



*the bushland shire*

*creating a living environment*

# **BUSINESS PAPER**

## **ORDINARY MEETING**

**Wednesday, 17 March, 2010  
at 6.30pm**

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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **PRESENT**

### **NATIONAL ANTHEM**

### **OPENING PRAYER/S**

Rev. Fergus Semler from Dural Anglican Church, Dural 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 recognise the traditional inhabitants of the land we are meeting on tonight, the Darug and Guringai Aboriginal people, and respect is paid to their elders and their heritage."*

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

Statement by the Chairperson:

*"I advise all present that tonight's meeting is being audio recorded for the purpose of assisting in the accuracy of the Minutes. The recordings may be accessed by members of the public once the Minutes have been finalised. Speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."*

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

### **PRESENTATIONS**

### **DECLARATIONS OF INTEREST**

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

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

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

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

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

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

*OR*

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

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

## **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairperson:

*"I advise all present that a Political Donations Disclosure Statement pursuant to Section 147(3) of the Environmental Planning and Assessment Act 1979 must be made in the event that a person has made or a Councillor or political party has received a gift or political donation from any person or organisation, including a person or organisation making a submission to an application or other planning matter, listed on the Meeting agenda."*

## **CONFIRMATION OF MINUTES**

THAT the Minutes of the Ordinary Council Meeting held on 17 February, 2010 be confirmed; a copy having been distributed to all Councillors.

## **PETITIONS**

## **MAYORAL MINUTES**

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**NOTICES OF MOTION****Page Number 1****Item 1 NOM2/10 REZONING OF INDUSTRIAL LANDS****COUNCILLOR MILLS TO MOVE**

THAT a report be prepared outlining opportunities and constraints to rezoning industrial land in Kookaburra Road, Hornsby Heights to residential land, to facilitate the long term relocation of existing industrial developments to a more appropriate location.

**RESCISSION MOTIONS****MATTERS OF URGENCY****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**Note:

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

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

**GENERAL BUSINESS**

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

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**GENERAL MANAGER'S DIVISION****Page Number 2****Item 2 GM5/10 TAX DEDUCTIBLE DONATIONS****RECOMMENDATION**

THAT Council

1. Agree, in principle, to pursue an application to the Australian Taxation Office for endorsement as a deductible gift recipient;
2. Obtain legal advice as to the appropriateness of Council being endorsed “for a fund, authority or institution it owns or includes”, or endorsement through a gift fund established under the categories of a cultural organisation and an environmental organisation, together with advice as to the legal processes required to obtain the necessary endorsement and to ensure satisfaction of all requirements;
3. Request the General Manager to prepare a draft Donations and Gifts Acceptance Policy;
4. Refer the legal advice upon receipt, together with the draft policy, to the Finance & Strategy Task Force for consideration;
5. Request a further Report to be submitted to Council after consideration of the issue by the Finance & Strategy Task Force.

**CORPORATE AND COMMUNITY DIVISION****Page Number 11****Item 3 CC10/10 COMMUNITY CENTRES AND HALLS SECTION 377  
MANAGEMENT COMMITTEES****RECOMMENDATION**

THAT:

1. The contents of Executive Manager’s Report No CC10/10, including the review of the “Existing 377 Management Committee with Significantly Improved Performance” management model and report on the 2009 Annual General Meetings of Section 377 Management Committees, be received and noted.
2. Council acknowledge and thank volunteer members of management committees for their contributions to the management of their community centres and halls in the 2008/09 financial year.
3. Council consider the outcome of discussions of the Community, Cultural and Recreation Facilities Task Force and adopt Option 4 (Council Managed Model), as listed in the Attachment 1, as the future model of management of all community and cultural facilities in the Shire.

- 
4. The handover of all facilities from Section 377 Management Committees to Council take place within a 12 month period.
  5. The funding model outlined in Attachment 1 of Report No CC10/10 be used to employ the necessary staff to enact the "Council Managed Model", noting that these staff should be employed from within Council's existing human resource pool where possible and appropriate.
  6. The delegations for the various Section 377 Management Committees be withdrawn as the handover of facility management occurs between Management Committees and Council.
  7. Existing Section 377 Management Committees be invited to form Advisory Committees for their particular Centre.
  8. All funds currently held in Management Committee bank accounts be returned to Council by the end of April 2010 and be placed in an internally restricted account for use exclusively on upgrading community facilities, noting that currently approved capital projects should continue to be progressed.
  9. Council staff work with Management Committees/Advisory Committees to prepare a capital development options list for their facility. The final list is to be provided to Council within 12 months for the endorsement of a priority capital works schedule.
  10. Council staff proceed with the necessary arrangements to centralise a telephone and online booking system for all community and cultural facilities as a priority project.
  11. The Community, Cultural and Recreation Facilities Task Force receive regular updates in respect of the progress of the hand over to Council of each facility.

**Page Number 28****Item 4 CC11/10 INVESTMENT AND BORROWING REPORT - PERIOD ENDING JANUARY 2010****RECOMMENDATION**

THAT the contents of the Executive Manager's Report No CC11/10 be received and noted.

**Page Number 32****Item 5 CC12/10 LOAN RAISING - 2009/10 BUDGET****RECOMMENDATION**

THAT:

1. Council approve the raising by June 2010 of a loan from external sources for an amount of \$2.0 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 \$2.0 million loan referred to in Report No CC12/10.

**Page Number 35****Item 6 CC13/10 OUTSTANDING COUNCIL RESOLUTIONS****RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC13/10 be received and noted.

**Page Number 37****Item 7 CC14/10 REVIEW OF HORNSBY MALL CODE****RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC14/10 be received and noted.
2. Council adopt the Hornsby Mall Code, as shown in Attachment 1 to Report No. CC4/10, subject to the incorporation of the deletions and additions shown in track changes.

**Page Number 42****Item 8 CC15/10 HORNSBY SHIRE COMMUNITY PLAN 2010- 2020, DELIVERY PROGRAM 2010 - 2014 AND OPERATIONAL PLAN INCLUDING BUDGET AND FEES AND CHARGES 2010/11 - ADOPTION OF DRAFT DOCUMENTS FOR PUBLIC EXHIBITION****RECOMMENDATION**

THAT Council

1. Adopt for public exhibition the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11, and those documents be available for public comment from 18 March 2010 to 19 April 2010.

2. Adopt for public exhibition the rating information contained in the draft Delivery Program 2010 – 2014, based on the announced 2.6% rate pegging increase, including the rates yield in percentage terms per rating category for 2010/11 as set out in the draft Delivery Program 2010 – 2014.
3. Adopt for public exhibition the proposal to seek a special variation to general income under Section 508(2) of the Local Government Act 1993. The special variation is to be 5.8% of the combined Ordinary (residential, farmland, business and CBD business) Rate and the Catchments Remediation Rate and the term of the special variation to general income to be 20 years.
4. Lodge an application for a special variation to general income under Section 508(2) of the Local Government Act 1993 before 26 March 2010, and lodge updated information regarding community consultation before 23 April 2010.
5. Levy the Catchments Remediation Rate for 2010/11 on all rateable land in the Shire in accordance with ad valorem rates set out in the draft Delivery Program 2010 – 2014.
6. Levy the Hornsby Quarry Loan Rate for 2010/11 on all rateable land in the Shire.
7. Following the public exhibition period, and after consideration of all submissions, the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11 be referred to Council for further consideration and adoption before 30 June 2010.

**Page Number 50****Item 9 CC16/10 WALLAROBBA ARTS AND CULTURAL CENTRE - UPDATE ON PROGRESS****RECOMMENDATION****THAT:**

1. The contents of Executive Manager's Report No. CC16/10 be received and noted.
2. Council acknowledge the efforts of staff in reaccommodating the displaced tenants from Willow Park.
3. A request be lodged with the Land and Property Management Authority seeking the inclusion of an additional use classification in respect of Crown Reserve R90697 to accommodate the occupation of St John Ambulance (Hornsby/ Ku-ring-gai).
4. Subject to receipt of approval referred to in recommendation 3. above, Council, as Reserve Trust Manager, grant a five year licence to St John Ambulance (Hornsby Ku-ring-gai) in respect of three first floor rooms located within the former Fire Control Centre building on Crown Reserve R90697 (141 Galston Road Hornsby Heights) on the following basis:

- The rooms shall only be used for administration and training purposes of St John Ambulance (Hornsby Ku-ring-gai).
- The licensee shall be permitted to use the rooms from Monday to Sunday (inclusive) from 8:00am to midnight, and as needed during major events.
- The licence fee payable in respect of the rooms shall be \$2,500 per annum (inclusive of GST). This fee may be paid through an in-kind arrangement organised with Council's Community Services Branch.
- The licence fee will be increased annually in accordance with the movement in the CPI.
- The licensee shall contribute to operating costs, in particular electricity and water usage assessed on an area occupied basis.
- The licensee shall be responsible for all installation and running costs associated with telephone lines and calls.
- The licensee shall maintain a Public Liability Insurance policy (indemnity of \$20 million) during the term of the licence.
- The licensee shall be responsible for the payment of 50% of the licence preparation costs.
- The licence will be subject to the consent of the Minister administering the Crown Lands Act 1989.

**Page Number 57****Item 10 CC17/10 HORNSBY YOUTH AND FAMILY CENTRE - 17 MURIEL STREET, HORNSBY - EXPIRY OF LEASE****RECOMMENDATION**

## THAT:

1. The contents of Executive Manager's Report No. CC17/10 be received and noted.
2. The General Manager undertake lease negotiations with Westfield in regard to the rental that would be payable in respect of Council's future use of the Hornsby Youth and Family Centre.
3. The Mayor make personal representations to Mr Frank Lowy of Westfield thanking him for the support provided by Westfield over the past 21 years through its requirement for a peppercorn rental in respect of Council's use of the building now known as the Hornsby Youth and Family Centre; advising him of the valuable contribution that the Youth and Family Centre continues to make to the Hornsby community; and seek his support in encouraging relevant Westfield staff to maintain the existing peppercorn rental arrangements for the term of a new lease.

**ENVIRONMENT DIVISION**

**Page Number 61**

**Item 11 EN7/10 TREE REMOVAL AT 34 DEAN STREET, WEST PENNANT HILLS**

**RECOMMENDATION**

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney blue gum) located in the front yard of 34 Dean Street West Pennant Hills.

**Page Number 62**

**Item 12 EN8/10 TREE-LINED BOULEVARD PLANTING**

**RECOMMENDATION**

THAT Council agree to trial the use of 45 litre plants as street tree plantings for a period of 3 years in selected streets throughout the Shire.

**Page Number 69**

**Item 13 EN9/10 BUNYA TREES AT 19C ETHEL STREET, HORNSBY**

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. EN 9/10 be received and noted.

