



the bushland shire

creating a living environment

BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 21 March, 2012
at 6:30 pm**

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MAYORAL MINUTES**NOTICES OF MOTION****SUPPLEMENTARY AGENDA****QUESTIONS WITHOUT NOTICE**

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

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

APOLOGIES / LEAVE OF ABSENCE

PRESENTATIONS

DECLARATIONS OF INTEREST

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

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

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

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

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

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

OR

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

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

CONFIRMATION OF MINUTES

THAT the Minutes of the Ordinary Council Meeting held on 15 February, 2012 be confirmed; a copy having been distributed to all Councillors.

THAT the Minutes of the Workshop Meeting held on 23 November, 2011 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

RESCISSION MOTIONS

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

Persons wishing to address Council on matters which are on the Agenda are permitted to speak, prior to the item being discussed, and their names will be recorded in the Minutes in respect of that particular item.

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".*

GENERAL BUSINESS

- *Items for which there is a Public Forum Speaker*
- *Public Forum for non agenda items*
- *Balance of General Business items*

GENERAL MANAGER'S DIVISION

Nil

CORPORATE AND COMMUNITY DIVISION**Page Number 1**

**Item 1 CC7/12 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD
 UNTIL 30 NOVEMBER 2011**

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC7/12 be received and noted.

Page Number 3

**Item 2 CC8/12 INVESTMENTS AND BORROWINGS FOR 2011/12 -
 STATUS FOR PERIOD ENDING 31 JANUARY 2012**

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC8/12 be received and noted.

Page Number 6

**Item 3 CC9/12 CODE OF MEETING PRACTICE - PROPOSED
 AMENDMENT TO SCHEDULE OF COUNCIL MEETINGS -
 APRIL 2012 TO OCTOBER 2012**

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC9/12 be received and noted.
2. The draft amended Code of Meeting Practice attached to Executive Manager's Report No. CC9/12, which was publicly exhibited during the period 24 January 2012 to 20 February 2012 and about which no submissions were received in the period ending 5 March 2012, be adopted.
3. The documents attached to Executive Manager's Report No. CC9/12 and titled "Schedule of ordinary Council Meetings April 2012 – October 2012"; "Order of Business at ordinary Council Meetings April 2012 – October 2012"; and "Administration of Council Meetings – From April 2012" be adopted.

Page Number 11**Item 4 CC11/12 PECUNIARY INTEREST AND OTHER MATTERS
RETURNS - DISCLOSURES BY 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 14****Item 5 EN7/12 PROPOSED TREE OFFSET MECHANISM AND FEES****RECOMMENDATION**

THAT:

1. Council adopt for public exhibition and make available for public comment the draft Green Offsets Code for a period of one month.
2. At the conclusion of the exhibition period, a further report be presented to Council detailing the submissions received.
3. If there are no submissions received, the draft Green Offsets Code be considered adopted.
4. The cost of replacement trees to be planted on Council land be established at \$1000 per twenty square metres of canopy area removed, and included as an estimate in the Draft Fees and Charges Schedule for 2012/2013.

Page Number 20**Item 6 EN15/12 REQUEST TO REMOVE TREE AT 42 COWAN
ROAD, MOUNT COLAH****RECOMMENDATION**

THAT Council refuse consent to remove one (1) *Eucalyptus saligna* (Sydney Blue Gum), located in the rear yard of 42 Cowan Road, Mount Colah.

Page Number 24

Item 7 EN16/12 DRAFT PLAN OF MANAGEMENT FOR OLD MANS VALLEY

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. EN16/12 be received and noted.
2. The document attached to Executive Manager's Report No. EN16/12 and titled "Public Hearing Report – Proposed Recategorisation of Community Land in Old Mans Valley, Hornsby – Public Hearing 2: 9 February 2012" be received and noted.
3. Council categorise the community land in Old Mans Valley according to the categorisations shown in Figure 9 of the Old Mans Valley Community Land Draft Plan of Management dated January 2012.
4. Council adopt the Old Mans Valley Community Land Draft Plan of Management dated January 2012.

PLANNING DIVISION

Nil

WORKS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

MAYOR'S NOTES

Page Number 31

Item 8 MN3/12 MAYOR'S NOTES FROM 1 TO 31 DECEMBER 2012

Page Number 33

Item 9 MN4/12 MAYOR'S NOTES FROM 1 TO 29 FEBRUARY 2012

MAYORAL MINUTES

NOTICES OF MOTION

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

QUESTIONS WITHOUT NOTICE

1 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 30 NOVEMBER 2011

EXECUTIVE SUMMARY

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

PURPOSE/OBJECTIVE

The purpose of this Report is to provide details in respect of resolutions adopted by Council up until 30 November 2011 which have not yet been substantially implemented.

DISCUSSION

In accordance with the Council Resolutions Policy, each Division has carried out a review of any resolutions adopted by Council up until 30 November 2011 which have not yet been substantially implemented. This has resulted in the attached spreadsheet being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

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

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

BUDGET

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

POLICY

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

CONSULTATION

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

TRIPLE BOTTOM LINE SUMMARY

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC7/12 be received and noted.

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

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Council Resolutions - as at 30 November 2011

File Reference: F2005/00112
Document Number: D01855803

2 INVESTMENTS AND BORROWINGS FOR 2011/12 - STATUS FOR PERIOD ENDING 31 JANUARY 2012

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 year to date investment income for the period ending 31 January 2012 was \$1,046,000 compared to the budgeted income for the same period of \$898,000. Of the investment income earned, 33% 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 – January 2012

- The At-Call and Term Deposits achieved an annualised return of 5.70% for the period ending 31 January 2012 compared to the benchmark of 4.25%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market annualised return of 38.19% for the period ending 31 January 2012 compared to the benchmark of 39.06%. 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 the period ending 31 January 2012 compared to the benchmark of 4.68%. No interest will be accrued for the remaining life of the securities.

For total investments, the annualised return for the period ending 31 January 2012 was 5.85% compared to the benchmark of 5.08%.

Economic Commentary

Statement by Glenn Stevens, Governor, Reserve Bank Board: Monetary Policy Decision – Media Release – 7 February 2012

At its meeting today, the Board decided to leave the cash rate unchanged at 4.25 per cent.

