



the bushland shire

creating a living environment

BUSINESS PAPER

GENERAL MEETING

**Wednesday, 18 April, 2012
at 6:30 pm**

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PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

MAYOR'S NOTES

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NOTICES OF MOTION

SUPPLEMENTARY AGENDA

QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Reverend Ian Millican from St Marks Anglican Church, Berowra will be opening the meeting in prayer

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

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

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

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 March, 2012 be confirmed; a copy having been distributed to all Councillors.

THAT the Minutes of the Planning Council Meeting held on 7 March, 2012 be confirmed; a copy having been distributed to all Councillors.

THAT the Minutes of the Workshop Council Meeting held on 14 March, 2012 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".*

DEVELOPMENT APPLICATIONS (AB&C WARDS)

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 2

**Item 2 CC12/12 SECTION 377 COMMUNITY CENTRE
MANAGEMENT COMMITTEES - REPORTING
COMPLIANCE ISSUES - CHERRYBROOK, GLENORIE AND
MT KURING-GAI**

RECOMMENDATION

THAT

1. The contents of Executive Manager's Report No CC12/12 be received and noted.
2. Subject to the implementation of the agreed changes to their administration practices, the Cherrybrook, Glenorie and Mount Kuring-gai Community Centre Management Committees be allowed to continue to manage their Centres.
3. Council staff work with the Cherrybrook Community Centre Management Committee to develop and implement a business plan to improve the financial sustainability of this Centre.
4. Council staff work with the Glenorie Community Centre Management Committee to improve utilisation of this Centre over the next two years, and if necessary following that period to consider the future use of the asset.
5. Council note the amended communication practices to be implemented by Council staff when compliance issues arise with Management Committees.

Page Number 9**Item 3 CC14/12 LOAN RAISING - 2011/12 BUDGET****RECOMMENDATION**

THAT:

1. Council approve the raising by June 2012 of a loan from external sources for an amount of \$1 million.
2. The General Manager be authorised to accept the best quote offered for such loan funds; to complete the necessary documentation relating to the loan; and to advise Councillors of the outcome.
3. If required, the Common Seal of Council be affixed to the loan documentation between Council and the successful Bank for the \$1 million loan referred to in Report No. CC14/12.

Page Number 12**Item 4 CC15/12 INVESTMENTS AND BORROWINGS FOR 2011/12 - STATUS FOR PERIOD ENDING 29 FEBRUARY 2012****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC15/12 be received and noted.

Page Number 15**Item 5 CC16/12 DRAFT OPERATIONAL PLAN FOR 2012/13 - INCLUDES BUDGET, FEES CHARGES AND RATING STRUCTURE - ADOPTION OF DRAFT FOR PUBLIC EXHIBITION****RECOMMENDATION**

THAT:

1. Council adopt for public exhibition and make available for public comment from 19 April to 18 May 2012, the draft Operational Plan for 2012/13 which includes the draft Budget, Fees and Charges and Rating Structure.
2. Council note that the rating information contained in the draft Operational Plan for 2012/13 is based on the Independent Pricing and Regulatory Tribunal's approval of a 6% increase for Council for 2012/13.
3. Following the public exhibition period, and before 30 June 2012, a further report be prepared which provides details of any submissions received and recommends the adoption of a final Operational Plan for 2012/13 which includes the Budget, Fees and Charges and Rating Structure.

Page Number 20**Item 6 CC18/12 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 23****Item 7 EN17/12 CLIMATE ACTION NETWORK AUSTRALIA - ANNUAL CONFERENCE REQUEST FOR SUPPORT****RECOMMENDATION**

THAT Council decline the request to provide financial or material support for the Climate Action Network Australia annual conference.

Page Number 26**Item 8 EN18/12 FUTURE OF E-WASTE UPDATE****RECOMMENDATION**

THAT:

1. Council continue the free E-waste recycling service at the Thornleigh Council depot until 30 June 2012.
2. Council advertise that the free E-waste recycling service will continue until 30 June 2012.
3. Industry E-waste drop off locations are included on Council's web page as they become available.
4. Council to continue progress discussions with Co-Regulators related to what Council's role in the National Television and Computer Recycling Scheme might be.

Page Number 31**Item 9 EN19/12 CATCHMENTS REMEDIATION RATE (CRR) EXPENDITURE PROGRESS REPORT 2011/2012****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. EN19/12 be received and noted.

Page Number 34**Item 10 EN20/12 ADOPTION OF DRAFT SUSTAINABLE WATER
BASED RECREATION FACILITIES PLAN****RECOMMENDATION**

THAT Council adopt the Draft Sustainable Water Based Recreation Facilities Plan.

Page Number 37**Item 11 EN22/12 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 40**Item 12 EN23/12 ELECTRICITY PRICES****RECOMMENDATION**

THAT Council promote IPART's 'Energy Comparison Calculator' to residents through the local media, Council's website and via Council's electronic mailing list.

PLANNING DIVISION**Page Number 46****Item 13 PLN22/12 DEVELOPMENT APPLICATION - ERECTION OF
A STUDIO ANCILLARY TO A DWELLING-HOUSE
22 GRANTHAM CRESCENT, DANGAR ISLAND****RECOMMENDATION**

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to *State Environmental Planning Policy No. 1* and approve Development Application No. 1419/2011 for the erection of a studio ancillary to a dwelling-house at Lot 58 DP 10902, No. 22 Grantham Crescent, Dangar Island subject to the conditions of consent detailed in Schedule 1 of this report.

Page Number 62**Item 14 PLN26/12 DEVELOPMENT APPLICATION - ADVERTISING
SIGNS
236 PACIFIC HIGHWAY, HORNSBY****RECOMMENDATION**

THAT Development Application No. 880/2011 for the erection of three advertising signs at lot 1 DP 1037552, No. 236 Pacific Highway, Hornsby (Westfield Hornsby) be approved subject to the conditions of consent detailed in Schedule 1 of this report.

Page Number 77

**Item 15 PLN29/12 STRATEGIC PLANNING PROGRAMME REVIEW
2012**

RECOMMENDATION

THAT the 20012/2013 Strategic Planning Programme attached to Executive Manager's Report No. PLN29/12 be adopted.

WORKS DIVISION

Page Number 82

**Item 16 WK4/12 REVIEW OF POLICIES AND CODES-
LEASE/LICENCE OF COUNCIL LAND AND BUILDINGS**

RECOMMENDATION

THAT Council:

1. Adopt the new *Land- Lease/Licence by Council Policy* attached to Executive Manager's Report WK 4/12.
2. Grant delegated authority to the General Manager to grant leases or licences of Council owned real property and to execute relevant documentation consistent with the amended *Land- Lease/Licence by Council Policy* attached to Executive Managers Report WK 4/12.

Page Number 85

**Item 17 WK19/12 "WELLUM BULLA" - HORNSBY SHIRE COUNCIL
MATERIALS HANDLING FACILITY MONITORING
COMMITTEE**

RECOMMENDATION

THAT:

1. Council Invite Expressions of Interest for the vacant position of Community representative on the Monitoring Committee through advertising media.
2. Note the remedial actions regarding the Monitoring Report, Site and Environmental Management Plan Audit (February 2012) for the facility as detailed in Executive Manager's Report WK15/12.

3. Note the attached Minutes of Meeting No. 1/12 of “Wellum Bulla” – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 16 February 2012 and attached to Executive Managers Report WK15/12.

Page Number 88**Item 18 WK16/12 TENDER T19/2011: PLUMBING SERVICES****RECOMMENDATION**

THAT Council accept tenders for Tender No T19/2012: Plumbing Services, as follows:

Work category	First preference	Second preference
Parks (all plumbing works in parks and tennis courts except buildings)	T J Mathews Plumbing Services Pty Ltd	Dolphin Plumbing
Building (all plumbing works in buildings throughout the Shire including amenity buildings in parks and day to day maintenance works in aquatic centres)	Dolphin Plumbing	T J Mathews Plumbing Services Pty Ltd
Roads and drainage (all plumbing works associated with roads and drainage construction and maintenance)	T J Mathews Plumbing Services Pty Ltd	Dolphin Plumbing
Berowra Waters Water Supply (all plumbing works associated with Berowra Waters Water Supply Scheme)	Dolphin Plumbing	T J Mathews Plumbing Services Pty Ltd

CONFIDENTIAL ITEMS**PUBLIC FORUM – NON AGENDA ITEMS****QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN****MAYOR'S NOTES****MAYORAL MINUTES****Page Number 1****Item 1 MM4/12 BEECROFT-CHELTHENHAM DISTRICT CIVIC TRUST - ANNUAL GENERAL MEETING****RECOMMENDATION**

THAT Council

1. Congratulate the newly elected committee members of the Beecroft-Cheltenham District Civic Trust and look forward to working with the new committee over the next 12 months.

2. Note the Beecroft-Cheltenham District Civic Trust's presentation at its March 2012 Annual General Meeting on level of membership, audited financial records and account of activities for the past 12 months.

NOTICES OF MOTION

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

QUESTIONS WITHOUT NOTICE

**1 BEECROFT-CHELTHENHAM DISTRICT CIVIC TRUST - ANNUAL
GENERAL MEETING**

RECOMMENDATION

THAT Council

1. Congratulate the newly elected committee members of the Beecroft-Cheltenham District Civic Trust and look forward to working with the new committee over the next 12 months.
2. Note the Beecroft-Cheltenham District Civic Trust's presentation at its March 2012 Annual General Meeting on level of membership, audited financial records and account of activities for the past 12 months.

NICK BERMAN
Mayor

File Reference: F2004/07053
Document Number: D01899090

Attachments:

There are no attachments for this report.

File Reference: F2004/07053
Document Number: D01899090

**2 SECTION 377 COMMUNITY CENTRE MANAGEMENT COMMITTEES -
REPORTING COMPLIANCE ISSUES - CHERRYBROOK, GLENORIE AND
MT KURING-GAI**

EXECUTIVE SUMMARY

Throughout 2009 and 2010, Council undertook a comprehensive review of the management model to be utilised in the management of its community facilities. When considering the volunteer management committee model, this review considered the types and frequencies of reporting that Council would require. The review culminated at a Workshop Meeting in November 2010 when Council resolved to reduce the expectations that it had of Committees in terms of the make up of a Committee and the frequency of facility safety inspections.

Subsequent to this meeting, a new reporting regime was implemented and compliance monitored by staff over the following 9 to 10 months in the lead up to the Annual General Meetings held by the Committees. In reviewing the performance of the Committees throughout 2012, a picture of their performance emerged and was reported to Council. In general, the vast majority of Committees met their commitments but three Committees failed on more than one occasion to submit the documentation required under the revised reporting schedule. Those Committees were associated with the Cherrybrook Community and Cultural Centre, the Glenorie Community Centre and the Mount Kuring-gai Community Centre.

Following a Council resolution in December 2011, meetings were arranged with representatives of the three Management Committees to discuss what had caused the non compliance with the adopted reporting schedules and how the situation could be avoided in the future i.e. the Committees were asked to show cause as to why Council should not resume management of these facilities. Based on those discussions, it appears that the Committees were acting in good faith in an attempt to comply with Council's schedule of reporting and inspections. A key theme in why these three Committees did not submit information on more than one occasion seems to be a communication breakdown within the Committee and subsequently with Council.

Given the nature of the issues and the goodwill of the volunteer committee members in attempting to resolve the issues to the satisfaction of Council, it is recommended that the Cherrybrook, Glenorie and Mount Kuring-gai Committee's be allowed to continue to manage their Centres. This recommendation is made subject to the Committee's implementing their proposed administration changes.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to points 4, 5 and 6 of Council's resolution of 21 December 2011 in respect of its consideration of Executive Manager's Report No. CC76/11. The Report provides details of meetings held with the Cherrybrook, Glenorie and Mt Kuring-gai Community Centre Management Committees about their failure to submit required information as per the Finance and Procedures Manual in the period January 2011 to October 2011 and to show cause as to why Council should not resume management of those Centres.

DISCUSSION

Throughout 2009 and 2010, Council undertook a comprehensive review of the management model to be utilised in the management of its community facilities. When considering the volunteer management committee model, this review considered the types and frequencies of reporting that Council would require. The review culminated at a Workshop Meeting in November 2010 when Council resolved to reduce the expectations that it had of Committees in terms of the make up of a Committee and the frequency of facility safety inspections (**bolded** in resolution below). Specifically, in relation to Executive Manager's Report No. CC70/10, Council resolved that:

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

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

Subsequent to this meeting, the new reporting regime was implemented and compliance monitored by staff over the following 9 to 10 months in the lead up to the Annual General Meetings held by the Committees. It is noted that these meetings normally take place by September each year. In reviewing the performance of the Committees throughout 2012 under the new reporting paradigm, a picture of their performance emerged and was reported to Council via Executive Manager's Report No. CC76/11. In general, the vast majority of Committees met their commitments with respect to lodging the required reporting paperwork with Council. Unfortunately, three Committees failed on more than one occasion to submit the documentation required under the revised reporting schedule. Those Committees were associated with the Cherrybrook Community and Cultural Centre, the Glenorie Community Centre and the Mount Kuring-gai Community Centre. In response to the Report dealing with this issue, Council resolved that:

1. *The contents of Executive Manager's Report No. CC76/11 be received and noted.*
2. *Council note the feedback provided by the former Epping and Pennant Hills Community Centre Management Committees and their acceptance to continuing in the Advisory Committee Model of Management for these centres.*
3. *Council note the additional staffing support that has been provided to Committees to assist them in meeting their inspection and reporting requirements during the review period.*
4. *Council require those Committees that have failed to submit required information as per the Finance and Procedures Manual in the period January 2011 to October 2011 (i.e. Cherrybrook, Glenorie and Mount Kuring-gai) to show cause by 29 February 2012 as to why Council should not resume management of those centres.*
5. *In respect of 4 above, should a request be received for a meeting between staff and representatives of the affected Section 377 Community Centre Management Committees, the meeting be arranged as soon as possible and allow for all Councillors to be invited to attend if they so wish.*
6. *A further report be provided for Council's consideration at the 18 April 2012 Ordinary Meeting which details the responses from the Committees nominated in 4. above and makes a recommendation on the way forward.*

To respond to points 4 and 5 of the above resolution, meetings were arranged with representatives of the Cherrybrook, Glenorie and Mount Kuring-gai Community Centre Management Committees to discuss what had caused the non compliance with the adopted reporting schedules and how the situation could be avoided in the future i.e. the Committees were asked to show cause as to why Council should not resume management of these facilities. The discussions at those meetings are summarised below:-

Cherrybrook Community and Cultural Centre

A meeting with the Management Committee was held on 30 January 2012 and was attended by Councillor Browne, the Executive Manager, Corporate and Community Division and the Manager, Community Services Branch. In summary, the Committee advised that they had been unaware that the financial management of the Centre had cause to be scrutinised so heavily and that they had failed to submit a number of reporting documents. This lack of awareness had apparently arisen due to Council staff liaising directly with the Committee Treasurer. In this regard, it appears that the Treasurer had not communicated Council's concerns with the rest of the Committee. At the meeting, the Committee submitted a document (see Attachment 1) which seeks to address the issues raised by staff associated with the financial reporting and the communication within the Committee.