**Page Number 73**

**Item 14 EN10/10 OFFSET CODE - RESULTS OF TRIAL PERIOD**

**RECOMMENDATION**

THAT Council adopt the Green Offsets Code with amendments as outlined.

**PLANNING DIVISION**

**Page Number 77**

**Item 15 PLN16/10 LEGAL SERVICES TENDER - COUNCILLOR NOMINATION FOR INTERVIEW PANEL**

**RECOMMENDATION**

THAT Council nominates one Councillor from each Ward to sit on the interview panel for the legal services tender.

**WORKS DIVISION****Page Number 79****Item 16 WK12/10 ASSET MANAGEMENT POLICY****RECOMMENDATION**

THAT Council adopt the draft policy – Asset Management.

**Page Number 81****Item 17 WK13/10 PROPOSED BEROWRA AQUATIC CENTRE****RECOMMENDATION**

THAT:

1. The contents of report WK13/10 be received and noted.
2. Council not proceed with the proposed Berowra Aquatic Centre at this time.
3. Council not accept the quotation submitted for this project, as it no longer intends to proceed with the project.
4. Council consider future proposals for the use of the funds set aside for this project following realisation of the net proceeds of sale of its land at 120 and 122 Berowra Waters Road, Berowra.

**Page Number 84****Item 18 WK14/10 WISEMANS FERRY COMMERCIAL CENTRE MASTERPLAN  
- RELOCATION OF SOLOMON WISEMAN STATUE****RECOMMENDATION**

THAT Council not agree to the relocation of the Solomon Wiseman statue in view of the objections from the property owner on which the statue is located and the adjacent property owner, as well as the adverse impacts on the context of the setting with respect to the historical monuments for Wisemans Ferry.

**Page Number 88****Item 19 WK15/10 REVIEW OF CHERRYBROOK INTEGRATED LOCAL  
TRANSPORT PLAN****RECOMMENDATION**

THAT:

1. Council note that the majority of the recommendations of the Cherrybrook Integrated Local Transport Plan have been implemented
2. Council endorse the following actions (listed with reference to the Cherrybrook Integrated Local Transport Plan) for inclusion in future funding programs:
  - a. PT1 - Cycleway link through redundant bus connection between Hastings Road and Broadoak Place be considered for inclusion in future traffic facilities programs subject to completion of a cycle path along the nature strip of Hastings Road.
  - b. W1 – Council write to The Minister for Transport and Roads and the RTA requesting the roundabout at New Line Road and County Drive be signalized and that additional signalized pedestrian crossings be provide in New Line Road between County Drive and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road.
  - c. B2 - The Boundary Road Commuter Cycleway link be included in the list of projects to be funded by the Waste Levy.

**Page Number 101****Item 20 WK16/10 AQUATIC CENTRES - REDUCTION IN WINTER HOURS****RECOMMENDATION**

THAT:

1. Council approve the closure of Epping Aquatic Centre for Sunday trading from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.
2. Council approve Sunday trading for the Galston Aquatic Centre, 8.00am to 11.00am from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.
3. Council approve Sunday trading for Hornsby Aquatic Centre, 7.00am to 4.00pm from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.

**Page Number 104****Item 21 WK17/10 CODE FOR INSTALLATION OF PARKING RESTRICTIONS NEAR DRIVEWAYS****RECOMMENDATION**

THAT Council adopt the attached code titled Parking Restrictions Near Driveways.

**Page Number 107****Item 22 WK18/10 INTRODUCTION OF FEE FOR ASSESSMENT OF TRAFFIC MANAGEMENT PLANS/ROAD CLOSURE PLANS****RECOMMENDATION**

THAT Council adopt the new fee for assessment of Traffic Management Plan/Temporary Road Closure.

**Page Number 110****Item 23 WK19/10 EXPRESSION OF INTEREST EOI 1/2010: EXPRESSION OF INTEREST FOR THE DESIGN AND CONSTRUCTION MANAGEMENT OF HORNSBY AQUATIC CENTRE****RECOMMENDATION**

THAT:

1. Council invite The Cox Group, Geoff Ninnes Fong & Partners Pty Ltd, Mode Design, Peter Hunt Pty Ltd, Sutera Architects and TompkinsMDA Architects to tender for the design and construction management of Hornsby Aquatic Centre.
2. The result of the tender to be reported back to Council.

**Page Number 114****Item 24 WK20/10 RECONSTRUCTION OF HORNSBY AQUATIC CENTRE****RECOMMENDATION**

THAT:

1. Council proceed with planning for the reconstruction of the Hornsby Aquatic Centre.
2. Council proceed with the selective tender process as outlined in Report No WK19/2010.
3. The following features be included as part of the scope of works for the project:
  - i. reconstruction of the Hornsby Aquatic Centre on the existing site
  - ii. construction of a 50 metre eight lane outdoor pool
  - iii. construction of a 25 metre indoor pool with basement parking
  - iv. construction of new grandstand/s with 500 seat capacity

- v. construction of a splash pool
  - vi. construction of a new amenities block, club rooms, etc
  - vii. budget allocation of \$20 million
4. The tender documentation to include provisions to halt progress if the proposed Infrastructure Levy is not successful.

**Page Number 132****Item 25 WK21/10 TENDER T2/12010: ELECTRICAL SERVICES****RECOMMENDATION**

THAT Council accept tenders for Tender No T2/2010: Electrical Services, as follows:

<b>Work Area</b>	<b>First preference</b>	<b>Second preference</b>
Parks, Ovals and Gardens	Rob Edwards Electrical Services trading as REES Electrical	D & JF Scaife Electrical Contractors
Buildings including Aquatic Centres	D & JF Scaife Electrical Contractors	Rob Edwards Electrical Services trading as REES Electrical

**Page Number 135****Item 26 WK22/10 COUNTY DRIVE CHERRYBROOK TRAFFIC CALMING MEASURES****RECOMMENDATION**

THAT:

1. Council note that County Drive has an adverse crash history and traffic calming is required as a matter of priority.
2. Council note that the need to traffic calm County Drive was identified as a priority in the Cherrybrook Integrated Transport Plan adopted by Council in August 2001.
3. The amended proposal attached (as detailed in this report) be adopted in principle, readvertised for public comment and referred to the Local Traffic Committee for a recommendation.
4. Council write to The Minister for Transport and Roads and the RTA requesting the roundabout at New Line Road and County Drive be signalized and that additional



signalized pedestrian crossings be provide in New Line Road between County Drive and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road.

## **SUPPLEMENTARY AGENDA**

### **PUBLIC FORUM – NON AGENDA ITEMS**

#### **MAYOR'S NOTES**

**Page Number 144**

**Item 27 MN2/10 MAYOR'S NOTES FROM 1 TO 31 JANUARY 2010**

**Page Number 145**

**Item 28 MN3/10 MAYOR'S NOTES FROM 1 TO 28 FEBRUARY 2010**

### **QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

### **QUESTIONS WITHOUT NOTICE**

## 1 REZONING OF INDUSTRIAL LANDS

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### COUNCILLOR MILLS TO MOVE

THAT a report be prepared outlining opportunities and constraints to rezoning industrial land in Kookaburra Road, Hornsby Heights to residential land, to facilitate the long term relocation of existing industrial developments to a more appropriate location.

#### **Notes from Councillor:**

At the March 2010 Planning Meeting, Council considered the Ku-ring-gai and Hornsby Subregional Employment Study.

A key recommendation of that study was for Council to protect existing strategic industrial centres and promote those centres as a competitive place for industrial activity.

Where residential development has encroached upon existing industrial areas, Council has a policy role to play in assisting the gradual shift of industrial development away from residential areas to more suitable areas as identified by the Study.

#### **Attachments:**

There are no attachments for this report.

File Reference: F2004/07457

Document Number: D01353431

## **2 TAX DEDUCTIBLE DONATIONS**

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### **EXECUTIVE SUMMARY**

Council at its meeting held on 17 February 2010, adopted a Notice of Motion submitted by Cr Hutchence requiring the submission of a Report to the March Ordinary Meeting of Council outlining the process to be followed and the obligations to be accepted if council was to be endorsed by the Australian Taxation Office (ATO) as a Deductible Gift Recipient (DGR) enabling council to receive gifts of money or property, the value of which can be claimed by donors as income tax deductions.

The classification of Council as a DGR is available through an endorsement process managed by the ATO. The process for endorsement and the responsibilities for an organisation which is a DGR have been extracted from the ATO website and summarised in this Report. Council will require legal advice in finalising any application.

### **PURPOSE/OBJECTIVE**

This Report is submitted to satisfy Council's resolution that a report, outlining the process to be followed and the obligations to be accepted if council was to be endorsed by the Australian Taxation Office as a Deductible Gift Recipient (DGR), be presented to the March Ordinary Meeting of Council.

### **DISCUSSION**

Council at its meeting held on 17 February 2010, adopted a Notice of Motion submitted by Cr Hutchence requiring the submission of a Report to the March Ordinary Meeting of Council outlining the process to be followed and the obligations to be accepted if council was to be endorsed by the Australian Taxation Office as a Deductible Gift Recipient (DGR) enabling council to receive gifts of money or property, the value of which can be claimed by donors as income tax deductions.

The classification of Council as a deductible gift recipient (DGR) is available through an endorsement process managed by the Australian Taxation Office (ATO). A DGR is entitled to receive income tax deductible gifts and tax deductible contributions and only certain organisations are entitled to be endorsed.

The process for endorsement and the responsibilities for an organisation which is a DGR are outlined on the Australian Taxation Office website commencing under the heading 'Tax deductible donations'. The following information has been extracted and summarised from the ATO website. Council will require legal advice in finalising any application but to-date no advice has been sought.

### **Claiming Deductions for Gifts**

Deductions for gifts are claimed by the person or organisation that makes the gift (the donor). A donor can be an individual, company, trust or other type of taxpayer.

To be tax deductible, a gift must:

- Be made to a deductible gift recipient (DGR)
- Really be a gift
- Be a gift or money or a certain type of property
- Comply with any relevant gift conditions.

### **What is a deductible gift recipient?**

A deductible gift recipient (DGR) is an organisation which is endorsed by the Tax Office to receive income tax deductible gifts and deductible contributions.

### **What is DGR endorsement?**

DGR endorsement is the approval process for organisations that wish to be endorsed by the Tax office as DGRs.

There are two types of DGR endorsement:

- Where an organisation is endorsed as a whole, for example public hospitals and public universities, and
- Where an organisation is endorsed for a fund, authority or institution that it owns or includes, for example school building funds and council libraries.

Endorsement as a DGR allows donors to claim tax deductions for most types of gifts or donations they make to the DGR.

### **Obtaining DGR Status**

Some DGRs are listed by name in the tax law but most must apply to the Tax Office to be endorsed as DGRs.

