



*the bushland shire*

*creating a living environment*

# **BUSINESS PAPER**

## **ORDINARY MEETING**

**Wednesday, 15 February, 2012  
at 6:30 pm**

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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **PRESENT**

### **NATIONAL ANTHEM**

### **OPENING PRAYER/S**

Rev Geoff Collison of St Johns Anglican Church, Beecroft will open the meeting in Prayer

### **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairperson:

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

### **ABORIGINAL RECOGNITION**

Statement by the Chairperson:

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

### **AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairperson:

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

### **APOLOGIES / LEAVE OF ABSENCE**

### **PRESENTATIONS**

### **DECLARATIONS OF INTEREST**

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

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

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

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

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

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

*OR*

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

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

## **CONFIRMATION OF MINUTES**

THAT the Minutes of the Ordinary Council Meeting held on 21 December, 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****Page Number 1****Item 1 GM4/12 REVIEW OF POLICY - REPORTING OF CORRUPTION,  
MALADMINISTRATION AND SUBSTANTIAL WASTE****RECOMMENDATION**

THAT :

1. The contents of General Manager's Report No. GM4/12 be received and noted.
2. Council adopt the proposed amendments to the "Reporting of Corruption, Maladministration and Substantial Waste" policy.

**Page Number 3****Item 2 GM5/12 REVIEW OF INTERNAL AUDIT PLAN 2011/2012 (AS AT  
31/12/2011)****RECOMMENDATION**

THAT:

1. The contents of General Manager's Report No. GM5/12 be received and noted.
2. A review of the Internal Audit Plan continue to be presented to Council on a half yearly basis.

**Page Number 5****Item 3 GM6/12 CONSTITUTIONAL RECOGNITION OF LOCAL  
GOVERNMENT - FINANCIAL CONTRIBUTION****RECOMMENDATION**

THAT Council

1. Contribute \$31,639.76 (ex GST) to the Australian Local Government Association for its national advertising campaign to promote a "yes" vote for the financial recognition of local government in the Constitution.
2. Allocate the necessary funds in each of the next three year's budgets to cover such cost.

**Page Number 9**

**Item 4 GM8/12 DECEMBER QUARTERLY REVIEW AGAINST THE DELIVERY PROGRAM 2011-2015 AND OPERATIONAL PLAN 2011-2012**

**RECOMMENDATION**

THAT the December 2011 Quarter Review of the Operational Plan (Budget) 2011/12 and the six monthly review of the Delivery Program 2011-2015 be received and noted.

**CORPORATE AND COMMUNITY DIVISION**

**Page Number 13**

**Item 5 CC1/12 2011/12 INVESTMENTS AND BORROWINGS - PERIODS ENDING NOVEMBER 2011 AND DECEMBER 2011**

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC1/12 be received and noted.

**Page Number 16**

**Item 6 CC2/12 DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS - COUNCILLORS AND DESIGNATED PERSONS**

**RECOMMENDATION**

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

**ENVIRONMENT DIVISION**

**Page Number 19**

**Item 7 EN9/12 PARKS CAPITAL WORKS 2011-2012 DECEMBER QUARTER PROGRESS REPORT**

**RECOMMENDATION**

THAT the contents of Executive Manager's Report EN3/12 be received and noted.

**Page Number 21**

**Item 8 EN10/12 FIRE TRAIL WORKS SCHEDULE 2012-2015**

**RECOMMENDATION**

THAT the contents of Executive Manager's Report EN4/12 be received and noted.

**Page Number 24**

**Item 9 EN11/12 APPLICATION TO REVOKE DANGEROUS DOG ORDER**

**RECOMMENDATION**

THAT:

1. Council approve the request to revoke the dangerous dog order imposed on Duke on 19 June 2007.
2. Give notice to the owner that Council has revoked the dangerous dog order.
3. Provide notice to the NSW Companion Animals Register that the dangerous dog order has been revoked.

**Page Number 29****Item 10 EN12/12 BUSHLAND PROJECT QUARTERLY UPDATE -  
DECEMBER 2011****RECOMMENDATION**

THAT the contents of Executive Managers Report EN6/12 be received and noted.

**Page Number 31****Item 11 EN14/12 LEASE OF TENNIS COURT CENTRES AT WESTLEIGH  
AND WAITARA****RECOMMENDATION**

THAT Council:

1. 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.
2. Accept the tender from Kim Warwick Tennis Academy P/L for Waitara Park, Waitara for a period of ten 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.

**PLANNING DIVISION***Nil***WORKS DIVISION****Page Number 35****Item 12 WK10/12 TENDER T8/2011 - BUILDING MAINTENANCE  
CONTRACTORS TENDER****RECOMMENDATION**



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THAT Council accept the list of nominated contractors contained in Executive Manager's Report WK 10/12 for each of the various categories of building maintenance works associated with Tender T8/2011 – Building Maintenance Contractors Tender.

**Page Number 45**

**Item 13 WK11/12 AUTHORISATION SOUGHT FOR RAILCORP TO OCCUPY PART OF JERSEY STREET SOUTH, HORNSBY WITH A PROPOSED VEHICLE IMPACT BARRIER**

**RECOMMENDATION**

THAT:

1. Council approve the granting of an easement, access deed or such other instrument as deemed appropriate by Council's legal advisors, to authorise the encroachment on public road of a vehicle impact barrier by RailCorp, generally as described in the attached diagram.
2. The General Manager be authorised to negotiate detailed terms of the agreement outlined within this report and the associated documentation.
3. Council agree to the amount of compensation and recovery of costs as agreed with RailCorp to a maximum total of \$30,000.
4. The General Manager be authorised to sign all associated documents pursuant to his Delegation of Authority or to this resolution.
5. Council authorise the use of Council's Seal to the grant of Easement, Access Deed or such other legal Instrument including any instruments to register such interests, as deemed appropriate by Council's legal advisors in relation to this matter.

**Page Number 48**

**Item 14 WK12/12 WORKS PROGRESS REPORT - DECEMBER QUARTER 2011 - DESIGN AND CONSTRUCTION BRANCH**

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. WK7/12 be received and noted.

**CONFIDENTIAL ITEMS**

**Item 16 WK13/12 PROPOSED VARIATIONS TO CONTRACT FOR THE SALE OF LAND**

*This report 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.*

**PUBLIC FORUM – NON AGENDA ITEMS**

**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

**MAYOR'S NOTES**

**Page Number 54**

Item 15 MN2/12 MAYOR'S NOTES FROM 1 TO 30 NOVEMBER 2011

**MAYORAL MINUTES**

**NOTICES OF MOTION**

**SUPPLEMENTARY AGENDA**

**MATTERS OF URGENCY**

**QUESTIONS WITHOUT NOTICE**

## **1 REVIEW OF POLICY - REPORTING OF CORRUPTION, MALADMINISTRATION AND SUBSTANTIAL WASTE**

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### **EXECUTIVE SUMMARY**

Recent amendments to the *Public Interest Disclosures Act 1994* require councils to update their public interest disclosures policy. Council's policy has been updated and the NSW Ombudsman's model internal reporting policy for local government was considered in the review process.

### **PURPOSE/OBJECTIVE**

The purpose of the report is to present to Council the outcome of the review and to seek Council's endorsement of the amended policy.

### **DISCUSSION**

The Council currently has a policy in place in reference to reporting corruption, maladministration and substantial waste. This policy is supplemented by a detailed internal reporting booklet which sets out the reporting procedures.

The amendments reflect the intention of the PID Act to ensure local government authorities protect, encourage and support public officials wishing to make a disclosure under the Act.

Once the policy has been adopted by Council a review of the internal reporting procedure document will be conducted. This review process will also make reference to provisions included in the NSW Ombudsman's model internal reporting policy.

The proposed amendments are shown on the attached copy of the policy with deletions shown by ~~striketrough~~ and additions by underlining.

### **BUDGET**

There are no budget implications arising from this report.

### **POLICY**

There are no policy implications arising from this report. The proposed amendments to the policy have no impact on the intent of the policy.

### **CONSULTATION**

Consultation was conducted with the General Manager, the Executive Manager Corporate and Community Division, the Manager Governance and Customer Service and the Manager Administration and Risk.

**TRIPLE BOTTOM LINE SUMMARY**

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

As this report does not propose any new initiatives or requires the allocation of funds 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 Mr Brian Thompson, Internal Auditor (since retired). Persons requiring further information can contact Mr Scott Allen on 9847 6609.

**RECOMMENDATION**

THAT :

1. The contents of General Manager's Report No. GM4/12 be received and noted.
2. Council adopt the proposed amendments to the "Reporting of Corruption, Maladministration and Substantial Waste" policy.

SCOTT PHILLIPS  
General Manager  
General Manager Division

**Attachments:**

1. POL00245 Reporting of Corruption, Maladministration, Substantial Waste, Government Information Contravention and Other Wrongdoing

File Reference: F2004/06303  
Document Number: D01832767

## **2 REVIEW OF INTERNAL AUDIT PLAN 2011/2012 (AS AT 31/12/2011)**

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### **EXECUTIVE SUMMARY**

A six monthly report is presented to Council on the progress of the Internal Audit (IA) Plan. Report No. GM 20/11 presented to Council's Ordinary Meeting on 24/08/2011 set out the progress details of the 2010/11 IA Plan as at June 2011. It also provided details of the proposed reorganised 2011/12, 2012/13 and 2013/14 Plans.

Progress outlined in this report as at December 2011 resulted in a 49% completion rate of the yearly plan. This overall calculation is based on a 49% completion rate of the original audits and a completion rate of 50% of the other (IA) Plan items.

### **PURPOSE/OBJECTIVE**

To review the progress made within the 2011/12 Internal Audit Plan as at December 2011.

### **DISCUSSION**

A full review schedule of the Internal Audit function to date is attached, together with progress made, and additional engagements incorporated since the last report.

As a result of the adopted recommendations of the external Quality Assessment Report on the Internal Audit Function regarding the reporting format of the IA Plan, the reporting table separates adopted internal audits from other work activities and any additional engagements conducted by the Internal Auditor.

Consequently separate rates of 49% for the adopted audits and 50% for the other (IA) Plan items which included one additional external engagement have resulted in an overall completion rate of 49% for the yearly plan as at December 2011.

### **BUDGET**

There are no budget implications arising from this report.

### **POLICY**

There are no policy implications arising from this report.