Staff are satisfied that the solutions proposed by the Committee listed in Attachment 1 are appropriate and workable and recommend that the Committee be given a final chance to comply with Council's adopted reporting requirements. As such, it is recommended that the Committee's performance be formally reviewed again at their next Annual General Meeting but only taking into account performance from April 2012 onwards as the new Committee Treasurer is currently seeking to get their financial affairs in order. Ongoing support from Council officers will be provided to the Committee to support compliance with both financial and other reporting requirements.

It is noted that, at the meeting on 30 January 2012, the Committee and the Councillor present expressed concern about the financial sustainability of the Centre. Officers have agreed to work with the Committee to develop a business plan for the Centre to ensure that they are able to continue to cover the operational costs of the Centre through revenue generated from the hire of the Centre. The Cherrybrook Community Centre has had close to \$1,000,000 spent on it since 2008 to upgrade and extend it. Staff consider that a stronger financial performance is possible from such a large, multi-roomed centre, in excellent condition, located in a decent catchment area.

Glenorie Community Centre

A meeting between the Manager, Community Services Branch and the Management Committee was held on 17 February 2012 at the Glenorie Community Centre. The compliance issues associated with this Committee were related to the non submission of quarterly safety inspections and GST returns which were all received in July 2011 rather than quarterly as required.

With respect to their non submission of asset inspection check lists and management checklists, the Committee explained that their current administration system involves actioning a pile of forms in a folder that need to be submitted to Council in a given year. When the document requiring submission is not in this pile, it is assumed that it has been submitted. It is noted that when Council does not receive documents as per the adopted Schedule, reminder letters are sent and telephone calls are placed to the relevant Committee members. Given the reminders that have been provided, it would appear to staff that a similar

intra-Committee communication breakdown has occurred to that which took place at Cherrybrook.

From the point of view of staff, the quarterly safety inspections are currently less important at the Glenorie Community Centre as the Committee have advised that they have no regular facility hirers and low utilisation overall. It is noted that in reviewing the frequency of inspections in 2010/11, the utilisation of the centre was suggested as a reasonable driver for the frequency of inspections. The utilisation of the Glenorie Community Centre is a concern in and of itself given the opportunity cost involved in holding a property that is not being used for the purpose for which it is intended. Staff will work with the Committee in an attempt to increase utilisation of this Centre, but recommend that the issue be reviewed in 12-18 months time.

It is noted that as part of its adoption in 2008 of the Community Facilities Strategic Plan (see Executive Manager's Report No. CC88/09), Council resolved to review the provision of community facilities in rural areas of the Shire to ascertain if all facilities are required. In the event that utilisation of the Glenorie Community Centre cannot be increased, Council will be asked to consider the most appropriate future use of the property at some stage in 2014.

In response to the question of the timely return of GST information, the Committee commented that an annual submission of GST information would be preferable given their low financial turnover. Council's Financial Services Branch have cautioned about Council adopting this approach and would recommend that the current schedule be adhered to.

In summary, the Glenorie Community Centre Committee have committed to enacting a new system regarding the submission of due documents (retaining copies of submitted documents on site) and staff are of the opinion that this approach should be trialled over the next 12-18 months whilst the Committee continues to undertake the management of the Centre and staff work with the Committee to attempt to increase the utilisation of the Centre.

Mount Kuring-gai Community Centre

A meeting between the Manager, Community Services Branch and representatives of the Management Committee took place in the Community Services Branch offices on 23 February 2012. The Committee representatives indicated that their long serving Committee Booking Officer had retired from the Committee at the last Annual General Meeting and, in the review period, the remainder of the Committee (with the exclusion of the new Booking Officer), had not realised how much work was involved in the tasks that sat with that position. The Committee advised that they have subsequently recruited additional volunteer support for the Booking Officer role and have amended some processes, in consultation with Council, to lighten the load. With these responses in place, the Committee feel confident that, with Council's continued support, they can continue to manage the Centre. Staff are of the opinion that the Committee should be provided with this opportunity and the situation should be monitored over the next 12-18 months.

Summary and recommendations

In all three instances described above, it appears that Committees were acting in good faith in an attempt to comply with Council's schedule of reporting and inspections. A key theme in why these three Committees did not submit information on more than one occasion seems to be a communication breakdown within the Committee and subsequently with Council. Typically, when an issue arose, Council would work with the member of the Committee responsible for the issue in question. What appears to be required is that Council officers

needed to contact all members of each Committee when issues arise. This approach would circumvent (to some extent) the communication breakdowns within busy volunteer committees. The onus would still be on the Committee to respond to issues but the above approach would mean that the Committee are all aware when an issue arises.

Given the nature of the issues described above and the goodwill of the volunteer committee members, it is recommended that the Cherrybrook, Glenorie and Mount Kuring-gai Committee's be allowed to continue to manage their Centres. This recommendation is made subject to the additional support provided as per the resolution listed below and the Committee's implementing their proposed administration changes described in either the attached document or the body of this Report.

BUDGET

There are no budgetary implications associated with the recommendations attached to this Report. Should Council determine to remove the management of a Centre from any Section 377 Committee, an analysis of budgetary implications would be necessary.

POLICY

There are no policy implications associated with the recommendations attached to this Report.

CONSULTATION

The Cherrybrook, Glenorie and Mount Kuring-gai Community Centre Section 377 Management Committees were consulted in the production of this Report.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT

1. The contents of Executive Manager's Report No CC12/12 be received and noted.
2. Subject to the implementation of the agreed changes to their administration practices, the Cherrybrook, Glenorie and Mount Kuring-gai Community Centre Management Committees be allowed to continue to manage their Centres.
3. Council staff work with the Cherrybrook Community Centre Management Committee to develop and implement a business plan to improve the financial sustainability of this Centre.
4. Council staff work with the Glenorie Community Centre Management Committee to improve utilisation of this Centre over the next two years, and if necessary following that period to consider the future use of the asset.
5. Council note the amended communication practices to be implemented by Council staff

when compliance issues arise with Management Committees.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Submission from the Cherrybrook Community Centre Management Committee 30 January 2012

File Reference: F2004/05947
Document Number: D01879055

3 LOAN RAISING - 2011/12 BUDGET

EXECUTIVE SUMMARY

Each year, as part of Council's Budget, proceeds from an external loan are included as a funding source for some portion of capital expenditure.

Council's loan borrowings are undertaken in accordance with the Loan Borrowings Policy which states as its objective *"To utilise, where appropriate, loan borrowings for capital projects or assets, bearing in mind Council's financial aim to have balanced annual budgets, a considered long term plan and prudent levels of debt"*.

In the 2011/12 Budget, loan proceeds of \$1 million were included. This Report seeks Council approval to borrow that amount by 30 June 2012.

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council approval to borrow \$1 million to part fund 2011/12 capital expenditure. The loan funds will be allocated to local road improvements, oval reconstruction, reserve and community building improvements.

DISCUSSION

According to the Division of Local Government Comparative Information publication for 30 June 2010, Council had a debt service ratio of 4.69% compared to the average of all NSW councils in Category 7 of 6.67%. Although no later comparative information has been published by the Division, it is noted that Council's debt service ratio as at 30 June 2011 was 4.86% and is estimated to be 4.69% at 30 June 2012.

Council's projected 2011/12 Net Operating and Capital Position after Funding Movements, calculated as at 31 December 2011, is a surplus of \$5,609. This projected position includes income from loan proceeds of \$1 million. It is proposed, therefore, that a loan of \$1 million be drawn down by June 2012. It is noted that there is no requirement under the Local Government Act to call for tenders for the supply of loan finance.

Council's loan borrowings are undertaken in accordance with the Loan Borrowings Policy which states as its objective *"To utilise, where appropriate, loan borrowings for capital projects or assets, bearing in mind Council's financial aim to have balanced annual budgets, a considered long term plan and prudent levels of debt"*.

If approved by Council, quotations will be sought from a minimum of three major financial institutions, to provide loan funds of \$1 million. In the past, Council has normally borrowed at a fixed rate for a term of ten years. In the current economic environment, lending standards have been significantly tightened. Therefore, Council will need to be flexible when considering the appropriate rate and term in order to obtain the most favourable borrowing solution.

Having regard to the above, it is intended to commit Council to the loan on the day of receiving the quotes. It is, therefore, recommended that the General Manager be authorised to accept the best quote offered on that day. Drawdown of the funds will take place before 30 June 2012, after the necessary documentation has been executed.

BUDGET

The 2011/12 Budget includes income from loan borrowings of \$1 million.

POLICY

The proposed loan is in accordance with Council's Loan Borrowings Policy.

CONSULTATION

There has been consultation in the preparation of this Report with the General Manager. The 2011/12 Budget, which includes these proposed loan borrowings, was adopted in June 2011 after a statutory period of consultation

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Chief Financial Officer - Glen Magus. He can be contacted on 9847 6635.

RECOMMENDATION

THAT:

1. Council approve the raising by June 2012 of a loan from external sources for an amount of \$1 million.
2. The General Manager be authorised to accept the best quote offered for such loan funds; to complete the necessary documentation relating to the loan; and to advise Councillors of the outcome.
3. If required, the Common Seal of Council be affixed to the loan documentation between Council and the successful Bank for the \$1 million loan referred to in Report No. CC14/12.

GLEN MAGUS
Chief Financial Officer – Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2004/06995

Document Number: D01882055

4 INVESTMENTS AND BORROWINGS FOR 2011/12 - STATUS FOR PERIOD ENDING 29 FEBRUARY 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 29 February 2012 was \$1,290,000 compared to the budgeted income for the same period of \$1,040,000. Of the investment income earned, 29% 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 – February 2012

- The At-Call and Term Deposits achieved an annualised return of 5.73% for the period ending 29 February 2012 compared to the benchmark of 4.25%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market annualised return of 28.23% for the period ending 29 February 2012 compared to the benchmark of 28.15%. 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 29 February 2012 compared to the benchmark of 4.27%. No interest will be accrued for the remaining life of the securities.

For total investments, the annualised return for the period ending 29 February 2012 was 5.68% compared to the benchmark of 4.81%.

Statement by Glenn Stevens, Governor, Reserve Bank Board: Monetary Policy Decision – Media Release - 6 March 2012

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

Recent information is consistent with the expectation that the world economy will grow at a below-trend pace this year, but does not suggest that a deep downturn is occurring. Several European countries will record very weak outcomes, but the US economy is continuing a moderate expansion. Growth in China has moderated as was intended, but on most indicators remains quite robust overall. Conditions around other parts of Asia softened in 2011, partly due to natural disasters, but are not showing signs of further deterioration. Some moderation in inflation has allowed policymakers in the region to ease monetary policies somewhat. Commodity prices declined for some months and are 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 have been alleviated considerably by the actions of policymakers, though there is more to do to put European banks and sovereigns onto a sound footing for the longer term and Europe will remain a potential source of shocks for some time yet. Financial market sentiment has continued to improve in recent weeks and capital markets are again supplying funding to corporations and well-rated banks, albeit at costs that are higher, relative to benchmark rates, than in mid 2011.

Most information on the Australian economy continues to suggest growth close to trend overall, with differences between sectors and considerable structural change. 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 and 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. This forecast embodies an expectation that productivity growth will improve somewhat as a result of the structural change occurring in the economy.

Interest rates for borrowers have generally risen slightly since the Board's previous meeting, but remain close to their medium-term average. Credit growth remains modest. Housing prices have shown some sign of stabilising recently, after having declined for most of 2011, but generally the housing market remains soft. The exchange rate has risen over recent months, even though the terms of trade have declined.

With growth expected to be close to trend and inflation close to target, the Board judged that the setting of monetary policy remained 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 Schedule as at 29 February 2012 is attached for Council's information.

BUDGET

Total year to date investment income for the period ending 29 February 2012 was \$1,290,000. The budgeted income for the period was \$1,040,000. Approximately 29% 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.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Chief Financial Officer - Glen Magus. He can be contacted on 9847 6635.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC15/12 be received and noted.

GLEN MAGUS
Chief Financial Officer - Financial Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. HSC Investment Portfolio as at 29 February 2012
2. HSC Borrowings Schedule as at 29 February 2012

File Reference: F2004/06987
Document Number: D01882089

5 DRAFT OPERATIONAL PLAN FOR 2012/13 - INCLUDES BUDGET, FEES CHARGES AND RATING STRUCTURE - ADOPTION OF DRAFT FOR PUBLIC EXHIBITION

EXECUTIVE SUMMARY

The annual Operational Plan is a component of the Community Plan suite of documents.

The Hornsby Shire Community Plan 2010 - 2020 is the highest level Council Plan and it sets the direction for where the people of the Shire want to be in 2020. The Delivery Program is a four year plan with an annual Operational Plan. It is Council's response to the aspirations in the Community Plan.

The draft Operational Plan for 2012/13 includes budget information at the branch and organisational levels and a listing of capital projects proposed for 2012/13 and future years. The Fees and Charges information is contained in a separate document.

The draft Operational Plan including Budget for 2012/13 is based on a rate increase of 6.0% as per the special rate variation approved by the Independent Pricing and Regulatory Tribunal in June 2011, and provides for a surplus of \$1,344. The financial constraints facing Council required considerable effort from staff and Councillors in order to achieve this result.

Following Council's adoption for public exhibition of the draft Operational Plan and associated documents, the documents will be exhibited for comment from Thursday 19 April to Friday 18 May 2012. The exhibition period allows members of the public, as well as Councillors and staff, to make submissions on any aspect of the documents' contents.

At the conclusion of the public exhibition period, all submissions regarding the draft documents will be referred to Council for further consideration and adoption.

PURPOSE/OBJECTIVE

The purpose of this Report is to present to Council for adoption for the purpose of public exhibition, the draft Operational Plan for 2012/13 which incorporates the Budget, Fees and Charges and Rating Structure.

DISCUSSION

Each four years, Council adopts a Delivery Program in response to the aspirations in the Community Plan. The Delivery Program describes the principal activities to be undertaken by Council during the four years to work towards the outcomes desired by the community. It also contains the resources required to fund the activities and the performance indicators to measure the success of those activities. The Community Plan and Delivery Program were adopted in 2010, and amended and re-adopted in 2011. Both documents remain valid and have provided the basis for this year's Operational Plan.

In each year of the rolling four-year Delivery Program, Council is required to prepare and endorse an annual Operational Plan, including the Budget, Fees and Charges and Rating

Structure. The purpose of the annual Operational Plan is to detail the activities proposed to be undertaken in the coming year, the funds being allocated to those activities and rates, fees, charges, etc proposed for the coming year. The first part of this process is for Council to adopt draft documents such that those documents can be placed on public exhibition and submissions invited.

2012/13 Budget

Council staff commenced preparation of the 2012/13 Budget in December 2011.

To minimise some of the impacts of the financial constraints and considerations impacting local government, and to avoid excessive demands which could not be met, the 2012/13 Budget parameters included:

- A nil increase to Divisional expenditure (net of direct labour) for material and contract expenditure. This was despite substantial price increases, particularly for construction materials. Any increase has been required to be offset by productivity improvements, service reductions or increased fees
- The use of Council staff where possible to undertake Special Rate Variation, Section 94 Development Contributions projects and other funded projects.
- Any new projects to be subject to an evaluation rather than be included in the draft Budget.
- Direct salaries and wages to include the Local Government (State) Award increase of 3.25% for 2012/13, and be calculated on 50 pay weeks. The two week reduction represents organisational savings which occur as a result of the average delay in replacing staff members who retire/resign/etc and/or productivity improvements that are required.
- A rate increase of 6% for 2012/13 as approved by the Independent Pricing and Regulatory Tribunal on 24 June 2011.

