030.
Sea Level	There is a risk that the sea level will change by up to 0.9m by 2100 with a linear increase over the intervening period.
Fire Weather	There is a risk that the number of days annually when the Forest Fire Danger Index (FFDI) is very high or extreme will be between 9 and 11 days by 2030 (currently 9 days).
Average Wind Speed	There is a risk that there will be a change in average wind speed of between -5% and +8% by 2030.

Under each of these scenarios, specific risks were identified and categorized. A full list of climate change scenarios and categorized risks are included in Attachment 1 to this report.

Methodology

Prioritisation of actions was completed using the following methodology:

1. Climate change risks were categorised as Extreme, High, Medium & Low based upon the likelihood of the risk occurring and the severity of the consequences.
2. Specific responses were then developed for all Extreme and High risk scenarios.
3. Response actions to Extreme & High risk scenarios were prioritised having regard to the following criteria:
 - Cost of the action
 - Whether the action addresses multiple risks
 - Residual risk after the action has been implemented (effectiveness)
 - Implementation timeframe
 - The positive impact of the action on the affected community
 - Whether the action extends work previously or presently being undertaken by Council.

Results

Twenty-seven priority actions over the next decade have been identified that would assist Council in adapting to the projected changes in climate.

A significant number are able to be undertaken with existing staff resources, funded through the Special Rate Variation or may be able to be funded through grants.

Tables 1-4 below list the priority climate change adaptation actions for Council.

TABLE 1 – ZERO ADDITIONAL COST PRIORITY ACTIONS				
Action	Cost	Timeframe	Responsibility	Risk(s) Addressed
Review Council's asset design standards.	\$0	2014	Works	HD5, TE4, RI1, RI7, FW4
Review and update Council's local emergency response plans.	\$0	2013	Works	RI1, RI2, RI5, RI10, FW1, FW3, FW5
Maintain surveillance of sediment and erosion control practices.	\$0	2013	Planning	RI3
Lobby the State Government to increase Council's protection against liability relating to coastal planning and development.	\$0	2014	Planning	SL1, SL3, SL5
Develop a Vegetation Plan for Council's landscaping and street tree planting program including a planting guide for heat and wind tolerance in microclimatic settings and changes to rainfall patterns.	\$0	2014	Environment	HD1, TE1, TE2, TE5, AR1, AR5, SL2, FW8, WS1
Undertake project management for detailed sea level change modelling and mapping.	\$0	2012	Environment	SL1, SL2, SL5
Lobby the State Government to review Bush Fire Risk Management Plan template, especially risk modelling parameters.	\$0	2014	Environment	FW1
Develop a staff resource plan for local emergencies linked to Council's Emergency Response Plan	\$0	2014	Works	FW5, HD9, RI10

TABLE 2 – SPECIAL RATE VARIATION PRIORITY ACTIONS				
Action	Cost	Timeframe	Responsibility	Risk(s) Addressed
Review Council's assets and upgrade integrity where necessary.	\$100,000 p.a. (Special Rate Variation)	2012-2022	Environment/ Works	HD5, TE4, RI1, RI7, FW4
Investigate new, more drought tolerant grass varieties for sportsgrounds.	\$20,000 per field (Special Rate Variation)	2012	Environment	AR2, AR3, TE1
Introduce automated irrigation systems to Council's parks, where possible using recycled water.	\$30,000 per field. (Special Rate Variation)	2014	Environment	AR2
Develop and implement revised engineering standards for Council's road infrastructure.	\$50,000 (Special Rate Variation)	Ongoing	Works	RI6, RI8, HD4, SL1

TABLE 3 – POTENTIAL GRANT FUNDED PRIORITY ACTIONS				
Action	Cost	Timeframe	Responsibility	Risk(s) Addressed
Implement actions from Council's Interface Control Line Strategy.	\$100,000 p.a. (Seek Grant Funding)	Ongoing	Environment	FW1, FW3, FW4
Implement actions to reduce the impact of sea level change on terrestrial, estuarine and marine habitats.	\$400,000 (Seek Grant Funding)	2015	Environment	SL2
Undertake detailed assessment of the potential impacts of increases in temperature and changes in rainfall patterns on flora.	\$100,000 (Seek Grant Funding)	2012	Environment	TE2, TE5, AR1, AR5, RI15, FW8
Undertake detailed assessment of the potential impacts of increases in temperature and changes in rainfall patterns on fauna.	\$100,000 (Seek Grant Funding)	2012	Environment	TE2, TE5, AR1, AR5, RI15, FW8
In conjunction with the Local Emergency Management Committee (LEMC) develop and implement a disaster recovery plan.	\$80,000 (Seek Grant Funding)	2012	Corporate and Community	FW5, HD9, RI10