### **CONSULTATION**

Consultation was conducted, where applicable, with the ICAC, the General Manager, Executive Managers, Branch Managers and other appropriate staff during investigations and audits.

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this report is Mr Brian Thompson, Internal Auditor (since retired). Persons requiring further information can contact Mr Scott Allen on 9847 6609.

**RECOMMENDATION**

THAT:

1. The contents of General Manager's Report No. GM5/12 be received and noted.
2. A review of the Internal Audit Plan continue to be presented to Council on a half yearly basis.

SCOTT PHILLIPS  
General Manager  
General Manager Division

**Attachments:**

1. 2011/2012 - Adopted Audits, Other Work and Activities and Additional Engagements.

File Reference: F2004/06186-02  
Document Number: D01840565

### **3 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - FINANCIAL CONTRIBUTION**

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#### **EXECUTIVE SUMMARY**

Following the Federal Government's commitment in 2010 to hold a referendum regarding the recognition of local government in the Australian Constitution, an independent Expert Panel on the matter was established in June 2011. The Expert Panel released a Public Discussion Paper and invited submissions on whether local government should be recognised in the Australian Constitution. The Discussion paper identified four main areas for consideration (symbolic recognition, financial recognition, democratic recognition and recognition through federal cooperation).

Since that time the Australian Local Government Association (the Association) has been in contact several times with NSW local councils, advising of, and seeking support for, the intended actions of the Association in promoting the constitutional recognition of local government. Most recently, the Association made a submission to the independent Expert Panel on Constitutional Recognition emphasising a preference for the financial recognition of local government in the Constitution. In accordance with Council's resolution following consideration of Report No. CC65/11 at the 19 October Ordinary Meeting, Council also made a submission to the Expert Panel in support of the Association's submission and the inclusion of financial recognition of local government in the Constitution.

Council is now in receipt of further correspondence from the Association advising of their progress and next proposed actions for the financial recognition of local government in the Constitution. The Association plans to launch a national advertising campaign to gain national support for the inclusion of financial recognition of local government in the Australian Constitution and is seeking financial contribution from local councils towards this campaign.

Given Council's previous indications of support to the inclusion of financial recognition of local government in the Constitution, and to the process and actions of the Association in furthering this important cause, it is recommended that Council make a financial contribution to the Association's advertising campaign as outlined in the Recommendation of this Report.

#### **PURPOSE/OBJECTIVE**

The purpose of this Report is to seek Council's agreement to contribute financially through the Local Government Association of NSW to a national advertising campaign in order to gain support for a "yes" vote for the financial recognition of Local Government in the Australian Constitution when a referendum is held regarding the matter.

## DISCUSSION

At its 15 June 2011 Ordinary Meeting, Council considered Mayoral Minute No. 6/11 and resolved that it declare its support for financial recognition of local government in the Australian Constitution. The inclusion of local government in the Constitution would provide the Federal Government with the power to fund local government directly and also for local government to be included in any new preamble to the Constitution if one is proposed.

A further Report regarding the Constitutional Recognition of Local Government was considered at the Ordinary Meeting of 19 October 2011, where Council resolved that:

1. *The contents of Executive Manager's Report No. CC65/11 be received and noted.*
2. *A submission be forwarded to the Expert Panel on Constitutional Recognition of Local Government indicating Council's support for the inclusion in the Australian Constitution of the financial recognition of local government.*

Following that resolution, a submission was forwarded from Council to the Expert Panel on Constitutional Recognition of Local Government advising of Council's preference for the inclusion of financial recognition of local government in the Constitution. The submission also stated that it was appropriate for council "*to show its continued support for the current process and for the Australian Local Government Association's actions in taking the matter forward on behalf of local governments across Australia.*"

Subsequent to that submission, on 9 January 2012 Council received further correspondence from the Association (copy attached) providing an update on the process and progress for achieving Constitutional Recognition of Local Government, including its plans to launch a large scale national advertising campaign. The intent of the advertising campaign is to gain public support for a "yes" vote when the issue of constitutional recognition goes to a referendum. The Association is seeking a financial contribution from all NSW councils towards the cost of the advertising campaign. The contribution will be by way of a special levy.

Although the Association's planning for the campaign is in the early stages, from previous research they have been able to provide an estimate of total costs of the campaign and subsequently, an indicative cost of the levy to each NSW council. Each council's share of the cost has been determined using the standard formula applied when calculating other similar cost contribution requests, such as legal assistance calls. Hornsby Council's special levy contribution has been calculated to be \$31,639.76 (exclusive of GST). This amount will be payable in three equal instalments over three financial years, commencing in July 2012.

The Association has advised that the advertising campaign will need to be substantial and that success in NSW is critical to the success of a national campaign. This is because the referendum requires a "double" majority to be successful – ie a majority of "yes" votes from a majority of voters, and a majority of states. As NSW is the most populated state it is imperative that the campaign be effective here.

Given Council's previously indicated support for the process and for the Association in pursuing the Constitutional Recognition of Local Government, it is recommended that Council approve the payment of the contribution of \$31,639.76 and that provision be made in each of the relevant three years' budgets to fund the contribution.



**BUDGET**

Should Council be supportive of the financial contribution to the Association as noted in the Recommendation of this Report, an amount of \$31,639.76 (excluding GST) will be payable over a three year period. The contribution amount would be allocated in preparation of the next three annual budgets.

**POLICY**

There are no policy implications associated with this Report.

**CONSULTATION**

The preparation of this Report has included reference to recent advice from the Australian Local Government Association, previous Council resolutions, and discussions with relevant staff.

**TRIPLE BOTTOM LINE SUMMARY**

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

**Maintaining Sound Corporate and Financial Management.**

The inclusion of local government in the Australian Constitution will be of great benefit to local councils in the long term, with more direct funding to be provided from the Commonwealth to assist councils across NSW meet the increasing demands of the community in the provision of services and maintenance of infrastructure. The amount to be contributed as identified in this Report is a relatively small cost and can be managed over a three year period, minimising impact and strain on existing budgets.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service Branch – Robyn Abicair – who can be contacted on 9847 6608.

**RECOMMENDATION**

THAT Council:

1. Contribute \$31,639.76 (ex GST) to the Australian Local Government Association for its national advertising campaign to promote a "yes" vote for the financial recognition of local government in the Constitution.
2. Allocate the necessary funds in each of the next three year's budgets to cover such cost.

SCOTT PHILLIPS  
General Manager  
General Manager Division

**Attachments:**

1. Progress Report and Request for Funding from the Local Government Association of NSW - D01840702

File Reference: F2004/06308  
Document Number: D01847415

#### **4 DECEMBER QUARTERLY REVIEW AGAINST THE DELIVERY PROGRAM 2011-2015 AND OPERATIONAL PLAN 2011-2012**

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##### **EXECUTIVE SUMMARY**

Accountable organisations like Council review their budget and operational performance each quarter. In this regard, the December 2011 Quarterly Review of the Delivery Program 2011 – 2015, including the Operational Plan (Budget) for 2011/12 is attached.

The 2011/12 Original Budget forecast a surplus at 30 June 2012 of \$6K. The September 2011 Quarter Review resulted in no net budget changes to the Original Budget. As the December 2011 Quarter Review also recommends no net budget changes, the forecast Budget position at 30 June 2012 remains at \$6K.

This liquidity result is satisfactory in maintaining Council's current working funds position.

The operational performance of the organisation has been in line with the service delivery standards adopted by Council.

##### **PURPOSE/OBJECTIVE**

The purpose of this Report is to present for Council's consideration the December 2011 Quarterly Review of the Delivery Program 2011 – 2015, including the Operational Plan (Budget) for 2011/12.

##### **DISCUSSION**

###### **Operational comment**

On 23 March 2011 Council adopted its 2011 – 2015 Delivery Program which included the 2011-2012 Operational Plan and Fees and Charges. The Delivery Program sets out the manner in which Council intends to align its business goals with its intent of "*creating a living environment*" and is divided into the following five elements:

- Governance
- Ecology
- Economy
- Society and culture
- Human Habitat

The attached graphs demonstrate satisfactory operational performance during the six months to December 2011.

###### **Budget comment**

This Review includes the second quarter results for 2011/12, comparing actual expenditure and income for the second quarter against the budget for the second quarter. The Net

Operating and Capital result after internal funding movements showed a positive variance of \$2.056 million or 7.83% as compared to the December 2011 Quarter Budget. This variance has largely been the result of the timing differences of project related works and the initial phasing of the 2011/12 Budget.

The 2011/12 Original Budget forecast a surplus at 30 June 2012 of \$6K. As the December 2011 Quarter Review recommends no net budget changes, the forecast Budget position at 30 June 2012 remains at \$6K.

While the 2011/12 December Budget Review recommends no net budget changes, there are a number of material budget changes and offsets that are listed below:

- \$100,822 - increased operational expenses for Aboriginal Access Development Officer
- (\$100,822) - increased grant funding for Aboriginal Access Development Officer
- (\$145,172) - reduced Information Systems Branch expenses
- \$145,172 - increase to Corporate Systems Restricted Asset
- \$1,077,700 - DECC Waste and Sustainability Project expenditure
- (\$1,077,700) - external grants received for DECC Waste and Sustainability Projects
- \$145,354 - increased bush regeneration contractor expenses
- (\$145,354) - external restricted grants for bush regeneration
- \$107,702 - increased project expenditure Stewart Ave – Biorestation Basin
- (\$107,702) - increased external restricted grants for Stewart Ave – Biorestation Basin
- \$100,000 - increased contractor expenses for office fitout
- (\$100,000) - reduced labour expenses
- \$350,000 - increased capital expenditure Kangaroo Point
- (\$350,000) - release from restricted assets to fund capital expenditure Kangaroo Point
- \$100,000 - increased capital expenditure for Albert Street drainage
- (\$100,000) - release from Drainage Restricted Asset
- \$121,148 - increased equipment and computer expenses for design and construction
- (\$121,148) - release from Design and Survey Restricted Asset
- \$500,000 - increased capital expenditure Hornsby Aquatic Centre (project brought forward)
- (\$320,000) - release from restricted assets to fund Hornsby Aquatic Centre
- (\$180,000) - asset sales to fund Hornsby Aquatic Centre
- \$378,866 - increase capital expenditure Brooklyn Bike Study
- (\$270,000) - increase external grant for Brooklyn Bike Study
- (\$95,742) - decreased operational expenses
- (\$13,124) - release from Bicycle Restricted Asset for Brooklyn Bike Study

The 2011/12 Budget was included as part of Council's Long Term Financial Plan which formed part of the Special Rate Application to the Independent Pricing and Regulatory Tribunal (IPART) in 2011. An important commitment within the 2011/12 Budget and Council's rate application to IPART is the need to identify savings totalling \$1.45 million. Savings totalling \$1.301 million were identified as part of the September 2011 Quarter Budget Review from labour and non-labour related costs. Labour savings were determined from an independent review of Council internal services. The remaining balance of \$149K has been identified as part of this Review from labour and consultants budgets.