To be endorsed as a DGR, an organisation must:

- Have an Australian business number (ABN)
- Fall into a DGR general category or operate a fund, authority or institution that falls into a DGR general category.
- Have acceptable rules dealing with the transfer of surplus gifts and deductible contributions on winding up or revocation of endorsement
- Satisfy the gift fund requirements (if applicable)
- Be in Australia or its fund, authority or institution is in Australia, unless it is an ancillary fund.

Organisations that meet the requirements for endorsement can apply to the ATO using an Endorsement application pack (NAT 2948).

Examples of the categories include:

- Health promotion charities
- School building funds
- Public benevolent institutions
- Overseas aid funds

- Registered cultural and environmental organisations
- Public libraries, museums and art galleries.

### **What are the consequences of DGR endorsement?**

#### Gift deductibility

Donors can claim income tax deductions for most types of gifts they make to An organisation from the date an organisation's endorsement starts and while an organisation is endorsed.

#### Australian Business Register

An organisation's entry in the Australian Business Register will be updated to show it is a DGR. This information is publicly available on the register website at [www.abn.business.gov.au](http://www.abn.business.gov.au)

#### Receipts

When an organisation issues a receipt for a tax deductible gift or contribution, it must include certain information on the receipt. If an organisation does not provide this information on its receipts, an organisation's endorsement may be revoked.

#### Self-Review

An organisation must notify the Taxation Office in writing if an organisation's circumstances change and if it stops being entitled to DGR endorsement. Worksheets are provided in *Gift Pack for deductible gift recipients and donors* (NAT 3132) to help an organisation to self-review its entitlement to endorsement.

#### Record keeping

As a DGR, an organisation is required to keep adequate accounting and other records that record and explain all transactions that are relevant to an organisation's status as a DGR.

These records must also show that all gifts, deductible contributions and any money received in respect of such gifts and contributions are only used for the principal purpose of the fund, authority or institution. An organisation is required to maintain these records for at least 5 years after the completion of the transactions or acts to which they relate. The penalty for not keeping proper records is twenty penalty units.

### **Maintaining DGR Status**

Organisations that have been endorsed as deductible gift recipients (DGRs) must tell the ATO if they cease to be entitled to endorsement.

This means that there is a requirement to carry out regular reviews of an organisation's DGR status.

### **What is required on dissolution or revocation of endorsement?**

The requirement varies with the type of endorsement

Entity endorsed as a whole

The organisation is required to transfer all remaining gifts, deductible contributions and any money received in respect of such gifts and contributions to another DGR on winding up or on revocation of endorsement, whichever occurs first. The organisation must be required to do this by a law, its constituent documents or governing rules.

Whilst DGRs endorsed as a whole are not required to maintain a gift fund, all gifts and deductible contributions made to such a DGR for its principal purpose must be used for that purpose. The DGR will need to maintain accounting records to identify the use of gifts and deductible contributions received and whether any surplus exists upon winding up or revocation of its DGR endorsement.

Entity endorsed for a fund, authority or institution it owns or includes

The organisation is required to transfer any surplus assets of the gift fund to another gift deductible fund, authority or institution when its fund, authority or institution is wound up or on revocation of endorsement. The organisation must be required to do this by a law, its constituent documents or governing rules.

**What are the pre-requisites for DGR endorsement?**Entity endorsed as a whole

To be entitled to this type of endorsement, an organisation must:

- Have an Australian business number (ABN)
- Be in a general DGR category set out in the income tax law
- Be in Australia (with some exceptions), and
- Be required – by a law, its constituting documents or rules governing its activities – to transfer the following assets to another DGR if the organisation is wound up or its endorsement is revoked.
  - Surplus gifts and deductible contributions made for the principal purpose of the organisation, and
  - Money received by the organisation because of such gifts or contributions.

Entity endorsed for a fund, authority or institution it owns or includes

To be entitled to this type of endorsement, an organisation must:

- Have an ABN
- Satisfy the gift fund requirements (unless endorsed as a DGR as a whole)

And the fund, authority or institution an organisation owns or includes must:

- Be in a general DGR category set out in the income tax law, and
- Be in Australia.

From this information it can be deduced that Council will need to determine whether the type of endorsement it should seek is Council being “endorsed as a whole” or “endorsed for a fund, authority or institution it owns or includes”. It appears however that Council would

seek endorsement for “a fund, authority or institution it owns or includes” but this would need to be assessed following legal advice.

If Council was to seek endorsement for “a fund, authority or institution it owns or includes”, then consideration needs to be given to the gift fund requirements and the DGR categories set out in the income tax law.

### **What is a gift fund?**

A gift fund has these characteristics:

- It is a fund
- It is maintained for the principal purpose of the fund, authority or institutions all gifts, and deductible contributions, or money or property for that purpose are made to it
- Any money received by the entity, because of such gifts, or deductible contributions, is credited to it
- It does not receive any other money or property
- The fund is used only for the principal purpose of the fund, authority or institution, and
- The organisation is required – by a law, its constituent documents or governing rules – to transfer any surplus assets of the gift fund to another gift deductible fund, authority or institution when the fund, authority or institution is wound up or the DGR endorsement is revoked, whichever occurs first.

### **What are the general DGR categories?**

The income tax law sets out the general DGR categories.

There are currently more than 40 categories. Examples include:

- Health promotion charities
- School building funds
- Scholarship funds
- Public benevolent institutions
- Overseas aid funds
- Registered cultural and environmental organisations, and
- Public libraries, museums and art galleries.

Although at this stage Council has not been specific it seems likely that if Council is not endorsed as a whole it would utilise the following categories for endorsement:

- Registered cultural and environmental organisations
- Public libraries, museums and art galleries.

### **What is a cultural organisation?**

For Council to maintain a public fund on the Register of Cultural Organisations the fund is to be included on the Register of Cultural Organisations administered by the Department of the Environment, Water, Heritage and the Arts (DEWHA).

The Treasurer and the Minister for Environment, Heritage and the Arts decide whether to register the organisation and its public fund. This decision is not made by the Tax Office.

An organisation on the Register of Cultural Organisation must meet several requirements, including:

- It is a body corporate, or a trust, or an unincorporated body established for a public purpose by the Commonwealth, a state or a territory
- Its principal purpose is the promotion of literature, music, a performing art, a visual art, a craft, design, film, video, television, radio, community arts, Aboriginal arts or movable cultural heritage
- It does not give any of its property, profits or financial surplus to its members, beneficiaries, controllers or owners
- It maintains a public fund to receive gifts
- It agrees to provide information on donations at six-monthly intervals, and
- It agrees with DEWHA that, if included on the register, it will participate in periodic reviews of eligibility.

Cultural activities undertaken as the principal purpose of an organisation on the register may include:

- A new theatrical work
- The publication of a literary magazine, and
- The building of a community arts centre.

The application is sent to DEWHA to assess eligibility for inclusion on the register. If an organisation is included on the register the form is then sent to the Tax Office for endorsement as a DGR. The organisation does not need to apply separately to the Tax Office.

### **What is an environmental organisation?**

To be a registered environmental organisation.

For Council to maintain a public fund on the Register of Environmental Organisations the fund is to be on the Register of Environmental Organisations kept by the Department of the Environment, Water, Heritage and the Arts.

The Treasurer and the Minister for the Environment, Heritage and the Arts decide whether an organisation and its public fund is entered on the Register of Environmental Organisations.

To be entered on the register, an organisation must meet several requirements, including:

- It is a body corporate, a cooperative society, or a trust, or an unincorporated body established for a public purpose by the Commonwealth, a state or a territory
- Its principal purpose is the protection and enhancement of the natural environment or a significant aspect of it, or the provision of information or education, or the carrying on of research, about the natural environment or a significant aspect of it.
- It does not give any of its property or profits to its members, beneficiaries, controllers or owners, and
- It maintains a public fund to receive gifts

The application is sent to DEWHA to assess eligibility for inclusion on the register. If an organisation is included on the register the form is then sent to the Tax Office for endorsement as a DGR.



The organisation does not need to apply separately to the Tax Office.

**What is a public library, public museum or public art gallery?**

- A public library
- A public museum
- A public art gallery, and
- An institution consisting of a public library, public museum and public art gallery or of any two of these

are separate DGR categories and each has the following features:

- It is owned or controlled by a government or quasi-government authority, or by persons or an institution have a degree of responsibility to the public
- Its collection is made available to the public
- It is constituted as a library, museum or art gallery, other people recognise it as such, and it conducts itself in the ways that are consistent with such a character, and
- It is an institution.

The terms “library”, “museum” and “art gallery” have their ordinary meanings. They are described as follows:

- Library: a place set apart to contain books and other literary material for reading, study or reference
- Museum: building or place for the keeping, exhibition and study of objects of scientific, artistic or historical interest, and
- Art gallery: building devoted to the exhibition of works of art; a collection of art for exhibition.

The constituent or governing documents of a public library, museum or art gallery must be consistent with its character. Also, an organisation’s activities, acquisitions policy, staffing, advertising and membership will be relevant.

The ways in which an organisation collects, preserves, maintains and makes its collection available must be consistent with how a library, museum or art gallery operates.

Council would appear to satisfy readily the requirements of an “organisation (that) collects, preserves, maintains and makes its collection available (~~must be~~) consistent with how a library, museum or art gallery operates”.

If Council was to seek to be “endorsed for a fund, authority or institution it owns or includes” it will need to determine under what categories it will seek endorsement and, in particular, to establish the gift fund and develop governing rules to satisfy all requirements. Council also needs to be aware that if it is endorsed, say, for a public library that it operates, then only gifts to the library would be deductible. Other gifts, for example, gifts to the council for a neighbourhood project, would not be deductible.

Therefore if Council wishes to operate more than one fund, authority or institution, it will need a separate endorsement for each one. Under these circumstances legal advice would be essential and potentially a deed would need to be executed establishing processes to obtain the necessary registrations and to ensure satisfaction of all requirements.

### **Assessment Criteria for Gifts Proposals**

Council should be cognizant of the potential need for an assessment process to be established to determine whether a gift should be accepted. If the Council resolves to proceed with endorsement as a DGR, then such a process can be established as a policy and the following matters included and analysed with respect to each offer of a gift or bequest:

- 1) The Council and the community interest
- 2) Significance and value of the proposed gift to Council and the community
- 3) Terms and conditions of the gift or bequest
- 4) Ownership versus access
- 5) State of maintenance and condition of the gift or bequest if a work
- 6) Transport, installation and interpretation costs associated with the gift or bequest
- 7) Registration, cataloguing, storage, microclimate requirements and insurance costs
- 8) Public or community perceptions of the proposed gift or bequest
- 9) Past history of offers of the gift or bequest to other institutions
- 10) Origin and ownership history of the proposed gift or bequest
- 11) Indigenous communities' views on proposed gifts or bequests relating to Indigenous Cultural History
- 12) Future de-accessioning costs
- 13) Other issues pertinent to the particular gift or bequest proposal

### **BUDGET**

There are no budget implications with Council's adoption of this Report.