TABLE 4 – UNFUNDED PRIORITY ACTIONS				
Action	Cost	Timeframe	Responsibility	Risk(s) Addressed
Review the monitoring and maintenance schedule for Council's stormwater system.	\$20,000 p.a.	As funding becomes available	Works	RI1, RI2, RI7, RI14
Replace over-mature trees with locally indigenous, reliable specimens.	\$50,000 p.a.	As funding becomes available	Environment	HD1, TE1, AR2, RI4, WS1
Review and update relevant planning instruments having regard to sea level change, stormwater and flood levels.	\$50,000	As funding becomes available	Planning	RI1, RI6, RI7, RI8, RI10, SL1, SL5
Encourage, identify and plan for the use of alternative facilities in cases of damage/threat or pressure on staff/resources.	\$50,000	As funding becomes available	Works	FW1, FW4
Develop a staff resource plan for local emergencies linked to the Emergency Response Plan for Council.	\$50,000	As funding becomes available	Works	FW5, HD9, RI10
Review and update asset management plans.	\$70,000	As funding becomes available	Environment/ Works	RI1, RI2, RI7, RI8
Review Council's Interface Control Line Strategy.	\$80,000	As funding becomes available	Environment	FW1, FW3, FW4
Develop a stormwater reuse program that considers locally appropriate alternative uses of stormwater including measures to reduce peak flows (e.g. increased use of stormwater harvesting).	\$100,000	As funding becomes available	Environment	RI1, RI3, RI14
Undertake detailed flood models of local catchments in accordance with the 2005 Floodplain Development Manual.	\$500,000	As funding becomes available	Works	RI1, RI6, RI7, RI8, RI10, SL1, SL5
Establish a second tree maintenance crew to carry out proactive street tree management.	\$500,000 p.a.	As funding becomes available	Environment	WS1, RI1, RI2, RI4, RI6, HD1, TE1, AR2

Over two thirds of priority actions would be able to be implemented at no additional cost to Council; that is they can be achieved utilising existing staff resources, funded through the Special Rate Variation or may be able to be funded through grants. It is recommended that subject to receiving grant funds (where applicable) Council endorse these actions for implementation.

Whilst indicative costs have been established a funding source has yet to be identified for the remaining priority actions. It is recommended that Council monitor these actions for consideration for future grant opportunities and when developing future budgets.

BUDGET

As this report recommends that Council endorse priority actions that are:

- Able to be achieved utilising existing staff resources
- Funded through the Special Rate Variation
- May be able to be funded through grants

and that the remaining actions be monitored for consideration for future grant opportunities and when developing future budgets, there are no direct budget implications for Council arising out of this report.

POLICY

As this report provides Council with a prioritised and costed works program arising out of the previously adopted Climate Change Adaptation Strategic Plan, there are no policy implications associated with this report.

CONSULTATION

As this report provides Council with a prioritised and costed works program arising out of the previously adopted Climate Change Adaptation Strategic Plan, this report has been prepared without external consultation.

Environment Division's Environmental Health and Sustainability Team have consulted with managers and staff across Council in developing a prioritised and costed works program.

TRIPLE BOTTOM LINE SUMMARY

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

As this report provides Council with a prioritised and costed works program arising out of the previously adopted Climate Change Adaptation Strategic Plan, no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer for this report is Steve Fedorow, Manager Environmental Sustainability and Health, telephone 9847 6541.

RECOMMENDATION

THAT:

1. The contents of Executive Managers Report No. EN63/11 be received and noted.
2. Council endorse priority actions included in Tables 1 and 2.
3. Council endorse priority actions included in Table 3 subject to receiving grant funding.
4. Council monitor priority actions included in Table 4 for consideration for future grant opportunities and when developing future budgets.

DIANE CAMPBELL
Acting Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2007/01067
Document Number: D01816082

11 WATER QUALITY MONITORING PROGRAM - ANNUAL REPORT 2010/2011

EXECUTIVE SUMMARY

During the year 2010/2011, the Water Catchments Team has progressed with the Water Quality Monitoring Program. The annual report is attached and provides an overview of the program. Once adopted by Council, this report will be placed on Council's website for public information and viewing.