Information becoming available since the December meeting confirms that economic conditions in Europe were weakening late last year, with risks still skewed to the downside. Reflecting this, most forecasters have lowered their forecasts for world GDP growth this year to a below trend pace. That said, recent data from the United States suggest a continuing moderate expansion after a soft patch in mid 2011. Growth in China has moderated as was intended, but on most indicators remained quite robust through the second half of last year. Conditions around other parts of Asia have softened. Commodity prices declined for some months to be noticeably off their peaks, but over the past couple of months have risen somewhat and remain at quite high levels.

The acute financial pressures on banks in Europe were alleviated considerably late in 2011 by the actions of policymakers. Much remains to be done to put European sovereigns and banks on a sound footing, but some progress has been made. Financial market sentiment, though remaining skittish, has generally improved since early December. Share markets have risen and term funding markets have re-opened, including for Australian banks, albeit at increased cost compared with the situation prevailing in mid 2011.

Information on the Australian economy continues to suggest growth close to trend, with differences between sectors. Labour market conditions softened during 2011 and the unemployment rate increased slightly in mid year, though it has been steady over recent months. CPI inflation has declined as expected, as the large rises in food prices resulting from the floods a year ago have been unwinding. Year-ended CPI inflation will fall further over the next quarter or two. In underlying terms, inflation is around 2½ per cent. Over the coming one to two years, and abstracting from the effects of the carbon price, the Bank expects inflation to be in the 2–3 per cent range.

Credit growth remains modest, though there has been a slight increase in demand for credit by businesses. Housing prices showed some sign of stabilising at the end of 2011, after having declined for most of the year. The exchange rate has risen further, even though the terms of trade have started to decline. This is largely a reflection of a decline in the euro against all currencies. Nonetheless, the Australian dollar in trade-weighted terms is somewhat higher than the Bank had previously assumed.

At today's meeting, the Board noted that interest rates for borrowers have declined to be close to their medium-term average, as a result of the actions at the Board's previous two meetings. With growth expected to be close to trend and inflation close to target, the Board judged that the setting of monetary policy was appropriate for the moment. Should demand conditions weaken materially, the inflation outlook would provide scope for easier monetary policy. The Board will continue to monitor information on economic and financial conditions and adjust the cash rate as necessary to foster sustainable growth and low inflation

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 31 January 2012 is attached for Council's information.

BUDGET

Total year to date investment income for the period ending 31 January 2012 was \$1,046,000. The budgeted income for the period was \$898,000. Approximately 33% 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. CC8/12 be received and noted.

GLEN MAGUS
Manager - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. HSC Investment Portfolio as at 31 January 2012
2. HSC Borrowings Schedule as at 31 January 2012

File Reference: F2004/06987
Document Number: D01861807

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

EXECUTIVE SUMMARY

At the 21 December 2011 Ordinary Meeting, Council resolved to place on public exhibition a draft amended Code of Meeting Practice which proposed the removal of the Planning Meeting from Council's meeting calendar, and the scheduling of Workshop Meetings (if required) on the first, second, fourth and fifth Wednesdays of the month.

Public notices were subsequently placed in local newspapers and on Council's website in the week commencing 23 January 2012 and submissions about the document were invited up until 5 March 2012. At the close of business on 5 March 2012, no submissions had been received in respect of the draft amended Code.

Council's resolution of 21 December 2011 also required that there be discussion in this Report about the opportunity of creating a greater period of time between when the business paper for a meeting was proposed to be published (i.e. at 5.00pm on the Wednesday in the week prior to the Council meeting) and the holding of the meeting. Council's Executive Committee (ExCo) has considered the alternatives available and has formed a view that the timeline proposed in Executive Manager's Report No. CC74/11 should at least be tested for a trial period up until the commencement of the new Council term in October 2012. The matter would then be reviewed again as part of the scheduling of Council meetings beyond that date when the new Council receives a report on the matter.

It is recommended that the draft amended Code now be formally adopted by Council. Similarly, it is recommended that the other relevant documents attached to this Report also be adopted. The consequence will be that Council will have one General Meeting on the third Wednesday of each month, with the other Wednesdays of the month being available, with appropriate notice, for Workshop Meetings.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council's resolution in respect of Executive Manager's Report No. CC74/11 at the 21 December 2011 Ordinary Meeting; to provide details of any submissions received as a consequence of the publicly exhibited draft amended Code of Meeting Practice; and to make an appropriate recommendation having regard to an assessment of those submissions.

DISCUSSION

At the 21 December 2011 Ordinary Meeting, Council considered Executive Manager's Report No. CC74/11 (copy attached) and resolved that:

- 1. The contents of Executive Manager's Report No. CC74/11 be received and noted.*
- 2. The draft amended Code of Meeting Practice attached to Executive Manager's Report No. CC74/11 be placed on public exhibition from Tuesday 24 January 2012 to Monday*

20 February 2012, and submissions in respect of the draft Code be received up until Monday 5 March 2012.

- 3. A further report be prepared for Council's consideration at the 21 March 2012 Ordinary Meeting which deals with any submissions received and makes appropriate recommendations in respect of the adoption of a new Code.*
- 4. The report referred to in 3. above also include discussion about the opportunity of creating a greater period of time between when the business paper for a meeting is published and the holding of the meeting.*

In respect to point 2 of the resolution, public notices were placed in the Hills News, Northern District Times and Hornsby Advocate in the week commencing 23 January 2012. Those notices advised of the public exhibition of the draft amended Code until 20 February 2012 and that submissions about the document would be received by Council up until 5 March 2012. A copy of the draft amended Code and details about the exhibition process were also placed on Council's website during the period.

It should be noted that as at the close of business on 5 March 2012, no submissions had been received in respect of the draft amended Code.

Point 4 of the resolution required that there be discussion in this Report about the opportunity of creating a greater period of time between when the business paper for a meeting is published and the holding of the meeting. In this regard, Executive Manager's Report No. CC74/11 proposed that the publishing of a business paper for the monthly General Meetings (and the distribution of the business paper to Councillors) would occur on the Wednesday evening seven days prior to the Meeting. It is noted that this publishing and distribution is in line with the process that has been in place and worked successfully for many years for Ordinary Meetings. It is also noted that the new process was an initiative of the new General Manager to ensure that there was a high level formal consultation process involving the Executive Management group (and Branch Managers as appropriate) prior to the business papers being finalised and prepared for distribution to Councillors and the public.