It is expected that the review of external services currently in progress will identify further savings. Potential savings arising from the external review will most likely be considered as part of the March 2012 Quarterly Budget review with the aim to improve the current working funds position.

## **Quarterly Budget Review Statements**

In December 2010, the Division of Local Government produced a set of minimum financial reporting requirements that councils are required to report against from 1 July 2011. Collectively, these reporting requirements are known as the Quarterly Budget Review Statement (QBRs) and will be reported to Council at the end of each quarter.

The QBRs is composed of, but not limited to, the following budget review components:

- Statement by the responsible accounting officer on Council's financial position at the end of the year based on the information in the QBRs;
- Budget Review Income and Expenses Statement;
- Budget Review Capital Budget;
- Budget Review Cash and Investments position;
- Budget Review Key Performance Indicators; and,
- Budget Review Contracts and Other Expenses

Attachment 2 of this report provides the information in respect to the above requirements.

## **BUDGET**

This Report provides the December 2011 Quarterly Review of the 2011/12 Operational Plan (Budget).

## **POLICY**

There are no specific policy implications associated with this Report.

## **CONSULTATION**

All Divisions and appropriate staff have had input into the December 2011 Quarterly Review process.

## **TRIPLE BOTTOM LINE SUMMARY**

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

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

## **RESPONSIBLE OFFICER**

The officers responsible for preparation of this Report are Julie Williams - Manager, Strategy and Communications and Glen Magus - Manager, Financial Services. They can be contacted on 9847-6790 and 9847-6635 respectively.

**RECOMMENDATION**

THAT the December 2011 Quarter Review of the Operational Plan (Budget) 2011/12 and the six monthly review of the Delivery Program 2011-2015 be received and noted.

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

SCOTT PHILLIPS  
General Manager  
General Manager Division

**Attachments:**

1. Attachment 1 - 2nd Quarter Review, December 2011
2. Attachment 2 - Quarterly Budget Review Statements

File Reference: F2010/00575

Document Number: D01853558

**5 2011/12 INVESTMENTS AND BORROWINGS - PERIODS ENDING  
NOVEMBER 2011 AND DECEMBER 2011**

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**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 December 2011 was \$910,000 compared to the budgeted income for the same period of \$770,000. Of the investment income earned, 31% of the total relates to externally restricted funds 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 – November 2011 and December 2011**

- The At-Call and Term Deposits achieved an annualised return of 5.77% for November 2011 compared to the benchmark of 4.75%; and 5.67% for December 2011 compared to the benchmark of 4.25%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market annualised return of -11.67% for November 2011 compared to the benchmark of -12.38%. The annualised return achieved for December 2011 was -4.05% compared to benchmark of -3.36%. 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.
- The Capital Guaranteed Notes achieved annualised returns of 0% for November and December 2011. No interest will be accrued for the remaining life of the securities. The current indicative market value for this investment category as at 31 December 2011 is \$3,585,000
- (N.B. A FRN investment matured and was fully redeemed in November 2011)

For total investments, the annualised return for November 2011 was 4.70% compared to the benchmark of 4.24%. The annualised return for December 2011 was 4.73% compared to the benchmark of 4.22%.

## **Economic Commentary**

### ***Statement by Glenn Stevens, Governor, Reserve Bank Board: Monetary Policy Decision – Media Release – 6 December 2011***

*At its meeting today, the Board decided to lower the cash rate by 25 basis points to 4.25 per cent, effective 7 December 2011.*

*Growth in the global economy has moderated this year after a strong performance in 2010. Some of the slowing reflected temporary factors, and as these passed, the pace of expansion in the United States and much of Asia began to pick up around mid year. China's growth has been slowing, as policymakers there had intended. Trade in Asia is now, however, seeing some effects of a significant slowing in economic activity in Europe.*

*The sovereign credit and banking problems in Europe, to which European governments are still seeking to craft a full response, are likely to weigh on economic activity there over the period ahead. Financial markets have experienced considerable turbulence, and financing conditions have become much more difficult, especially in Europe. This, together with precautionary behaviour by firms and households, means that the likelihood of a further material slowing in global growth has increased. Commodity prices have reflected this, declining further over recent months and taking pressure off CPI inflation rates. This has increased the scope for some easing in monetary policy in a number of countries.*

*Information about the Australian economy suggests output growth has been close to trend, with demand growth stronger than that. 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, changed behaviour by households and the high exchange rate have had a noticeable dampening effect. The unemployment rate has increased a little since mid year, though it remains close to 5 per cent.*

*CPI inflation on a year-ended basis remained above the target at the latest reading, 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.*

*The reduction in the cash rate as a result of the Board's previous decision flowed through to lending rates, which are now around their average level of the past 15 years. Short-term market interest rates have tended to decline a little further in recent weeks, though term funding conditions for financial institutions have become more difficult. Credit growth remains subdued and asset prices have declined further over recent months. The exchange rate has been quite variable over the past few months, but remains at an historically high level.*

*Overall, the Board concluded, on the basis of all the available information, that the inflation outlook afforded scope for a modest reduction in the cash rate. The Board will continue to set policy as needed to foster sustainable growth and low 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 Schedules as at 30 November 2011 and 31 December 2011 are attached for Council's information.

## **BUDGET**

Total investment income for the quarter ending December 2011 was \$910,000. The budgeted income for the period was \$770,000. Approximately 31% of the total income relates to externally restricted funds and is required to be allocated to those funds.



**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 Executive Manager's Report No. CC1/12 be received and noted.

GLEN MAGUS  
Manager - Financial Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

1. HSC Investments Portfolio as at 30 November 2011
2. HSC Investment Portfolio as at 31 December 2011
3. HSC Borrowings Schedule as at 30 November 2011
4. HSC Borrowings Schedule as at 31 December 2011

File Reference: F2004/06987  
Document Number: D01838605

## **6 DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS - COUNCILLORS AND DESIGNATED PERSONS**

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### **EXECUTIVE SUMMARY**

Section 449 of the Local Government Act (the Act) details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Return/s by Councillors and Designated Persons. Section 450A(2) of the Act details the reporting requirements associated with the lodgement of such Returns.

In accordance with those Sections of the Act, this Report provides information regarding the Return/s recently lodged with the General Manager. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Return/s lodged with the General Manager have been tabled in accordance with the requirements of the Act.

### **PURPOSE/OBJECTIVE**

The purpose of this Report is to table the Disclosure of Pecuniary Interests and Other Matters Return/s lodged by Councillors/Designated Persons who have left, commenced with, or internally transferred to a relevant position within Council.

### **DISCUSSION**

Section 449(1) of the Act requires a Councillor or Designated Person to complete and lodge with the General Manager a Disclosure of Pecuniary Interests and Other Matters Return within three months after becoming a Councillor or a Designated Person. Section 449(3) requires a Councillor or Designated Person holding that position at 30 June in any year to complete and lodge with the General Manager a Return within three months after that date. Section 449(5) states that nothing prevents a Councillor or Designated Person from lodging more than one Return in any year.

Section 450A(2) of the Act requires that Returns lodged under Section 449 are to be tabled at a meeting of Council. Returns lodged under Sections 449(1) and 449(3) are to be tabled at the first meeting held after the last day for lodgement under those Sections; and Returns lodged for any other reason are to be tabled at the first meeting after their lodgement.

Council's procedures in respect of the disclosing of interests have been developed to cater for the election/appointment/employment/retirement/resignation/etc of Councillors or Designated Persons. These procedures:

- require all Councillors and Designated Persons who hold that position at 30 June in any year to submit Returns to the General Manager by 30 September in that year (i.e. they are lodged under S449(3)). These Returns are tabled at the October Ordinary Meeting of Council in that year;

- require newly elected Councillors or newly appointed Designated Persons to lodge Returns to the General Manager within three months of their election/appointment (i.e. they are lodged under S449(1). These Returns are tabled at the next available Ordinary Meeting of Council; and
- require those Councillors or Designated Persons who are leaving Council (because of retirement, resignation, etc) to lodge Returns to the General Manager by their last day with Council. These Returns are tabled at the next available Ordinary Meeting of Council.

### **Returns lodged in accordance with Section 449(1) and/or 449(5) of the Local Government Act and Council's Procedures**

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns under these Sections of the Act at the Ordinary Meeting held on 19 October 2011 (see Report No. CC61/11). Since that time, three additional Returns have been lodged with the General Manager and are now tabled as required by the Local Government Act.

<b>Date Lodged</b>	<b>Councillor/Designated Person (Position)</b>	<b>Reason for Lodgement</b>
14/12/2011	Administration and Finance Officer	Transferred to a non designated position
15/12/2011	Environmental Health and Building Surveyor	Leaving Council
17/01/2012	Internal Auditor	Leaving Council

### **BUDGET**

There are no budgetary implications associated with this Report.

### **POLICY**

There are no policy implications associated with this Report.

### **CONSULTATION**

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

### **TRIPLE BOTTOM LINE SUMMARY**

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

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

### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – Ms Robyn Abicair - who can be contacted on 9847 6608.

**RECOMMENDATION**

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

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

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

There are no attachments for this report.

File Reference: F2011/00977  
Document Number: D01847766

**7 PARKS CAPITAL WORKS 2011-2012 DECEMBER QUARTER PROGRESS REPORT**

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**EXECUTIVE SUMMARY**

The Parks Capital Works Program is presented to inform Council of the progress of these important capital works. The progress of the work is considered satisfactory as at the end of December 2011.

**PURPOSE/OBJECTIVE**

This report is to inform Council of the progress of the 2011/2012 Parks Capital Works Program.

**DISCUSSION**

The Parks Capital Works Program for 2011/2012 contains projects aimed at providing park assets in a safe and enjoyable condition to meet Council's service objectives. It also includes a works program for improving the parks of Hornsby Shire with funding from development contributions levied under Section 94 of the *Environmental Planning and Assessment Act, 1979*.