A Councillor Briefing session was held on Wednesday 28 March 2012 to review the format and intent of the draft Operational Plan for 2012/13.

This Briefing enabled Councillors to review the draft Operational Plan in the context of service delivery commitments, the Long Term Financial Plan, and the outcomes from the recent independent review of external services.

The draft Budget for 2012/13, within the strict parameters applied, achieves a small surplus of \$1,344. The financial constraints referred to above required considerable effort from staff and Councillors in order to achieve this result. The level of capital expenditure for the financial year 2012/13 totals \$28.571 million. Details on capital projects are contained within the draft Operational Plan document.

A significant initiative to improve the financial position of Council involved the review of external services. This initiative achieved substantial ongoing cost reductions totalling \$2.039 million for 2012/13. These cost reductions have been applied in the draft Budget to reducing dependency on external loan borrowing to fund capital works.

Fees and Charges

Fees have been reviewed and increased by CPI or by an amount which has had regard to market conditions and the appropriate cost recovery level. Opportunities to recover administrative and overhead costs in respect of business activities have also been investigated and implemented where appropriate. Where applicable, the final price includes GST which does not contribute revenue to Council but is forwarded to the Federal Government.

The Commonwealth has replaced the 'Division 81 Determination listing' approach to exempting certain government taxes, fees and charges from GST with a new self assessment 'principles-based' approach to providing the exemptions. The current (and last) Division 81 Treasurer's Determination, which lists items that are exempt from GST, will be 'grandfathered' for one year until 30 June 2012. This gives councils an opportunity to review the GST status of items listed on the Determination against the new legislative mechanism. A consequence of any fees and charges that change in status under the new GST legislation may require a revision of the price set for that particular good or service.

Loans

Over the last several years the Budget included loan proceeds of \$1 million. For each \$1 million borrowed, Council is required to apply approximately \$150,000 from future year's budgets towards debt servicing. The estimated debt servicing requirement is based on Council taking out a loan for a 10 year period and making equal annual principal and interest repayments over the term of the loan.

A review of external services has resulted in financial savings that have been applied to reducing the level of external loan borrowing. This has resulted in no borrowing requirements for the 2012/13 financial year. This will result in reducing Council's debt servicing requirements over future years.

Phase up request

The budget process approved one phase up request that was supported by senior management and is included in the draft Budget. The request is for an expansion to the service levels for tree management based on risks associated with trees and the volume of work currently on hand. An amount of \$50K was allocated in the draft Budget to progress with these matters.

Rating Structure

Council reviewed its rating structure at the April 2006 Ordinary Meeting when it considered Executive Manager's Report No. CC20/06. That structure has applied in respect to the calculation of the rates since that time. It is recommended that the same rating structure continue in 2012/13.

Details of the rates types and yields, rating categories, base amounts, minimum rates for business properties, ad valorem amounts and other statutory rating information are set out in the draft Delivery Program document. The rating information is based on the 6% rate increase approved by the Independent Pricing and Regulatory Tribunal on the 10 June 2011.

The base amount for ordinary residential and farmland rates will increase from \$435 in 2011/12 to \$463 in 2012/13. The Valuer General supplied Council with new land values for properties across the Shire as at 1 July 2011. These values are being used for the three financial years 2012/13, 2013/14 and 2014/15.

BUDGET

The budget implications are discussed in the section titled '2012/13 Budget' in the Discussion section of this Report.

POLICY

The annual Operational Plan for 2012/13 assists and documents the future direction of Council.

CONSULTATION

The formal exhibition period is scheduled from Thursday 19 April to Friday 18 May 2012. Comments received during the formal exhibition period will be considered and reported to Council prior to adoption of the final documents.

A copy of the draft Operational Plan including Budget and Fees and Charges 2012-13 will be forwarded to various individuals, community groups, progress associations and Chambers of Commerce together with a letter inviting comment.

Council's Strategy and Communications Branch is available to make presentations about the documents to interested community groups.

RESPONSIBLE OFFICER

The Chief Financial Officer - Glen Magus, and the Manager, Strategy and Communications - Julie Williams are responsible for matters relating to the draft Operational Plan for 2012/13. They can be contacted on 9847-6635 and 9847-6790 respectively.

RECOMMENDATION

THAT:

1. Council adopt for public exhibition and make available for public comment from 19 April to 18 May 2012, the draft Operational Plan for 2012/13 which includes the draft Budget, Fees and Charges and Rating Structure.
2. Council note that the rating information contained in the draft Operational Plan for 2012/13 is based on the Independent Pricing and Regulatory Tribunal's approval of a 6% increase for Council for 2012/13.
3. Following the public exhibition period, and before 30 June 2012, a further report be prepared which provides details of any submissions received and recommends the adoption of a final Operational Plan for 2012/13 which includes the Budget, Fees and Charges and Rating Structure.

GARY BENSLEY
Executive Manager
Corporate and Community Division

SCOTT PHILLIPS
General Manager
General Manager Division

Attachments:

1. Delivery Program including the Draft Operational Plan 2012-2013
2. Draft Fees and Charges 2012-2013

File Reference: F2011/01357
Document Number: D01882219

6 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 21 March 2012 (see Report No. CC11/12). Since that time, one additional Return has been lodged with the General Manager and is now tabled as required by the Local Government Act.

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
21/03/2012	Senior Sustainability Officer	New appointment

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.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – Ms Robyn Abicaire - 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 ABICAIRE
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: D01893180

7 CLIMATE ACTION NETWORK AUSTRALIA - ANNUAL CONFERENCE REQUEST FOR SUPPORT

EXECUTIVE SUMMARY

In late February 2012, Council received a request for \$2000 to financially support the Climate Action Network Australia (CANA) annual conference.

CANA is a network of over 70 Australian non-government groups who are working for action on climate change. CANA member organisations include Greenpeace, WWF-Australia, the Australian Conservation Foundation, the Wilderness Society, Oxfam Australia and World Vision Australia amongst others.

From time to time Council receives requests such as the one from CANA, and has traditionally declined these requests where they are not considered to be part of the core business of Council.

The CANA request is not considered to be part of the core business of Council and therefore this report recommends that Council does not support the CANA annual conference.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of a request for support for the CANA Annual Conference to be held on 7 and 8 May 2012 in Pennant Hills.

DISCUSSION

In late February, the CANA wrote to Council requesting Council's support for their annual conference to be held on 7 and 8 May 2012 at the Baden Powell Scout Centre in Pennant Hills (Attachment 1).

CANA is a network of over 70 Australian non-government groups working for action on climate change and has a stated vision of "*A strong, united and sustainable civil society working collaboratively for climate action in Australia*".

CANA member organisations include Greenpeace, WWF-Australia, Australian Conservation Foundation, The Wilderness Society, Oxfam Australia and World Vision Australia amongst others. A full list of member organisations can be found at CANA's website www.cana.net.au.

CANA are seeking Council's support for their conference in the form of a financial contribution of \$2000, plus food and other consumable items for the conference social event to be held on the evening of Monday 7 May 2012.

In return, Council would be noted for its financial support via CANA's website, all conference program and promotional materials and Council would be able to site a display

and provide information for the duration of the conference. Council representatives would also be invited to attend the conference social event.

From time to time Council receives requests such as the one from CANA, and has traditionally declined these requests where they are not considered to form part of the core business of Council.

The CANA request is not considered to form part of the core business of Council and therefore this report recommends that Council does not support the CANA annual conference.

BUDGET

This report seeks Council's consideration of a request for \$2000 in financial support for CANA's annual conference. This amount has not been allowed for in Council's 2011/12 budget and Council would need to allocate additional funds should it wish to support the request.

POLICY

There are no policy implications arising from this report.

CONSULTATION

There is no requirement for consultation in this matter.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Acting Executive Manager Environment – Steve Fedorow - who can be contacted on 9487 6541.

RECOMMENDATION

THAT Council decline the request to provide financial or material support for the Climate Action Network Australia annual conference.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Attachments:

1. Climate Action Network Australia - Request for Support

File Reference: F2004/08773

Document Number: D01881252

ITEM 7

8 FUTURE OF E-WASTE UPDATE

EXECUTIVE SUMMARY

At its Ordinary Meeting of 16 November 2011, Council considered a report discussing the future of E-waste recycling and resolved to publicly consult on a proposal to cease the free scheme and introduce a user pays scheme.

The proposal was exhibited between mid December 2011 and mid February 2012 and 55 submissions were received by Council. All submissions objected to the proposed changes to introduce a user pays scheme.

Although the specifics of the National Television and Computer Recycling Scheme (NTCRS) are yet to be finalised; the scheme is due to commence on 1 July 2012. The scheme will be free to private individuals and businesses and would provide an avenue for residents to recycle their E-waste.

As such, it is recommended that Council maintain its existing, free E-waste recycling scheme until 30 June 2012, beyond which the NTCRS is scheduled to commence.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of submissions received as a result of the public exhibition of the proposal to introduce a user pays E-waste recycling scheme.

DISCUSSION

At its Ordinary Meeting of 16 November 2011, Council considered Executive Manager's Report No. EN55/11 that discussed legislative changes placing the responsibility for collection and recycling of E-waste directly with the Television and Computer industry and resolved as follows:

THAT:

- 1. The current E-waste drop off service be replaced with a user pays E-waste drop off service until such time that the industry E-waste scheme commences. This is subject to the outcomes of points 2 to 5 of this resolution.*
- 2. Council advertise the fees applicable for E-waste as outlined in Executive Manager's Report No. EN55/11 for a period of 28 days in accordance with the Local Government Act 1993, section 610(f).*
- 3. At the conclusion of the exhibition period, a further report be presented to Council detailing the submissions received. If there are no submissions received, the fees and charges are to be considered adopted with a commencement date of 1 March 2012.*

4. *Once the fees have been adopted, commencing 1 March 2012, the no-charge service be discontinued and replaced with the adopted fees as outlined in Executive Manager's Report No. EN55/11.*
5. *Once the fees have been adopted, a public information strategy be implemented to inform residents of the changes to the E-waste services."*

Results of the public exhibition

The proposal to introduce a user pays E-waste recycling scheme was placed on public exhibition between mid December 2011 and mid February 2012, allowing for the Christmas holidays.

At the close of the exhibition period, fifty-five written submissions and a small number of phone conversations had been received. All submissions objected to the proposed changes to introduce a user pays E-waste recycling scheme.

The substantial number of submissions objecting to the proposal was an indication that the current free E-waste recycling scheme is well received by residents and that residents do not favour the introduction of a temporary users pays system until the industry scheme commences.

National Television and Computer Recycling Scheme update

Since November 2011, further details have been sought from the Office of Environment and Heritage regarding the scale, operations and commencement of an industry scheme.

The Office of Environment and Heritage was unable to provide specific detail regarding the industry scheme and it is apparent that there are still many issues that remain to be resolved raising concern about services that may be available to residents and Council's future involvement with the NTCRS.

The main issues of concern relating to the NTCRS are listed below:

1. To date only one organisation has been appointed as a Co-Regulator (provider) with another two organisations currently seeking approval. Under the scheme a Co-Regulator is required to implement and operate collection points.
2. Very little detail has been released regarding how the system will run.
3. A national target of 40,000 tonnes has been set for 2012/13 raising some concern about what would happen once that level is reached.
4. Co-Regulators still need to establish drop off locations.
5. Industry consultation meetings are being organised for March, April and May 2012. It is anticipated that following these meetings Council will have a better understanding of the scheme and what its involvement might entail.

Options for E-waste recycling within Hornsby Shire

At the present time, the following options are provided for the immediate future of E-waste within Hornsby Shire. With the expectation that additional information will be released over the coming months, staff will continue to monitor and review these options.

Option one - Introduce a user pays E-waste recycling scheme

This option considers the implementation of the resolution contained in Executive Manager's Report No. EN55/11 to introduce a user pays E-waste recycling scheme that would operate until 1 July 2012, when an industry scheme is scheduled to be in place and operational.

Submissions received during the public exhibition of this proposal revealed that the current free E-waste recycling scheme is well received by residents and that residents do not favour the introduction of a temporary users pays system until the industry scheme commences.

Given that there are now only two and a half months until an industry scheme is scheduled to commence, it is considered that there is no significant gain to Council in commencing a user pays E-waste recycling scheme for such a short period of time.

This option could be reconsidered by Council in the event that an industry scheme does not commence on 1 July 2012.

Option two – Continue E-waste as it currently exists until the NTCRS is implemented

This option would satisfy many residents in the short term but does create a situation where due to the availability of alternative Council provided services, the imperative for an industry scheme to commence by 1 July 2012 could be reduced or delayed.

Whilst addressing resident's concerns, this option is not supported as it has the potential to leave Council with a longer term cost of E-waste recycling and a delay in having a fully funded and supported industry scheme operating within the Shire.

Option three – Continue the current free E-waste drop off service until 30 June 2012 at which point it would be discontinued to align with the scheduled commencement of an industry scheme on 1 July 2012

This option would enable residents to continue to drop off E-waste until 30 June 2012 when the industry scheme is scheduled to commence. Post 1 July 2012 Council would provide details of industry E-waste drop locations via the web page, periodical advertisements in local papers and the Waste Hotline.

In the interim, Council would continue to liaise with the Office of Environment and Heritage and their Co-Regulators regarding the industry scheme and seek the most advantageous outcome for Hornsby residents, including:

1. Direct involvement by agreeing to host an E-waste drop off location
2. Indirect involvement via agreed drop off days
3. Simply being able to provide information as to where drop off locations may be found.

This option is considered to provide the best long term option for residents and Council in that it maintains free E-waste recycling services until the scheduled commencement date of

the industry scheme, whilst maintaining pressure for the industry scheme to commence on 1 July 2012 and limiting the costs borne by Council in continuing to provide E-waste recycling services.

CONCLUSION

The public submissions received as a result of Council's proposal to introduce a user pays E-waste recycling scheme indicate that access to a free E-waste recycling scheme is viewed as a very important and in-demand service.

It is considered that continuing to provide a free E-waste recycling scheme until 30 June 2012 beyond which point an industry scheme is scheduled to commence, would strike an appropriate balance in maintaining free services for residents whilst limiting the costs borne by Council.

BUDGET

This report provides advice that the E-waste drop off program will exceed its original budget estimate by approximately \$20,000 if continued as a free service up to 30 June 2012. This amount will be sought to be offset through cost savings in other waste programs.

POLICY

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

CONSULTATION

This report informs Council of the submissions received as a result of the public exhibition of the proposal to introduce a user pays E-waste recycling scheme.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Waste Management Services - Rob Holliday, who can be contacted on 9847 4816.

RECOMMENDATION

THAT:

1. Council continue the free E-waste recycling service at the Thornleigh Council depot until 30 June 2012.
2. Council advertise that the free E-waste recycling service will continue until 30 June 2012.
3. Industry E-waste drop off locations are included on Council's web page as they become available.
4. Council to continue progress discussions with Co-Regulators related to what Council's role in the National Television and Computer Recycling Scheme might be.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08803

Document Number: D01884743

9 CATCHMENTS REMEDIATION RATE (CRR) EXPENDITURE PROGRESS REPORT 2011/2012

EXECUTIVE SUMMARY

The revenue received for the Catchments Remediation Rate (CRR) for 2011/12 was \$2,808,000, with the balance of funds at the period ending 31 December 2011 being \$2,007,000. This was as a result of income generated, \$2,808,000 plus \$367,000 brought forward from 2010/2011, less expenditure of \$1,168,000.