### **POLICY**

There are no direct implications to existing Council Policies. As outlined in the Report, a Policy in relation to an assessment process to determine whether a gift should be accepted is likely to be required.

### **CONSULTATION**

There has been no consultation.

### **TRIPLE BOTTOM LINE SUMMARY**

The Triple Bottom Line is a framework for improving Council's decisions ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. If Council was to proceed with the recommendations proposed in the Report, Council's endorsement as a deductible gift recipient and the receipt of donations would contribute to Council's strategic themes:

Society and Culture – enhance social and community well-being.  
Ecology – Protect and enhance our natural environment.

**RESPONSIBLE OFFICER**

The General Manager, Mr Robert Ball.

**RECOMMENDATION**

THAT Council

1. Agree, in principle, to pursue an application to the Australian Taxation Office for endorsement as a deductible gift recipient;
2. Obtain legal advice as to the appropriateness of Council being endorsed “for a fund, authority or institution it owns or includes”, or endorsement through a gift fund established under the categories of a cultural organisation and an environmental organisation, together with advice as to the legal processes required to obtain the necessary endorsement and to ensure satisfaction of all requirements;
3. Request the General Manager to prepare a draft Donations and Gifts Acceptance Policy;
4. Refer the legal advice upon receipt, together with the draft policy, to the Finance & Strategy Task Force for consideration;
5. Request a further Report to be submitted to Council after consideration of the issue by the Finance & Strategy Task Force.

ROBERT BALL  
General Manager  
General Manager Division

**Attachments:**

There are no attachments for this report.

File Reference: F2010/00069  
Document Number: D01331983

### 3 COMMUNITY CENTRES AND HALLS SECTION 377 MANAGEMENT COMMITTEES

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#### **EXECUTIVE SUMMARY**

This Report seeks to address two distinct yet related matters and then to provide options for a way forward in respect of the management of Council's 24 community and cultural facilities across the Shire.

Part One of the Report responds to the scheduled need for a review of the implementation of the management model – *Existing 377 Model of Management with Significantly Improved Performance* - which was implemented as a result of a comprehensive management review of Council's community centres and halls undertaken in 2004/05 by consultants Morrison Low.

Part Two of the Report details the outcomes of the Annual General Meetings (AGM's) conducted by the Section 377 Management Committees in 2009, noting that 14 of the facilities in Council's community and cultural facilities network are managed by volunteer management committees. Each year, management committees undertake an Annual General Meeting to elect a Management Committee for the ensuing 12 months and to present reports on the Community Centre's operations.

Part Three of the Report details the research and thoughts of staff and the Community, Cultural and Recreation Facilities Task Force in relation to the future management of community and cultural facilities in the Shire and proposes a way forward.

#### **PURPOSE/OBJECTIVE**

The purpose of this Report is to:

- provide details of a review undertaken in respect of the success of the Section 377 Management with Significantly Improvement Performance Model by comparing actual performance with performance standards agreed to by Council and the Management Committees
- inform Council of the outcome of the Annual General Meetings (AGM's) conducted by the 14 Section 377 Management Committees responsible for the care, control and management of facilities in Council's Community and Cultural Facilities Network
- present to Council for its consideration the thoughts of staff and the Community, Cultural and Recreation Facilities Task Force in respect of the future management model of the community and cultural facilities in the Shire.

#### **DISCUSSION**

##### **PART 1 - Review of Management Model**

At the November 2002 Ordinary Meeting, Council determined that consultants be appointed to work with Council's Section 377 Management Committees to assist in enhancing and delivering a coordinated and systematic management structure for the administration of Council's community and cultural facilities. The recommendations associated with this

review were considered by Council at the November 2004 Workshop Meeting. As part of that consideration, Morrison Low (the consultants) presented their findings of their review and recommended a model of management of community and cultural facilities which could be summarised as *Council Management with Community Advisory Committees*.

At the Workshop Meeting, a number of management committee representatives spoke against the proposed model. Following its consideration of the matter, Council resolved inter alia that (the): *"Existing Model with Significantly Improved Performance" option be dealt with in detail, and in consultation with the Section 377 Committees before a final report is presented to Council for its decision"*

As a consequence, at the Ordinary Meeting of 10 March 2004, Council considered Report No CC22/04 which provided a detailed exploration of the Management Model *Existing Model with Significantly Improved Performance* and resolved that:

1. *The Council note the extensive consultation undertaken with representatives of each Community Centre and the commitment made by these representatives to support the Existing 377 Model of Management with Significantly Improved Performance as the preferred management model for Council's Community Centres and Halls.*
2. *Council adopt the Existing 377 Model of Management with Significantly Improved Performance as the preferred management model for Council's Community Centres and Halls and that the General Manager be given delegated authority to implement this option.*
3. *The Existing 377 Model of Management with Significantly Improved Performance include inter alia:-*
  - *A review of the Community Centres and Halls Procedures and Finance Manuals;*
  - *The development of KPI targets and reporting systems;*
  - *The development of OH&S and risk management systems;*
  - *The development of a training programme;*
  - *Utilisation of current volunteer skills/expertise to assist in the development of revised management procedures;*
  - *Enhancement of communication processes;*
  - *Enhancement and where possible consistent booking/utilisation system;*
  - *A review of fees and charges;*
  - *Enhancement of promotions programme;*
  - *Written sign-off by all 377 Committees and external organisations on the revised Community Centres and Halls Procedures and Finance Manuals as a form of management agreement;*
  - *A review of leases/licences; and*
  - *Council staff attendance at 377 Committee AGMs and 377 Committee meetings as requested.*
4. *Council endorse the employment of a permanent full time Community Facility Manager to ensure a co-ordinated and systematic management structure for the*

- administration of Council's Community Centres and Halls and support of the 377 Committees, external organisations and Council staff.*
5. *The recurrent salary costs associated with employing a Community Facility Manager to ensure a co-ordinated and systematic management structure for the administration of Council's Community Centres and Halls be included for consideration in the March 2004 quarterly review.*
  6. *A further report be submitted to Council during the implementation phase of the Existing 377 Model of Management with Significantly Improved Performance should there be a negative impact associated with a potential increased workload for Council's Administration/Booking Officer.*
  7. *A further report be submitted to Council investigating additional funding sources to assist in the management of Council's Community Facility and Halls as part of the fees and charges component of the draft 2004/2005 budget.*
  8. *The Community Facility Manager oversee the development and implementation phase of the Existing 377 Model of Management with Significantly Improved Performance.*
  9. *The Community Facility Manager review the effectiveness of existing leases/licences held with External Organisations for management of Council's Community Centres and Halls.*
  10. *The support and implementation of the Existing 377 Model of Management with Significantly Improved Performance be reviewed after 12 months of operation, dated from the completion of the training program, the development of OH&S and risk management systems and revised management procedures.*
  11. *The development of KPI's and reporting systems be undertaken after completion of the training program, the development of OH&S and risk management systems and revised management procedures.*
  12. *Council thank representatives of the Section 377 Committees for their participation in the review and Council staff for their organisation of the consultation process.*

The implementation of the model determined by Council involved extensive consultation with Section 377 Management Committees.

The following section of this Report responds to the issues (outlined in point 3 of the above resolution) that required attention through the implementation of the *Existing 377 Model of Management with Significantly Improved Performance*.

### **1. Review of Community Centres and Halls Procedures and Finance Manual**

A review of the Community Centres and Halls Procedures Manual occurred in consultation with Section 377 Management Committees over a period of 24 months. The revised Community Centres and Halls Procedures and Finance Manual (inclusive of OH&S and risk management systems and key performance indicator (KPI) targets and reporting systems) was adopted by Council in February 2008 following a period of public exhibition (see Report No CC105/07 and Report No CC11/08 for details). These systems were implemented from the beginning of the 2008/09 financial year.

Upon commencement of the implementation process of the abovementioned manuals, all management committees signed an agreement with Council that acknowledged that the

manuals and their contents constituted the management agreement for community facilities between Council and Section 377 Management Committees. Signed copies of agreements by Management Committees are available in Council's document management system.

## 2. KPI targets and reporting systems

Community Centre KPI reporting adopts a checklist approach to ensuring that the key management tasks associated with the operation of community centres and halls are completed. These KPI's were identified by the Morrison Low Review, were subsequently adopted by Council, and are a key component in managing Council's exposure to risk in the operation of community facilities. The KPIs, which are provided monthly, include a requirement for committees to report on committee meetings, quorums, use of facilities by occasional hirers, finance, maintenance issues and risk management. Management Committees agreed to undertake this reporting in signing the management agreement with Council.

From August 2008 until September 2009 (the interim period between AGMs) a total of 164 reports were due to be provided by Management Committees across the network (12 per centre). Of these, 56% were received by Council by the dates agreed to in the management agreement, 27% were received late and 17% have not been received. Where management committees are over 30 days late in providing reports, reminder letters are sent to the committee by Council officers. Some submissions have been received up to seven months late. In other cases, management committees have submitted the KPI prior to the month ending. Both of these approaches indicate that the reporting is not being completed as agreed to in the Finance and Procedures Manual. It should be noted that some management committees have performed better in relation to the submission of KPIs than others. It is considered that three of the 14 community centres management committees have met agreed standards in relation to the submission of monthly KPIs.

Of the reports that have been received (noting that 17% have not been received), 48% of the reports met or exceeded the KPI's and 52% of the submitted reports did not meet the established KPI standards. In many cases, committees have noted that they have not performed one or more of the requirements. These omissions generally relate to facility inspection checklists, furniture or equipment inspections and financial reporting.

## 3. Reporting on OH&S and risk management systems

The development of OH&S and risk management systems were highlighted in the Morrison Low Review as a key area needing rectification in the management of community facilities in order to minimise Council's exposure to the risk of litigation. In signing the management agreement with Council, management committees agreed to complete monthly facility inspection checklists, an annual detailed facility inspection checklist, biannual inspection of equipment and furniture as well as to submit maintenance request forms on an "as required" basis. These reports were designed to make facilities safer to use for the community and to thereby minimise Council's exposure to risk.

Of the 150 monthly asset inspection checklists due during the 12 month period (checklists are not required to be completed in January), 60% were completed and submitted to Council with the remaining 40% not received. Three of the 14 centres have met agreed standards in relation to the submission of monthly asset inspections

With regards to the annual asset inspection checklists, six of the 14 management committees completed the inspection and forwarded the report to Council.

Due to the poor response rate across the network in relation to the submission of OH&S and risk management inspection reports, it is considered that the implementation of the *Existing 377 Management Committee with Significantly Improved Performance* model of management has not sufficiently reduced Council's exposure to risk. The importance of risk management was highlighted as an area of concern by Morrison Low in their review of community centres and halls management practices in 2004.