The majority of projects assigned to the Parks and Landscape Team have been substantially progressed with planning, community consultation and commencement of the majority of projects.

Attachment 1 is a status report on projects listed for the December Quarter of 2011/2012.

**BUDGET**

There are no budget implications arising from this report.

**POLICY**

There are no policy implications arising from this report.

**CONSULTATION**

No consultation was necessary for the preparation of this report.

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

The responsible officer is Peter Kemp, Manager, Parks and Landscape, telephone 9847 6792, hours 9 am to 5 pm, Monday to Friday.

**RECOMMENDATION**

THAT the contents of Executive Manager's Report EN9/12 be received and noted.

DIANE CAMPBELL  
Acting Executive Manager - Environment  
Environment Division

**Attachments:**

1. Attachment 1 - Parks Capital Works Progress Report - December 2011

File Reference: F2011/01086  
Document Number: D01841181

## 8 FIRE TRAIL WORKS SCHEDULE 2012-2015

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### EXECUTIVE SUMMARY

Hornsby Shire Council has a duty of care to manage fire trails on Council managed lands. The Bushfire Risk Mitigation Fire Trail Works Program 2012-2015 (Attachment 1) outlines the specific areas where Council is required to undertake fire trail maintenance works and details the proposed methods and strategic relationship with bushfire risk management planning. The program details work on 50 specific fire trails. It contains site considerations and outlines a proposed maintenance schedule.

### PURPOSE/OBJECTIVE

To provide Council with information on the scheduled fire trail maintenance works to be undertaken on Council managed bushland to facilitate access for proactive fuel management and for fire fighting during bushfire events.

### DISCUSSION

The Hornsby Ku-ring-gai Bush Fire Risk Management Plan (the 'Risk Plan') was prepared by the Hornsby Ku-ring-gai Bush Fire Risk Management Committee under Section 52 of the *Rural Fires Act 1997*. The draft Risk Plan was the subject of report EN35/09 which was considered at Council's Ordinary Meeting of September 2009. The Risk Plan was subsequently formally adopted by the Risk Management Committee and by Council (report EN19/10 of 19 May 2010). The Bush Fire Risk Management Plan is a strategic document that identifies the level of bush fire risk for a district, strategies to manage the risk and the agencies that are responsible for implementing the strategies. This plan binds Council to fire management actions as identified within its treatment register. The treatment actions in the Risk Plan include manual works, fire trails, hazard reduction burning and education. This report focuses on fire trails and gives a brief overview of the fire trail maintenance program.

The Bushfire Risk Mitigation Fire Trail Works Program 2012-2015 (Attachment 1) addresses works identified in the Risk Plan and includes additional works generated through the Hornsby Ku-ring-gai Bushfire Management Committee. The attached program provides site specific description of the works with a detailed type and timing of works to be undertaken.

All sites are inspected to identify individual site characteristics that may limit or exclude works from specific areas; for example protection of riparian areas, threatened species or significant vegetation, or soil erosion potential. Specific conditions will then be provided for the site works to remove or minimise detrimental impacts on the environment.

The Bushfire Risk Mitigation Fire Trail Works Program is to be included as an additional part of Council's Bushfire Risk Mitigation Manual Works Program 2010/11-2015/16. This Program was previously approved by Council in accordance with Executive Managers Report EN59/10 at Ordinary Meeting 15/12/2010. The proposed fire trail maintenance works are part of the essential ongoing Bush Fire Risk Mitigation works including the maintenance of Asset Protection Zones and Work Access Lines.

The Hornsby Ku-ring-gai Bush Fire Management Committee is currently updating a fire trail register for fire trails throughout the region. On completion of the register, an identification code will be assigned to each fire trail. The Fire Trail Works Program will be updated with the identification codes once the register is completed.

Bushfire mitigation works are likely to increase through time, with predications of hotter weather and more storms due to climate change. Hornsby Shire is generally rated a very high to extreme bushfire risk area and to address this Council will need to provide accessible and serviceable fire trails to complete its hazard reduction and mitigation works.

### **BUDGET**

Works outlined in the Bushfire Risk Mitigation Fire Trail Works Program 2012-2015 are funded by recurrent Council budgets.

### **POLICY**

These works assist Council in meeting its obligations within the Hornsby Ku-ring-gai Bush Fire Risk Management Plan and under the *NSW Rural Fires Act 1997*.

### **CONSULTATION**

Consultation with both the member agencies of the Hornsby Ku-ring-gai Bushfire Management Committee including the NSW Fire Brigades and the NSW Rural Fire Service were undertaken in establishing the works program.

### **TRIPLE BOTTOM LINE SUMMARY**

#### **Working with our Community**

The Bushfire Risk Mitigation Fire Trail Works Program is being undertaken to reduce bushfire risk to the community. Community consultation and bushfire awareness are part of the implementation of the program.

#### **Conserving our natural environment**

The program is largely based on the strategic Hornsby Ku-ring-gai Bush Fire Risk Management Plan which has developed works aimed at conserving biodiversity and addressing risk to life and property.

#### **Contributing to community development through sustainable facilities and services**

Addressing Council's responsibility through the fire trail program will provide fire trail access to meet its legislative obligations under the *NSW Rural Fires Act 1997*.

#### **Fulfilling our community's vision in planning for the future of the shire**

Ensuring the Council managed fire trails will improve community safety and bushfire awareness within the Shire.

#### **Supporting our diverse economy**

Works are undertaken generally using local contractors. Specialist fire trail works are also undertaken with advice from the local fire authorities.

#### **Maintaining sound corporate financial management**



The Bushfire Risk Mitigation Fire Trail Works Program is achievable within current budgets and works undertaken are all costed and performed within corporate guidelines.

**Other sustainability considerations**

The Bushfire Risk Mitigation Fire Trail Works Program is required to provide a sustainable balance between the natural and built environment by providing strategically located fire trails.

**RESPONSIBLE OFFICER**

The responsible officer is Mark Hood, Acting Manager – Bushland and Biodiversity, telephone 9847 6008, between 7am and 4pm, Monday to Friday.

**RECOMMENDATION**

THAT the contents of Executive Manager's Report EN10/12 be received and noted.

DIANE CAMPBELL  
Acting Executive Manager - Environment  
Environment Division

**Attachments:**

1. Bush Fire Trail Works Schedule 2012-2015

File Reference: F2010/00499  
Document Number: D01841679

## **9 APPLICATION TO REVOKE DANGEROUS DOG ORDER**

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### **EXECUTIVE SUMMARY**

On 19 June 2007, following an incident where the dog known as Duke attacked and injured another dog, an authorised officer of Council declared Duke to be dangerous.

A dangerous dog order imposes strict control requirements upon its owner including the requirement that the dog be kept in a prescribed enclosure and whenever outside of the enclosure be kept on a lead and muzzled.

On 30 August 2011, Council officers conducted a compliance inspection that revealed that whilst the yard was securely fenced, Duke's enclosure did not comply with the prescribed enclosure requirements.

In September 2011, Council received an application from Duke's owner to revoke the dangerous dog order. The application was not supported by any independent behavioural assessment of Duke.

In November 2011, Council deferred its decision regarding the application to revoke the dangerous dog order to enable Duke's owner to obtain a behavioural assessment. This behavioural assessment, received by Council, found that Duke presents no greater threat to either other dogs or humans than any other dog.

Accordingly, and when considered with the secure double fencing provided at the property, and the fact that there have been no further reports or complaints regarding Duke since the original incident, it is recommended that Council approve the request to revoke the dangerous dog order currently imposed upon Duke.

### **PURPOSE/OBJECTIVE**

The purpose of this report is to provide Council with the information required to consider an application made by the registered owner of Duke to revoke the dangerous dog order presently in force in respect of Duke.

### **DISCUSSION**

Following an attack on 2 May 2007 where a Chihuahua who was being walked on a lead along the footpath was attacked and bitten, requiring surgery and ongoing veterinary treatment; on 28 May 2007, Council issued the owner with notice of its intention to declare Duke to be dangerous. Details of the dog are presented below.

**Breed:** Alaskan Malamute Cross German Shepherd  
**Sex:** De-sexed Male  
**Name:** Duke  
**Microchip:** 968000000498803

The Companion Animals Act 1998 states that a dog is dangerous if it:

- (a) *has, without provocation, attacked or killed a person or animal (other than vermin), or*
- (b) *has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or*
- (c) *has displayed unreasonable aggression towards a person or animal (other than vermin), or*
- (d) *is kept or used for the purposes of hunting.*

A notice of intention to declare a dog dangerous provides the owner with seven days in which to formally object to the proposed declaration. Council is bound to consider any objections before making a decision as to whether to proceed and make a declaration.

On 19 June 2007, having received no objections from the owner, Council proceeded to declare the dog dangerous.

A dangerous dog declaration is designed to protect the community and imposes a number of strict control requirements on the owner of the dog as follows:

- The dog must be de-sexed within 28 days (if not already de-sexed)
- The dog must not at any time be in the sole charge of a person under 18 years of age
- The dog must be kept in a prescribed enclosure that has been certified by Council
- Approved 'Dangerous Dog' signs must be displayed and be clearly visible at the boundaries of the property
- A prescribed, distinctive collar must be worn by the dog at all times
- Whenever the dog is outside of the prescribed enclosure it must be kept on a lead and muzzled.

Council has received no further concerns or complaints about Duke in over four years since the dangerous dog declaration was made.

### **Request to revoke the dangerous dog order**

Section 39 of the Companion Animals Act 1998 provides that:

- (1) *The owner of a dog that has been declared dangerous under this Division can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council whose authorised officer made the declaration) for the declaration to be revoked.*
- (1A) *An application under subsection (1) cannot be made until after the period of 12 months following the date on which the dog was declared to be dangerous.*
- (2) *The council to which the application is made can revoke the declaration but only if satisfied that it is appropriate to do so.*
- (3) *The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.*

On 10 September 2011, Council received an application from Duke's owner to revoke the dangerous dog order (Attachment 1). This application has subsequently been supported by an independent behavioural assessment of Duke (Attachment 2).

Guidelines issued by the Division of Local Government to assist councils in exercising their functions under the Companion Animals Act 1998 indicate that a dangerous dog declaration can only be revoked by a resolution of Council.