To try to extend the period between publishing and distribution of the business paper and the holding of a meeting to say 12 days (i.e. distribution would occur on the Friday two weeks prior to a General Meeting) would bring added pressures to the timeline that was proposed in the attachment to Executive Manager's Report No. CC74/11, and titled "Administration of Council Meetings – From April 2012".

These pressures would most likely affect the period that was proposed to be available (in a normal month free of public holidays) for amendment of a report following the ExCo Business Paper Meeting (i.e. from approximately 2.00pm on a Tuesday until 2.00pm on the following Monday – four working days); and the period that the Council Meetings and Governance Officer would have to compile the business paper, arrange for its printing and distribution to the Councillors and the website (i.e. from 2.00pm on a Monday until 5.00pm on the following Wednesday – two and a half working days). It is noted that these timelines were examined and given careful consideration when Executive Manager's Report No. CC74/11 was prepared to ensure that there would be sufficient time available to relevant staff and managers to achieve an efficient, effective and quality business paper at the end of the process.

If the above timelines were to be shortened, the most likely option would be to reduce the time for the amendment of a report following the ExCo Business Paper Meeting to one and a

half working days (i.e. from approximately 2.00pm on a Tuesday until 10.00am on the following Thursday); and the period that the Council Meetings and Governance Officer would have to compile the business paper, arrange for its printing and distribution to the Councillors and the website to less than two working days (i.e. from 10.00am on a Thursday until 5.00pm on the following Friday).

Whilst amendments to the timeline may be able to be achieved, there would be some risks in doing so e.g. the unavailability of managers who may be required to edit reports following the ExCo Business Paper Meeting; the time required to source additional information required for completion of a report; third party delays associated with compiling and printing the business papers; etc. The result may be that the finalisation of the business paper would be delayed and/or some reports would be submitted as supplementary reports to the meeting or held back and submitted to the next month's meeting.

ExCo have considered the alternatives and have formed a view that the timeline proposed in Executive Manager's Report No. CC74/11 should at least be tested for a trial period to the commencement of the new Council term in October 2012. The matter will then be reviewed again as part of the scheduling of Council meetings beyond that date when the new Council receives and considers a report on the matter.

Having regard to the above, and as no submissions or comments were received in respect of the draft amended Code, it is recommended that the draft amended Code now be formally adopted by Council. Similarly, the documents attached to Executive Manager's Report No. CC9/12 and titled "Schedule of ordinary Council Meetings April 2012 – October 2012"; "Order of Business at ordinary Council Meetings April 2012 – October 2012"; and "Administration of Council Meetings – From April 2012" should also be adopted.

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

General Meetings

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

Workshop Meetings (if required)

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

BUDGET

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

POLICY

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

CONSULTATION

There has been consultation with the General Manager, ExCo and appropriate Council officers in the preparation of this Report as well as reference to relevant Council Policies and legislative provisions.

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 – Robyn Abicair, who can be contacted on 9847 6608.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. CC9/12 be received and noted.
2. The draft amended Code of Meeting Practice attached to Executive Manager's Report No. CC9/12, which was publicly exhibited during the period 24 January 2012 to 20 February 2012 and about which no submissions were received in the period ending 5 March 2012, be adopted.
3. The documents attached to Executive Manager's Report No. CC9/12 and titled "Schedule of ordinary Council Meetings April 2012 – October 2012"; "Order of Business at ordinary Council Meetings April 2012 – October 2012"; and "Administration of Council Meetings – From April 2012" be adopted.

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

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Code of Meeting Practice - Previous Report and Attachments

File Reference: F2004/07032
Document Number: D01861810

4 PECUNIARY INTEREST AND OTHER MATTERS RETURNS - DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

EXECUTIVE SUMMARY

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

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

PURPOSE/OBJECTIVE

The purpose of this Report is to table the Disclosure of Pecuniary Interests and Other Matters Returns 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 15 February 2012 (see Report No. CC5/12). Since that time, four additional Returns have been lodged with the General Manager and are now tabled as required by the Local Government Act.

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
25/01/2012	GIS Coordinator	Leaving Council
31/01/2012	Traffic Ranger	New appointment
16/02/2012	Coordinator, Community and Cultural Facilities	Leaving Council
2/03/2012	Environmental Health and Building Surveyor	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: D01877269

5 PROPOSED TREE OFFSET MECHANISM AND FEES

EXECUTIVE SUMMARY

In April 2011, when considering changes to tree preservation within the Shire, Council expressed its desire to investigate ways to offset the loss of individual canopy trees as well as methodologies for valuing these trees. Over the remainder of 2011, Council considered Reports EN 21/11 and EN 24/11 that explored a number of different ways to value and offset the loss of trees on private land.

Following analysis of the various tree valuation methodologies, it is suggested that Council adopt a tree replacement valuation method that is based upon the cost of planting replacement trees to offset the lost canopy. Under this method, one replacement tree would be planted for every twenty square metres of healthy canopy area that is lost.

It is proposed that the cost of replacement trees would be set annually in Council's Fees and Charges, with the current cost estimate calculated to be \$1,000 per replacement tree. This amount would cover all aspects of the growth and establishment of an advanced specimen for a period of two years. This estimate would be subject to annual review and endorsement by Council in its Fees and Charges schedule.

In its Green Offsets Code, Council has an established mechanism for offsetting the loss of native vegetation and this report suggests that changes as described above, be made to Council's Green Offsets Code in order to extend its application to individual canopy trees in a development setting.

This report recommends that Council adopt the amended Green Offsets Code for the purposes of public exhibition.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with the information required to consider and determine whether to adopt for the purposes of public exhibition, draft amendments to the Green Offsets Code ('the Code') to introduce an offset mechanism for the loss of individual canopy trees as a result of development.

DISCUSSION

In April 2011, when considering changes to tree preservation within the Shire, Council expressed its desire to investigate ways to offset the loss of individual canopy trees as well as methodologies for valuing these trees.

In June and September 2011, Council considered two separate reports (Executive Manager's Report No. EN21/11 and EN24/11) that discussed various offset mechanisms and valuation methods that might apply to tree offsets.

These mechanisms and valuation methods have been further refined and a preferred approach is discussed below.