The program provides support for Council's environmental activities such as the Catchments Remediation Program (CRP), Estuary Management Program, Sustainable Total Water Cycle Management Strategy (STWCM), Hornsby Quarry dewatering, monitoring of recreational swimming areas, as well as water treatment and reuse at aquatic centres and ovals.

Water quality of creeks was compared with national water quality guidelines for 'slightly to moderately disturbed ecosystems'. Based on the guideline values for three key water parameters the ratings for the creek and estuary sites monitored during 2010/2011 were "Good to Fair" at 44% of our sampling sites and "Poor" at 56% of sites. The reason that poor sites appear to dominate is that the monitoring program has tended to concentrate at locations in the upper sections of creeks close to intensive land developments or the sewage treatment plants which have been historically highly disturbed. Furthermore, long-term trend analysis of total nitrogen concentrations as an indicator of human impact on our waterways over the last decade indicates that approximately 40% of sites are improving, 40% of sites are not changing and about 20% are declining.

This degradation in urban and industrial areas results largely from conventional stormwater infrastructure being directly connected to creeks by pipes. This has removed the natural processes of stormwater filtration and flow reduction normally provided by vegetated areas. Now, in these areas with extensive hard surfaces, even small rain events wash off contaminants and cause frequent high flows creating chemical and physical stress to creek ecosystems.

The CRR program with the incorporation of Water Sensitive Urban Design (WSUD) principles is working towards reducing the undesirable impacts of existing urban and rural development. Data collected throughout the year indicates that there were improvements in water quality resulting from the CRP and STWCM programs. For example:

- Water treatment facilities at a number of old landfill sites reduced nutrient concentrations in leachate waters
- Stormwater harvesting projects provided good quality irrigation water to replace potable water demand and reduced pollutant loads from entering our waterways.

Furthermore, to reduce the impacts of urbanisation on our waterways WSUD principles will need to be considered in Council's future capital works programs, e.g. major drainage infrastructure upgrades and local roads improvement projects. Strategic planning and

development controls should also incorporate WSUD principles so as to ensure any future development has as little impact on our waterways as possible.

Treated sewage discharge and stormwater running off developed areas remained the major sources of contaminants entering Berowra Creek. Algal blooms still occurred occasionally in the Berowra Creek Estuary but at the sites monitored during this reporting period concentrations of harmful algal species were not in significant numbers.

PURPOSE/OBJECTIVE

For Council to adopt the Water Quality Monitoring Program – 2010/2011 Annual Report.

DISCUSSION

Hornsby Shire Council established a water quality monitoring program in 1994 to assess, through time, the impact of land use on waterways within the Shire and to monitor the performance of Council's Catchments Remediation Rate (CRR) program. The monitoring data is utilised by Council for prioritising catchment remediation works, for environmental assessments, catchment modelling and education programs, and is made available to the Community and interested Authorities through the Annual Reports and Council's web site. The program monitors algal blooms in the Estuary and the catchment activities that contribute to these blooms.

During 2010-2011 water quality was monitored at 60 sites. These included representative sites for assessment of (1) ecosystem health, over the long term, in estuary and creek sites located below different land use types, including urban, industrial, rural and bushland; and (2) performance of Council programs aimed at reducing stormwater impacts and improving water conservation and reuse. The water quality data is assessed against National Water Quality Guidelines, which reflect community expectations that creek ecosystems should be maintained in a good condition. Unfortunately, the upper sections of creeks close to intensive industrial, urban and rural developments have been historically highly disturbed, and much work remains to be done to return them to a healthier state.

Physical, Chemical, Bacterial and Biological Monitoring: At regular intervals, usually monthly, water quality measurements were recorded in-situ with a portable water quality analyser, and general observations, such as water appearance, odours and flows, were made. Water samples were simultaneously collected for laboratory analysis of chemical or microbial contaminants. As part of Council's algal bloom investigations samples are taken in the Berowra Estuary to assess the presence of harmful microalgae. In addition, during the summer swimming season, testing is carried out at Crosslands Reserve and Brooklyn baths as part of Council's recreational water quality monitoring program.

Water Quality Findings: Creeks located in areas with the least human disturbance, or located furthest downstream from land developments, usually had water quality which satisfied the National Water Quality Guidelines. Long term monitoring of two "Reference" freshwater creeks, located within undeveloped catchments within National Parks, categorize them as healthy according to Guideline criteria. These sites give a good baseline against which to compare other creeks in the Shire; they provide information on the condition of freshwater creeks before urban development and assist in identifying on any long-term changes.