The Division of Local Government guidelines also provide advice to councils regarding the types of issues that should be considered when assessing an application to revoke a dangerous dog declaration, including:

**The circumstances under which the dangerous dog order was issued**

The original order was issued following an unprovoked attack on a Chihuahua that was being walked on a lead along the footpath outside the property where Duke resides. Duke was roaming uncontrolled at the time of the attack and picked up and shook the Chihuahua in its mouth, breaking the lead. The Chihuahua was wounded and required veterinary treatment including surgery and ongoing wound care.

**The dog's current circumstances and behaviour in relation to the original order, including any behaviour modification training that may have been undertaken**

Duke is now 10 years of age and the owner states that he never leaves the property. The property is securely fenced, and contains an enclosure for the dog that is separated from the rest of the yard.

A compliance inspection of the property where Duke is ordinarily kept was conducted by Council officers on 30 August 2011. The inspection revealed that whilst the yard is secure, the enclosure on the property did not comply with the prescribed requirements under the Companion Animals Regulation.

The owner has requested that Council take into account that, since the incident, the family have been diligent in their responsibility for containing Duke within the yard. The owner has also asked Council to consider the cost involved in upgrading the enclosure based on the fact that Duke has been kept securely in the yard for the past four and a half years.

Since the original incident and dangerous dog declaration Council has not received any reports or complaints regarding Duke, however this may be as a result of Duke not leaving the property.

Should Council elect to revoke the dangerous dog order, Duke would no longer be required to be contained in an enclosure on the property, could be walked without the need for a muzzle and would be permitted to use an off-leash park.

**Any behavioural assessment obtained by the owner from a licensed vet, animal behaviour specialist or other qualified professional.**

The owner has now provided an assessment undertaken by Dr Alexander Brittan BVSc, a licensed and practising Veterinary Surgeon for 15 years and the owner of Fox Valley Animal Hospital. Dr Brittan provided a report on his visit to the property in December 2011, including interaction with a Miniature Poodle known to Duke and other members of the family including small children. Based upon his observations and assessment, Dr Brittan

concluded that Duke presents no greater threat to either other dogs or humans than any other dog.

### **CONCLUSION**

Having regard to the findings of the behavioural assessment, the secure double fencing at the property and the fact that there have been no further complaints regarding Duke since the original incident; it is recommended that Council approve the request to revoke the dangerous dog order currently imposed upon Duke.

### **BUDGET**

There are no budget implications arising out of this report.

### **POLICY**

There are no policy implications arising out of this report.

### **CONSULTATION**

Consultation was undertaken with the registered owner and Dr Alexander Brittan BVSc.

### **TRIPLE BOTTOM LINE SUMMARY**

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

As this report provides Council with information and does not pose any policy implications for Council requiring a sustainability assessment, No Triple Bottom Line considerations apply.

### **RESPONSIBLE OFFICER**

The responsible officer for this report is Sue Moyes, Sustainable Health Coordinator, telephone 9847 6816.

### **RECOMMENDATION**

THAT Council:

1. Council approve the request to revoke the dangerous dog order imposed on Duke on 19 June 2007.
2. Give notice to the owner that Council has revoked the dangerous dog order.
3. Provide notice to the NSW Companion Animals Register that the dangerous dog order has been revoked.

DIANE CAMPBELL  
Acting Executive Manager - Environment  
Environment Division

**Attachments:**

1. Attachment 1 - Request that Council revoke the dangerous dog order imposed on Duke.
2. Attachment 2 - Behavioural assessment of the dangerous dog Duke.

File Reference: F2006/00179-05  
Document Number: D01843323

## 10 BUSHLAND PROJECT QUARTERLY UPDATE - DECEMBER 2011

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### **EXECUTIVE SUMMARY**

The Bushland and Biodiversity Branch undertake a variety of projects varying from capital works to bush regeneration. This report provides a brief review of the current progress of these projects following the December quarter.

### **PURPOSE/OBJECTIVE**

This report is to inform the Council of the progress of current Bushland and Biodiversity projects.

### **DISCUSSION**

The Bushland and Biodiversity Branch undertake works with a range of objectives including the provision of recreational facilities in bushland settings, bushfire management and fire trails, bush regeneration and community Bushcare. The successful implementation of the projects meet the requirements of the adopted Plans of Management for bushland under Council's control. The range of projects demonstrate the breadth of actions required by the Plans and the ability of staff to implement them. The works are funded through a large number of government and community grants, development contributions levied under Section 94 of the *Environmental Planning and Assessment Act 1979*, development offset funds through Council's Green Offsets Code and Council funds.

Many of the projects involve long-term works, with the funding often provided for periods of between 1 – 13 years. Attached is a spreadsheet providing the current status of these projects which are progressing to expected timeframes.

### **BUDGET**

There are no budget implications arising from this report. Additional grants of \$57,920 have been received since the last program update. This takes the program total to \$1,553,959 of which \$1,158,859 is funded by grants, sponsorships or offsets.

### **POLICY**

There are no policy implications arising from this report.

### **CONSULTATION**

Consultation with Bushland and Biodiversity Branch staff has occurred in the development of this report.

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

The responsible officer is Mark Hood, Acting Manager Bushland and Biodiversity, and can be contacted on 9847 6008

**RECOMMENDATION**

THAT the contents of Executive Managers Report EN12/12 be received and noted.

DIANE CAMPBELL  
Acting Executive Manager - Environment  
Environment Division

**Attachments:**

1. Bushland & Biodiversity Works Update December 2011

File Reference: F2004/06718  
Document Number: D01849221



## 11 LEASE OF TENNIS COURT CENTRES AT WESTLEIGH AND WAITARA

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### EXECUTIVE SUMMARY

At the Ordinary Meeting of 21 December 2011 Council considered Executive Manager Environment's Report EN62/11 and resolved to accept a number of tenders for various Council tennis centres. Council resolved to defer those at Ruddock Park, Westleigh and Waitara Oval, Waitara for further consideration at an informal briefing. The briefing occurred on 1 February 2012.

The awarding of the contract and execution of the leases will be subject to the provisions of the *Local Government Act 1993* in relation to leases over land owned by Council.

### PURPOSE/OBJECTIVE

The report provides a recommendation to accept tenders for the remaining two centres.

### DISCUSSION

Tender T15/2011 invited tenders for the following 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.

At the Ordinary Meeting of 21 December 2011 Council resolved as follows:

*'THAT:*

- 1. Council 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. Council accept the tender from Hornsby Kuring-gai District Tennis Association for Boundary Road, Berowra for a period of ten years at 30% of court hire.*
- 3. Council accept the tender form Hornsby Kuring-gai District Tennis Association for Mills Park, Asquith for a period of ten years at 30% of court hire.*
- 4. Council 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. Council give delegation to the General Manager to negotiate with the North Epping Rangers Sports Club Inc for North Epping Oval, North Epping and the YMCA of Sydney for West Epping Park, West Epping, with a view to entering into contracts for the operation of the respective tennis centres.*

6. *Council decline to invite fresh tenders for North Epping Oval and West Epping Park Tennis Centres as only one tender was received for each centre and it is unlikely that any additional tenders would be received if fresh tenders were called. The current operators, North Epping Rangers Club and the YMCA of Sydney respectively, are considered to have the experience and to have provided sufficient information to give rise to confidence that they can meet the requirements of the tender invitation.*
7. *The tenders for Ruddock Park, Westleigh and Waitara Oval, Waitara be the subject of discussion at an informal briefing session prior to further formal consideration by Council.'*

The following criteria were used for the evaluation of tenders:

- Track record and expertise
- Capacity to deliver and meet principal 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 02/12 (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 eight originally recommended tenders, there is proposed to be an increase in income in annual tennis court rental of at least \$55,000 if estimates provided by the tenderers are correct. Most of the income raised is made available as tennis grants to be utilised to improve the tennis courts.

### **POLICY**

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

### **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 who is available between 8:30 am and 5:00 pm, Monday to Friday.

**RECOMMENDATION**

THAT Council:

1. 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.
2. Accept the tender from Kim Warwick Tennis Academy P/L for Waitara Park, Waitara for a period of ten 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.

DIANE CAMPBELL  
Acting Executive Manager - Environment  
Environment Division

**Attachments:**

1. Confidential Tender T15 2011 Lease of Tennis Centres Waitara and Westleigh -  
*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.*

File Reference: F2011/01086  
Document Number: D01858096

## 12 TENDER T8/2011 - BUILDING MAINTENANCE CONTRACTORS TENDER

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### EXECUTIVE SUMMARY

The purpose of this tender was to form a panel of contractors that are able to perform building maintenance for Hornsby Shire Council properties.

Twelve (12) categories were identified:

1. Carpentry and joinery fit-out
2. Handyman services
3. Painting
4. Gutter maintenance
5. Roofing
6. Glazing
7. Specialised protective tinting and filming
8. Timber flooring
9. Carpet supply and installation
10. Supply and installation of commercial and residential grade vinyl flooring
11. Floor and wall tiling
12. Graffiti removal

Contractors were invited to tender for one, few, many or all categories.

### PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of nominated contractors for various building maintenance works in accordance with Tender T8/2011 – Building Maintenance Contractors Tender.

### DISCUSSION

Tender T8/2011 is an expression of interest (EoI) tender. A summary of all tenders, together with full evaluation details have been placed on file. Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Forty (40) tender responses were received, two (2) were received after the closing time and therefore are non-conforming. Of the thirty eight (38) remaining tenders, the following numbers of responses were received for each category:

<b>Category</b>	<b>Responses Received</b>
Carpentry and joinery fit-out	25
Handyman services	23
Painting	19
Gutter maintenance	18
Roofing	16

Glazing	12
Specialised protective tinting and filming	9
Timber flooring	17
Carpet supply and installation	12
Supply and installation of commercial and residential grade vinyl flooring	12
Floor and wall tiling	12
Graffiti removal	12

Attached is a list of the names of the forty tenders' and the relevant categories that they have provided a tender submission for.