On 8 March 2012, the CRR Expenditure Review Panel (“the Panel”) went on a catchment tour of recently constructed CRR projects. The Panel visited five sites located in Hornsby, Hornsby Heights, Mount Colah and Mount Kuring-Gai.

During the tour discussion was generated around issues such as site selection, project objectives, community perception and value for money. The Panel made a number of comments and observations but in summary considered the works to be well designed and constructed, environmentally and aesthetically beneficial and represent good value for money.

The Panel was provided the opportunity to examine the financial reports as at 31 December 2011 and considered all reports acceptable and reasonable. A cost summary of expenditure for the first half of the 2011/2012 financial year and the CRR Expenditure Review Panel's report are provided in the attachments.

PURPOSE/OBJECTIVE

The purpose of this report is to document the expenditure of CRR funds by Council from 1 July 2011 to 31 December 2011. The report also includes the findings of the external Expenditure Review Panel, as well as the subsequent progress on the assessment, investigation and completion of catchment remediation projects across the Shire.

DISCUSSION

Capital Remediation Projects

Approximately 50% of the 2011/2012 CRR budget has been allocated for capital works projects across the Shire. These works included bioretention systems, stormwater harvesting and reuse schemes and creek stabilisation/remediation.

As of 31 December 2011, \$394,000 had been spent on capital works, with five major projects completed or near completion. These included:

- Four large end-of-pipe bioretention systems: North Epping, Hornsby, Hornsby Heights and Mount Colah
- One Creek stabilisation project in Epping

In addition:

- Six projects from previous years had minor residual expenditure
- Five other projects on the 2011/2012 works schedule had survey and design work carried out.

Council's Design and Construction Branch conducted survey, design and construction of a majority of the capital works program in consultation with the Catchments Remediation Team Leader.

Non-capital Associated Expenditure

A component of the CRR budget for 2011/2012 supports various Environment Division operations which contribute to fulfilling obligations to improve water quality Shire-wide. Attachments 2 and 3 show the specific expenditure breakdown for:

- Pro-active maintenance of all stormwater improvement assets
- Street sweeping
- Community project support, e.g. Streamwatch and various committees
- Implementation of a Geographic Information System (GIS)
- Emergency response to spills
- Water quality research and monitoring
- Riparian restoration works
- Salaries, wages, overheads and associated administrative costs for project management

BUDGET

The relevant budget and incurred expenditure for the Catchments Remediation Rate (CRR) are shown in Attachments 1 to 3.

POLICY

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

CONSULTATION

No external consultation was required in the preparation of this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manger, Water Catchments – Ross McPherson – who can be contacted on 9847 6708.

RECOMMENDATION

THAT the contents of Executive Manager's Report No. EN19/12 be received and noted.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Attachments:

1. 1. CRR Balance - 1st and 2nd Quarter, 2011-2012
2. 2. CRR Non-Capital Expenditure - 1st and 2nd Quarter, 2011-2012
3. 3. CRR Expenditure Summary - 1st and 2nd Quarter, 2011-2012
4. 4. CRR Panel Report, 11 March 2012

File Reference: F2005/00829-02
Document Number: D01884878

10 ADOPTION OF DRAFT SUSTAINABLE WATER BASED RECREATION FACILITIES PLAN

EXECUTIVE SUMMARY

In June 2011 Council considered Executive Managers Report No. EN12/11 and resolved to endorse the draft Sustainable Water Based Recreation Facilities Plan ('draft Plan') for the purposes of public exhibition.

The draft Plan sets out a range of recommendations for improvements to access and facilities that may be undertaken by Council or other authorities at Wisemans Ferry, Deerubbin Reserve, Kangaroo Point, Brooklyn, Parsley Bay, Berowra Waters and Crosslands Reserve into the future.

The draft Plan was placed on public exhibition from 13 July – 12 August 2011, and during this period no submissions were received by Council.

This report therefore recommends that Council adopt the draft Sustainable Water Based Recreation Facilities Plan.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of the public exhibition process, and to seek Council's approval of the draft Plan.

BACKGROUND

Council's Unstructured Recreation Strategy (2008) and Lower Hawkesbury Estuary Management Plan (2009) identified a need for clear and sustainable directions on a wide range of water based recreation activities. These included:

- Identification of possible conflicts between users
- Greater understanding of user numbers (demand and community preferences)
- Infrastructure and asset condition analysis
- Identification of suitable access points for water based recreation
- Information regarding permitted fishing areas, facilities provided and identification of sensitive areas which are not suitable for fishing
- An analysis of information relating to the study area from the Recreational Fishing Study in the Sydney Region
- Adequate waste disposal facilities (for recreational fishing waste, foreshore bins and pumpout facilities) and
- Principles and guidelines for the provision of current and future facilities for water based recreation.

The draft Plan was developed to respond to these needs and provide clear principles and guidelines for water based facilities.

DISCUSSION

In June 2011 Council considered Executive Managers Report No. EN12/11 and resolved

“That:

- 1. Council endorse the Sustainable Water Based Recreation Facilities Plan attached to Executive Manager’s Report No. EN12/11 for the purpose of public exhibition for a period of one month;*
- 2. Should submissions be received that require amendments to be made to the Plan, a further report be prepared for Council’s consideration.”*

The draft Plan (Attachment 1) was publicly exhibited between 13 July 2011 and 12 August 2011, receiving no submissions. Whilst no submissions were received during the public exhibition period, it is considered that the text of Council’s resolution does not provide for the adoption of the draft Plan without the matter returning to Council. Accordingly, this report presents the draft Plan to Council for formal adoption.

The draft Plan sets out a range of recommendations for improvements to access and facilities at Wisemans Ferry, Deerubbin Reserve, Kangaroo Point, Brooklyn, Parsley Bay, Berowra Waters and Crosslands Reserve.

Typical recommendations include the provision of fish cleaning tables, upgrading signage, improvements to vehicle and pedestrian access and the provision of dinghy storage racks etc at the abovementioned locations. No specific timeframes have been allocated to the identified improvements, which would be implemented by Council and other authorities at a future point as funding becomes available.

A summary of recommendations can be found in Attachment 2 to this report.

CONCLUSION

The draft Plan has been publicly exhibited in accordance with Council’s resolution, and as no submissions were received during this period, this report recommends that Council adopt the draft Sustainable Water Based Recreation Facilities Plan.

BUDGET

Whilst the draft Plan itself does not present any budgetary implications for Council, it identifies a range of improvement works that may be undertaken by Council and other authorities into the future.

Specific funding for proposed actions has not been identified at this stage. These actions would be progressed according to their prioritisation and as funding becomes available.

POLICY

The draft Plan is a policy document that focuses on water-based recreation in the Lower Hawkesbury and Council infrastructure in the following locations:

- Kangaroo Point
- Crosslands Reserve
- Berowra Waters
- Brooklyn

- Parsley Bay
- Wisemans Ferry, and
- Deeuibbin Reserve

The draft Plan builds on Council's Unstructured Recreation Strategy (2008) and the Lower Hawkesbury Estuary Management Plan (2009) and the sets out clear and sustainable directions on a wide range of water based recreation uses in the Lower Hawkesbury.

CONSULTATION

The draft Sustainable Water Based Recreation Facilities Plan was publicly exhibited between 13 July and 12 August 2011 with no submissions being received.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is the Parks and Landscape Team Manager - Peter Kemp - who can be contacted on 9847 6792.

RECOMMENDATION

THAT Council adopt the Draft Sustainable Water Based Recreation Facilities Plan.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Colour Attachments:

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

File Reference: F2009/00566
Document Number: D01885951

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

EXECUTIVE SUMMARY

At its 21 March 2012 Ordinary Meeting Council deferred consideration of an application to remove a tree at 42 Cowan Road, Mount Colah to enable Councillors to conduct a site inspection before considering the matter further.

A site inspection was conducted on 4 April 2012 where Councillors were able to view the tree and assess its proximity to the dwelling.

Two prior applications from the property owner to remove a large Eucalypt tree at the rear of this property have been refused consent under delegated authority.

This report presents the previous deferred report for Council's consideration and recommends that Council refuse consent to remove the tree.

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

This matter was included in the business paper for Council's consideration at the Ordinary Meeting of 21 March 2012 where the owner of the property addressed Council, expressing concern about the safety of the tree, and the accuracy of the estimated height and proximity of the tree to her dwelling that was contained within the report.

Council resolved as follows:

“That consideration of this matter be deferred until the Council meeting of 18 April 2012 to allow a site visit to be undertaken and clarification to be sought in respect of the tree's dimensions and its distance from the house.”

Consistent with Council's resolution, a site meeting was held on 4 April 2012 where Councillors were able to view the tree and measure the distance from the tree to the converted garage as being marginally over three (3) metres; and the tree to the main dwelling as being eleven (11) metres. Council staff confirmed their height estimate of 30 metres.

The safety concerns raised by the owner appear to centre on limb loss rather than overall tree stability. A review of photographs supplied to Council by the owner in support of her application has revealed that with the exception of two branches, the subject branches appear to be typical of deadwood.

It should be noted that limb loss is considered to be a natural process and trees can occasionally drop branches, usually small in size, but at times also large branches.

CONCLUSION

Executive Manager's Report No. EN15/12, deferred at Council's March Ordinary meeting informed Councillors of two previous applications made by the property owner in April 2011 and January 2012 to remove the tree, and recommended that Council refuse the application for consent to remove the tree.

With deferral of the matter Councillors have also had an opportunity to view the tree at a site inspection and confirm the distance from the tree to both the house and garage.

This report retains the recommendation 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.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Parks and Landscape Team Manager – Peter Kemp – who can be contacted on 9847 6792.

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
5. Attachment 5 - Executive Managers Report No. EN15/12 - Request to Remove Tree at 42 Cowan Road, Mount Colah

File Reference: TA/505/2011

Document Number: D01889615

ITEM 11

12 ELECTRICITY PRICES

EXECUTIVE SUMMARY

In August 2011 Council indicated its desire to investigate ways to reduce the impact of rising electricity prices on residents and Council.

Following receipt of legal advice and analysis of a number of options including group purchasing schemes; this report concludes that promotion of the Independent Regulatory and Pricing Tribunal's 'Energy Comparison Calculator' would enable residents to identify market based contracts that offer discounts of up to 22% on their annual electricity bill, whilst limiting both the risks and costs faced by Council in facilitating a group purchasing scheme.

PURPOSE/OBJECTIVE

The purpose of this report is to provide information to Council on methods, including group purchasing schemes, to reduce the impact of rising electricity prices on Hornsby Shire residents and Council.

BACKGROUND

In March 2011 the NSW Government privatised its electricity retailers, effectively deregulating the electricity industry and creating competition between retailers.

In June 2011, the Independent Pricing and Regulatory Tribunal (IPART) announced that from 1 July 2011, average residential electricity prices would increase by up to 17.9% or approximately \$230 per annum for customers on a regulated contract with the former Energy Australia.

IPART noted that this rise was required to fund improvements to the transmission and distribution networks (10%); costs associated with the Federal Government's Renewable Energy Target (6%); an increase in wholesale electricity prices (1%) and a 1% increase to retail pricing.

IPART also foreshadowed a further price rise of approximately 10% or \$151 per annum, to commence 1 July 2012. A further increase that was not able to be estimated in June 2011 when IPART released their guidance is that associated with the Federal Government's carbon price.

It should be noted that IPART is currently reviewing their 2012 estimates with a final determination not expected until June 2012.

In light of the above, at its Ordinary Meeting of 24 August 2011, Council considered a Notice of Motion regarding electricity prices and resolved:

"THAT the Executive Manager, Environment prepare a report investigating ways, including group purchasing schemes, of reducing the impact of rising electricity prices on Hornsby Shire residents and Council."

DISCUSSION

A range of potential models to reduce the impact of rising electricity prices have been identified and examined as follows:

1. Direct Council facilitation and promotion of a group purchasing scheme;
2. Facilitation and promotion of a group purchasing scheme via a preferred supplier; and
3. Promotion of the IPART “Energy Comparison Calculator” Website

Legal advice from Marsdens Law Group (Attachment 1) has been sought regarding Council’s involvement with group purchasing schemes and this is discussed below.

Marsdens generally found that whilst it may not be unlawful for Council to facilitate or promote a scheme whereby interested local residents could join together as a group for the purpose of obtaining the supply of electricity from a particular supplier at a reduced rate, significant issues of probity, transparency, accountability and liability arise for Council, including:

- The appropriateness for Council to enter into the domain of private contractual relations between an electricity retail supplier and a local resident;
- Liability issues raised for Council in recommending or facilitating the supply of electricity by a particular electricity provider to local residents, in relation to things done/omitted by the electricity supplier, or if the electricity supplier failed to provide the agreed service to the residents, or if residents were to withdraw from the scheme or fail to pay for the electricity charges; and
- Transparency concerns associated with Council should Tenders or Expressions of Interest not be called, as there could be risk of claims by electricity retail suppliers that Council had given certain energy suppliers an unfair advantage.

Notwithstanding the above, Marsdens note that ultimately it would be a matter for Council, acting reasonably, to determine whether the provision of such a service or the carrying out of the activity is “appropriate” to the current and future needs within the local community and of the wider public.

Direct Council facilitation and promotion of a group purchasing scheme

Under this scenario Council could seek to facilitate and promote a group purchasing scheme itself, absorbing all the costs associated with the scheme with a view to maximising the discount that may be offered to scheme participants.

To ensure the viability of such an approach, it would be crucial that a sufficient number of residents registered to participate in the scheme. Discussions with a private procurement company that has previously facilitated successful group purchasing schemes revealed that their best supported scheme involved approximately 1000 participants in the town of Somers, Victoria; with the outcome being a 12% reduction in off-peak rates, 15% pay-on-time discount and a one-off \$50 credit upon entering a contract.

Whilst it is presumed that Council would have the scope to attract a sufficient number of participants to a scheme, this cannot be relied upon. Likewise, the level of discount that might be offered as a result of a scheme is not certain.

As a guide, the same private procurement company that achieved the abovementioned discounts for residents in Somers, estimates that discounts in the vicinity of 12% could be achieved in New South Wales.

Staff have also given consideration to including Council's own electricity consumption into a Hornsby based group purchasing scheme with a view to increasing the overall electricity pool and potentially increasing the level of discount that might be offered.

By way of background, Council's electricity contracts were entered into following a group tender process that included approximately 30 other councils, with an average saving of 22% being realised by participants. The tender process was facilitated by Local Government Procurement and was free to participating councils. All costs associated with running the tender process were recovered directly from the successful retailer by Local Government Procurement.

Including Council's electricity consumption presents a significant number of issues not least of which being that Council is under contract until 30 June 2013 (large sites, street lighting and Green Power), and 30 June 2014 (small sites) for its electricity consumption.

There is also a risk that if in the future Council were to remove itself from a group tender process with other councils in order to support a group purchasing scheme for Hornsby residents, that the current level of discount may not be realised. A reduction in the discount offered by an electricity retailer of 10% (i.e. a 12% discount as opposed to the current 22% discount) across Council's electricity spend would equate to an additional annual cost to Council of approximately \$115,000.

Another issue for Council to consider would be the cost to Council in setting up and operating such a group purchasing scheme. With staff costs, technical and legal advice and promotional costs taken into consideration, it is estimated that the cost to Council could exceed \$100,000.