Based on three key water quality parameters the measured water quality ratings for 36 selected sites in creeks and the estuary during 2010-2011 were "Good" at 36% of our sampling sites, "Fair" at 8% and "Poor" at 56% of sites (Compared with 39%:14%: 47% for 2009-2010). The

reason that poor sites appear to dominate is that the monitoring program has tended to concentrate at locations in the upper sections of creeks close to intensive industrial, urban and rural developments, or the sewage treatment plants which have been historically highly disturbed.

Overall the trends and ranges of contaminant levels at most creek sites were similar to the last few years. Creeks downstream of urban and rural areas did not satisfy the water quality Guideline for ecosystem values most of the time; they suffered during both wet and dry times from moderate levels of contaminants. Nitrogen nutrients in discharge water from West Hornsby and Hornsby Heights Sewage Treatment Plants (STPs) continues to dominate the receiving waters of Berowra Creek and the upper Berowra Estuary. High concentrations of nutrients and faecal bacteria contamination were present in sampling sites close downstream of industrial areas, particularly the Thornleigh Industrial areas and the rural Glenorie Village. The problems highlight the need for ongoing inspections, auditing and education. The conventional stormwater collection systems, which are directly connected to creeks in older urban and industrial areas, have removed the natural processes of stormwater filtration and flow reduction normally provided by vegetated soils. Now, in those areas with extensive hard surfaces, even small storms can cause frequent 'flash-flows' in creeks which creates additional chemical and physical stress to creek ecosystems. The CRR program and the incorporation of Water Sensitive Urban Design Principals are working towards reducing these undesirable flash-flow effects.

Bacterial contamination: Elevated bacterial counts were regularly found in most creeks, especially after rain. Occasionally this could be explained by the influence of animals (e.g. pets, ducks, horses, stock). However, the major sources of faecal bacteria were believed to be from leaking sewer systems. In urban areas untreated sewerage can enter creeks from numerous designed overflow points and from by-passes at the sewage treatment plants (STPs). During the year Sydney Water reported two dry-weather STP by-passes and 21 wet-weather by-passes. These occurred during heavy rainstorms or due to equipment failures. In addition there were 82 dry weather overflows from sewerage infrastructure reported by community members and investigated by Sydney Water; these were mainly caused by roots blocking pipes. The prime sources of faecal bacteria in the unsewered rural residential developments, particularly Glenorie Village, were considered to be illegal septic discharges, however animal husbandry, use of manure in market gardens and septic seepages probably also contributed. These problems remain despite ongoing auditing of septic systems by Council officers and quick response repairs by Sydney Water when the Community reports sewer problems.

Nutrient contamination: Total nitrogen and oxidised nitrogen were regularly above Guideline values in all creeks draining urban and rural areas. Residual nitrogen nutrient concentrations were very high in the treated sewerage discharges from STPs into Waitara and Calna Creeks, and the plume of nutrient-rich waters was evident down Berowra Creek and out into Berowra Estuary. Sources of nutrients, other than STP outputs, in creeks below urban and unsewered rural areas, were considered to be from fertilisers, manurers, eroding soils, animal faeces or sewerage/septic seepages. High nitrogen and phosphorus levels in some rural creeks, particularly upper Glenorie Creek, continued to stand out. Using total nitrogen concentration alone as a key indicator of environmental health of the waterways, results from sampling freshwater creeks indicate that approximately 40% of sites are improving, 40% of sites are not changing and about 20% are degrading.

Estuarine Monitoring: Summer recreational water quality monitoring ranked the Hawkesbury River at Brooklyn Pool as Good (low risk) but Berowra Creek at Crosslands as Poor (moderate risk). Generally swimming at Crosslands is not recommended for 3 to 5 days

after heavy rain due to the increased likelihood of bacterial contamination arising from sewer system overflows and from stormwater runoff from developed areas. Nitrogen nutrients and chlorophyll concentration were generally elevated in the Berowra Estuary. Algal activity was generally high in Berowra Waters and on a number of occasions during the reporting period elevated levels of potentially harmful algal species were detected during Council monitoring and reported to the Regional Algal Co-ordinating Committee, but on these occasions the Committee assessment did not require public notices to be issued.