The tenders were evaluated using the following selection criteria:

### Evaluation Process

The evaluation of tender responses was broken up into five (5) sections. They are:

1. Mandatory criteria
2. Weighted criteria
3. Pricing
4. Reference checks
5. OH&S criteria

### Mandatory Criteria

Mandatory "Returnable Schedules" were provided in the tender documents that were required to be signed and returned with the tender submission as follows:

- Tender Form
- Statutory Declaration – Pecuniary Interest
- Statutory Declaration – Authorised Signature/Collusion
- Compliance with Council's Code of Conduct and Drugs & Alcohol Determination
- References
- Contact Details
- Financial Details
- Insurance Details

### Weighted Evaluation Criteria

There were a number of evaluation criteria that were weighted and scored by the evaluation panel. The criteria and their weight are:

Criteria	Weight
Australian Standards & Statutory Requirements	6
Payment Terms	2
Understanding our Requirements and Contractors Requirements	6
Local Business and Industry	3
Past Performance and Experience	10
Quality Assurance System	6
OH&S Management System	10

The responses to each of the evaluation criteria were scored by the evaluation panel using the following scoring methodology:

<b>Non Price Criteria Ratings (0 – 10)</b>		
10	Excellent	All requirements are covered in an outstanding manner
8	Very Good	Requirements are fully covered in all aspects
6	Good	Requirements are adequately covered
4	Average	Adequate, however with some deficiencies which are not likely to have significant adverse effect
2	Fair	Barely adequate and would need improvement if selected
0	Unacceptable	Unacceptable and ruled out from further consideration

All tender responses were given a preference rank based on the weighted criteria.

### **Cost of Works (Price)**

The prices submitted by the contractors have been evaluated based upon a series of real life work scenarios e.g., a job for a carpenter, apprentice and labourer for 8 hours using \$1000 of materials.

The total job price was then ranked from cheapest to most expensive to give a preference rank based on price for each category.

### **Reference Checks**

Two reference checks were performed for each contractor. The following methodology was used.

<b>Questions</b>	<b>Weight</b>
Type of work	10
Experience with contractor	9
Quality of work	9
Response & timeliness to complete work	7
Staff & resources including sub-contractors	5
Site left neat & tidy	7
Customer service	8
Any OH&S issues	7
Variations to original prices	5
Other comments	5

<b>Scoring Methodology</b>	<b>Score</b>
Excellent	10
Very Good	8
Good	6
Average	4
Fair	2
Unacceptable	0

The scores were then ranked from highest to lowest to give a preference rank.

### **Occupational Health and Safety**

The Occupational Health & Safety (OH&S) policies, manuals, plans, systems and Safe Work Method Statements (SWMS) and Risk Assessments were reviewed and scored using the following scoring methodology.

<b>Scoring Methodology</b>	<b>Score</b>
Excellent	10
Very Good	8
Good	6
Average	4
Fair	2
Unacceptable	0

The scores were then ranked from highest to lowest to give a preference rank based on OH&S for each category.

### **Overall Assessment**

The rankings for the Weighted Criteria, Pricing, Reference Checks and Occupational Health and Safety were combined to give an overall rank of best value for money for each of the categories.

The following companies have been selected as the preferred tenderers in each category:

#### **Carpentry & Joinery**

- Florin Constructions
- Sydney Construction Group
- Sudiro Constructions
- Wise Group FM
- Cunneen Group
- Acron Building Services
- Integrated Premises Services
- Newland Constructions
- Additional Concepts Pty Ltd
- Worne Constructions
- Interior Works
- Bampton Building Contractors Pty Ltd
- Novabuilt Group
- Andrew Lacey Constructions
- Insurecorp
- O'Neill Constructions
- SGC Constructions
- Prime Facility & Asset Management
- Niche Constructions
- Bayteck Pty Ltd
- Covemore Designs
- Blue Chip Projects



- AGM Construction
- Megna Bros (NSW)
- Grey Army NSW

**Handyman Services**

- Florin Constructions
- Sydney Construction Group
- Sudiro Constructions
- Wise Group FM
- Newland Constructions
- Niche Constructions
- Cunneen Group
- SGC Constructions
- Acron Building Services
- Additional Concepts Pty Ltd
- Insurecorp
- Integrated Premises Services
- Worne Constructions
- Prime Facility & Asset Management
- O'Neill Constructions
- Blue Chip Projects
- Gecko Maintenance
- Novabuilt Group
- AGM Construction
- Grey Army NSW
- Andrew Lacey Constructions
- Bampton Building Contractors Pty Ltd
- Bayteck Pty Ltd

**Painting**

- Sydney Construction Group
- Wise Group FM
- Novabuilt Group
- Higgins Coatings
- Newland Constructions
- Integrated Premises Services
- Acron Building Services
- Insurecorp
- SGC Constructions
- Jims Professional Sydney Painting
- Prime Facility & Asset Management
- O'Neill Constructions
- Gecko Maintenance
- Niche Constructions
- Grey Army NSW
- Bampton Building Contractors Pty Ltd
- AGM Construction
- Blue Chip Projects
- Talbot's Creative Colours

**Gutter Maintenance**

- Florin Constructions
- Sydney Construction Group
- Wise Group
- Acron Building Services
- Integrated Premises Services
- Worne Constructions
- Insurecorp
- Cunneen Group
- Niche Constructions
- Novabuilt Group
- Gecko Maintenance
- Prime Facility & Asset Management
- SGC Constructions
- O'Neill Constructions
- Bampton Building Contractors Pty Ltd
- AGM Construction
- Blue Chip Projects
- Action Roofing

**Roofing**

- Sydney Construction Group
- Sudiro Constructions
- Wise Group FM
- Cunneen Group
- Integrated Premises Services
- Acron Building Services
- Novabuilt Group
- Worne Constructions
- Bampton Building Contractors Pty Ltd
- Insurecorp
- O'Neill Constructions
- Niche Constructions
- AGM Construction
- Blue Chip Projects
- Decker Roofing
- Action Roofing

**Glazing**

- Florin Constructions
- Sydney Construction Group
- Wise Group FM
- Insurecorp
- Niche Constructions
- Acron Building Services
- Bampton Building Contractors Pty Ltd
- Bradney Glass
- O'Brien Glass Industries
- Blue Chip Projects
- AGM Construction

- Fields Glass & Glazing

**Tinting & Filming**

- Wise Group FM
- Integrated Premises Services
- Sydney Construction Group
- Niche Constructions
- Insurecorp
- Bampton Building Contractors Pty Ltd
- Blue Chip Projects
- AGM Construction
- Fields Glass & Glazing

**Timber Flooring - Evaluated by Hourly Rate**

- Florin Constructions
- Sudiro Constructions
- Wise Group FM
- Integrated Premises Services
- A & J Floor Sanding
- Novabuilt Group
- Andrew Lacey Constructions
- Insurecorp
- Bampton Building Contractors Pty Ltd
- Blue Chip Projects
- AGM Construction
- Megna Bros (NSW)

**Timber Flooring - Evaluated by Meterage Rate**

- Niche Constructions
- Newland Constructions
- SGC Constructions
- Worne Constructions
- Timber Floor Specialists

**Carpet Supply & Installation - Evaluated by Hourly Rate**

- Florin Constructions
- Integrated Premises Services
- Wise Group FM
- Insurecorp
- Novabuilt Group
- Sydney Construction Group
- Niche Constructions
- Bampton Building Contractors Pty Ltd
- AGM Construction
- Blue Chip Projects
- Homecare Floorcoverings

**Carpet Supply & Installation - Evaluated by Meterage Rate**

- SGC Constructions

**Vinyl Flooring - Evaluated by Hourly Rate**

- Florin Constructions
- Integrated Premises Services
- Wise Group FM
- Insurecorp
- Sydney Construction Group
- Niche Constructions
- Novabuilt Group
- Bampton Building Contractors Pty Ltd
- Blue Chip Projects
- AGM Construction
- Homecare Floorcoverings

**Vinyl Flooring - Evaluated by Meterage Rate**

- SGC Constructions

**Floor & Wall Tiling - Evaluated by Hourly Rate**

- Integrated Premises Services
- Wise Group FM
- Sydney Construction Group
- Acron Building Services
- Insurecorp
- Niche Constructions
- Bampton Building Contractors Pty Ltd
- Blue Chip Projects
- Novabuilt Group
- AGM Construction

**Floor & Wall Tiling - Evaluated by Meterage Rate**

- SGC Constructions
- Newland Constructions

**Graffiti Removal**

- Graffiti Clean
- Integrated Premises Services
- Wise Group FM
- Sydney Construction Group
- Newland Constructions
- O'Neill Constructions
- Niche Constructions
- Jims Professional Sydney Painting
- Gecko Maintenance
- Insurecorp
- Blue Chip Projects
- AGM Construction

Two tenders were received late and therefore deemed as non-confirming tenders and were not consider in the evaluation. The late tenders were:

- Art of Colours
- Westend Office Furniture Pty Ltd

The tender documents, tender responses, evaluation notes and communication relevant to this tender are recorded in the TRIM Folder F2011/00844.

The tendered amounts are to remain confidential in accordance with the Local Government Act.

Building Services provide a number of maintenance and construction services to all branches of council including emergency maintenance, scheduled maintenance and construction of new works. The Building Services Technical Officer oversees the determination of the most appropriate tender for each request on the basis of suitability and price. An eligibility list is to be established from the tenders received and maintained for a period of 1 year with the view to a further two one year options.

- **Emergency Works:** Works to be allocated by an authorised emergency officer to an appropriate contractor.
- **Scheduled Works:** Works will be allocated by a Building Services Supervisor to a proven contractor. A proven contractor will have demonstrated thorough knowledge of Council's facilities and processes to ensure continuity of service.
- **Quoted Works:** Opportunity for quoted works will be allocated by Administration Support Staff from an alphabetical list of all tendered contractors. Quotes will be assessed by Building Services Supervisors and then awarded to the successful tenderer.

Building Services have developed and will implement an ongoing performance management process to ensure that all contractors will provide a quality and cost effective service.

### **BUDGET**

There are no adverse budget implications with this report.

### **POLICY**

There are no policy implications with this report.

### **CONSULTATION**

Consultation has been held with the relevant Works Division and Procurement Staff.

### **TRIPLE BOTTOM LINE SUMMARY**

#### **Working with our Community**

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

#### **Conserving our natural environment**

As part of the evaluation criteria, tenderers were requested to provide information on their organisational commitment to Environmental Management and Sustainability.

The tenders' Quality Assurance, OH&S and Environmental Management Systems were also taken into consideration in the evaluation of tenders for the purpose of sustaining our environment.

**Contributing to community development through sustainable facilities and services**

It is a requirement under the contract that Occupational Health and Safety (OH&S) Systems are in place in order to comply with OH&S Act and Regulation. The OH&S systems have been considered as part of the tender evaluation.