#### **4. Enhancement of communication processes**

One initiative designed to enhance the communication process between Council and Committees was the employment of a Council Officer to work with and support management committees in their operations. A second initiative was the formation of a Section 377 Management Committee Reference Group. This Group is comprised of members or representatives from each Section 377 Management Committee. Meetings are held quarterly and are designed to further improve the communications between Council and management committees and to provide an opportunity for management committees to share information with each other. The majority of Council's consultation with committees regarding management issues occurs at these meetings.

Representation and attendance at Reference Group Meetings has varied between centres but has generally been good. Feedback from management committees indicates that overall, committees value the introduction of the Reference Group and the opportunities that are now available to communicate with other committees about operational issues for the management of community centres.

Reference Group meetings have also been used to provide training to management committee members on completing the items required to be provided through the monthly KPI reporting system. Discussions about committee training needs also occur at these meetings.

#### **5. Enhancement and where possible consistent booking/utilisation system**

Pennant Hills Community Centre and Cherrybrook Community Centre are the only two facilities that have been able to take advantage of Council's electronic reservations management system since the Morrison Low Management Review was completed. Both of these facilities provide onsite offices and have paid booking officer roles. Epping Community Centre has also expressed an interest in implementing an electronic booking system but this has been unable to be progressed due to internal resource limitations. It is noted that individual centres pay for the reservation management system that they choose to utilise.

It is noted that Council is currently moving to the use of a new booking system which will allow facilities to be booked and paid for on-line. This system also integrates with Council's debtor system unlike previous systems. This new booking system presents opportunities for enhanced customer service through the availability of on-line, real time bookings of community centres from the one location. This feature was identified as being important in the community consultation undertaken to produce the Community and Cultural Facilities Strategic Plan which was adopted by Council following its consideration of Report No CC88/09.

Given the different booking systems and processes operating within the network of community centres, a consistent and streamlined approach to booking and using a community and cultural facility is difficult to achieve. However, this diversity of approach does have advantages in that local solutions to difficult management/customer service problems have



been able to be resolved at a local level.

It should also be noted that the existence of paid booking officers at some centres improves customer service outcomes and in some centres, limited office hours of paid staff can be detrimental to customer service as the flexibility offered by volunteer staff is understandably not present with paid staff.

In summary, it is difficult to manage the bookings of a network of centres as a whole when different processes, personnel and approaches to management are utilised at each facility. A centralised on-line booking system is considered to be unachievable whilst different centre management models are in place across the network.

## **6. A review of fees and charges**

Management committees recommend fee structures and pricing for the centres that they manage. As such, there are as many approaches to setting fees. Each committee attempts to set fees in a manner which they consider to be the most beneficial to their facility users and the community that they serve, whilst at the same time ensuring that facilities generate enough revenue to be sustainable.

Council's review of the fees and charges has focused on reducing the complexity of the fee setting process and achieving some consistency of approach across the network of facilities. Different approaches to fee setting make it difficult to standardise the booking and utilisation systems mentioned above. Whilst ever a diversity of management models are used across the network of community centres and halls, a diversity of fee structures and rates are also likely to exist. It is noted that this system works as each centre booking officer explains the set of fees for the centre that they administer to the customer. Where it becomes difficult is when a customer wishes to compare value between centres and different fee structures are in place.

Since the formation of the Section 377 Management Committee Reference Group, discussion has commenced on big picture fee setting issues but management committees have expressed a general reluctance to create a standard fee structure across the network due to the individual nature of each of the facilities that they manage. In general, a simplified fee structure across all facilities is considered to have positive impacts on customer service experiences for facility users.

## **7. Enhancement of promotions program;**

Whilst one or two committees have developed initiatives for promoting centres that they manage, an overall strategy for the promotion of community centres has not yet been developed. A consolidated approach to promotion is difficult to achieve when the consistency of experience by customers associated with booking processes, fee structures and fee rates are not directly comparable.

As a result, general branding work for community facilities has been undertaken through the development of a vision and mission statement in consultation with Section 377 Management Committees but the network of centres have not been promoted in any new manner. It is considered that any promotional efforts should include information on how to book and use a facility – not just that centres exist and where they are located. With this in mind, the level of detail involved in promoting various contact details, office hours and booking methods used for the 24 community centres would be overly complex. As such, local word of mouth promotion has been the favoured method of promotion to date.

## 8. The development of a training programme

Training has been provided to management committee members on an ongoing basis through Section 377 Management Committee Reference Group meetings. This training has included issues such as emergency evacuation procedures and use of emergency equipment (August 2006), OHS and risk management systems (August 2007) and using Facility Inspection Checklists (June 2009). In a number of circumstances, training has been offered on particular issues but not taken up by Reference Group participants.

### Summary of outcomes

The success of the implementation of the *Existing 377 Management Committee with Significantly Improved Performance* management model for community centres can be considered to be varied across the network. The data provided above relates exclusively to the success of the implementation of the Procedures and Finance Manuals. It should be noted that no comment is made in relation to impacts that the implementation of the management model may have had on facility utilisation over the 12 month review period.

As a general observation, community centres that generate sufficient income to fund an employed booking officer demonstrate increased capacity and success in achieving the key performance indicators and improved management practices. However, this is not always the case.

With over half (52%) of the KPI's failing to be met across the network and only three of 14 committees meeting agreed OH&S inspection standards, Council may wish to consider alternative management approaches for community centres. It is considered that the *Existing 377 Management Committee with Significantly Improved Performance* management model, after two years of development in conjunction with management committees and 12 months of training and implementation, has not achieved the outcomes articulated as essential in the Morrison Low Management Review conducted in 2004.

Further to this, at recent Annual General Meetings, a number of management committees have been unable to achieve a minimum of seven committee members (as outlined in the Procedures Manual) or have been unable to elect representatives to executive positions. It is considered that these committees are likely to have a reduced capacity to undertake the management practices required to fulfil the agreed performance standards in the forthcoming year as a result of the lack of committee volunteers. These issues are addressed in more detail in Part Two of this Report.

Regardless of the statistical measures of the success of the implementation of the *Existing 377 Management Committee with Significantly Improved Performance* management model, it is evident that management committees are genuinely interested and passionate about managing community centres on behalf of Council and the community. The challenge remains that without the consistent implementation of the improved management structures and practices, Council's exposure to (unmanaged) risk remains at what is considered to be an unacceptable level.

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## **PART 2 – Report on Community Centre Annual General Meetings**

Council owns 24 community centres and halls throughout the Shire. These facilities operate using one of four management models. Those management models are:

- Direct Council management through the Community Services Branch (6 facilities)
- Council management with Community Advisory Committees (2 facilities)
- Section 377 Management Committees (14 facilities)
- Lease/License Agreements with Community Groups (2 facilities)

The Community Centres and Halls that were managed by Section 377 Management Committees under delegation from Council at the time of the Annual General Meetings held in September 2009 were the:

- Beecroft Community Centre
- Cherrybrook Community Centre
- Cowan Community Centre
- Dangar Island Community Centre
- Epping Community Centre
- Epping Creative Centre
- Galston Community Centre
- Glenorie Community Centre
- Gumnut Community Centre (at Cherrybrook)
- Mt Kuring-gai Community Centre
- Pennant Hills Community Centre
- Roselea Community Centre
- Thornleigh Community Centre
- West Epping Community Centre

The main purpose of the Section 377 Management Committee Annual General Meetings is to elect a Management Committee for the ensuing 12 months and to present reports on the Community Centre's operational management for the consideration of the community and Council.

The *Procedures Manual for Community Centre and Hall Management Committees* along with the *Financial Manual for 377 and other Management Committees* and *OHS & Risk Management Manual* outline the reporting and procedural requirements relating to Community Centre Annual General Meetings. Management Committees have signed an agreement with Council indicating a commitment to adhere to the contents of the Council adopted Procedures and Finance Manuals.

The following discussion provides an overview of the Community Centres and Halls Annual General Meetings and the financial position of the various Community Centres and Halls.

### **AGM Dates and Venues**

All annual general meetings for 2009 were held in the month of September consistent with the requirement established in the Community Centres and Halls Procedures Manual and Council resolution (refer Report No CC92/05). All AGM's scheduled were held at the community facility managed by the Committee holding the meeting.

### **AGM Quorums and Committee Numbers**

Council's *Procedures Manual for Community Centres and Halls* along with Council's resolution in respect of Report No CC92/05 requires that Section 377 Management Committees operate with a committee of no less than seven members. The Committee may

be comprised of Councillors, members of the community or user groups of the specified Centre. A quorum is required to minimise conflicts of interest, pecuniary interests, nepotism and to ensure cross community representation on the committee.

At their AGM's, Glenorie Community Centre, West Epping Community Centre and Cowan Community Centre were all unable to attract a minimum of seven committee members with six and five and six members (respectively) willing to participate on the management committee.

In the case of West Epping, only five people were present at the meeting. This resulted in the AGM being cancelled as the AGM quorum of seven people was not available to conduct the meeting. As a result of this, and combined with management committee concerns for their personal liability, the committee vacated their positions and indicated that they no longer wanted to participate on the management committee. Correspondence has since been received by Council formally indicating this position. It is reasonable to summarise that the West Epping Management Committee expressed significant disappointment in not being able to continue to operate as a delegated committee of Council. It is recommended that Council officially accept the management of this facility (West Epping Community Centre) subject to funding being allocated to achieve the same.

(N.B. Report No CC46/09 raised ongoing issues associated with the funding of the management of community centres. The matter of funding the administration of community centres is dealt with later in this Report.)

In relation to Glenorie Community Centre and Cowan Community Centre, these management committees indicated a willingness to continue with the management of these facilities despite not meeting the quorum number required by the Procedures Manual. As such, Council needs to consider whether or not the management of these facilities should continue outside of the established standards or whether the model of management needs to change to reflect the inability of appropriately constituted committees to form. In considering this issue, Council should take into account the historical performance of management committees detailed above in respect of compliance with agreed performance standards.

### **Officer Elections, Multiple Committee Roles and Conflicts/Interests**

Whilst the majority of community centre management committees were able to attract interested community members to the annual general meetings, there remains a trend toward fewer individuals taking executive and committee roles on voluntary management committees (see Report No CC92/05 for more details and Report No CC105/08 for an update on this issue from the Management Committee AGM Report of 2008). This trend has resulted in individuals holding multiple roles on executive roles on committees. In 2009/10, the following Committees have one member filling the multiple executive positions listed:

- Beecroft Community Centre - Treasurer and Booking Officer (voluntary)
- Cowan Community Centre – Secretary and Treasurer (voluntary)
- Glenorie Community Centre – Chairperson and Treasurer (voluntary)
- Mt Kuring-gai Community Centre - Treasurer and Booking Officer (voluntary)
- Roselea Community Centre - Secretary and Booking Officer (paid)

Historically, Council has taken no action in relation to individuals holding multiple executive positions due to an understanding of the voluntary commitment that community members make to the operation of a community facility. The matter is now raised as a concern, however, given the degree of non-compliance with the requirements of the *Existing 377*

*Management Committee with Significantly Improved Performance* model of management. A committee with lower numbers of volunteers is considered less likely to meet performance targets in relation to implementing the above model. However, this is not to say that the abovementioned committees were those that did not meet agreed performance standards.