Water quality improvement and reuse projects: Water monitoring supported Council's CRR Capital Works Program and selected projects developed under Council's Total Water Cycle Management Strategy. Monitoring was used to confirm that stormwater, harvested at facilities near sports fields and at Council's nursery, provide irrigation water of suitable quality to replace potable water supplies. Groundwater leachate, collected and treated at rehabilitated landfill sites at Arcadia and Mount Colah, was assessed for use to irrigation gardens and sports fields.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

This report was prepared by the staff of the Water Catchments Team. The issues arising from this report have been discussed with the Executive Manager Environment, the Executive Manager Works and the Managers Design and Construction and the outcomes arising from those discussions reflected in the recommendation to this report.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report EN64/11 be received and noted and that the Water Quality Monitoring Program 2010-2011 Annual Report be adopted

DIANE CAMPBELL
Manager - Bushland & Biodiversity
Environment Division

Attachments:

1. Water Quality Monitoring Programme

File Reference: F2004/06708
Document Number: D01817452

12 SUSTAINABLE TOTAL WATER CYCLE MANAGEMENT STRATEGY - 2011

EXECUTIVE SUMMARY

In 2010-11, the Sustainable Total Water Cycle Management Strategy has continued to initiate water conservation and reuse programs in response to identified actions and policy commitments. This report examines Council and community water use in terms of temporal trends.

Stormwater harvesting schemes completed to date have included Greenway Park, Berowra Oval, Epping Oval, North Epping Oval and Somerville Oval.

The report shows that potable water consumption has been reduced at: Greenway Park by 22%; Berowra Oval by 36%; and at Epping Oval by 37%, as a result an annual savings of 2677kL has been achieved from the harvesting schemes. Online water consumption monitoring has led to water savings (approx. 30,000kL/year) from the rectification of water leaks. North Epping Oval and Somerville Oval recorded increases in water consumption as a result of the installation of new irrigation systems and the refurbishment of the ovals.

Stormwater harvesting management plans have been developed for all stormwater harvesting facilities to ensure the schemes are operating efficiently. The plans provide a framework for the management of health and environmental risk, water quality, operation and maintenance of the stormwater harvesting facilities.

Council is also developing an innovative wastewater recycling and reuse scheme to supply recycled water from the Hornsby Heights Sewage Treatment Plant for the purpose of irrigating ovals and to supply water to the RFS. Projected water savings have been estimated to be 95 megalitres per year of potable water. The project is scheduled to be completed in 2016.

In terms of water use Council's water consumption has decreased by 1.4% (2104kL) compared to 2009-10. Council is currently achieving 15% of its 20% reduction (139,769kL) goal for 2011-12.

In 2011 population in the LGA increased by 1.2%. Despite this population increase water consumption has decreased. Water storage levels for Sydney increased to 78% due to significant rainfall in the Sydney basin. Development approvals recorded a 12% decrease in dwellings and a 14% increase in commercial/industrial. Overall urban development decreased by 5% due to a decline in unit developments.

Generally, community water consumption has been declining from 2003 to 2008 due to water restrictions and water efficiency initiatives. In 2009 water use increased by 4% in response to the easing of water restrictions. In 2010-11 community water consumption decreased by 3% (446,660 kL) compared to 2009-10. Similarly, Hornsby householders also recorded a 3% decrease in water use compared to the Sydney wide average, notably houses and units accounted for 79% of the water demand in the LGA.

The community is currently achieving 15% of its 18% reduction goal for 2011-12 in accordance with the Water Conservation Policy. Based on the current trend the prospect of achieving an 18% community water reduction for 2011-12 is quite likely.

PURPOSE/OBJECTIVE

This report provides an overview of the projects pertaining to the goals of the Sustainable Total Water Cycle Management Strategy.

DISCUSSION

The 2010-11 Sustainable Total Water Cycle Management Strategy report details Council achievements in terms of promoting natural flows, maintaining water quality and maximising water reuse. The report also examines Council and community water use in regards to policy goals, temporal trends and factors that have influenced water demand.

The achievements have included the completion of stormwater harvesting projects at Epping Oval, North Epping Oval and Somerville Oval. The benefits derived from these works have included, reusing water to irrigate the parks in a sustainable and cost effective way, water for fire fighting, water quality treatment to reduce pollution loads to downstream ecosystems and social benefits to the community.

Water consumption is influenced by rainfall, population density, urban development, weather patterns, adoption of water saving initiatives/technologies, education and the cost of potable water. These factors will continue to pose a significant impact on water supply and demand.

In 2011 Council and Community water consumption decreased by 1.4% (2104kL) and 3% (446,660Kl) respectively compared to 2009-10, despite the increase in population growth by 1.2%.

BUDGET

There are no budgetary implications.