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

The contractor will be engaged to assist Council teams in the maintenance of public assets including such facilities as community centres, park amenities and childcare centre. This work has a positive effect on conserving and enhancing these assets.

**Supporting our diverse economy**

The inclusion of local businesses in the panel of preferred suppliers will potentially encourage investment in the local community and employment and training of local residents employed by these businesses.

**Maintaining sound corporate and financial management**

By tendering the work of Building Services and associated activities Council is testing the market for the best value to Council.

**Other sustainability considerations**

The Environmental Policy of all the tenders' were taken into consideration in the evaluation of tenders received.

**RESPONSIBLE OFFICER**

The responsible officer for preparing this report is the Co-ordinator Building Services, Darren Lister, on telephone 9847 4878.

**RECOMMENDATION**

THAT Council accept the list of nominated contractors contained in Executive Manager's Report WK 10/12 for each of the various categories of building maintenance works associated with Tender T8/2011 – Building Maintenance Contractors Tender.

ROBERT STEPHENS  
Executive Manager  
Works Division

**Attachments:**

1. Tender T8/2011 - List of Tenderers and Tender Submissions

File Reference: F2011/00844  
Document Number: D01836387

**13 AUTHORISATION SOUGHT FOR RAILCORP TO OCCUPY PART OF  
JERSEY STREET SOUTH, HORNSBY WITH A PROPOSED VEHICLE  
IMPACT BARRIER**

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**EXECUTIVE SUMMARY**

RailCorp is upgrading its Hornsby site with a vehicle impact barrier and security fencing (see Attachment 1) which will encroach on Council's Public Road at Jersey Street (south).

As the relevant Roads Authority, Council has been requested by RailCorp to consent to the works and the encroachment into the road reserve.

It is intended to formalise Council's approval either by grant of easement or access Deed to protect Council from liability. Agreement has been reached with RailCorp to reimburse Council's costs and pay compensation for the granting of the easement or access Deed.

**PURPOSE/OBJECTIVE**

To obtain Council approval for the grant of an easement or other interest, in favour of RailCorp to accommodate the proposed vehicle impact barrier structure within the public road.

**DISCUSSION**

RailCorp is upgrading its Hornsby site with security fencing to protect vital installations within. For part of its boundary adjoining Jersey Street South, the proposed structure will need to encroach on the Public Road to the extent of approximately 1300mm.

RailCorp does not have statutory authority to occupy roads with this type of works and has requested Council's approval as the relevant Roads Authority.

There is no planning or other objection to the works, however it is prudent for Council to formalise its approval either by grant of easement or access deed to ensure Council attracts no liability or responsibility because of the works.

The attached diagram describes the relevant dimensions and detail. Essentially the footings of the structure, which will be below ground, form the greatest width of encroachment. The above ground structure comprises a low concrete wall with a metal fence above.

The existing Council guardrail will be repositioned and replaced along this boundary. The works will not materially affect public parking which occupies the road verge in this location. No vegetation is affected and no other public utilities are involved.

The approval document will require RailCorp to notify public authorities concerning the existence of the structure so that the structure itself or services impacted by it are not

compromised by future works and in this regard Council will not need to assume any responsibility.

### **BUDGET**

RailCorp has agreed to Council's claim for compensation in the amount of \$10,000. Proceeds from the sale of roads (including interests in them) are required by the Local Government Act, 1993 to be applied to road expenditure.

Council's costs will be fully met by RailCorp including the costs of external administrative resources so as to ensure workflow within Council's Land and Property Services Branch is not compromised.

### **POLICY**

The proposal complies with Council's Disposal of Land Policy.

### **CONSULTATION**

The report has been prepared in consultation with Council's Design Team Leader and Assessment Team 2 Manager.

### **TRIPLE BOTTOM LINE SUMMARY**

The Triple Bottom Line (TBL) checklist is not required for this report.

### **RESPONSIBLE OFFICER**

This report has been prepared by Council's Manager, Land and Property Services, Mr Peter Thompson. Additional information can be obtained on 9847 6669.

### **RECOMMENDATION**

THAT:

1. Council approve the granting of an easement, access deed or such other instrument as deemed appropriate by Council's legal advisors, to authorise the encroachment on public road of a vehicle impact barrier by RailCorp, generally as described in the attached diagram.
2. The General Manager be authorised to negotiate detailed terms of the agreement outlined within this report and the associated documentation.
3. Council agree to the amount of compensation and recovery of costs as agreed with RailCorp to a maximum total of \$30,000.
4. The General Manager be authorised to sign all associated documents pursuant to his Delegation of Authority or to this resolution.
5. Council authorise the use of Council's Seal to the grant of Easement, Access Deed or such other legal Instrument including any instruments to register such interests, as deemed appropriate by Council's legal advisors in relation to this matter.



ROBERT STEPHENS  
Executive Manager  
Works Division

PETER THOMPSON  
Manager - Land and Property Services  
Works Division

**Attachments:**

1. Vehicle Impact Barrier - Diagram

File Reference: F2011/01359  
Document Number: D01843505

## **14 WORKS PROGRESS REPORT - DECEMBER QUARTER 2011 - DESIGN AND CONSTRUCTION BRANCH**

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### **EXECUTIVE SUMMARY**

Overall, projects have been undertaken in accordance with the timing and budgets shown in the previously adopted program. A number of changes to the Program are highlighted under the heading of "Significant Impact" and reflected in the Gantt Charts. The budget for Brooklyn Road cycleway has been increased to cover an expanded scope of works necessary to provide the required level of safety at this very narrow section of roadway. This has been achieved by deferring Edgeworth David Avenue and Shepherds Drive projects (both traffic projects) from the current program. Also it was necessary to defer the Catchments Remediation Rate (CRR) Edgeworth David raingardens project from the current program as a direct result of the link to the traffic project.

### **PURPOSE/OBJECTIVE**

The purpose of this report is to provide information on the progress of the various 2011/2012 Improvement Programs (Civil Works) undertaken by the Design and Construction Branch.

### **DISCUSSION**

#### **Improvement Program**

Construction works are carried out under Council's various Improvement Programs including: Local Roads, Footpaths, Stormwater Drainage, Traffic Facilities and Special Projects. Local Roads, Footpaths and Stormwater Drainage Improvement Programs have additional funding as a result of Council's successful IPART application. Some of the Stormwater Drainage Improvements Program requires significant design and the 2011/2012 program reflects the need to carry out design works prior to construction.

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

The Gantt charts for the programs listed above, together with comments in the right hand column as to the status of each project, form part of this report.

Any change in the timing of construction for any project from the adopted program, is shown on the Gantt charts by shading the construction period shown on the previously adopted program.

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

**Significant Impacts**

There have been a number of changes to the Program since reported (Report No. WK60/11) to Council at the November 2011 Ordinary Meeting. These changes include:

- **Minor Traffic Facilities: Brooklyn Road – Cycle route study – Stage 1 near Wharf St.** The feasibility study for the Brooklyn shared path has been previously reported (Report No. WK66/10 and WK58/11) to Council at the October 2010 and September 2011 Ordinary Meetings respectively. The Brooklyn Shared Path Feasibility Study recommended a 700 mm wide two way shared zone (for pedestrians and cyclists) at this location. The use of bollards along this very narrow section of roadway was also recommended to separate vehicles from the shared path. The proposal at best provides better delineation between vehicles and pedestrians/cyclists with no marked safety improvements. In this regard the design plans currently being prepared include consolidation of the carriageway and construction of kerb and gutter which will enable a wider and safer shared path to be accommodated on the north side. The additional funding required for these works will be achieved by deferring Edgeworth David Avenue and Shepherds Drive projects (both traffic projects) from the current program. These two projects were not funded by the RTA and are considered lower priority. The budget amount has been increased from \$140,000 to \$355,000.
- **Minor Traffic Facilities: Edgeworth David Avenue – traffic treatment Jubilee to F3 and Shepherds Dr. Cherrybrook – off road cycleway – Kenburn Rd to New Line Rd.** These two projects have been deferred as a result of the budget reallocation of \$95,000 and \$120,000 respectively to Brooklyn Road.
- **CRR projects: Edgeworth David Avenue - raingardens.** This project is linked to the traffic project (see above) and will be deferred from the program.

The Design and Construction Branch had a number of staff vacancies, including the positions of Project Manager Hornsby Aquatic Centre and Project Manager Drainage. These staff vacancies have impacted on preconstruction activities for the 2011/2012 Program. The most significant impact of these vacancies is on the drainage program. Appointments to these positions have recently been made which will allow greater progress to be made on the overall program.



2011 / 2012 IMPROVEMENTS PROGRAM - Civil Works (as at 31-December-2011)