At the Gumnut Community Centre AGM, a management committee of eight people was elected. The Chairperson, Secretary, Treasurer and four committee members indicated that they represent the predominate hirer of the facility. Given that a quorum of seven members is required to avoid such a situation occurring, it may be considered that having seven committee members from the one group is not consistent with the intent of the quorum policy as it does not protect against the issues detailed above in the section on AGM Quorums and Committee Membership.

At the Epping Creative Centre AGM, the committee received no nominations for the role of Secretary and, therefore, the position remains vacant. The position of Secretary is vital to the success of the committee, and is responsible for maintaining appropriate committee records and liaising with Council. The absence of a volunteer in this position is likely to contribute to difficulties in meeting reporting requirements on KPIs.

The Cherrybrook Community and Cultural Centre Management Committee advised Council that only six members were nominated to the Management Committee at the AGM. It is noted that a seventh member has since been recommended and has now formally accepted that nomination.

In summary, of the 14 community centres managed by voluntary management committees, eight centres (including West Epping) can be considered to be not meeting the quorum and committee membership standards articulated in the Procedures Manual. This result, which is consistent with trends from previous years, calls into question the sustainability of volunteer Section 377 Management Committees and their capacity to manage community facilities at the standards required by Council in accordance with the Finance and Procedures Manual. This issue is raised despite the significant commitment of a number of individuals to manage these facilities on an ongoing basis.

### **Financial Position of Community Centres**

The table below indicates the financial position of Community and Cultural Facilities as at 30 June 2009, as reported at their AGM's for the 2008/09 financial year. These financial results have not all been audited. Those that have not been audited have been submitted to Council's Financial Services Branch for review.

<b>CENTRE</b>	<b>INCOME</b>	<b>EXPENDITURE</b>	<b>PROFIT/LOSS</b>	<b>CASH BALANCE</b>
Beecroft	\$17,294	\$13,035	+ \$4,259	\$156,773
Cherrybrook	\$34,274	\$20,699	+ \$13,575	\$15,890
Cowan	\$3,639	\$1,660	+ \$1,979	\$7,563
Dangar Island	\$1,178	\$382	+ \$797	\$3,341
Epping	\$93,858	\$61,846	+ \$32,012	\$168,579
Epping Creative	\$28,888	\$10,542	+ \$18,346	\$32,446
Galston	\$26,628	\$32,876	- \$6,248	\$38,458
Glenorie	\$3,547	\$2,815	+ \$732	\$26,362
Gumnut	\$23,444	\$10,374	+ \$13,070	\$81,799

CENTRE	INCOME	EXPENDITURE	PROFIT/LOSS	CASH BALANCE
Mt Kuring-gai	\$16,223	\$11,817	+ \$4,405	\$92,183
Pennant Hills	\$111,313	\$78,344	+ \$32,969	\$231,895
Roselea	\$73,099	\$78,406	- \$5,307	\$95,715
Thornleigh	\$62,229	\$66,983	- \$4,754	\$38,628
West Epping	\$13,470	\$12,354	+ \$1,116	\$76,207

It should be noted that, generally, the accumulation of surplus funds is a strategic management process employed by community centre management committees to ensure that major capital works for the community centre can be funded in a timely manner. This can include capital projects and/or improvements which would ordinarily be provided out of Council's budget but are unable to be undertaken due to the limited availability of funds.

The majority of projects under consideration by the Community Centre Management Committees require Committees to raise funds over time in order to accumulate enough money to cover the costs of works. Such projects include the construction of car parking facilities at Beecroft Community Centre, the installation of air conditioning and refurbishment of toilets at Epping Community Centre and refurbishment of Pennant Hills Community Centre. The matter of accumulated funds was considered by Council in Report No CC26/08.

As part of its discussion about this matter, the Community, Cultural and Recreation Facilities Task Force requested that this Report contain an update (beyond 30 June 2009) on the funds currently held by Section 377 Management Committees. In this regard, the table below provides the most up to date balances that Council has for each Management Committee, noting that West Epping Community Centre is now managed by Council.

Centre	Balance as of:	Balance:
Beecroft	February 2010	\$161,632
Cherrybrook	December 2009	\$19,561
Cowan	January 2010	\$11,920
Dangar Island	September 2009	\$3,329
Epping	December 2010	\$175,413
Epping Creative	September 2009	\$39,344
Galston	February 2010	\$93,062
Glenorie	June 2009	\$26,362
Gumnut	December 2009	\$86,554
Mt Kuring-gai	June 2009	\$92,183
Pennant Hills	December 2009	\$225,851
Roselea	January 2010	\$77,725
Thornleigh	December 2009	\$38,270

### **PART 3 – Options for meeting the objectives of the Morrison Low Management Review of Community Centres and Halls.**

In response to Part 1 and Part 2 of this Report, Council's Community, Cultural and Recreation Facilities Task Force requested the Community Services Branch to reflect on the outcomes of both the review of the Community Centre Management Models and the

outcomes of the 2009 Annual General Meetings, in order to provide options for an appropriate way forward.

Part 1 of this Report has documented actual performance standards by management committees against agreed performance standards as articulated in the Finance and Procedures Manuals. In summary, performance standards have not been met in 11 of 14 cases and as such, it can be considered that the *Existing 377 Management Committee with Significantly Improved Performance* model of management has not delivered the desired outcome and appropriately managed Council's exposure to risk in the operation of community facilities.

In reporting on the outcomes of annual general meetings and committee appointments, Part 2 of this Report has pointed towards a dwindling number of volunteer committee members leading to inappropriately constituted committees, has outlined the passion and commitment of remaining committee members, and reflected on the possible link between low volunteer numbers and the achievement of performance targets. Specific centres have not been named in relation to substandard performance out of respect for the commitments made by community volunteers and also to avoid the suggestion that some centres have let other centres down in the implementation of the model.

Whilst there are many positive benefits of having voluntary members of the community manage community facilities, the core purpose of the review of the management model of community centres and halls undertaken by Morrison Low in 2004 was to manage, as much as possible, Council's exposure to risk in the operation of community facilities. To this end, the Procedures and Finance Manual were developed and adopted by Council. The volunteer management committees signed an agreement with Council to operate the community facilities in accordance with these requirements. Unfortunately, these agreed standards have not been met by a significant percentage of management committees (11 of 14 committees).

There are inherent levels of risk involved in offering a community facility for use to the community. The important issue at question is whether or not appropriate risk management processes are in place to manage these risks. In adopting the *Existing 377 Management Committee with Significantly Improved Performance* model of management, Council accepted that the management committees, given the appropriate structure and support, were capable of managing the risks associated with operating community facilities on behalf of Council. This Report indicates that, despite the best efforts of staff and volunteer management committee members, the agreed performance standards are not being met in a significant proportion of cases.

The efforts made by the committees to meet the agreed standards are all appreciated and it is assumed that committees made their best effort to meet agreed goals. Council appointed a Committee and Facility Liaison Officer for the purpose of assisting Management Committees to meet their obligations. As stated above, three committees met the agreed standards. This suggests that the performance targets were reasonable. It is alluded to above that there is a correlation between the existence of paid staff, such as booking officers or caretakers, and management committees meeting the requirements of the Finance and Procedures Manuals. Without providing a public commentary on the performance of each individual committee, it is suggested that it is not a deficit in the skill or commitment of volunteer management committee members that has resulted in the outcomes described above, but merely the availability of the necessary time to achieve the required tasks. Paid officers assist in ensuring the availability of time to undertake the required tasks. Any future management model should address the issue of available time of volunteers.

Council's Community and Cultural Facilities Strategic Plan, adopted at the November Ordinary Meeting 2009 following Council's consideration of Report No CC91/09, provides a framework within which the management of these facilities may be undertaken in the future. The document provides a foundation upon which further investigation may be undertaken and specific facility strategies may be developed. The Plan recommends:

- *Council review the management model of community and cultural facilities to ascertain the efficacy of the Morrison Low Management Review 2004*
- *Council review the provision of community facilities in rural areas to ascertain if all facilities are required.*
- *Council make available Leisure and Learning Centres for use by all community members regardless of their age, noting that people over the age of 50 should retain priority usage of these facilities and retain the current level of subsidised fee structure.*
- *Council review the provision of community space offered under lease license arrangement to the community with a view to rationalising these assets where appropriate*
- *A report be prepared for Council's consideration in relation to funds allocated for asset maintenance and asset renewal with the view to addressing long term issues associated with the provision of community buildings.*

The attachment to this Report seeks to address recommendation 1 of the Plan by providing a number of options for future management of community facilities for consideration. It is noted that these future management options were provided to the Community, Cultural and Recreation Facilities Task Force for consideration during the period September 2009 to February 2010.

Following its consideration of the options contained in the attachment, the Task Force favoured Option 4 (i.e. Council undertake the centralised management of all community and cultural facilities in the network) and asked that a report be submitted to Council for consideration. In forming their view, the Task Force believed that Option 4 would provide the opportunity to:

- Manage Council's, ratepayers and centre users exposure to risk in the operation of community facilities by ensuring that agreed performance standards are met
- Take advantage of the new online reservation system that will allow centralised telephone and online bookings for all community centres – thereby enhancing customer service for the community. (N.B. Online bookings would be available 24 hours per day with telephone bookings available during business hours for all facilities. This contrasts with the current situation whereby booking officers are available during limited hours dependent upon their casual or part time employment status)
- Create a priority capital works program for the network of community facilities that utilises network wide resources to fund priority projects according to community demand

The Task Force noted that a centralised telephone and online booking system cannot operate in a decentralised fashion whereby individual centre booking officers continue to take bookings. It is also noted that a network wide priority based capital works program cannot be undertaken whilst each management committee hold funds derived from revenue generated by the centre that they manage. Funds must be pooled and the priority issues considered across the Shire in order to have less financially enabled facilities upgraded to similar levels as those centres with stronger finances. This approach results in a better quality of facility, on



average, across the Shire, rather than a few stand out quality facilities operated by those committees that can afford it.

In addition to the above, the Task Force is of the view that:

- Members of the existing management committees should be invited to participate on a centre based advisory committee
- Council officers should be required to consult with each advisory committee about capital work projects for their centres on an annual basis - or more often if required
- Quarterly progress reports should be provided to Council outlining capital work project requests submitted by advisory committees together with those approved to progress
- Current committee bank account balances and future revenue generated by community centres should be allocated to a Council internally restricted asset account and ensure that those funds are only spent on the upgrade, management and maintenance of community centres

The Task Force also requested that, in preparing the report for Council's consideration, information be provided on the differences which exist between an Advisory Committee approach and the current Section 377 Management Committee approach. This information has been prepared and is attached for Council's information.