POLICY

This report addresses the goals and actions of the Sustainable Total Water Cycle Management Strategy and the Hornsby Shire Council- Water Conservation Policy.

CONSULTATION

The report was prepared by Neil Keraunos, Water Cycle Project Management, Water Catchments in consultation with Dr Ross McPherson, Manager Water Catchments.

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 and fulfils the principles of TBL by:

- Working within the community for the sustainability of water resources
- Contributing by planning the sustainability of water resources
- Ensuring accountability and transparency on social, environmental and economic principles by addressing actions of the Sustainable Total Water Cycle Management Strategy.

RESPONSIBLE OFFICER

The responsible officer for this report is Neil Keraunos, Water Cycle Project Management, Water Catchments.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. 65/11 be received and noted.

DIANE CAMPBELL
Acting Executive Manager
Environment Division

Attachments:

1. Sustainable Water Cycle Strategy

File Reference: F2004/09005
Document Number: D01818535

13 TENDER T17/2011: PATCHING OF ROAD PAVEMENTS IN FULL DEPTH ASPHALT

EXECUTIVE SUMMARY

The proposed contract for Patching of Road Pavements in Full Depth Asphalt is required for road and carpark maintenance work.

Council does not have the specialist personnel and equipment required for this work and therefore open tenders have recently been called in accordance with the Local Government Act. The proposed contract will be for 12 months duration with an option to extend the contract for a further 12 months period. J & G Excavations and Asphaltting (NSW) Pty Ltd have been recommended for acceptance of this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No.T17/2011: Patching of Road Pavements in Full Depth Asphalt.

DISCUSSION

The Tender No. T17/2011 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are on folder F2011/01241. Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Six (6) tenders were received for Tender No. T17/2011 from the following companies:

- Asphalt Laying Services Pty Ltd
- J & G Excavations and Asphaltting (NSW) Pty Ltd
- Kizan Pty Ltd. trading as A & J Paving
- Ozpave (Aust) Pty Ltd
- Sharpe Bros (Aust) Pty Ltd
- Tropic Asphalts Pty Ltd

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

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

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

The results of the evaluation indicate that the most advantageous tender is from J & G Excavations and Asphaltting (NSW) Pty Ltd.

The total estimated cost of work under this contract is in the order of \$350,000 per annum. The ranking of all tenderers in accordance with cost criterion is as follows (from lowest to highest).

1. J & G Excavations and Asphaltting (NSW) Pty Ltd
2. Kizan Pty Ltd. trading as A & J Paving
3. Asphalt Laying Services Pty Ltd
4. Ozpave (Aust) Pty Ltd
5. Sharpe Bros (Aust) Pty Ltd
6. Tropic Asphalts Pty Ltd

Full details of the tender evaluation are on folder F2011/01241.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

Working with our Community

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

Conserving our natural environment

The patching of road pavements with asphalt permits the use of some recycled material in the asphalt mix design. The materials excavated are recycled where possible. Patching of roads minimises the need to use significant quantities of quarried materials for road reconstruction.

The processes on site are controlled by sediment and erosion minimisation measures. Further, controls are clearly specified in the contract against environmentally sensitive areas such as noise, smoke and dust.

Contributing to community development through sustainable facilities and services

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

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

The rehabilitation of the road pavement will have a positive effect on conserving and enhancing Council's road pavement assets, so that residents and the general public have a good road network to support their transport needs.

Supporting our diverse economy

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

Maintaining sound corporate financial management

Patching of road pavements is a requirement for Council's pavement management system. Cost effective rehabilitation enhances the value of Council's road pavement asset and helps guard against the expensive cost of total reconstruction.

Other sustainability considerations

The company's management policy, Quality Assurance, OHS and Environmental Management Systems were taken into consideration in the evaluation of tenders received.

RESPONSIBLE OFFICER

For further information, please contact Engineer Construction, Mr Wimal Dasanayake on 9847 6673.

RECOMMENDATION

THAT Council accept the tender of J & G Excavations and Asphaltting (NSW) Pty Ltd for all work under Tender No. T17/2011: Patching of Road Pavements in Full Depth Asphalt.

ROBERT STEPHENS
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment to WK72/11, located in the Confidential Section of Business Paper Confidential Memo WD D&C 54/11 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2011/01241
Document Number: D01814354

14 EXPRESSION OF INTEREST - EOI 16/2011 CONSTRUCTION OF HORNSBY AQUATIC CENTRE

EXECUTIVE SUMMARY

Expression of Interest (EOI) has been called in accordance with the Local Government Act and it has been recommended that Council invite six (6) of the 30 submissions to submit tenders for the construction of Hornsby Aquatic Centre.