Green Offsets Code

Offsetting is a mechanism by which the negative impacts at one site can be offset by positive actions elsewhere, if not on the site then generally within the vicinity of the site or within the region.

In early 2008, Council adopted a Green Offsets Code to address the loss of valuable native vegetation across Hornsby Shire through the impacts of development.

The purpose of the Code is to ensure that significant vegetation within the Shire is protected, balance the negative impacts of some development and to provide for environmental enhancement and restoration.

In order to maintain the integrity of the Code, voluntary offsets can only be considered where damage to native vegetation due to a development is unavoidable and all options to minimise impacts have been exhausted.

The area of vegetation to be removed is usually offset by protecting and enhancing another area of native vegetation to 'replace' the native vegetation removed from the development site.

Proposed Amendments to the Green Offsets Code to Offset Tree Loss

While the Code sets out a mechanism for replacing bushland lost through development, there is currently no equivalent method in use in Hornsby to enable replacement of individual canopy trees that are lost as a result of development, except through the use of landscape plans for replanting the site.

Whilst landscape plans are necessary and beneficial for the subject site, they are limited in that they do not allow for tree loss offsetting at another site. As a result, mature trees that are lost are rarely replaced on a better than one-for-one basis due to space limitations on the land that is subject to development; and it can then take many years before the equivalent canopy is regrown.

It is proposed that amendments be made to Council's Code to introduce a mechanism that would enable the loss of individual canopy trees to be offset (Attachment 1).

The following principles are suggested as striking an appropriate balance for tree offset planting in Hornsby Shire:

1. Tree offsetting would only be considered where there will be the loss of healthy trees; that is, trees protected by the Tree Preservation Order that are not diseased, dying or dangerous, as a result of development.
2. Tree offsetting would not apply to tree applications where no development is proposed.
3. Offset planting would be decided by agreement with the applicant and formalised in writing.
4. Street nature strips and suitable public open space may be considered for offset planting where it is demonstrated that there is insufficient area on the subject land.

Tree Valuation Methods

In expanding the scope of Council's Code to incorporate tree offsets, it is important to consider the method by which the number of replacement trees would be calculated.

Following analysis of several known methods of tree valuation, a tree replacement method which is based upon planting replacement trees to offset the lost canopy is recommended as the preferred approach.

Under this method, one replacement tree would be replanted for each twenty square metres of healthy tree canopy that is removed.

Whilst this method does not consider the condition, quality and social value of the tree; it would provide for a better than one-for-one tree replacement outcome, is simple to apply and removes the subjectivity that is inherent in other methods of valuation.

As a principle, replacement planting would initially be accommodated on the subject site, and where this is unable to be achieved, consideration may be given to offset planting occurring on Council land.

The Council land proposed for offset planting would mostly be road reserves, through the use of additional street tree planting. Some planting may also occur on suitable cleared areas on public reserves.

Cost of Replacement Planting

Where Council land is proposed to be used for any offset planting, the cost of purchasing, planting and establishing an advanced tree for a period of two years would be borne by the proponent.

The unit cost of replacement trees escalates greatly if planted in smaller groups and may approach \$6,000 if an individual tree is planted at a site. In practice, group planting would almost always be the case and therefore an amount of \$1,000 per twenty square metres of canopy removed is considered to be a realistic amount.

The average canopy size for the five common species in Table 1 suggests that the cost of replacement planting is likely to range from \$7,000 to \$12,000 for each tree removed.

Table 1: Average replacement planting cost for selected trees

Tree Name	Average Canopy Size	Replacement Planting	Cost of Replacement Planting
	m²	No. of trees	
<i>Angophora costata</i>	162	8	\$8,000
<i>Eucalyptus saligna</i>	237	12	\$12,000
<i>Eucalyptus pilularis</i>	232	12	\$12,000
<i>Eucalyptus haemastoma</i>	116	7	\$7,000
<i>Syncarpia glomulifera</i>	162	8	\$8,000

It is proposed that the cost of replacement trees would be set annually in Council's Fees and Charges, with the current cost estimate calculated to be \$1000 per twenty square metres of canopy removed.

CONCLUSION

Considering Council's desire to offset the loss of healthy trees within Hornsby Shire, it is recommended that Council adopt for the purposes of public exhibition, draft amendments to the Green Offsets Code that would introduce a mechanism to offset individual canopy trees that would otherwise be lost in a development setting.

BUDGET

There are no budget implications in this report.

POLICY

The report recommends amendments to Council's Code to introduce a offset mechanism for healthy trees lost as a result of development. The Code would be referenced in the tree and vegetation chapter of Council's Development Control Plan and would operate on the basis that an applicant would identify offsetting as an option for the site. The applicant would then present Council with an offsetting proposal prior to submitting a development application for the site.

CONSULTATION

Subject to endorsement by Council, it is proposed that the amended Code be publically exhibited for a period of one month.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our community

The valuation methods proposed are equitable and take into account varying circumstances. This report recommends that draft amendments to the Code be endorsed for public exhibition.

Conserving our natural environment

The recommended approach will assist Council to ensure that significant vegetation in the Shire is protected, balance the negative impacts of some development and provide for environmental enhancement and restoration by collecting funds to plant trees on public land.

Contributing to community development through sustainable facilities and services

Additional tree planting on public land will provide significant environmental, social and financial outcomes including improved:

- Aesthetics and streetscapes
- Water cycle maintenance including groundwater levels and quality
- Prevention of soil erosion
- Microclimate benefits
- Habitat and corridor values
- Carbon uptake and storage
- Nutrient uptake
- Oxygen production through photosynthesis
- Property values

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

The recommended approach will ensure Hornsby Shire remains as 'The Bushland Shire' well into the future.

Supporting our diverse economy

The provision of a network of open space and healthy environment enhances the quality of life for a community and this is often a prime consideration for new businesses wishing to relocate.

Maintaining sound corporate and financial management

The proposed process will provide an alternative non rate base funding source for tree planting.

RESPONSIBLE OFFICER

The responsible officer is Peter Kemp, Parks and Landscape Manager, telephone 9847 6792, between 8.30am and 5pm, Monday to Friday.