From a Council officer perspective, taking no action in relation to the lack of compliance with agreed performance standards is not an option given that OH&S matters carry a personal liability in NSW. If Council is not supportive of the outcome of the Task Force's discussions, Council is strongly encouraged to consider levying all Section 377 Management Committees for the cost of having the OH&S inspections undertaken on behalf of the Committees. This will, at a basic level, manage the exposure to personal risk for all parties – including hirers of the facilities.

This approach will not address the Task Force's desire for a centralised booking process and it will not address the identified need for a Shire wide approach to asset management for community facilities. It is anticipated that the above approach will cost approximately \$55,000 per annum. Council would need to determine how to best allocate the costs of this approach between centres. It is suggested, however, if costs are divided equally between centres, it would not be affordable in the longer term for a number of the smaller community centres.

The other outstanding issue that requires a response in some form, is the impost that the additional community centres that Council has recently accepted management of, specifically the Brooklyn Community Meeting Room (a new centre with an Advisory Committee) and West Epping Community Centre (without an Advisory Committee). Report No. CC46/09 resolved, amongst other things, that:

5. *In consultation with the Community, Cultural and Recreation Facilities Task Force, a report be prepared for Council's consideration which details the 12 month review of the implementation of the "Existing 377 Model of Management with Significantly Improved Performance". This report is to include considerations in relation to the resource implications associated with Council's ongoing management of new community meeting spaces across the Shire.*

The resources required to manage these additional two facilities can be accommodated within the funding model outlined in Option 4. However, with the adoption of any other option listed in Attachment 1, resources will need to be allocated to support the functioning of the additional two centres now managed by Council. It is anticipated that this will amount to approximately \$20,000 per annum. Options for sourcing these funds could be either general revenue; levying a fee on Section 377 Management Committees for the operational support provided to them (noting that an officer is employed specifically to support the Section 377 Committees and Advisory Committees), thereby freeing up funds to be spent on managing the additional two centres; or adopting Option 4 as the preferred management model.

### **Feedback from Section 377 Management Committees Reference Group**

Council should note that the matter of a future management model for community facilities was discussed at the December 2009 and February 2010 meetings of the Section 377 Management Committees Reference Group. At these meetings, committee representatives were given information on the management models which were being considered for community facilities. At the February 2010 meeting, the Reference Group voted on their preferred model of future management. Nine of the (now) 13 Section 377 Management Committees were represented at this meeting. Those committees not represented were Cowan Community Centre, Cherrybrook Community Centre, Gumnut Community Centre and Epping Creative Centre.

In considering the four management options detailed in Attachment 1:

- All present voted against Option 1 - which could be described as the status quo with additional support provided to management committees
- Seven committees voted in favour of Option 2 - which is where Council resumes management of centres that are unable to form a quorum
- One committee voted in favour of Option 3 – which is where Council resumes management of Centres not meeting quorum requirements and not meeting KPI requirements
- All management committees present voted against Option 4 - which is where Council resumes management of all facilities
- One committee (Dangar Island) abstained from voting.

From these results, it can be considered that at least eight of the 13 management committees are supportive of change in Council's approach to the management of some community facilities. To this end, seven committees believe that inappropriately constituted committees should not continue to operate.

Attachment 1 to this Report, which was also provided to the Section 377 Management Committee Reference Group for comment, nominates that there are four centres directly affected by adopting Option 2. Those centres affected are Cowan Community Centre, Epping Creative Centre, Gumnut Community Centre and West Epping Community Centre (who have already handed back facility management to Council). Further to this, the nomination of one individual to multiple executive positions on management committees, suggests that there is possibly a problem with quorums at Roselea Community Centre, Beecroft Community Centre, Glenorie Community Centre and Mt Kuring-gai Community Centre. It is noted that Part 2 of this Report suggests that there is link between low volunteer numbers and compliance with KPI standards.

Council is encouraged to consider the feedback from the Section 377 Reference Group in making its decision on the future management of community facilities. In this regard, and apart from that detailed above, further feedback from the Section 377 Management Committee Reference Group indicates that only one of the nine centres represented at the Group's February 2010 Meeting indicates a preference for Council acting on non-compliance with established and agreed Key Performance Indicators.

### **BUDGET**

Budgetary issues are discussed within the body of this Report and the attachments and will vary depending upon the preferred option adopted. Option 4 can be accommodated within the existing resources contained within the network.

### **POLICY**

There are no policy implications associated with this Report.

### **CONSULTATION**

There has been consultation in the preparation of this Report with the Section 377 Management Committee Reference Group and the Community, Cultural and Recreation Facilities Task Force.

### **TRIPLE BOTTOM LINE SUMMARY**

A Triple Bottom Line assessment is not required of this Report.

### **RESPONSIBLE OFFICER**

The responsible officer is Mr David Johnston, Manager - Community Services Branch. For further information please contact Council's Coordinator, Community and Cultural Facilities Ms Samantha Colbert on 9847 6548, Monday to Friday 9.00 am to 5.00 pm.

### **RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No CC10/10, including the review of the "Existing 377 Management Committee with Significantly Improved Performance" management model and report on the 2009 Annual General Meetings of Section 377 Management Committees, be received and noted.
2. Council acknowledge and thank volunteer members of management committees for their contributions to the management of their community centres and halls in the 2008/09 financial year.
3. Council consider the outcome of discussions of the Community, Cultural and Recreation Facilities Task Force and adopt Option 4 (Council Managed Model), as listed in the Attachment 1, as the future model of management of all community and cultural facilities in the Shire.
4. The handover of all facilities from Section 377 Management Committees to Council

take place within a 12 month period.

5. The funding model outlined in Attachment 1 of Report No CC10/10 be used to employ the necessary staff to enact the “Council Managed Model”, noting that these staff should be employed from within Council’s existing human resource pool where possible and appropriate.
6. The delegations for the various Section 377 Management Committees be withdrawn as the handover of facility management occurs between Management Committees and Council.
7. Existing Section 377 Management Committees be invited to form Advisory Committees for their particular Centre.
8. All funds currently held in Management Committee bank accounts be returned to Council by the end of April 2010 and be placed in an internally restricted account for use exclusively on upgrading community facilities, noting that currently approved capital projects should continue to be progressed.
9. Council staff work with Management Committees/Advisory Committees to prepare a capital development options list for their facility. The final list is to be provided to Council within 12 months for the endorsement of a priority capital works schedule.
10. Council staff proceed with the necessary arrangements to centralise a telephone and online booking system for all community and cultural facilities as a priority project.
11. The Community, Cultural and Recreation Facilities Task Force receive regular updates in respect of the progress of the hand over to Council of each facility.

DAVID JOHNSTON  
Manager - Community Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

1. Options for Future Management of Committees
2. Description of Model of Management

File Reference: F2004/06390  
Document Number: D01244091

## **4 INVESTMENT AND BORROWING REPORT - PERIOD ENDING JANUARY 2010**

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### **EXECUTIVE SUMMARY**

Council is provided with a monthly report summarising current general economic conditions which may have an impact on investment returns. The report includes a schedule detailing Council's investments and borrowings and highlights the monthly and year to date performance of the investments. In this regard, investments are generally held for the medium to long term.

This Report indicates that the total investment income for the period ending January 2010 was \$846,000 compared to the 2009/10 budgeted income for the same period of \$525,000. Of the year to date investment income earned, 32% relates to externally restricted funds such as Section 94, and is required to be allocated to those funds.

In line with advice provided to Council at the February 2010 Ordinary Meeting (refer Report No CC2/10), a review of CDO investments was undertaken to determine opportunities which existed for the reinvestment of available funds in other relevant products. Two CDO products in particular (Cargo and Endeavour) were reviewed as they had experienced improved valuations, due to some recovery in credit markets, which could be realised in the financial markets. The Finance and Strategy Task Force, at its February 2010 meeting, indicated its support in proceeding to sell the CDO's Cargo and Endeavour in line with offers available at the time. This will reduce Council's exposure to CDO products.

### **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 Policy and Strategy (most recently reviewed by Council at its 8 April 2009 Ordinary Meeting).

### **DISCUSSION**

#### **Council's Investment Performance - January 2010**

- The At-Call and Term Deposits achieved an annualised return of 4.83% for the month compared to the benchmark of 3.75%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market return of negative 30.94% for the month compared to the benchmark of negative 30.73%. This fund has a 70% allocation to growth assets. Short term performance is expected to be volatile and the investment should be viewed over the longer term.
- Floating Rate Notes (FRNs) are bonds that have a variable coupon equal to a money market reference rate. This FRN investment achieved an annualised return of 6.15% for the month compared to the benchmark of 4.16%.

- Direct investments in CDO's achieved an annualised return of 4.47% for the month compared to the benchmark of 4.16%.
- The Capital Guaranteed Notes achieved an annualised return of 0.26% for the month compared to the benchmark of 4.16%. Due to poor performance over recent months the Capital Protected Notes coupons, with the exception of the Longreach PIU Fund, have not been accrued.
- For total investments, the annualised return for the month is 2.73% compared to the benchmark of 2.80%; and the year to date return after fees is 3.92% compared to the benchmark of 3.85%.

In respect of CDO's, Report No CC2/10 was considered by Council at the February 2010 Ordinary Meeting and provided advice about a review being undertaken which could lead to a decision to reinvest available funds in other relevant products. The review assessed two CDO products known as Cargo and Endeavour as they had experienced improved valuations, due to some recovery in credit markets, which could be realised in the financial markets. In consultation with Council's Investment Advisor it was considered prudent for Council to reduce its risk and sell these products. At its February 2010 meeting, the Finance and Strategy Task Force indicated its support in proceeding to sell the CDO's Cargo and Endeavour in line with the offers available at the time such that it would reduce Council's exposure to CDO products. The prices received were 83.1 cents in the dollar for the CDO Cargo and 65.25 cents in the dollar for the CDO Endeavour.