WARD	TRAFFIC - Construction	BUDGET	2011												PROJECT STATUS AT 31-December-2011	EXP	EXP/ BUDGET		
			JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN					
A	Minor Traffic facilities																Design 40% completed	\$12,000	3%
A	Brooklyn Rd - Cycle route study - Stage 1 near Wharf St [\$70K RTA & \$200K R2R]	\$355,000															Deferred		
A	Edgeworth David Avenue - traffic treatment Jubilee to F3	\$150,000															Design 60% completed	\$1,000	1%
A	Barowra Waters Rd. Berowra - Installation of Guard Rail (1.2km) [100% RTA]	\$65,000															Design 90% completed	\$1,000	2%
B	College Crescent, Hornsby - Off road cycleway to Clarke Rd [50% RTA]	\$65,000															Deferred		
B	Shepherds Dr. Cherrybrook-Off road cycleway-Kenburn Rd to Newline Rd [100% R2R]	\$65,000															Deferred		
C	David Road, Cherrybrook - 2 x pedestrian refuges near Barcole Place [50% RTA]	\$110,000															Design 70% completed	\$2,000	3%
C	Chester St / Norfolk Rd. Epping - Single lane roundabout [100% RTA]	\$10,000															Design 90% completed	\$9,000	8%
C	Norfolk Road, Kerb Blisters and existing pedestrian signals [50% RTA]	\$10,000															Design 90% completed	\$3,000	30%
<b>WARD TRAFFIC - Preconstruction (Future programs)</b>																			
Various 2012 / 2013 projects			\$17,000																
<b>WARD DRAINAGE - Construction</b>																			
<b>MAJOR DRAINAGE</b>																			
A	Hornsby CBD Drainage - 21 Water Street, Hornsby - provide technical advice	\$5,000															Technical advice provided		
A	Hornsby CBD Drainage - 73 Albert Street, Hornsby - flood proofing	\$100,000															Investigation report rec'd	\$9,000	9%
A	Hunter Lane - Preliminary works	\$650,000															Investigation proceeding	\$1,000	0%
B	Tomah Place to Nabiac Close, Westleigh (RA funds from CBD)	\$900,000															Investigation proceeding	\$12,000	1%
B	SRV Norman Ave to Deirnborg, Thornleigh - Stage 1 (\$20K RA funds from CBD)	\$300,000															Investigation proceeding	\$13,000	4%
B	SRV Quarter Sessions Road and Nicholson Ave, Westleigh	\$200,000															Investigation proceeding	\$12,000	6%
A	The Knoll/The Glade, Galston (Stage 1)	\$100,000															Investigation proceeding	\$18,000	18%
<b>MINOR DRAINAGE</b>																			
C	Glennig Ct, Beecroft	\$42,000															Investigation proceeding	\$1,000	2%
B	Darford Rd, Thornleigh	\$15,000															Investigation proceeding	\$1,000	7%
A	Madeleine Ct, Mt Colah	\$22,000															Investigation proceeding		
B	Hammond Ave, Knox Pl, Normanhurst (\$4K SRV)	\$25,000															Investigation proceeding	\$2,000	8%
A	SRV near 39 Hazelmead Rd, Asquith	\$14,000															Design Completed		
A	SRV 34 Eden Dr, Asquith	\$14,000															Design Completed		
B	SRV Denman Pde, Huddart Ave, Kenley Rd, Normanhurst	\$17,000															Investigation proceeding		
A	SRV Brushwood Place, Hornsby	\$45,000															Investigation proceeding		
B	SRV Between Russell Ave & Edwards Rd, Wahroonga	\$40,000															Investigation proceeding	\$1,000	2%
B	SRV Nicholson Ave & Barrett Ave, Thornleigh	\$15,000															Investigation proceeding		
A	SRV Stokes Ave, Asquith	\$15,000															Investigation proceeding		
A	SRV Mount St, Asquith	\$20,000															Design Completed		
A	SRV Arthur St, Hornsby	\$20,000															Investigation proceeding	\$2,000	10%
<b>WARD DRAINAGE - Preconstruction (Future programs)</b>																			
Various Preconstruction 2012 / 2013 program			\$160,000																
B	SRV Myra Street to Park Ave, Wahroonga	\$600,000																\$5,000	1%

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



2011 / 2012 IMPROVEMENTS PROGRAM - Civil Works (as at 31-December-2011 )

WARD/OTHER PROJECTS	BUDGET	2011												2012		PROJECT STATUS AT 31 December 2011	EXP	EXP/ BUDGET		
		JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN							
A. SRV George Street Pedestrian Bridge replacement	\$30,000																	Awaiting Funding		
A. Hornsby Quarry & Associated Land - Pumping and Monitoring (\$10K Quarry RA)	\$160,000																	Pumping Continuing	\$23,000	14%
A. Hornsby Quarry Filling Approval (Quarry RA)	\$240,000																	Ongoing Assessment	\$29,000	12%
A. Old Pratts Ferry Road, Cowan - unsealed road construction program	\$60,000																	DA submitted	\$1,000	2%
A. Hornsby Aquatic Centre Development (\$600K SRV \$600K RA)	\$1,200,000																	Design proceeding	\$406,000	34%
C. Storey Park Community and Daycare Centre (\$4M S94 & \$3M Sale of Property)	\$350,000																		\$136,000	39%
<b>Hornsby Town Centre Civic Improvements</b>																				
B. Hornsby Town Centre (HTC) preconstruction activities for 2012/2013 program (S94)	\$50,000																			
<b>WARD ENVIRONMENT - CRR projects - Construction</b>																				
A. Cootlamundra Road, Hornsby Heights - Bioretention	\$150,000																	Construction Completed	\$110,000	110%
A. Peter Close Hornsby Heights - Bioretention	\$100,000																	Construction Completed	\$70,000	70%
C. Eastcote Road, North Epping - Bioretention	\$100,000																	Construction Completed	\$104,000	104%
A. Parrish Place, Mt Colah - Bioretention	\$150,000																	Design proceeding	\$2,000	1%
B. Dawson Ave, Thornleigh - Bioretention	\$150,000																	Design 90% Completed	\$5,000	5%
C. Sutherland Rd, Cheltenham - Bioretention	\$100,000																	Deferred		
C. Flamtree Cr-Cherrybrook - GPT	\$50,000																	Construction 70% Completed	\$43,000	43%
A. Edgeworth David - raingardens (as part of traffic pjs)	\$100,000																	Design 70% Completed	\$2,000	2%
A. Stewart Ave. Hornsby Height - Bioretention	\$100,000																	Design 90% Completed	\$10,000	10%
B. Duneba Drive/Aparnie Place - Westleigh - Bioretention	\$100,000																			
C. Bradwood Ave/Boundary Rd, North Epping - Bioretention	\$100,000																			
<b>ENVIRONMENT - CRR - Preconstruction (Future programs)</b>																				
Various 2012 / 2013 projects	\$80,000																		\$12,000	15%
<b>WARD ENVIRONMENT - Parks &amp; Others</b>																				
A. SRV Faigan Park carpark improvements	\$300,000																	Work by schedule of rates		
A. SRV Galston Recreation Reserve carpark improvements	\$200,000																	Work by schedule of rates		

d d d denotes preconstruction (including design) by Council  
 e s s denotes preconstruction (including design) by Consultants  
 t t t denotes calling tenders/quotations, reporting & contract documentation  
 c c c denotes construction by Subcontractors + Council (crew No. 2)  
 s s c denotes construction by Contractors  
 . . . denotes approvals, consultation, property negotiations etc.  
 . . . denotes programmed construction period in the last reported program.

**BUDGET**

Any budget implications are covered under the heading of “Significant Impacts” in this report.

**POLICY**

There are no policy implications.

**CONSULTATION**

The program has been developed in consultation with the respective program 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 responsible officer is the Manager, Design & Construction, Mr Rob Rajca who can be contacted on telephone 9847 6675 between 8.30am - 5.00pm, Monday to Friday.

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. WK12/12 be received and noted.

ROBERT STEPHENS  
Executive Manager  
Works Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/05959-02  
Document Number: D01843830

## 15 MAYOR'S NOTES FROM 1 TO 30 NOVEMBER 2011

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Friday 4 November 2011 - The Mayor attended a Three Tiers of Government Breakfast Meeting with Mr John Alexander MP

Sunday 6 November 2011 - The Mayor attended the North Shore District Rifle Association's Annual Open Prize Meeting.

Tuesday 8 November 2011 - The Mayor attended the Golden Kangaroos Senior Band Rehearsal at Cheltenham.

Wednesday 9 November 2011 - The Mayor visited the Students at St Patricks Primary School at Asquith.

Thursday 10 November 2011 - The Mayor officially opened the COLA, Canteen and Library at Normanhurst Public School

Friday 11 November 2011 - The Mayor attended the Hornsby RSL Sub-Branch Remembrance Day Commemoration Service at Hornsby Cenotaph.

Friday 11 November 2011 - The Mayor and Councillor Browne attended the Roselea Bushcare Group Celebration of the completion of their Caring for our Country Grant Project at Orchard Road Park.

Saturday 12 November 2011 - The Mayor and Mayoress attended the Beecroft Rotary Club Old Time Country Ball at Epping.

Sunday 13 November 2011 - The Mayor and Mayoress attended the IABBV Hindi School Bal Divas 2011 Celebration at Thornleigh West Public School.

Sunday 13 November 2011 - The Mayor attended the St Seraphim Russian Community School Open Day.

Tuesday 15 November 2011 - The Mayor officially opened the Colin May Centre at Arden Anglican School.

Tuesday 15 November 2011 - The Mayor attended a meeting of the Hills Rural Business Chamber at Dural.

Tuesday 15 November 2011 - The Mayor attended a North West Rail Link Update Session at Castle Hill.



Thursday 17 November – The Mayor attended the Official Opening of the EcoSkills Training Structure at Hornsby TAFE.

Friday 18 November 2011 – The Mayor attended the Official Opening of the Performing Arts Centre at Pacific Hills Christian School.

Friday 18 November 2011 – The Mayor attended the Hornsby Woodworking Men’s Shed Christmas Function at Thornleigh.

Saturday 19 November 2011 – The Mayor attended the Bushcare Christmas Party.

Sunday 20 November 2011 – The Mayor attended the Neighbourhood Watch EW44 Community Get Together/BBQ Lunch at Kilpack Park, Carlingford.

Sunday 20 November 2011 – The Mayor attended the Jing Dance Concert at Hornsby RSL Club.

Sunday 20 November 2011 – The Mayor attended the Queens Scout Award Presentation for Sarah-Jane Petts at Hornsby Heights.

Monday 21 November 2011 – The Mayor attended the Catholic Community Services Volunteer Gala Dinner at Hornsby RSL Club.

Tuesday 22 November – The Mayor attended the Bendigo Bank Annual Community Grants Presentation at Epping.

Thursday 24 November 2011 – The Mayor attended the Hills Rural Business Chamber Dinner and AGM.

Friday 25 November 2011 – The Mayor attended and was guest speaker at the White Ribbon Breakfast at Hornsby RSL Club.

Friday 25 November 2011 – The Mayor attended the Students of Art in Berowra Exhibition.

Friday 25 November 2011 – The Mayor attended the Hornsby War Memorial Hall Committee’s Christmas Dinner at Hornsby RSL Club.

Saturday 26 November 2011 – The Mayor attended the Bunnings Dural Warehouse & Rotary Club of Galston’s Opening of the Renovated Galston Community Health Centre at Galston.

Saturday 26 November 2011 – The Mayor Officiated at the 2011 Hornsby Art Prize Awards Evening at Cherrybrook.

Sunday 27 November 2011 – The Mayor attended the Berowra RSL Sub Branch Annual Christmas Dinner at Berowra.

Monday 28 November 2011 – The Mayor and Councillor Evans hosted three Citizenship Ceremonies in the Council Chambers.

Wednesday 30 November 2011- The Mayor Opened the Be Safe Be Prepared Crime Prevention Seminar at Hornsby RSL Club.

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

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