RECOMMENDATION

THAT:

1. Council adopt for public exhibition and make available for public comment the draft Green Offsets Code for a period of one month.
2. At the conclusion of the exhibition period, a further report be presented to Council detailing the submissions received.
3. If there are no submissions received, the draft Green Offsets Code be considered adopted.
4. The cost of replacement trees to be planted on Council land be established at \$1000 per twenty square metres of canopy area removed, and included as an estimate in the Draft Fees and Charges Schedule for 2012/2013.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Attachments:

1. Draft Green Offsets Code

File Reference: F2010/00633

Document Number: D01837427

ITEM 5

6 REQUEST TO REMOVE TREE AT 42 COWAN ROAD, MOUNT COLAH

EXECUTIVE SUMMARY

In May 2011, Council received an application from the owner of 42 Cowan Road, Mount Colah to remove a mature *Eucalyptus saligna* (Sydney Blue Gum), located to the rear of the property on the grounds that the tree is dropping branches and presents a safety risk. In their application, the owner advised that they had been struck by a falling branch requiring medical treatment. Whilst Council Officers have not sighted the subject branch, it is understood to have been of a small size.

The application was refused on the grounds that a visual inspection of the tree by Council's Tree Management Officer failed to find evidence that the tree was dangerous. The owner was advised that further evidence such as an Arborist report would need to be provided should they wish to have the matter reconsidered.

In January 2012, Council received a second application to remove the tree on similar grounds. Additional evidence such as an Arborist report was not provided to support the application. This application was refused by another of Council's Tree Management Officers as a visual inspection again failed to find evidence that the tree was dangerous. The Tree Management Officer did note however that the tree requires pruning to remove deadwood.

The owner has subsequently sought Council's consideration of the matter at an Ordinary Meeting of Council.

Considering the results of the two previous inspections that found the tree to be generally healthy, and the lack of additional supporting evidence in the form of an arborist's report or the like; it is recommended that that Council refuse the application for consent to remove one (1) mature, individually significant *Eucalyptus saligna* (Sydney Blue Gum), a locally indigenous tree located at the rear of 42 Cowan Road, Mount Colah.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with the information required to consider an application by the owner of 42 Cowan Road, Mount Colah to remove one (1) *Eucalyptus saligna* (Sydney Blue Gum), located at the rear of the property.

DISCUSSION

The property known as 42 Cowan Road, Mount Colah was purchased by the applicant in April 2010.

A Tree Application was subsequently lodged with Council in May 2011 (TA/505/2011) to remove a Sydney Blue Gum from the property (Attachment 1). The application was assessed by Council's Tree Management Officer Robert Woodward, who noted at the time of inspection that previous works had been undertaken on the tree resulting in the removal of large, primary limbs. No other maintenance, that is, pruning of poorly attached epicormic growth, crossing or rubbing branches, damaged or diseased branches or deadwood had been

carried out on the tree. The portion of branch that had failed prior to the inspection was a small end section which appears to have been broken during high winds (adverse weather conditions). All other limb loss appears to have been deadwood which is considered a natural process, and which may be removed without the need for consent.

The tree meets Council's criteria for an individually significant tree and although being located in the rear yard of the property it is prominent within the streetscape.

At the time of the application insufficient evidence was provided to Council to enable consent to be granted under the Tree Preservation Order (TPO) to remove the tree. The owner was notified of Council's assessment and requested that further evidence such as an Arborist Report be provided should they wish to have the matter reconsidered.

A request by the owner for a second inspection, TA/505/2011/A was made in January 2012 (Attachment 2). Another of Council's Tree Management Officers, Lisa Murphy assessed this application and inspected the tree.

The following notes were made with respect to the tree. The tree has small wound from failure of included branch. No other wounds from failure or storm. The tree has had its lower limbs removed in last 5 years and this has reduced limb-failure hazards. Wound-wood and tip growth is excellent and minimal deadwood (less than 2% of the canopy) is evident indicating the good health and vigour of the tree. The tree is located 4 metres from a shed building and approximately 18 metres from main dwelling.

No further evidence such as an Arborist report was provided with the second application and the application was refused.

The owner was informed that the tree required pruning to remove deadwood and that consent will generally not be given to remove a tree where:

- A tree is shedding leaves, fruit, bark or deadwood as this is considered a natural process
- A tree is causing minor damage to property e.g. driveway
- There are unsubstantiated fears about large trees
- A tree is causing minor shading.

In February 2012 the owner wrote to Council requesting to have the matter heard at an Ordinary Meeting of Council (Attachment 3). In her letter the owner states that whilst not disputing the health of the tree, she remains concerned about her safety and that of visitors to her house.

The owner refers to branches of varying sizes that have fallen from the tree including a branch that struck her resulting in medical treatment, and a branch that caused damage to roof tiles. Whilst Council Officers have not sighted the branch that struck the owner, it is understood to have been of a small size.

Photographs of fallen branches were supplied with each of the first two tree applications, along with additional photos supporting the request for Council to consider the matter at an Ordinary meeting. A review of these photographs has revealed that with the exception of two branches (refer to photographs taken on 10 May 2011); the subject branches appear to be typical of deadwood.

There did not appear to be any pattern consistent with an unhealthy tree which would lead to the conclusion that there would in future be an abnormal level of limb loss and danger to the

property. The live limb loss that had occurred may have been averted by preventative maintenance of the tree and the applicant was advised in writing to prune the tree of dead and damaged limbs.

Following Council's second assessment in January 2012, the applicant was advised that the tree requires pruning to remove deadwood. The applicant has subsequently advised that she is not prepared to outlay money to have the tree pruned to remove deadwood only, as this will become an ongoing issue and not resolve her safety fears for herself and others.

Additional supporting evidence, such as an Arborist report, has not been provided by the applicant to justify the removal of the tree located within the property.

Tree details

Tree 1	Species - <i>Eucalyptus saligna</i> Height – 30m	Common Name – Sydney Blue Gum Age - Mature
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Recent photographs taken by Council's Tree Management Officer of the tree have been included for Council's information (Attachment 4).

CONCLUSION

Two previous inspections found the tree to be generally healthy and recommended retention of the tree. Despite being encouraged, the owner has not provided additional supporting evidence to justify the removal of the tree. Therefore, it is recommended that that Council refuse the application for consent to remove one (1) mature, individually significant *Eucalyptus saligna* (Sydney Blue Gum), a locally indigenous tree located at the rear of 42 Cowan Road, Mount Colah.

BUDGET

There are no budgetary implications arising from this decision.