Facilitation and promotion of a group purchasing scheme via a preferred supplier

Under this scenario rather than directly facilitating a group purchasing scheme itself, Council could encourage commercial procurement companies to establish and facilitate a group purchasing scheme on behalf of residents within the Shire, and recovering their costs directly from the successful electricity retailer.

To address probity issues, it is suggested that this option would initially require Council to call for expressions of interest from commercial procurement companies to run such a scheme, before Council could select a preferred supplier(s) who would then facilitate and promote a group purchasing scheme to residents.

A key outcome of any expression of interest process would be for Council to satisfy itself regarding the credentials and background of the supplier. The nature of the relationship between Council and a preferred supplier would also need to be clearly established and understood before Council could consider promoting the scheme to residents.

It should be noted that discussions with an established procurement company revealed that all prior electricity group purchasing schemes that they have been involved with have been run on behalf of community groups rather than directly with a council. Any council involvement

appears to be ancillary to the arrangement between the community group and the procurement company and is typically limited to raising general awareness of the scheme.

It should also be noted that the same discussions revealed that the discount that might be achieved through a group purchasing scheme is estimated to be in the order of 12% off the regulated contract rates.

It is estimated that the cost to Council in selecting and promoting a preferred supplier to facilitate a group purchasing scheme could range from \$20,000 to \$60,000 (excluding staff costs) dependent upon the level of community promotion undertaken by Council.

If Council were of a mind to pursue this option, it is recommended that a staged approach be adopted, with an initial gauging of community interest to determine the viability of running a scheme.

Promotion of the IPART 'Energy Comparison Calculator' Website

Opportunities also exist for Council to promote the IPART 'Energy Comparison Calculator', a free online price comparison service that enables residents to compare offers that are available from various electricity retailers (see www.myenergyoffers.nsw.gov.au).

The 'Energy Comparison Calculator' shows that a typical Hornsby Shire resident could achieve a discount of up to 22% or \$434 off their annual bill by moving from a regulated contract and to a market based contract.

Savings of 22% significantly exceed those that could be expected through community group purchasing schemes (approximately 12%), and are on par with the savings that Council has been able to attain through its participation in the Local Government Procurement group tender process.

Another attractive aspect of this option is that it would not raise the issues of probity, transparency, accountability and liability for Council that are present with either directly facilitating or encouraging a preferred supplier to facilitate and promote a group purchasing scheme.

For residents who choose to use the 'Energy Comparison Calculator', successfully obtaining electricity cost savings would not depend upon large-scale adoption by residents like group purchasing schemes; with individual households able to benefit irrespective of how many others make use of the opportunity.

Furthermore it would provide residents with information about a wide range of options regarding discounted electricity products.

Promotion of the 'Energy Comparison Calculator' could occur at minimal cost through a link on Council's website, and via our electronic mailing list and other social media. Should Council wish to display ads in all the local newspapers it is estimated that \$5000 would enable reasonable coverage.

The cost of wider promotion, such as a direct mail out to residents would be likely to exceed \$45,000.

CONCLUSION

Having considered a range of options to reduce the impact of rising electricity prices upon Hornsby residents and Council, this report has found that significant savings can be realised by residents entering into a market based contract.

Options exist for Council to either directly facilitate a group purchasing scheme on behalf of residents or promote a preferred supplier to undertake this work. However these options have a number of probity, transparency, accountability and liability issues associated with them; are likely to impose a substantial cost upon Council and provide an uncertain outcome in terms of the discount that may be offered to participants.

In contrast, IPART's Energy Comparison Calculator provides a simple and convenient tool to enable residents to identify a market based contract that best meets their individual circumstances and offers discounts of up to 22% off the regulated contract.

It is understood that the Energy Comparison Calculator is relatively unknown to the general public, and the opportunity exists for Council to promote this useful tool to residents.

BUDGET

All options canvassed in this report will have an impact upon Council's budget. The impacts range from a relatively minor expense associated with publicly advertising the IPART 'Energy Comparison Calculator', to an estimated expense of greater than \$100,000 for Council to directly facilitate a group purchasing scheme including its own electricity consumption.

Funds of up to \$5000 are available within the Environmental Sustainability budget should Council wish to promote the IPART 'Energy Comparison Calculator' by placing advertisements in the local newspapers, Council's website, and via our electronic mailing list and social media. Council would however need to allocate additional funding of \$45,000 if it wished to undertake broader promotion of the calculator, such as a mail out to all residents.

Likewise Council would need to allocate additional funding of between \$20,000 and \$60,000 (dependent upon the level of community promotion undertaken) if it wished to facilitate a group purchasing scheme via a preferred supplier.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

Council's Chief Financial Officer, Marsdens Law Group, Port Stephens Council, Manningham City Council, the Beaconsfield Progress Association and a number of commercial procurement companies have been consulted in the preparation of this Report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Acting Executive Manager Environment – Steve Fedorow – who can be contacted on 9847 6541.

RECOMMENDATION

THAT Council promote IPART's 'Energy Comparison Calculator' to residents through the local media, Council's website and via Council's electronic mailing list.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Attachments:

1. Electricity Prices Legal Advice

File Reference: F2004/09944-02
Document Number: D01892966

**13 DEVELOPMENT APPLICATION - ERECTION OF A STUDIO ANCILLARY TO A DWELLING-HOUSE
22 GRANTHAM CRESCENT, DANGAR ISLAND**

Development Application No:	DA/1419/2011
Description of Proposal:	Erection of a studio ancillary to a dwelling-house
Property Description:	Lot 58 DP 10902, No. 22 Grantham Crescent, Dangar Island
Applicant:	Mr Ross Alan Spence
Owner:	Mr Ross Alan Spence Ms Leonie Findlay
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Environmental Protection E (River Settlements) zone
Estimated Value:	\$38,000
Ward:	A

RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to *State Environmental Planning Policy No. 1* and approve Development Application No. 1419/2011 for the erection of a studio ancillary to a dwelling-house at Lot 58 DP 10902, No. 22 Grantham Crescent, Dangar Island subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the erection of a studio ancillary to a dwelling-house.
2. The proposed development would exceed the maximum 0.3:1 floor space ratio development standard of the *Hornsby Shire Local Environmental Plan 1994*. The applicant has made a submission pursuant to *State Environmental Planning Policy No. 1 – Development Standards* to vary the standard. The submission is considered well founded and is supported.
3. No submissions have been received in respect of the application.
4. It is recommended that the application be approved.

BACKGROUND

On 30 September 1993, DA/479/1993 was approved for alterations and additions to an existing dwelling. The approved development resulted in a floor space ratio (FSR) of 0.31:1.

On 18 April 2006, DA/2075/2005 was approved for alterations and additions to an existing dwelling, including infill of verandah, addition of a porch and internal alterations to the configuration of the dwelling. Infilling of the ground and first floor deck areas resulted in an additional 9 square metres of gross floor area and a FSR of 0.317:1.

On 22 December 2011, DA/1419/2011 was lodged for the construction of a studio within the rear yard of the residential property. The application is the subject of this report.

THE SITE

The site has an area of 727 square metres and is located on the northern side of Grantham Crescent on Dangar Island. The site is generally rectangular in shape with a frontage of 15.5 metres to Grantham Crescent and a depth of 48 metres. The site experiences a minor slope from the north-western corner to the south-eastern corner of the site with an average grade of 2%.

The site contains an existing two-storey dwelling and a garden shed. The site also contains a significant group of locally native remnant trees. The surrounding development is characterised by low density residential development comprising one and two storey dwellings. The site is located approximately 80 metres from the Hawkesbury River and is not visible from the waterfront.

THE PROPOSAL

The application proposes the erection of a studio building within the rear yard of the site. The proposed studio would comprise a study and bathroom with a floor area of 21.6 square metres. The studio would be used for the purpose of creating art and writing. The studio would also provide a separate area for relatives to be accommodated.

The studio would be supported by piers and comprise timber clad walls and a Colorbond metal roof. The development includes a verandah along the southern elevation of the studio measuring 1.2m x 7.2m.

The existing dwelling has a floor area of 230.48 square metres. The proposed studio would increase the gross floor area of buildings on the site to 252.08 square metres.

A garden shed located within the rear yard is proposed to be demolished as part of the application.

ASSESSMENT

The development application has been assessed having regard to the '*Metropolitan Plan for Sydney 2036*', the '*North Subregion (Draft) Subregional Strategy*' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2036; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The *Draft North Subregional Strategy* acts as a framework for Council in its preparation of the *Comprehensive LEP* by the end of 2012.

The *Draft North Subregional Strategy* sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- Housing stock to increase by 11,000 dwellings.

The proposed development would be consistent with the *Metropolitan Plan for Sydney 2036*.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider “*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*”.

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Environmental Protection E (River Settlements) under the *Hornsby Shire Local Environmental Plan 1994 (HSLEP)*. The objectives of the zone are:

- To protect the natural environment of sensitive areas within the catchment of the Hawkesbury River.*
- To accommodate low density housing that is consistent with the environmentally sensitive area.*
- To protect the scenic quality and water quality of the area and to promote development that is within the environmental capacity of the area.*

The proposed development is defined as a ‘dwelling-house’ under the *HSLEP* and is permissible in the zone with Council’s consent.

The development has been considered with respect to the objectives of the Environmental Protection E (River Settlements) zone. With respect to objective ‘a’, the development would not have a significant impact on the natural environment or the sensitive areas within the catchment as the development involves minimal excavation works and would not necessitate the removal of any trees. Furthermore, conditions are recommended for sediment and erosion control measures to be implemented during construction works to minimise the impact on the water quality of the catchment.

With respect to objective ‘b’ of the zone, the proposed studio is not excessive in bulk or scale and the established low density residential character of development on the site would be

maintained. The development would not be out of character with development on adjoining allotments and would be consistent with the environmentally sensitive area. With respect to objective 'c', the proposal would not adversely impact on the scenic quality of the riverine corridor as the site is not visible from the waterfront. The proposal would not adversely impact on the scenic quality of the area generally, as the development would not be visible from Grantham Crescent and would be adequately set back from side boundaries so as to reduce any visual impact. The development would be located amongst established trees which would soften the appearance of the structure when viewed from adjoining properties. The proposal is therefore assessed as consistent with the zone objectives.

Clause 15 of the *HSLEP* prescribes that the maximum floor space ratio (FSR) of development within the Environmental Protection E (River Settlements) zone is 0.3:1. The proposed development has a FSR of 0.346:1 in non-compliance with the development standard. The applicant submitted an objection to the development standard pursuant to the *State Environmental Planning Policy No. 1 – Development Standards*. Refer to discussion in Section 2.2.

Clause 18 of the *HSLEP* sets out heritage conservation provisions for Hornsby Shire. Clause 18 is not applicable to this application as the subject property is not located within a Heritage Conservation Area or in the vicinity of a heritage item.

2.2 State Environmental Planning Policy No. 1 – Development Standards

The application has been assessed against the requirements of *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1). This Policy provides flexibility in the application of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objectives of the *Environmental Planning and Assessment Act 1979*.

The Land and Environment Court has expressed the view that there are five different ways in which an objection may be considered well founded and the approval of the objection may be consistent with the aims of the Policy as follows: -

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary, as it applies to the land and compliance with the standard would be unreasonable and unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

In regard to whether the objection may be well founded, it is considered that Point 1 is most relevant. The applicant's SEPP 1 objection (in summary) contends that:

- *The proposed studio would be located within the rear yard of the site and would have no impact on the streetscape.*
- *The development would have no impact on adjoining properties in terms of privacy, amenity or overshadowing given that the site is a flat allotment and the proposed studio is single storey.*
- *The studio is proposed within a central position of the rear yard to maintain established trees on the site. The studio would be adequately setback from side boundaries to minimise any potential privacy or amenity impact.*
- *A number of small sheds that were located at the rear of the property have recently been removed from the site. An additional storage shed with an area of 4 square metres would be removed to accommodate the studio. Whilst the proposal increases the FSR, the removal of a number of sheds and replacement with a studio would not significantly increase the perceived bulk and scale of development on the site.*
- *The proposed studio is within the environmental capacity of the site and is in keeping with the low density residential environment.*
- *The site is not a waterfront property and is not visible from the river. The proposal would therefore have no impact in terms of riverine scenic quality.*

The matters listed above have been taken into consideration in assessing the merits of the *SEPP 1* objection.

The applicant's SEPP 1 submission is supported as it is demonstrated that the objectives of the FSR standard are achieved notwithstanding the numerical non-compliance with the development standard. The proposal is consistent with the objective of the FSR standard in that the intensity and scale of the proposed development is in accordance with the subject site's environmental capacity and remains consistent with the established Environmental Protection E zone objectives.

The submitted *SEPP 1* objection is therefore considered well founded in respect to the above Principle No. 1 as the objectives of the FSR standard are achieved.

2.3 State Environmental Planning Policy No. 71: Coastal Protection

The site is located within the coastal zone and as such, the land is subject to SEPP No. 71. The proposal has been considered against Clause 8 of the Policy which outlines the matters of consideration for consent authorities.

The development would not impede public access to the coastal foreshore and would not impact on views. No significant vegetation or rock platforms would be impacted by the development. The proposed development would not have any significant impact on the water quality or the scenic quality of the catchment. Subject to conditions for sediment and erosion control measures being implemented, the proposal is consistent with the objectives of the Policy.

2.4 Sydney Regional Environmental Plan No. 20: Hawkesbury – Nepean Rivers

Sydney Regional Environmental Plan No. 20 aims to protect the environment of the Hawkesbury – Nepean Rivers system by ensuring that the impacts of future land uses are considered in a regional context.

The site is located within the catchment of the Hawkesbury – Nepean Rivers. Part 2 of the *Sydney Regional Environmental Plan No. 20* contains general planning considerations and strategies and requires Council to consider the impact of any proposal on water quality, riverine scenic quality, aquaculture, recreation and tourism.

The proposal would have no impact on the scenic quality of the riverine corridor as the site is not visible from the Hawkesbury River. Water quality is the only other relevant issue for the assessment of this proposal and would be addressed by conditions requiring the implementation of sediment and erosion control measures. The proposed development would therefore, have negligible impacts on the water quality of the catchment area and is consistent with the objectives of the Plan.

2.5 Dangar Island Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design measures within Council's *Dangar Island Development Control Plan*. The following table sets out the proposal's compliance with the prescriptive measures of the Plan:

Dangar Island DCP			
Control	Proposal	Requirement	Complies
Density			
Site Area	727.17m ²	N/A	N/A
Gross Floor Area			
Existing dwelling	230.48m ²		
Proposed studio	21.6m ²	N/A	N/A
Total	252.08m ²		
Floor space ratio	0.346:1	0.3:1	No
Site cover	28%	30%	Yes
Setbacks			
Front	existing unchanged	6m	Yes
Side – west			
Existing dwelling	1.5m	1m	Yes
Proposed studio	3.5m	1m	Yes
Side – east			
Existing dwelling	1.5m	1m	Yes
Proposed studio	4.2m	1m	Yes
Rear	9m	3m	Yes
Design			
Height			
Proposed studio	4m	7m	Yes
Existing dwelling	6.8m	7m	Yes
Cut and fill	<1m	1m	Yes
Landscaping			
No of trees to be removed	None	Trees to be removed not significant	Yes

Landscaped area	58%	45%	Yes
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As detailed in the above table, the proposed development complies with the prescriptive measures of Council's *Dangar Island DCP* other than the floor space ratio requirement. The non-compliance is detailed below, as well as a brief discussion on compliance with relevant performance standards.