PURPOSE/OBJECTIVE

This report provides a recommendation for EOI 16/2011: Expression of Interest for Construction of Hornsby Aquatic Centre.

DISCUSSION

EOI 16/2011 was called to select a short list of contractors from which tenders can be called for the construction of Hornsby Aquatic Centre. A summary of all submissions together with full evaluation details have been placed on file (Trim Folder F2011/01307). Excepting this report the summary and details of the EOI's received are to be treated as confidential in accordance with the Local Government Act.

Thirty (30) EOI submissions were received from the following companies:

- A J Lucas Operations Pty Ltd
- A W Edwards Pty Ltd
- ADCO Constructions Pty Ltd
- ARMAT Constructions NSW Pty Ltd
- Baseline Constructions Pty Ltd
- Broad Construction Services
- Clifford Constructions Pty Ltd
- Cockram Construction NSW Pty Ltd
- Contract Control Services Pty Ltd
- Degnan Constructions Pty Ltd
- Denham Constructions Pty Ltd
- Gledhill Constructions Pty Ltd
- Grindley Construction Pty Ltd
- Hindmarsh Construction Australia Pty Ltd
- Kane Constructions Pty Ltd
- Kell & Rigby
- Lipman Pty Ltd
- Mainbrace Constructions (NSW) Pty Ltd
- National Building Consultants Pty Ltd
- North Construction & Building Pty Ltd
- Parkview Constructions Pty Ltd
- Paynter Dixon Constructions Pty Ltd

- QMC Group
- Reed Constructions Australia Pty Ltd
- Seymour Whyte Constructions Pty Ltd
- SJ Higgins Pty Ltd
- Sun Shade Australia Pty Ltd
- Taylor Construction Group Pty Ltd
- Walton Construction Pty Ltd
- Zadro Constructions Pty Ltd

The following criteria has been used for the evaluation of the EOI's:

- Past performance and experience (satisfactory evidence that they have satisfactorily completed projects similar to Hornsby Aquatic Centre or that they are competent to carry out the works pertaining to the contract in a workmanlike manner and to the satisfaction of the Principal)
- Details of proposed consultants and sub consultants
- Details of experience in public consultation
- Occupational Health and Safety systems
- Quality Assurance systems
- Financial Capacity

Criteria were assessed on information submitted with each submission.

The attached Confidential Memo WD D&C 56/2011 provides a summary of the evaluation. Full details of the tender evaluation are on file.

From the results of the evaluation it is recommended that Council invite A W Edwards Pty Ltd, ADCO Constructions Pty Ltd, Reed Constructions Australia Pty Ltd, Broad Construction Services, Lipman Pty Ltd and Paynter Dixon Constructions Pty Ltd to tender for the construction of Hornsby Aquatic Centre.

BUDGET

The upgrade of Hornsby Aquatic Centre is funded by the new infrastructure levy.

POLICY

There are no policy implications.

CONSULTATION

The tender has been evaluated Peter Hunt Architect in consultation with Council's Manager Design and Construction, Mr Rob Rajca and Project Coordinator Design and Construction, Mr Craig Clendinning.

TRIPLE BOTTOM LINE SUMMARY

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

As this report provides Council with information and does propose any actions that require a sustainability assessment no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

For further information, please contact Mr Craig Cleninning, Project Coordinator, on 9847 6701.

RECOMMENDATION

THAT:

1. Council invite A W Edwards Pty Ltd, ADCO Constructions Pty Ltd, Reed Constructions Australia Pty Ltd, Broad Construction Services, Lipman Pty Ltd and Paynter Dixon Constructions Pty Ltd to tender for the construction of Hornsby Aquatic Centre.
2. The result of the tender be reported back to Council.

ROBERT STEPHENS
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment to WK73/11, located in the Confidential Section of Business Paper Confidential Memo WD D&C56/11 (circulated separately by Councillors). - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2011/01307
Document Number: D01815973

15 ADDITION TO FEES AND CHARGES 2011-2012

EXECUTIVE SUMMARY

The report proposes a new fee and charge category to accommodate commercially sponsored charitable fund raising activities in the Hornsby Mall. It will provide for a 50% refund of the full commercial display fee where the operator can provide evidence that this amount was donated to the nominated charity. In addition this report seeks approval to apply this refund approach to an existing request. It is proposed that the 2012-13 Fees and Charges will be amended in terms of the above.