POLICY

There are no policy implications arising from this decision.

CONSULTATION

There is no requirement for consultation in this matter.

TRIPLE BOTTOM LINE SUMMARY

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

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

RESPONSIBLE OFFICER

The responsible officer is Robert Woodward, Tree Management Officer, Parks and Landscape, telephone 9847 6991, between 8am and 4pm, Monday to Friday.

RECOMMENDATION

THAT Council refuse consent to remove one (1) *Eucalyptus saligna* (Sydney Blue Gum), located in the rear yard of 42 Cowan Road, Mount Colah.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Attachments:

1. Attachment 1 - Tree Application - 42 Cowan Road Mount Colah
2. Attachment 2 - Tree Application Appeal - 42 Cowan Road Mount Colah
3. Attachment 3 - Request Reconsideration - Tree Application - 42 Cowan Road Mount Colah
4. Attachment 4 - Tree Photos - 42 Cowan Road Mount Colah

File Reference: TA/505/2011
Document Number: D01868384

7 DRAFT PLAN OF MANAGEMENT FOR OLD MANS VALLEY

EXECUTIVE SUMMARY

Council publically exhibited a draft Plan of Management ('PoM') for Old Mans Valley ('OMV') from 27 October to 9 December 2011. A public hearing was also held on Thursday 15 December 2011 as the PoM proposed some re-categorisation of community land.

In response to community concerns that were raised at the public hearing, Council resolved on 21 December 2011 that the draft PoM be revised and re-exhibited.

The revised draft PoM for OMV was publically exhibited from 20 January to 2 March 2012, and a second public hearing was held on 9 February 2012.

This report outlines and considers the submissions that were received throughout both periods of public exhibition and concludes that no further revision of the draft PoM is required.

As such, this report recommends that Council adopt the revised draft PoM for OMV dated January 2012.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of submissions received as a result of the public exhibition of the revised draft PoM for OMV (dated January 2012) and to seek Council's adoption of the draft PoM.

BACKGROUND

Between 27 October and 9 December 2011, Council publically exhibited a draft PoM for OMV. A public hearing was held on 15 December 2011 as the PoM proposed some re-categorisation of community land.

At the 21 December 2011 Ordinary Meeting, Council considered Executive Manager's Report no. EN67/11 and resolved that:

- 1. In response to public comments received, the Parks and Landscape Team amend the draft Plan of Management for Old Mans Valley for re-exhibition and a further Public Hearing.*
- 2. Following all further Exhibition and Public Hearing processes, a report on the draft Plan of Management be prepared for Council's consideration.*

The amendments requested by Council to the October 2011 draft PoM did not involve changes to the proposed categorisation of the community land, nor to the proposed uses and development of OMV as set out in the draft PoM; rather they included correction of typographical errors, the inclusion of additional background information and/or explanatory material to assist in reading and interpretation of the PoM, and are summarised on the following page.

- Amendment to the Refined Open Space Masterplan by addition of annotations to the plan indicating potential access from or to adjoining sites including Hornsby Quarry
- Additional information regarding fauna, land stability and the environmental impacts of the mountain bike trail proposals
- Additional information regarding the scale and intensity of the proposed recreation facility development
- Improved explanation of the reasoning behind the categorisation mapping, as to how such boundaries are determined; and
- Updating the introduction to the Action Plan to more clearly explain the function of the Action Plan

Attachment 1 to this Report provides a detailed Schedule of Amendments made to the October 2011 draft PoM.

The amended draft PoM (dated January 2012) was publically exhibited from 20 January to 2 March 2012, and a second public hearing was held on 9 February 2012.

The draft PoM for OMV (dated January 2012) forms Attachment 2 to this Report.

DISCUSSION

The *Local Government Act 1993* ('the Act') and regulations require that a draft PoM be placed on public exhibition for a period not less than 28 days, and include a minimum period for receiving public submissions of 42 days. The Act also provides that Council must hold a public hearing, chaired by an independent person, if a proposed PoM has the effect of categorising or re-categorising community land.

Following Council's decision in December 2011 to amend the draft PoM for OMV, the revised draft PoM was placed on public exhibition from 20 January to 2 March 2012 satisfying the requirements of the Act.

During this period advertisements were placed in the *Hornsby Advocate*, *Northern District Times* and *Hills News* notifying of the exhibition periods and inviting submissions on the draft PoM. A copy of the draft PoM was placed on Council's website and hardcopies were available in all of Council's libraries and at the Administration Centre, with direct links provided at each venue for the making of submissions.

Letters or emails were also written to all parties who had made submissions against the first exhibition period, who had attended the OMV Masterplan Public Forums in 2010 and to approximately 200 landowners and tenants of properties adjoining the land that is the subject of the draft PoM.

The draft PoM contains cross-references to other Council documents relevant to the proposed recreation activities, site characteristics of OMV and related lands and Council studies and policies. Accordingly, the second exhibition period of the draft PoM also made accessible via Council's website, related material including:

- The OMV and Hornsby Park Mountain Bike Review of Environmental Factors
- An issues paper on Acoustic Constraints
- An issues paper on Geotechnical Constraints; and

- The Public Hearing Report prepared by Parkland Environmental Planners dated 13 January 2012

On 9 February 2012 a second public hearing was held to discuss the proposed re-categorisation of the community land covered by the draft PoM.

Re-categorisation of Community Land

On 1 January 1999, amendments to the *Local Government Act 1993* and regulations came into effect. The current draft PoM is the first proposal which seeks to categorise land in OMV in accordance with the amended legislation.

The legislation now requires that Plans of Management categorise community land as one or more of the following categories:

Park, sportsground, general community use area, area of cultural significance and natural area, the latter further categorised as bushland, wetland, escarpment, watercourse and/or foreshore.

A prior, generic PoM for OMV prepared in 1996 categorised all land in OMV as *Natural Area – Bushland* and would be superseded by adoption of this draft PoM. In this respect, any proposed categorisation has been treated as a re-categorisation, necessitating a public hearing.

The re-categorisations proposed by the draft PoM are a result of categorisations for OMV lands for *Natural Area* (including for *Bushland* and additionally for *Watercourse*), and categorisations for *Park, Sportsground* and an *Area of Cultural Significance* (i.e. additional to the singular prior categorisation of *Natural Area – Bushland*). The new land categorisations represent improved information and accuracy for the community land than was previously required or sought for adoption.