2.5.1 Density

The proposal would result in a FSR of 0.346:1 which does not comply with the 0.3:1 FSR requirement for Dangar Island. The application is supported by a SEPP 1 objection which has been addressed in Section 2.2 of this report.

The development would not appear excessive in bulk and scale when viewed from the adjoining properties as the development is single storey, low in scale and adequately setback from side boundaries. The location of the studio within the rear yard would not result in the loss of solar access or privacy for adjacent development.

The additional floor space would not detract from the environmental and amenity aspects of the site. The proposal would not adversely impact on the water and scenic quality of the area and would maintain the low density character of the Island. The proposal is consistent with the objectives of the *Density* element and is considered acceptable in this regard.

2.5.2 Views, Sunlight, Privacy

The proposed development is single storey and modest in scale and would not adversely impact on the solar access or privacy of adjoining properties. The development would not have any impact on views. The proposal is consistent with the objectives of the *Views, Sunlight, Privacy* element and is acceptable in this regard.

2.5.3 Design

The proposed studio would comprise beige coloured timber clad walls and a grey/blue Colorbond metal roof. The colours and materials of the proposed studio would be consistent with the colours and materials of the existing dwelling on the site and would be in keeping with the established built form of the site.

The studio would be located in a central position on the site to preserve a significant group of trees. The proposal would not impact on the natural landscape or character of Dangar Island and is consistent with the objectives of the *Design* element in this regard.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider "*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*".

3.1 Natural Environment

The site contains a significant group of trees within the rear portion of the site. The proposed studio would be located in a central position within the rear yard to ensure the development

would not adversely impact on any trees. Subject to conditions for sediment and erosion control measures to be implemented, the proposal is considered acceptable with respect to the natural environment.

3.2 Built Environment

The proposed studio is considered acceptable with respect to the built environment as addressed in Section 2.5.3 of this report.

3.3 Social and Economic Impacts

There are no anticipated adverse social or economic impacts resulting from the proposed development.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider “*the suitability of the site for the development*”.

The subject site is not identified as bushfire prone or flood prone land. The scale of the development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION

Section 79C(1)(d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 12 January 2012 and 2 February 2012 in accordance with Council’s *Notification and Exhibition Development Control Plan*. During this period, Council received no submissions.

5.2 Public Agencies

The application was not required to be referred to any public agencies.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes the erection of a studio ancillary to a dwelling-house.

The proposed development does not comply with the 0.3:1 floor space ratio development standard of the *HSLEP 1994*. The application has been supported by an objection under *State Environmental Planning Policy No. 1 – Development Standards* for a variation to this development standard.

The proposal generally complies with the requirements of Council's *Dangar Island DCP* other than the maximum floor space ratio which is acceptable with regard to the well founded *SEPP 1* objection.

No submissions have been received in respect of the application.

It is recommended that the application be approved.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

ROD PICKLES
Manager - Assessment Team 2
Planning Division

JAMES FARRINGTON
Acting Executive Manager - Planning
Planning Division

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plans and Elevations

File Reference: DA/1419/2011
Document Number: D01879389

SCHEDULE 1**GENERAL CONDITIONS**

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

<i>Plan No./ Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Revision</i>
RS-01-C / Site Plan	Island Design	February 2012	D
Floor Plans & Elevations	Island Design	February 2012	A

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**2. Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

3. Contract of Insurance (Residential Building Work)

In the case of residential building work for which the *Home Building Act, 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Note: This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Act, or to the erection of a temporary building.

4. Notification of Home Building Act, 1989 Requirements

Residential building work within the meaning of the *Home Building Act, 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor.
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder.
 - ii. If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

5. Sydney Water – Quick Check

The application must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development will affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

6. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work,
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

7. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

8. Tree Protection Barriers

To avoid injury or damage, trees numbered T1, T7 & T14 (as identified on Plan No. RS-01-C, prepared by Island Design, dated February 2012) must have trunks protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way).

REQUIREMENTS DURING CONSTRUCTION

9. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

10. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and the following requirements:

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.

11. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve is to be kept in a clean, tidy and safe condition at all times.

12. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

13. Works near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) within five metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an 'AQF Level 5 Arborist' and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

Note: Except as provided above, the applicant is to ensure that no excavation, including sub-surface trenching for any services, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within four metres (4m) of any tree to be retained.

14. Acid Sulfate Soils

Should acid sulfate soils be encountered during construction works, Council is to be notified immediately and an Acid Sulfate Soils Management Plan, written in accordance with the NSW Acid Sulfate Soil Manual 1998, is to be submitted to Council.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

15. Stormwater Drainage – Dwellings

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained in accordance with Council's design specification; "*On Site Absorption System*", and the following requirements:

- i. The trench located a minimum of 5 metres from any down stream properties and 1 metre from the side boundaries;
- ii. The trench laid on contour;
- iii. The trench be a minimum of 0.5 metres wide, 0.5 metres deep and 2 metres long for every 50 square metres of impervious area; and

- iv. Overland flow from the trench be spread evenly over the site so as not to discharge water in a concentrated manner onto adjoining land.

16. Smoke Alarms – Dwelling Additions

Smoke alarms must be installed in the existing building and the proposed additions in accordance with the requirements of the Building Code of Australia.

OPERATIONAL CONDITIONS

17. Use of Premises

The development approved under this consent is ancillary to the existing ‘dwelling-house’ on the site. The development shall not be used as a separate dwelling.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council’s policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act, 1979 Requirements

- The Environmental Planning and Assessment Act, 1979 requires:
- The issue of a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council’s Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the *Long Service Payments Corporation* or *Hornsby Council*.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works you are advised to seek advice and information should be prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

**14 DEVELOPMENT APPLICATION - ADVERTISING SIGNS
236 PACIFIC HIGHWAY, HORNSBY**

Development Application No:	DA/880/2011
Description of Proposal:	Erection of three advertising signs
Property Description:	Lot 1 DP 1037552, No. 236 Pacific Highway, Hornsby (Westfield Hornsby)
Applicant:	Westfield Limited C/- Ingham Planning Pty Ltd
Owner:	Perpetual Trustees WA Limited
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Business F (Town Centre) Zone State Environmental Planning Policy No. 64 – Advertising and Signage
Estimated Value:	\$295,000
Ward:	A

RECOMMENDATION

THAT Development Application No. 880/2011 for the erection of three advertising signs at lot 1 DP 1037552, No. 236 Pacific Highway, Hornsby (Westfield Hornsby) be approved subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the erection of three advertising signs on the western elevation of the Hornsby Westfield Shopping Centre.
 2. The proposal complies with *Hornsby Shire Local Environmental Plan 1994* and the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage* other than the standard concerning sign clutter. The applicant has made a submission pursuant to *State Environmental Planning Policy No. 1 – Development Standards* to vary the standard. The submission is considered well founded and is supported.
 3. No submissions have been received in respect of the application.
 4. It is recommended that the application be approved.
-

BACKGROUND

On 19 August 2011, Development Application No. DA/880/2011 was lodged for the erection of 3 x 109.9m² advertising signs and 1 x 59.4m² advertising sign. The proposed signs exceeded the maximum 45m² sign area pursuant to *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)*.

On 11 October 2011, the applicant met with Roads and Maritime Services (RMS) and agreed to amend the proposal to address road safety criteria and to submit amended plans to Council.

On 9 November 2011, amended plans were received for 1 x 56.7m² sign, 2 x 109.9m² signs and a 1 x 59.4m² sign. The amended plans were referred to the RMS. On 30 November 2011, the RMS advised of its concurrence subject to conditions.

On 14 December 2011, following discussion with the applicant concerning whether *State Environmental Planning Policy No. 1 – Development Standards* was applicable to the proposed non-compliance with the maximum 45m² sign area permitted under *SEPP 64*, the application was referred to the Department of Planning and Infrastructure.

On 24 January 2012, the amended plans were renotified to adjoining property owners as the amended plans received 9 November 2011 included a new sign located at the southern elevation of the Westfield Building at the corner of Edgeworth David Avenue and Albert Street.

On 12 March 2012, following discussion with Council officers, the applicant submitted amended plans reducing the size and number of signs to 3 x 42.4m² signs in compliance with the development standards of *SEPP 64*.

THE SITE

Hornsby Westfield shopping centre occupies a 3 hectare site within the Hornsby Town Centre and includes the Hornsby Mall with shop frontages to Florence Street and Hunter Street. The shopping centre comprises two interconnected buildings with a wide range of retail shops, supermarkets and specialty stores, cinemas, restaurants and multi-level car parking.

The shopping centre building has inactive frontages to George Street, Pacific Highway, Edgeworth David Avenue and Albert Street with no shopfronts other than a ground floor store at the corner of Edgeworth David Avenue and Pacific Highway.

The site of the proposed advertising signs involves the inactive George Street and Pacific Highway frontages at the western elevation of the shopping centre building.

THE PROPOSAL

The proposal is for the erection of three illuminated advertising signs with static images that change over time. The proposed signs are in addition to the existing illuminated signage for business and building identification. The existing banners and lifestyle images are proposed for removal.

The three proposed signs would be installed in the following locations:

- Location 1 Wall Sign - 12.66m wide x 3.35m high (42.4m²) Pacific Highway façade, near the corner of Edgeworth David Avenue, facing northbound traffic on the Pacific Highway.
- Location 2 Wall Sign - 12.66m wide x 3.35m high (42.4m²) Pacific Highway façade, southern side of the customer vehicle entry and exit, facing the intersection of George Street and the Pacific Highway.
- Location 3 Wall Sign - 12.66m wide x 3.35m high (42.4m²) George Street façade, over the loading dock and facing the Hornsby Railway Station and car park.

The proposed illumination hours are from 7.30 am to 12 midnight in accordance with the existing Westfield Hornsby signs.

In addition to advertising, it is proposed that the signs will also be available for specific periods for local business development, community events and other public promotional requirements.

ASSESSMENT

The development application has been assessed having regard to the ‘*Metropolitan Plan for Sydney 2036*’, the ‘*North Subregion (Draft) Subregional Strategy*’ and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* is a broad framework to secure Sydney’s place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2036; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The *Draft North Subregional Strategy* acts as a framework for Council in its preparation of the *Comprehensive LEP* by the end of 2012.

The *Draft North Subregional Strategy* sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- Housing stock to increase by 11,000 dwellings.

The proposed development would be consistent with the *Metropolitan Plan for Sydney 2036* by promoting the shopping centre as a place to shop and work.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider “*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*”.

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Business F (Town Centre) under the *Hornsby Shire Local Environmental Plan 1994 (HSLEP)*. The objectives of the zone are:

- (a) *to encourage economic growth and employment opportunities.*
- (b) *to accommodate the retail, commercial, housing and social needs of the local and regional community.*
- (c) *to encourage development that improves the health, vitality, cultural environment and social environment within Hornsby Town Centre.*

The proposed development is defined as an ‘advertisement’ under the *HSLEP* and is permissible in the zone with Council’s consent.

Clause 18 of the *HSLEP* sets out heritage conservation provisions for Hornsby Shire. The site of the proposed advertising signs is not an item of heritage and is not located within a heritage conservation area or in the vicinity of a heritage item.

2.2 State Environmental Planning Policy No. 64 – Advertising and Signage

The application has been assessed against the requirements of *SEPP 64*. This Policy provides State-wide planning controls for advertising signs and prevails over other environmental planning instruments including the *HSLEP* and Council’s *Outdoor Advertising Development Control Plan*. The Policy includes guidelines for the assessment of development applications and references the *Transport Corridor Outdoor Advertising and Signage Guidelines July 2007 (Guidelines)*.

The Guidelines include best practice for planning and design of outdoor advertising in transport corridors and provides criteria for design, siting and structures and road safety, and addresses the regulatory framework for assessment of applications.

The application has been referred to the Roads and Maritime Services and the Department of Planning and Infrastructure in accordance with the provisions of the Policy. The applicant submitted an impact statement which addresses the assessment criteria under Schedule 1 of the Policy.

Clause 13 of the Policy states that Council must not grant consent unless a public benefit, consistent with the Guidelines, is provided in connection with the advertising signs. In this regard, the submitted Statement of Environmental Effects includes the following comment:

“It is envisaged that the proposed illuminated wall signs would also be available for periods of time for local business development, community events and other public promotional requirements e.g. Bush Fire Appeal, local festivals or community events and other such worthy causes”.

The Guidelines include a ‘Public Benefit Test for advertisement proposals’ which forms an attachment to this report. A condition is recommended for the applicant to enter into an agreement with Council for use of proposed signs at either Location 2 or Location 3 for advertising of Council and community events.

Clause 14 of the Policy limits the duration of a consent to a period of 15 years or a lesser period as prescribed by the Policy. A condition of consent is recommended consistent with the requirements of the Clause.

Clause 22 of the Policy includes provision to reduce visual clutter and provides for only one wall advertisement per building elevation and for the elevation not to include business or building identification signs. The proposal includes two advertising signs at the Pacific Highway elevation of the shopping centre building which includes business and building identification signs. The applicant has submitted an objection under *State Environmental Policy No. 1 – Development Standards*, to this provision. Refer to discussion in Section 2.3.

The assessment of the proposed signs, in accordance with criteria under Schedule 1 of the Policy, is discussed below.

2.2.1 Character of the area

The Westfield Shopping Centre building at the George Street and Pacific Highway frontages is a three storey concrete panel retail building with terraced façade treatment over a public footpath and features a large corner tower with the red corporate Westfield signage.

Adjoining the site are transport corridors comprising the North Shore Rail Line, Hornsby Railway Station, commuter car park and road corridor including the Pacific Highway, George Street and Edgeworth David Avenue. It is considered the proposed advertising signs would not be incompatible with the character of the area.

2.2.2 Special Areas

The Hornsby West Side Heritage Conservation Area is located on the western side of the railway line and centred on the Pacific Highway, with Inter-War and Federation period shops and older style strip shopping centre.

The proposed advertising signs would be visible from shops along the western frontage of the Pacific Highway within the Heritage Conservation Area. The shop frontages are located 150m west of the Westfield Building. It is considered the proposed signs, while visible, would be within the commercial context of the Westfield Building, separated by the transport corridor and would not diminish the amenity of the Heritage Conservation Area.

2.2.3 Views and Vistas

The proposed signs are wall signs fixed to the western façade of the shopping centre building. The signs would not obscure or compromise views, or reduce the quality of any vista.

2.2.4 Streetscape, setting or landscape

The proposed advertising signs, while relatively large, are appropriate to the scale, proportion and form of the Westfield Building in the streetscape. The proposed signs represent approximately 4% of the total area of the western façade of the building.

The proposed signs are illuminated advertising signs with static images that would change every 10 – 14 days. It is considered the proposed signs would add visual interest to the western façade of the Westfield Building and the streetscape of the transport corridor.

2.2.5 Site and Building

The Westfield Building includes an extensive terraced façade and a large wall over the loading dock at the northern end of the western elevation.

The proposed illuminated wall signs at Location 1 and Location 2 are fixed across terraced sections of the building at the Pacific Highway elevation. The proposed signs would obscure the arch feature element in the terraced section. While the arch features add interest to the façade, it is considered the proposed signs would not detract from the overall presentation of the building.