PURPOSE/OBJECTIVE

The purpose of this report is to obtain Council support of the basis of how to treat certain charity fundraising stalls operated by commercial operators in the Hornsby Mall and for Council to resolve to include such minor addition to the 2012-2013 Fees and Charges.

DISCUSSION

Council's Fees and Charges provide pricing for a range of activities in the Hornsby Mall, including "Display Stalls with Handbills / Giveaways / Pamphleteers" for each of:

- a. Commercial Usage – Operators with premises in the Hornsby Town Centre – fee per half day (4 hours), \$280;
- b. Commercial Usage – Operators without premises in the Hornsby Town Centre - fee per half day (4 hours), \$360;
- c. Community/Charity/Non Profit Organisation - fee per half day (4 hours), \$44.

On 10 and 24 September 2011, a local small business operator conducted fundraising for the "Prostate Cancer Foundation of Australia", by way of a display stall within the Hornsby Mall. The operator was charged the full "Commercial Usage" - a fee of \$280 for each of the two half days on the basis that it was considered the stall and presence of promotional material, hand outs and the presence of the operator's business van promoting both the charity as well as the business, constituted a Commercial usage.

Following written representation from the subject operator, emailed to Council on 22 September 2011, the decision and basis of the fee for the stall was independently re-assessed. The operator requested a waiver and refund of the fees in order that the operator could then donate such refund to the subject charity.

In re-examining the matter, it has been recognised that whilst a commercial benefit does exist to the operator, there also exists a benefit to the charity arising from the donation of the operator's time and expense in organizing and carrying out the fund raising activity.

CONCLUSION

The subject situation appears not to fully fit within either of the Commercial Usage or Charity categories of Fees and Charges, but to fall some where in between.

It is considered that the proposal for Council to refund the fees in order that the applicant make a donation, could be considered to be an indirect donation by Council, outside of Council's policy in this respect.

Council encourages charitable fundraising and where Council supports it (in the form of lower fees and charges), there needs to be a level of transparency and accountability.

Ultimately, it is considered that the level of fee reflects the level of support that Council (on behalf of the broader community) wishes to provide for these situations.

Ultimately, there may be three options for a decision on this matter:

1. Leave the current charge in place;
2. Apply a 50% discounted fee, subject to proof of donation, on the basis that there is equal benefit to the charity and the commercial sponsor
3. Substitute the "Commercial" fee with the "Charitable" fee, subject to proof of donation of the difference between the two fees.

It is recommended to adopt option 2 and to establish a register that records Council's contributions in these matters. It is also recommended that the subject matter have option 2 applied, with a 50% refund provided upon receipt of proof of an equivalent donation to the subject charity.

BUDGET

Council receives requests from time to time for similar business sponsored charity display stalls. However, when the fee basis is explained, most operators do not proceed with the booking.

It is considered that the addition of the 50% discounted fee may influence operators of such activities to proceed with a display stall, thereby adding slightly to the income to Council, but more importantly promoting fund raising activities and active use of the Hornsby Mall.

POLICY

This report proposes an addition to Council's adopted Fees & Charges.

CONSULTATION

The consultation process included liaison and consultation with the General Manager, Acting Executive Manager Works Division, Community Development Manager, Manager Land & Property Services and Council's Mall Administrator (Property Services Officer). In addition, the subject operator has been contacted and advised of the content, recommendation and submission of this report, with his concurrence.

TRIPLE BOTTOM LINE SUMMARY

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

As this report provides Council with information and does propose any actions that require a sustainability assessment no Triple Bottom Line considerations apply.

RESPONSIBLE OFFICER

The responsible officer is Peter Thompson, Manager Land & Property Services, telephone 9847 6669.

RECOMMENDATION

THAT:

1. Council approve the amendment to the 2012-2013 Fees and Charges by the addition of a provision for a 50% fee discount to the category "Display Stalls with Handbills / Giveaways / Pamphleteers" under "Commercial Usage", for activities involving commercially operated and/or sponsored charity fundraising activities in the Hornsby Mall, as identified in option 2 within Executive Manager's Report WK 74/11.
2. Council approve a 50% refund, subject to proof of donation, of the display fee charged to the operator referred to in Executive Manager's Report WK74/11.

ROBERT STEPHENS
Executive Manager
Works Division

Attachments:

There are no attachments for this report.

File Reference: F2010/00460-02
Document Number: D01819079