On 9 February 2012 a second public hearing was held to discuss the proposed re-categorisation of the community land covered by the draft PoM. The public hearing report, prepared by the independent chairperson recommended that:

1. Council note the verbal and written submissions made through both periods of exhibition; and
2. Adopt the proposed re-categorisation of community land in OMV as shown in Figure 9 of the draft January 2012 draft PoM for OMV, because there is no compelling reason to change any proposed re-categorisation.

In accordance with the requirements of the legislation, a copy of the public hearing report was made available on Councils website within four days of Councils receipt of the document.

Attachments 3 and 4 are copies of the independent reports prepared following the public hearings of 15 December 2011 and 9 February 2012.

Future Use and Development of Recreation Facilities in Old Mans Valley

The draft PoM contains proposals for the future use and development of OMV. The draft PoM includes a copy of the Indicative Concept Plan adopted by Council following a process of community engagement in 2010, conducted by engagement consultants *Twyfords*. The draft PoM also includes a Refined Open Space Masterplan that incorporates amendments to

the earlier Indicative Concept Plan for OMV on the basis of feedback obtained during the *Twyfords* consultations.

Key future uses of OMV set out in the Refined Open Space Masterplan in the draft PoM include:

- A mountain bike trail (occurring on land in OMV and the adjoining crown reserve of Hornsby Park),
- Retention of existing bushland and watercourses,
- Parkland, including a playground, entry building and café, and
- A sportsground with amenities building.

If adopted as recommended, the draft PoM would authorise the proposed use and development of these facilities.

Separate consent processes (such as a Review of Environmental Factors as required by Part 5 of the Environmental Planning & Assessment Act 1979) would be required before any facilities can be built.

Public Submissions

Submissions made during both periods of public exhibition and at the public hearings can be generally categorised as follows:

- Errors in the original October 2011 draft PoM and the later January 2012 draft PoM
- Public hearing process matters
- Why develop OMV ahead of solving what will happen in the quarry?
- Access to the quarry and OMV
- Reclassification proposal for quarry lands and OMV – Change to Operational Land Classification
- Land stability and filling
- Safety issues
- Funding questions
- Sportsground issues
- Noise, traffic and parking
- Mountain Bike Trail issues
- Other uses

Attachment 5 to this report includes an appraisal of the issues raised by all submissions and a summary response to these.

It is considered that none of the issues raised through public submissions would constitute sufficient grounds for a decision to further amend the draft PoM, nor are they considered sufficient to defer or not to proceed with its adoption.

BUDGET

Whilst the draft PoM for OMV itself does not present any budgetary implications for Council, it identifies a range of park improvement works that may be undertaken in the short, medium or long-term.

Funding from the Special Rate Variation has been set aside for the construction of mountain bike trails and these works are expected to be undertaken in the short term following Council's adoption of the draft PoM.

Specific funding for other proposed recreation facilities in OMV has not been identified at this stage. These facilities will be progressed according to their prioritisation and as funding becomes available.

POLICY

The draft PoM is a policy document that identifies a preferred categorisation of community land within OMV and its adoption would enable a scope of development for the OMV community land in accordance with the proposed land categorisations.

The proposed land categorisations reflect recreation and bushland proposals as illustrated in the Refined Open Space Masterplan for the site, which has been developed in liaison with the community and is included in the draft PoM document at Figure 6.

The development of a sportsground, parkland and subsidiary infrastructure set out in the draft PoM is pursuant to Council's adoption of the Indicative Concept Plan for OMV in April 2010.

The draft PoM contains policies for the management of parks, reserves and natural areas as specified in the *Local Government Act 1993*.

CONSULTATION

In February and March 2010 Council undertook an extensive community engagement process to involve the community in the masterplanning of OMV. It aimed at identifying the most appropriate open space recreation uses for the area and included:

- a series of public forums
- the engagement of a representative group of stakeholders (mix of self-selected, nominated and randomly selected participants) in a one day deliberative workshop
- a 'Bang the Table' on-line forum, where a wide range of background material was made available and the members of the public had the opportunity to comment; and
- communicating the outcomes of the engagement process to the broader community via a range of communication channels including the on-line forum

The outcome of this process was Council's adoption of an Indicative Concept Plan for OMV and criteria for the assessment of the concept design. The Indicative Concept Plan allowed for the development of both a sportsground and informal parkland facilities. There was a strong recommendation from the community that Council consider a list of potential modifications to the concept plan, to optimise it against the criteria.

The draft PoM as exhibited responds to the community desire to modify the concept plan by including a Refined Open Space Masterplan and an assessment of it against the identified criteria.

Following preparation of a draft PoM, the community were consulted through two periods of exhibition of the draft PoM, including public hearings, the details of which are set out in the discussion section of this report.

TRIPLE BOTTOM LINE SUMMARY

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

Working with our Community

Public exhibition of the draft PoM, informed the public and enabled community input.

Conserving our natural environment

The draft PoM is an instrumental document in defining management practice in respect of the environmental qualities and condition OMV, and establishes parameters for performance assessment on an ongoing basis.

Contributing to community development through sustainable facilities and services

An outcome of the development of the draft PoM is a better understanding of the needs of the community, and the management needs of our parks and reserves. The draft PoM sets qualitative and quantitative objectives for and contributes to improved management of these assets in the future.

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

The draft PoM is a long-term planning document that guides the future of park policy for current and future generations. Along with requirements for consultation in respect of proposed changes in any park or reserve or re-categorisations, the processes for informing and inviting submissions in respect of all parks and reserves assists Council in implementing a preferred vision in respect of these assets.

Supporting our diverse economy

Council establishes management objectives and regimes for 'community land' and highly values these resources. The good management of our parks and reserves, which this and other draft PoM documents preserve, maintains impetus for Council as an employer in our community and has a significant impact on the quality of public spaces, valued by the community.

Maintaining sound corporate financial management

There are benefits associated with the ongoing life-cycle costs associated with the management of Council assets. These benefits and the ongoing commitment to the management of land are preserved by the draft PoM.