The proposed illuminated wall sign at Location 3 over the loading dock replaces an existing larger 'Welcome To Westfield Hornsby' lifestyle sign. It is considered the proposed illuminated wall sign is compatible with scale and proportion of the building at this elevation.

2.2.6 Associated devices and logos

The proposed signs replace existing lifestyle images and banners on the subject elevations of the building. The existing illuminated business identification and building signs would remain.

2.2.7 Illumination

The proposal signs would be illuminated between the hours of 7.30am to 12.00 midnight daily. The applicant has submitted an 'Outdoor Signage Lighting Assessment' which assesses the proposed illumination in accordance with the Guidelines.

The maximum permitted illumination for the proposal is in accordance with the requirements of the Guidelines for Zone 2 Areas which applies to major shopping/commercial centres (maximum luminance 300 cd/ m²). The proposed illumination is less than the Guidelines and is the same as the luminance of the signs on the pedestrian bridge over Pennant Hills Road at Thornleigh (maximum luminance 92 cd/ m²). The proposed illumination is considered appropriate given the similarities of the two locations within transport corridors.

The submitted assessment includes an analysis of the proposed illumination with regard to AS4282-1997 *Control of the obtrusive effects of outdoor lighting* and the nearest residence which includes the Pound Road Precinct apartment buildings. The proposed illumination complies with AS4282-1997. The recently approved mixed use development proposed on the corner of Pacific Highway and Edgeworth David Avenue would not be visually impacted by the proposed signs.

The 'Outdoor Signage Lighting Assessment' includes the following summary:

- i The on-site maximum luminances measured across the faces of the two signs located on the pedestrian over bridges on Pennant Hills Road, Thornleigh comply with the requirements for Zones 2, 3 and 4 of the Transport Corridor Advertising and Signage Guidelines. Therefore, when applying the measured luminances to the proposed signage at Westfield Hornsby it is expected that these signs would also comply with the requirements of the Signage Guidelines.*

- ii *The measurements and calculation relative to the signage at Thornleigh indicate that all requirements contained in Australian Standard AS 4282-1997 are in compliance.*
- iii *Similar internally illuminated signs with advertising material on the face of the sign with similar colour density and having fluorescent lamps with similar wattage and spacing would comply with the requirements of the Transport Corridor Advertising and Signage Guidelines together with AS 4282-1997.*

The lighting assessment is supported. A condition is recommended for illumination not to exceed the proposed maximum luminance.

The current hours of operation of the shopping centre do not coincide with the hours of the proposed advertising signs. Evening activity within Hornsby Westfield generally ceases after 10 pm other than for the cinemas at weekends. In this regard, to ensure illumination is consistent with commercial activity within the centre it is recommended for a condition to limit the hours of illumination from 7.30 am to 10.00 pm daily.

2.2.8 Safety

The proposed signs have frontage to a classified road (Pacific Highway – George Street). Roads and Maritime Services (RMS) has granted concurrence to the proposal pursuant to Clause 18 of *SEPP 64* which requires RMS consideration of the Guidelines and the impact of the signage on traffic safety.

Council's assessment of the proposal in relation to traffic and road safety raises no objections subject to a condition requiring compliance with the *RMS Road Safety Advisory Guidelines For Sign Content* which includes regulation concerning distractive sign content.

Subject to the recommended condition it is considered the proposal would not reduce safety for road users, pedestrians or bicyclists.

2.3 State Environmental Planning Policy No. 1 – Development Controls

The application has been assessed against the requirements of *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1). This Policy provides flexibility in the application of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objectives of the *Environmental Planning and Assessment Act 1979*.

The proposed advertising signs do not comply with the requirements of Clause 22 of *SEPP 64* to limit proliferation of signs by requiring:

- only one wall sign per building elevation; and
- a building or business identification sign to not be displayed on the elevation.

The Land and Environment Court has expressed the view that there are five different ways in which an objection may be considered well founded and the approval of the objection may be consistent with the aims of the Policy as follows: -

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary, as it applies to the land and compliance with the standard would be unreasonable and unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

In regard to whether the objection may be well founded, the applicant contends that:

- (a) The western elevation of the building extends along an entire street block and does not comprise individual shop fronts.
- (b) Each of the proposed signs is viewed as a single sign on the respective locations on the elevation when seen from the public domain.
- (c) The proposed signs do not result in a proliferation of signs.
- (d) The proposed signs are designed to be integrated with the existing business and building identification signs located at the northern and southern corners of the western elevation of the building.

The submitted *SEPP 1* objection is considered well founded in respect to Item 1, Item 2 and Item 3 of the ruling of the Land and Environment Court and the western elevation of the Hornsby Westfield building.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider “*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*”.

3.1 Natural Environment

The proposed development would not impact on the natural environment.

3.2 Built Environment

The proposed advertising signs are consistent with large signs located along transport corridors within Hornsby Shire at Thornleigh and the M2 Motorway.

3.3 Social Impacts

The proposed signs are subject to the provision of a 'public benefit' for promotion of Council and community events and would be of positive social impact.

3.4 Economic Impacts

The proposed signs would contribute to the vitality of the Hornsby Westfield shopping centre.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider "*the suitability of the site for the development*".

The site of the western elevation of the Hornsby Westfield Shopping Centre building provides exposure to a transport corridor with minimal impact on amenity and is suitable for the proposed signage subject to recommended conditions.

5. PUBLIC PARTICIPATION

Section 79C(1)(d) of the Act requires Council to consider "*any submissions made in accordance with this Act*".

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 1 September and 22 September 2011 in accordance with Council's *Notification and Exhibition Development Control Plan*. The amended plans were notified from 24 January to 14 February 2012. During these notification periods Council received no submissions.

5.2 Public Agencies

Roads and Maritime Services has considered the proposed advertising signs in accordance with the provisions of *SEPP 64* and has granted concurrence to the proposed advertising signs subject to conditions.

The application was referred to the Department of Planning and Infrastructure. However, pursuant to *SEPP 64*, the proposal as subsequently amended is not subject to consideration by that Department as the signs are less than 45m² in area.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider "*the public interest*".

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in

a positive impact for the community. Accordingly, it is considered that the approval of the proposed advertising signs would be in the public interest.

CONCLUSION

The application is for the erection of three advertising walls signs each with an area of 42.4m² at the western elevation of the Hornsby Westfield shopping centre building.

The proposed advertising signs are considered satisfactory in respect to the provisions of *SEPP 64*, in particular the objectives of the Policy and the assessment criteria under Schedule 1 of the Policy. The proposed signs are appropriately sited and designed in accordance with the *SEPP 64* Guidelines for transport corridors. The Roads and Maritime Services has granted concurrence to the application. The submitted *SEPP 1* objection against the standard of the Policy concerning sign clutter is considered well founded.

The provision for a 'public benefit' has been offered by the applicant for the use of the advertising signs by Council and community groups and a condition is recommended for the applicant to enter into an agreement in this regard.

The development application was notified on two occasions and no public submissions were received.

The application is recommended for approval.

ROD PICKLES
Manager - Assessment Team 2
Planning Division

JAMES FARRINGTON
Acting Executive Manager - Planning
Planning Division

Attachments:

1. Locality Plan
2. Site Plan
3. Sign Location Plans
4. Specifications
5. SEPP 64 Public Benefit Test

File Reference: DA/880/2011
Document Number: D01885161

SCHEDULE 1**GENERAL CONDITIONS**

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Duration of Consent

Pursuant to Section 83 of the Environmental Planning and Assessment Act 1979, and Clause 14 of State Environmental Planning Policy No. 64 – Advertising and Signage, this consent ceases to be in force on the expiration of 15 years after the date of this consent.

2. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
01.1004 – Site Context Diagram	Westfield	Feb 2012
01.1006 – Location 1	Westfield	Feb 2012
01.1007 – Location 2	Westfield	Feb 2012
01.1008 – Location 3	Westfield	Feb 2012
01.1020 – Illuminated Sign Panel Detail View	Westfield	Feb 2012
01.1021 – Illuminated Sign Panel Isometric View	Westfield	Feb 2012

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**3. Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**4. Erection of Construction Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work,
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

REQUIREMENTS DURING CONSTRUCTION**5. Construction Work Hours**

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

6. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and the following requirements:

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

7. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

8. Maximum Luminance

The signs approved under this consent must not exceed a maximum luminance of 92 candelas per square meter measured by a photometer. Certification of this requirement by a suitably qualified person is to be submitted to Council prior to the issue of an Occupation Certificate.

9. Public Benefit

The applicant is to enter into an agreement with Council, for advertising of Council and community events, for use of either Location 2 Sign for a non-consecutive period of 6 weeks per calendar year or the use of Location 3 Sign for a non-consecutive period of 8 weeks per calendar year, for the duration of the consent.

OPERATIONAL CONDITIONS

10. Advertising Signs

- a. The advertising signs approved under this consent shall be static and non-moving. They must not display constantly changing variable messaging. The signs shall be static, non-moving and non-flashing.
- b. The content of the signs shall be changed within a period of one week.

11. Hours of Illumination

The advertising signs shall only be illuminated between the hours of 7.30 am and 10.00 pm daily.

12. Sign Content

- a. The content of the approved advertising signs must be in accordance with the *RTA Road Safety Advisory Guidelines For Sign Content* as contained within the NSW Department Of Planning and Infrastructure's *Transport Corridor Outdoor Advertising And Signage Guidelines Assessing Development Applications Under SEPP 64, July 2007*.
- b. The contents of the signs shall not contain sexually explicit or offensive messages or images, or contents within the opinion of Council is inconsistent with community values or expectations. Upon the direction of Council, any offending signage content shall be removed within seven days.

CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES (RMS)

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

12. Road Occupancy Licence

A Road Occupancy Licence shall be obtained from the RMS for any works that may impact on traffic flows on the Pacific Highway during development activities.

13. No Cost to RMS

All works associated with the development shall be at no cost to the RMS.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act, 1979 Requirements

- The Environmental Planning and Assessment Act, 1979 requires:
- The issue of a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the *Long Service Payments Corporation* or *Hornsby Council*.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

15 STRATEGIC PLANNING PROGRAMME REVIEW 2012

EXECUTIVE SUMMARY

At its meeting on 2 March 2011, Council adopted the current Strategic Planning Programme. The majority of projects scheduled to be completed under the Programme by December 2011 have been completed, or are nearing completion.

An annual review of the Programme is required to ensure it is consistent with Council's strategic planning priorities. An amended Strategic Planning Programme is attached for Council's consideration.

PURPOSE

The purpose of this report is to review the Strategic Planning Programme and seek endorsement of a revised Programme for 2012.

BACKGROUND

The Town Planning Services Branch within the Planning Division of Council is responsible for strategic town planning initiatives in accordance with the Strategic Planning Programme. The Programme is adopted by Council and sets out the major projects of the Branch.

At its meeting on 2 March 2011, Council considered Executive Manager's Report No. PLN22/11 on the Strategic Planning Programme and resolved that the current Programme be adopted. A summary of the projects under the Programme is attached (Attachment A).

This report enables Council to determine the priorities for strategic planning over the current Council term. The Programme is reviewed annually to enable Council to reconsider priorities as issues evolve and to provide Council with an update on the achievements over the preceding year.

DISCUSSION

The remainder of this report considers the current Strategic Planning Programme, other projects and a revised Programme.

2011 Strategic Planning Programme

The current Strategic Planning Programme is divided into the following sections:

Planning Proposals: Five Planning Proposals were identified for completion in 2011 including the preparation of a Comprehensive LEP for Hornsby Shire.

Development Control Plans: Three DCP projects were identified for completion in 2011. The preparation of a Comprehensive DCP for Hornsby Shire is also identified to be progressed in 2011/2012.

Studies: Three studies were identified for completion in 2011.

Management Plan Projects: The Programme includes three Management Plan projects, none of which were identified for completion in 2011. The projects include progressing Hornsby Quarry legal actions and land filling proposal and consideration of revised planning controls for the Hornsby Town Centre west precinct.

Miscellaneous: The Programme includes four miscellaneous projects. These projects are annual projects, such as the Local Heritage Assistance Fund and input into dwellings completions and forecast for inclusion in the Metropolitan Development Programme.

The following projects under the current Programme have been completed:

- Housing Strategy Planning Proposal;
- Townhouse Planning Proposal;
- Wahroonga North Planning Proposal;
- Kangaroo Point Development Control Plan Amendments;
- Housing Strategy Development Control Plan;
- Townhouse Development Control Plan Amendments; and
- Regional Tourism Development Study.

The following projects have been exhibited, adopted for exhibition, or have been prepared for endorsement for exhibition:

- Epping Town Centre Study;
- Comprehensive LEP; and
- Comprehensive DCP (report seeking endorsement for exhibition to be considered by Council in May 2012).

The other projects are in various states of preparation, exhibition or finalisation as summarised in Attachment A.

Projects Outside the Strategic Planning Programme

The Town Planning Services Branch has also undertaken a number of projects outside the Strategic Planning Programme, including:

- Evaluating options for promoting affordable housing opportunities in Hornsby Shire;
- Reporting on the State Government review of the NSW Planning System;
- Reporting on the State Government review of housing opportunities and evaluating landowner nominated sites relevant to Hornsby Shire at South Dural and North Glenhaven;

- Reporting on the review by the Department of Planning and Infrastructure of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development*; and
- Evaluating options for a review of planning controls to provide greater housing choice in the Galston and Glenorie areas.

The Branch has also assisted other Divisions in progressing projects, including:

- Kangaroo Point Tenders - assist Works Division; and
- Flood Prone Land Mapping - assist Works Division.

Other Projects

A number of other projects have arisen as a result of Council resolutions, Councillor strategic planning workshops, consideration of development applications, State Government initiatives or recommendations of planning studies. These projects should be incorporated into the Strategic Planning Programme and include:

- Hornsby Quarry Landfilling Planning Proposal;
- Hornsby Westside Planning Proposal;
- Affordable Housing Initiatives Review; and
- Galston and Glenorie Subdivision Review.

The timing of the above projects will be required to be determined having regard to the priority of other projects.

Revised Strategic Planning Programme

A Revised Strategic Planning Programme has been prepared on the basis of this report and is attached for Council's consideration (Attachment B).

The Programme aims to prioritise the progression and timely delivery of Council's Comprehensive LEP and DCP in accordance with the State Government's Planning Reforms. It is anticipated that these draft Plans will be exhibited in June/July 2012. In addition to the translation of Council's current planning controls into the Standard LEP Template format, the major projects being progressed include the Epping Town Centre Study, Planning Proposals for the Hornsby Westside and Hornsby Quarry, Heritage Review Stage 5 and the preparation of a new Development Contributions Plan. The major amendments to the current Programme include:

- Incorporating the progression of Planning Proposals for the Hornsby Westside and Hornsby Quarry.
- Including a review of options for promoting affordable housing opportunities in Hornsby Shire.
- Including a review of planning controls to provide greater housing choice in the Galston and Glenorie areas.

- Progressing preparation of a revised Local Development Contributions Plan. The project had previously been deferred pending Council's submission seeking a rate increase to fund asset improvements.

The timeline for each project provides an estimate of the time required to complete the project. It is not possible, nor appropriate, to pre-empt the findings of any study and the likely implications prior to its preparation, nor can Council always accurately predict the level of community interest in a project. Accordingly, the Programme is dynamic as the timeline can be impacted upon by additional consultation, the project being expanded or competing priorities.