Other sustainability considerations

Budgetary issues and climatic conditions can affect Council's capacity to maintain the qualitative and quantitative regimes described in the draft PoM.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Landscape Coordinator - Kurt Henkel – who can be contacted on 9847 6887.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. EN16/12 be received and noted.
2. The document attached to Executive Manager's Report No. EN16/12 and titled "Public Hearing Report – Proposed Recategorisation of Community Land in Old Mans Valley, Hornsby – Public Hearing 2: 9 February 2012" be received and noted.
3. Council categorise the community land in Old Mans Valley according to the categorisations shown in Figure 9 of the Old Mans Valley Community Land Draft Plan of Management dated January 2012.
4. Council adopt the Old Mans Valley Community Land Draft Plan of Management dated January 2012.

STEPHEN FEDOROW

Acting Executive Manager - Environment
Environment Division

Attachments:

1. Attachment 1 - Schedule of Amendments made to the October 2011 Draft PoM
2. Attachment 2 - Old Mans Valley Community Land Draft Plan of Management (January 2012)
3. Attachment 3 - Public Hearing Report 1
4. Attachment 4 - Public Hearing Report 2
5. Attachment 5 - Issues and Responses

File Reference: F2012/00024
Document Number: D01872887

8 MAYOR'S NOTES FROM 1 TO 31 DECEMBER 2012

Thursday 1 December 2011 - The Mayor attended Mt St Benedict's Presentation Day at Hornsby RSL Club.

Thursday 1 December 2011 - The Mayor attended a lunch for the 2012 Arts Scholarship recipients at Asquith Boys High School.

Friday 2 December 2011 - Cr McMurdo, on the Mayor's Behalf, attended the Keep Australia Beautiful NSW Clean Beaches 2011 Awards Ceremony.

Friday 2 December 2011 - The Mayor attended the Parkinson's NSW Hornsby Ku-ring-gai Support Group Christmas Luncheon at Asquith Bowling Club.

Friday 2 December 2011 - The Mayor attended Waitara Public School's Year 6 Photography Exhibition at Hornsby Library.

Saturday 3 December 2011 - The Mayor attended the Studio Artes Ride a Day in My Wheels Fundraising Event in Hornsby Mall.

Tuesday 6 December 2011 - The Mayor attended the Galston High School Annual Presentation.

Wednesday 7 December 2011 - The Mayor attended the Waitara Public School End of Year Presentation.

Wednesday 7 December 2011 - Mrs Berman attended the Berowra Christian Community School Presentation.

Thursday 8 December 2011 - The Mayor attended the Asquith Public School Annual Presentation Day.

Thursday 8 December 2011 - The Mayor attended the Ku-ring-gai Creative Arts High School Annual Presentation.

Thursday 8 December 2011 - The Mayor attended the Loreto Normanhurst Year 7 - 11 Awards Ceremony.

Friday 9 December - The Mayor attended the Cheltenham Girls' High School Annual Presentation Day at Sydney Opera House.

Saturday 10 December 2011 - The Mayor attended the Hornsby Shire Council Christmas Spectacular at Rofe Park, Galston.

Sunday 11 December 2011 - The Mayor attended the Hornsby Dog Training Club's Christmas Party at Rofe Park, Galston.

Monday 12 December 2011 - The Mayor attended the Meals on Wheels Christmas Lunch.

Monday 12 December 2011 - The Mayor attended the Rotary Club of Beecroft Carols by Candlelight at Beecroft Village Green.

Monday 12 December 2011 - The Mayor attended the Asquith Boys High School Presentation Night.

Tuesday 13 December 2011 - The Mayor attended the Hornsby Girls High School Annual Speech Day at Sydney Town Hall.

Tuesday 13 December 2011 - The Mayor attended the Normanhurst Boys High School Presentation Night at Hornsby RSL Club.

Wednesday 14 December 2011 - The Mayor attended the Asquith Girls High School Presentation at Hornsby RSL Club.

Thursday 15 December 2011 - The Mayor hosted the Mayor's Annual Christmas Reception at Asquith Leagues Club.

Friday 16 December 2011 - The Mayor and Mrs Berman attended the Mayor of Ryde's Christmas Reception at Brush Farm House, Eastwood.

Friday 17 December 2011 - The Mayor and Mrs Berman attended the Sri Lanka Association's Christmas Party at Roselea Community Centre.

Sunday 18 December 2011 - The Mayor attended the Hindu Social Services Foundation - People with a Disability Event at Pennant Hills Community Centre.

Monday 19 December 2011 - The Mayor and Councillor Chopra attend Mr Paul Fletcher MP's Community Christmas Drinks at the Greengate Hotel.

Tuesday 20 December 2011 - The Mayor and Councillors Chopra and Browne attend Mr Matt Kean MP's Community Christmas Drinks at Hornsby Railway Hotel.

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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9 MAYOR'S NOTES FROM 1 TO 29 FEBRUARY 2012

Saturday 4 February - The Mayor attended the Commemoration of the 64th Anniversary of Independence of Sri Lanka at Roselea Community Centre.

Sunday 12 February - The Mayor attended the Transparent Charity Inc. Launch at Willow Park.

Sunday 12 February - The Mayor attended the Greek Festival at Greenway Park, Cherrybrook.

Monday 13 February - The Mayor attended the Normanhurst Public School P & C Meeting.

Tuesday 14 February - The Mayor attended the Northern Sydney Local Health District Board Inaugural Annual Public Meeting at the Royal North Shore Hospital.

Tuesday 14 February - The Mayor attended the National Year of Reading Program Launch at Hornsby Library.

Tuesday 14 February - The Mayor attended the Pennant Hills High School Presentation Evening.

Saturday 18 February - The Mayor officiated at Movies under the Stars in Epping.

Sunday 19 February - The Mayor attended the Hornsby Community Church Official Opening at their new venue at Event Cinema Hornsby.

Thursday 23 February - The Mayor, Deputy Mayor and Councillor Browne attended the JRPP Meeting for the Hornsby Aquatic Centre Development Application at Council Chambers.

Saturday 25 February - The Mayor officiate at the Movies under the Stars at Asquith.

Monday 27 February - The Deputy Mayor, on the Mayor's behalf, attended the Thornleigh Sports Club AGM and Life Membership Presentations at the Pennant Hills Bowling Club.

Tuesday 28 February - The Deputy Mayor, on the Mayor's behalf, attended the Penno 1000 VIP Legends Lawn Bowls Tournament at Pennant Hills Bowling 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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