The exhibition of the Comprehensive LEP has been delayed as a result of involvement by the Department of Planning and Infrastructure (DP&I). Following endorsement of the draft Plan for exhibition, it was over 4 months before the Department issued a certificate to enable the draft CLEP to be placed on public exhibition. However, the certificate was subject to conditions requiring a number of changes to the Plan, necessitating significant drafting amendments and a further report to Council. At its meeting on 7 March 2012, Council resolved to exhibit the draft LEP. Council is currently awaiting the issue of a revised certificate by the Department to enable exhibition of the Plan.

The exhibition of the Epping Town Centre Study was also delayed to enable Council to write to Parramatta City Council and the DP&I seeking a further meeting of the Epping Town Centre Steering Committee to encourage the joint exhibition of the Study. Parramatta Council resolved not to participate in the exhibition of the Study. Accordingly, Council progressed the exhibition to seek feedback on the recommendations of the Study that relate to the Hornsby Shire side of the Centre.

Should Council consider amending the priority of projects on the Programme, it should be mindful that a number of projects on the Programme (such as the Epping Town Centre Study and Comprehensive LEP and DCP) incorporate timeframes that are set by the State Government.

Town Planning Services Branch Resources

The Town Planning Services Branch comprises six Town Planners, a Cartographer, an administrative assistant and a Section 149 Certificate Coordinator. In addition to providing town planning services to Council, the Branch is also responsible for heritage conservation, production of 149 (zoning) certificates, cartography and some aspects of the geographic and land information systems. Over the last 6 months, the Manager, Town Planning Services has been acting in the position of Executive Manager, Planning which has impacted on available staff resources within the Team.

FINANCIAL

The Strategic Planning Programme requires financial resources for staff in the Town Planning Services Branch and for consultancy fees. The recommended Programme has been designed in accordance with the typical Town Planning Services Branch budget allocation, including salaries and consultant expenditure. The Programme is considered in the preparation of Annual Operating Plans. The Programme does not commit to expenditure over that typically provided in the budget. The financial implications of the individual projects are also reviewed and reported to Council as a component of the project.

There has been no increase in the consultant budget for the Town Planning Services Branch for the current, or next, financial years. The Operating Plan for the Town Planning Services Branch also includes \$140,000 in Planning Reform Funds which must be expended on consultancy fees for the Epping Town Centre Study (\$50,000) and Comprehensive LEP (\$90,000). Under the terms and conditions of the Funds, these monies cannot be reallocated to progress alternative projects.

CONCLUSION

At its meeting on 2 March 2011, Council adopted the current Strategic Planning Programme. The majority of projects scheduled to be completed under the Programme by December 2011 have been completed or are nearing completion.

An annual review of the Programme is required to ensure it is consistent with Council's strategic planning priorities. An amended strategic planning Programme is attached for Council's consideration.

RECOMMENDATION

THAT the 2012/2013 Strategic Planning Programme attached to Executive Manager's Report No. PLN29/12 be adopted.

JAMES FARRINGTON
Acting Executive Manager - Planning
Planning Division

Attachments:

1. A - Summary Projects
2. B - Proposed 2012 - 2013 Strategic Planning Programme

File Reference: F2004/10086
Document Number: D01892860

16 REVIEW OF POLICIES AND CODES- LEASE/LICENCE OF COUNCIL LAND AND BUILDINGS

EXECUTIVE SUMMARY

At the 20 April 2011 Ordinary Meeting as part of Report CC10/11 advice was provided that a further Report would be provided for Council's consideration concerning a review of policies and codes of the Corporate and Community Services Division associated with the lease/licence of Council land and buildings.

A single new policy has been developed to replace the existing *Land – Lease/Licence by Council and Delegation of Authority –Grant Lease/Licence Agreement* policies. It incorporates a number of provisions which align with the *Disposal of Land Policy*, the underlying principles of the *Local Government Act 1993* as well as the guidelines for managing corruption and other risks in negotiations issued by the Independent Commission Against Corruption (ICAC). It also sets out new processes that align with prudent property asset management, provide reasonable flexibility and delegated authority that provide opportunities to act in a 'business like' manner, add value and achieve superior property outcomes, whilst recognising the need to maintain a high level of perceived and actual probity.

A further report is being prepared by the Community Services Branch reviewing the *Council Buildings – Use by Kindergartens* policy and the *Lease/Licence of Council Land and Buildings to Community Groups Code*. This report is expected to be available for Council's consideration by May 2012.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Council with the outcomes of the review conducted in relation to the Policies and Codes of the Corporate and Community Division associated with the Lease/Licence of Council Land and Buildings and the Delegation of Authority-Grant Lease/Licence Agreements to seek Council's approval of the proposed amendments.

DISCUSSION

The last full review of Policies and Codes pertaining to the Lease/Licence of Council Land and Building shown below by respective Branch responsibility was conducted in April 2009 (Report CC12/09) and a review is now due as part of the timetable agreed by EXCO.

At the 20 April 2011 Ordinary Meeting as part of Report CC10/11 advice was provided that a further Report would be provided for Council's consideration concerning a review of policies and codes of the Corporate and Community Division associated with the Lease/Licence of Council Land and Buildings, as detailed below.

Administration Services Branch Policies/Codes

Policy – Land- Lease/Licence by Council

Policy – Delegation of Authority-Grant Lease/Licence Agreements

Community Services Branch Policies/Codes

Policy – Council Buildings – Use by Kindergartens

Code – Lease/Licence of Council Land and Buildings to Community Groups

Following the internal services review conducted in 2011, the Commercial Property Management Section within the Administration Services Branch in the Corporate and Community Division was consolidated with the Property Development Section within the Property Development Branch of the Works Division, in late 2011. The consolidated Branch was retitled the “Land and Property Services Branch”, with the “Property Services” section assuming responsibility for property development, property management and mall administration functions.

This report addresses the review undertaken by the Land and Property Services Branch of the two policies that were previously the responsibility of the Administration Services Branch.

The review was carried out with the goal of improving the effectiveness and efficiency of the policies through a clear articulation of the objectives and fundamental principles for the lease/licence of Council land and buildings.

It is considered that the review has achieved this goal through the combining and streamlining of the two policies into a single policy that reflects contemporary lease/licence practices and clearly articulates the basis upon which Council is prepared to enter into suitable lease and licence agreements of its real property assets.

The combined policy is attached to this report. Where amendments are proposed, they are shown with deletions shown by ~~strike through~~ and additions shown by underlining. The section dealing with the delegation of authority has been added to the “Land – Lease/Licence by Council” policy and has been similarly amended.

Explanations in respect of the proposed amendments are provided in *italics*, directly below such amendments. For the purposes of this Report, minor grammatical changes which do not alter the intent of the Policy or Code have not been treated as amendments requiring explanation.

BUDGET

The acceptance of this policy review and the replacement of two policies by a single policy is expected to provide opportunities to enhance financial returns from Council’s properties through increased flexibility enabling the negotiation of leases and licences that outperform market expectations.

It is expected that the realisation of such opportunities will add value and lead to the provision of surplus budget funds.

POLICY

The contents of this report concern the Policies of the former Administration Services Branch, now the responsibility of the Land and Property Services Branch of the Works Division.

CONSULTATION

The Policies have been reviewed, and amendments proposed, by the Manager Land and Property Services Branch.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Land and Property Services Branch – Mr Peter Thompson, who may be contacted on 9847-6669.

RECOMMENDATION

THAT Council:

1. Adopt the new *Land- Lease/Licence by Council Policy* attached to Executive Manager's Report WK 4/12.
2. Grant delegated authority to the General Manager to grant leases or licences of Council owned real property and to execute relevant documentation consistent with the amended *Land- Lease/Licence by Council Policy* attached to Executive Managers Report WK 4/12.

ROBERT STEPHENS
Executive Manager
Works Division

Attachments:

1. Policy - Land - Lease/Licence by Council

File Reference: F2011/00034
Document Number: D01658391

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

EXECUTIVE SUMMARY

This report provides recommendations from the "Wellum Bulla" - Hornsby Shire Council Materials Handling Facility Monitoring Committee for consideration by Council.

The Committee recommends the replacement of a Community Representative, following a resignation, through advertising of Expressions of Interest for the position.

The Committee has considered and endorsed remedial actions to address the findings from the Monitoring Report, Site and Environmental Management Plan Audit (February 2012) carried out for the facility.

The minutes of Meeting No. 1/12 of the Committee held on 16 February 2012 are included as an attachment to this report.

PURPOSE/OBJECTIVE

The purpose of this report is to advise the Council of a recommendation of the Monitoring Committee meeting held on site on Thursday, 16 February 2012, and the minutes of the meeting.

DISCUSSION

Monitoring Committee

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

There is a vacancy on the committee following the resignation of one Community Representative.

The Committee recommends the replacement of the Community Representative through advertising of Expressions of Interest through advertising media including the local newspapers (Hornsby Advocate, Hills Times and the Bush Telegraph).

Monitoring Report, Site and Environmental Management Plan Audit

The Monitoring Report, Site and Environmental Management Plan Audit (February 2012) for the facility, was presented to the committee by Mr Bruce Adcock of Environmental Planning

Pty Ltd. A copy of the audit is provided as an attachment to this report. The findings of the audit, together with proposed remedial action, are summarised as follows:

1. Sections of both sides of the internal roadside aggregate drainage ditch need cleaning out (removal of weeds, dirt and mud) or scraping or concrete lining of the drain to improve local drainage.
Remedial Action: The Site Manager advised that it is proposed to concrete line the drain to protect the edge of the roadway.
2. Minor repairs are required on the safety fence located around the sedimentation basin.
Remedial Action: The Site Manager will arrange the required repairs.
3. The future of the two *Darwinia biflora* conservation areas needs to be re-assessed by the Co-ordinator Bushland Management Operations.
Remedial Action: The Site Manager will request the Co-ordinator Bushland Management Operations to assess the two areas and provide advice.
4. Dead branches on the fence of the *Darwinia biflora* conservation area need to be removed and the fence repaired.
Remedial Action: The Site Manager will arrange for removal of the dead branches and the necessary repair of the fence.
5. The overall site in general and in particular the landscaped acoustic mound and mounds of unprocessed material need weeding because of recent growth.
Remedial Action: The Site Manager will request the Co-ordinator Bushland Management Operations to arrange the required weeding.
6. Vegetation needs to be removed from in front of the advisory sign at the site entrance.
Remedial Action: The Site Manager will arrange for removal of the vegetation as required.
7. The Material Safety Data Sheets need updating plus inclusion of any herbicides stored on-site. Chemicals held on-site need to have their container labels clearly shown.
Remedial Action: The Site Manager advised that the Materials Safety Data Sheets accurately describe the materials and do not require updating. The Site Manager will arrange for the chemicals held on-site to have their labels clearly shown.
8. The Environmental Management Plan's Incident Management Plan should be updated to reflect recent changes to EPA pollution incident notification requirements.
Remedial Action: The Site Manager will arrange the updating of the Incident Management Plan as required.

BUDGET

No impact on the budget.

POLICY

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

CONSULTATION

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. Council Invite Expressions of Interest for the vacant position of Community representative on the Monitoring Committee through advertising media.
2. Note the remedial actions regarding the Monitoring Report, Site and Environmental Management Plan Audit (February 2012) for the facility as detailed in Executive Manager's Report WK15/12.
3. Note the attached Minutes of Meeting No. 1/12 of "Wellum Bulla" – Hornsby Shire Council Materials Handling Facility Monitoring Committee held on 16 February 2012 and attached to Executive Managers Report WK15/12.

ROBERT STEPHENS
Executive Manager
Works Division

Attachments:

1. Monitoring Committee Minutes - 16 February 2012M
2. Monitoring Report, Site and Environmental Management Plan Audit - February 2012

File Reference: F2004/09261-02
Document Number: D01881585

18 TENDER T19/2011: PLUMBING SERVICES

EXECUTIVE SUMMARY

The proposed contract "Plumbing Services" is required to service Council's plumbing requirements for construction and maintenance of buildings, parks and roads and drainage facilities. The specialised plumbing works in aquatic centres and sullage depot are not covered by this Contract.

Council does not have licensed trade-persons required for this work and therefore open tenders have recently been called from contractors in accordance with the Local Government Act. The proposed contract will be for 24 months duration with an option to extend the contract for a further 12 months period. T J Matthews Plumbing Services Pty Ltd and Dolphin Plumbing have been recommended for acceptance for this tender.

PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No. T19/2011: Plumbing Services.

DISCUSSION

The Tender No. T19/2011 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are on file (Trim Folder F2012/00007). Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Twelve (12) tenders were received for Tender No. T19/2012 from the following companies:

- Bartlet Plumbing Services
- Dolphin Plumbing
- Keith Hurdis Plumbing
- Answer Plumbing Services Pty Ltd
- DCO Plumbing Pty Ltd
- DSA Plumbing Pty Ltd
- Flash Plumbing Services
- JP Andrews Plumbing Pty Ltd
- Marios Plumbing
- Sudhiro Constructions Pty Ltd
- MT Plumbing
- T J Mathews Plumbing Services Pty Ltd

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

- Cost of service (cost of service to the Principal based on tendered rates, estimated quantities including travel time and site evaluation)
- Past performance and experience in similar type of works

- Plant and equipment resources
- Labour and sub-contract resources
- Occupational health and safety systems
- Sustainability

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

The work under this contract can be grouped under three categories, namely:

1. Parks (all plumbing works in parks and tennis courts except buildings)
2. Buildings (all plumbing works in buildings throughout the Shire including amenities buildings in parks and day to day maintenance works in aquatic centres)
3. Roads and drainage (all plumbing works associated with roads and drainage construction and maintenance)
4. Berowra Waters Water Supply

Confidential Memo WD D and C 8/12, which has been separately distributed, contains information regarding the evaluation of each tender. Full details of the tender evaluation are on file and are confidential.

It is considered that the work available under this contract will require the engagement of two contractors. The results of the evaluation indicate that the most advantageous tenders are from T J Mathews Plumbing Services Pty Ltd and Dolphin Plumbing.

The total estimated work under this contract is in the order of \$400,000 per annum.

The table shown in the recommendation provides preferences for engaging each company for various works. This table is based on past performance and experience and expertise in the type of work.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

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

RESPONSIBLE OFFICER

For further information, please contact the Manager Design and Construction, Mr Rob Rajca on 9847 6675.

RECOMMENDATION

THAT Council accept tenders for Tender No T19/2012: Plumbing Services, as follows:

Work category	First preference	Second preference
Parks (all plumbing works in parks and tennis courts except buildings)	T J Mathews Plumbing Services Pty Ltd	Dolphin Plumbing
Building (all plumbing works in buildings throughout the Shire including amenity buildings in parks and day to day maintenance works in aquatic centres)	Dolphin Plumbing	T J Mathews Plumbing Services Pty Ltd
Roads and drainage (all plumbing works associated with roads and drainage construction and maintenance)	T J Mathews Plumbing Services Pty Ltd	Dolphin Plumbing
Berowra Waters Water Supply (all plumbing works associated with Berowra Waters Water Supply Scheme)	Dolphin Plumbing	T J Mathews Plumbing Services Pty Ltd

ROBERT STEPHENS
Executive Manager
Works Division

Attachments:

1. Refer to Confidential Attachment to WK16/12, located in the Confidential Section of Business Paper Confidential Memo WD D and C 8/12 (circulated separately to Councillors). - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

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