### **Economic/Financial Conditions**

#### ***Statement by Glenn Stevens, Governor: Monetary Policy Decision - 2 February 2010***

*At its meeting today, the Board decided to leave the cash rate unchanged at 3.75 per cent.*

*The global economy is growing, and world GDP is expected to rise at close to trend pace in 2010 and 2011. The expansion is still likely to be modest in the major countries, due to the continuing legacy of the financial crisis, resulting in ongoing excess capacity. In Asia, where financial sectors are not impaired, recovery has been much quicker to date, though the Chinese authorities are now seeking to reduce the degree of stimulus to their economy. Global financial markets are functioning much better than they were a year ago. Credit conditions nonetheless remain difficult in the major countries as banks continue to face loan losses associated with the period of economic weakness. Concerns regarding some sovereigns have increased.*

*In Australia, economic conditions have been stronger than expected, after a mild downturn a year ago. The effects of the fiscal stimulus on consumer demand have now faded, but household finances are being supported by strong labour market outcomes and a recovery in net worth. Public infrastructure spending is now boosting demand, as is an upturn in housing construction. Investment in the resources sector is strong. The rate of unemployment appears to have peaked at a much lower level than earlier expected.*

*Inflation has, as expected, declined in underlying terms from its peak in 2008, helped by the fall in commodity prices at the end of 2008, a noticeable slowing in private-sector labour costs during 2009, the recent rise in the exchange rate and a period of slower growth in demand. CPI inflation has risen somewhat recently as temporary factors that had been holding it down are now abating. Inflation is expected to be consistent with the target in 2010.*

*Credit for housing has been expanding at a solid pace, and dwelling prices have risen significantly over the past year. Business credit, in contrast, has continued to fall, as companies have sought to reduce leverage, and lenders have imposed tighter lending standards*

*and in some cases sought to scale back their balance sheets. The decline in credit has been concentrated among large firms, which generally have had good access to equity capital and, more recently, to debt markets; credit conditions remain difficult for many smaller businesses.*

*With the risk of serious economic contraction in Australia having passed, the Board had moved at recent meetings to lessen the degree of monetary stimulus that was put in place when the outlook appeared to be much weaker. Lenders have generally raised rates a little more than the cash rate over recent months and most loan rates have risen by close to a percentage point. Since information about the early impact of those changes is still limited, the Board judged it appropriate to hold a steady setting of monetary policy for the time being.*

*Interest rates to most borrowers nonetheless remain lower than average. If economic conditions evolve broadly as expected, the Board considers it likely that monetary policy will, over time, need to be adjusted further in order to ensure that inflation remains consistent with the target over the medium term.*

### **Borrowings**

In respect of borrowings, the weighted average interest rate payable on loans taken out from 2000 to 2009, based on the principal balances outstanding, is 6.69%. The Borrowings Schedule, as at 31 January 2010, is attached to this Report.

### **BUDGET**

Total investment income for the year to date ending January 2010 was \$846,000. The budgeted income for the period was \$525,000. Of the investment income, approximately 32% relates to external restrictions (Section 94) and is, therefore, restricted. A variation to the investment budget will be considered in the March 2010 Budget Review.

### **POLICY**

All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation 2005 and Council's Investment Policy and Strategy.

### **CONSULTATION**

Initial investments and reallocation of funds are made where appropriate, after consultation with Council's financial investment adviser and fund managers.

### **TRIPLE BOTTOM LINE SUMMARY**

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

Council's Investment Strategy does recognise, however, the desirability of "ethical" or "socially responsible" investments and has invested in such products in the last year. These are referenced in the Investment Portfolio in Attachment 1. Council will continue to review new products, subject to funds availability and asset allocation and credit quality parameters contained in the Strategy.

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT the contents of the Executive Manager's Report No CC11/10 be received and noted.

GLEN MAGUS  
Manager - Financial Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

1. HSC Investment Portfolio as at 31 Jan 2010
2. HSC Borrowings Schedule as at 31 Jan 2010

File Reference: F2004/06987  
Document Number: D01334599



## 5 LOAN RAISING - 2009/10 BUDGET

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### 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 2009/10 Budget, loan proceeds of \$2 million were included. This Report seeks Council approval to borrow that amount by 30 June 2010.

### PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council approval to borrow \$2 million to part fund 2009/10 capital expenditure. The funds are identified as being allocated to local road improvements, oval reconstruction, reserve and community building improvements.

### DISCUSSION

According to the Department of Local Government Comparative Information publication for 30 June 2008, Council had a debt service ratio of 4.66% compared to the average of all NSW councils in Category 7 of 6.25%. Although no later comparative information has been published by the Department, it is noted that Council's debt service ratio as at 30 June 2009 was 4.61% and is estimated to be 4.70% at 30 June 2010.

Council's projected 2009/10 Net Operating and Capital Position after Funding Movements, calculated as at 31 December 2009, is a surplus of \$10,202. This projected position includes income from loan proceeds of \$2 million. It is proposed, therefore, that a loan of \$2 million be drawn down by June 2010. 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 \$2 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 2010, after the necessary documentation has been executed.

### **BUDGET**

The 2009/10 Budget includes a loan raising of \$2.0 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 2009/10 Budget, which includes these proposed loan borrowings, was adopted in June 2009 after a statutory period of consultation

### **TRIPLE BOTTOM LINE SUMMARY**

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

### **RESPONSIBLE OFFICER**

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

### **RECOMMENDATION**

THAT:

1. Council approve the raising by June 2010 of a loan from external sources for an amount of \$2.0 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 \$2.0 million loan referred to in Report No CC12/10.

GLEN MAGUS  
Manager - 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: D01334630

## **6 OUTSTANDING COUNCIL RESOLUTIONS**

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### **EXECUTIVE SUMMARY**

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

### **PURPOSE/OBJECTIVE**

The purpose of this Report is to provide details in respect of resolutions adopted by Council up until the end of November 2009 which have not been substantially implemented.

### **DISCUSSION**

In accordance with the Council Resolutions Policy, each Division has carried out a review of any resolutions adopted by Council up until the end of November 2009 which have not been substantially implemented. This has resulted in the attached spreadsheet being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

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

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

### **BUDGET**

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

### **POLICY**

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

### **CONSULTATION**

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

**TRIPLE BOTTOM LINE SUMMARY**

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

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Administration Coordinator – Natalie Cook who can be contacted on 9847 6011.

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. CC13/10 be received and noted.

ROBYN ABICAIR  
Manager - Administration Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

1. Outstanding Council Resolutions - as at 30 November 2009

File Reference: F2005/00112  
Document Number: D01335538

## 7 REVIEW OF HORNSBY MALL CODE

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### EXECUTIVE SUMMARY

At the 9 December 2009 Ordinary Meeting (see Report No CC94/09), Council resolved to adopt and publicly exhibit the revised draft Hornsby Mall Code for a minimum period of 28 days. Council also resolved that, following the expiration of the exhibition period, a further report including details of any submissions received, be provided for its consideration.

The revised draft Code was placed on public exhibition during January/February 2010 with an invitation for the community to lodge submissions concerning its contents by 5.00pm on Monday 22 February 2010. At the time of writing this Report a total of four submissions had been received.

This Report provides comments on the submissions received and recommends adoption of the revised draft Hornsby Mall Code incorporating amendments made following an assessment of the submissions.

### PURPOSE/OBJECTIVE

The purpose of this Report is to provide details of submissions received in respect of the public exhibition of the revised draft Hornsby Mall Code and to seek Council's adoption of the revised draft Code incorporating changes resulting from an assessment of those submissions.

### DISCUSSION

At the Ordinary Meeting held on 9 December 2009, Council considered Report No. CC94/09 - Review of Hornsby Mall Code - and resolved that:

- 1. The contents of Executive Manager's Report No CC94/09 be received and noted.*
- 2. Council adopt the revised draft Hornsby Mall Code, as attached to Executive Manager's Report No CC94/09, for the purpose of public exhibition for a minimum period of 28 days.*
- 3. Following the public exhibition period, a further report be prepared for Council's consideration providing details of any submissions received.*

The revised draft Hornsby Mall Code was subsequently placed on public exhibition with an invitation for interested parties to lodge submissions regarding the draft Code by 5.00pm on Monday 22 February 2010. At the time of writing this Report, four submissions (two external and two internal) had been received. Three of the four submissions are included as Attachment 2 to this Report. The fourth submission, received from within Council, has not been included as an attachment as it only contains details of a number of minor typographical errors and seeks clarification in respect of certain parts of the document. The errors identified have been corrected in the amended Code which is included as Attachment 1.

## Comments on Submissions

### Submission One

#### *Busking (Section B.2.1.k)*

Busking is defined in the revised Hornsby Mall Code as “an entertainer, be it an individual or group who provides impromptu performances for the public by playing a musical instrument, dancing, singing, reciting, chanting, clowning or juggling, miming or doing acts of a similar nature.” Since adoption of the Hornsby Mall Code in 2001, busking has been a permissible activity within the Hornsby Mall providing enjoyment and entertainment to visitors and users of this important public space. This has also provided local musicians with a performance space to promote their musical and/or other entertainment talents at nominal cost. This submission has suggested that buskers be allowed to sell their own material on CDs. Officers believe that to allow buskers to sell their performance material on CDs represents a commercial activity and, as such, should only be allowed where a commercial activity permit has been obtained. In the circumstances, officers do not support amending this guideline of the revised Code.

#### *Markets (Section B.3.3.(v) f) and g))*

A Key Action under Strategy Six - A Hornsby Mall That Functions Well - contained within the adopted Hornsby Mall Strategic Management Plan (HMSMP) identified that a review of the provisions applying to permanent markets within the Hornsby Mall be carried out. The Strategy Six taskgroup, in undertaking a review of permanent markets, supported community feedback that the operation of more markets in the Mall should be encouraged. In addition, the taskgroup was also of the opinion that appropriate measures should be implemented to assist in minimising the impacts that an increase in market operations may have on existing businesses and visitors/users of the Hornsby Mall. Accordingly, the taskgroup considered that it would not be unreasonable to request a market operator to have regard to the needs of potential customers in terms of the availability of toilet facilities and car parking. The Strategy Six taskgroup has taken into account the comments provided in respect of these issues, and considers that Council’s overall objectives in terms of attracting more markets to the Hornsby Mall would not be adversely impacted by a minor amendment to this section of the Code. Such amendment would be to replace the existing paragraphs f) and g) with one single paragraph, such that the wording of the guidelines concerning toilet facilities and car parking under this activity reads as follows:

*“A market operator shall ensure that access to appropriate toilet and car parking facilities is available on market days and that market customers are advised of relevant location/s”.*

#### *Markets (Section B.3.3.(v) e))*

Taking into consideration the comments received in respect of this item regarding the difficulty in providing fire fighting equipment in a highly visible location, the Strategy Six taskgroup is of the opinion that Council’s interests would not be adversely impacted if this guideline was amended to read:

*“A market operator shall ensure that suitable first aid and appropriate fire fighting equipment is provided on site during each market day and will ensure that all stallholders conducting a potential fire risk activity possess appropriate fire fighting equipment.”*

## Submission Two

### *Commercial Filming*

Taking into consideration the comments provided in this submission about commercial filming, the Strategy Six taskgroup considers that this matter can be appropriately addressed through the inclusion of the following additional guideline under section C.2 Other General Guidelines of the revised draft Hornsby Mall Code:

*“All commercial filming in the Hornsby Mall shall be undertaken in accordance with the Local Government Filming Protocol 2009, subject to appropriate applications and consents being obtained prior to any filming.”*

### *Short Term Entertainment Events (Section B.2.11.d. xi. General)*

The Strategy Six taskgroup undertook a review of the provisions applying to the leasing and licensing of public space for short term activities within the Hornsby Mall and supported community feedback that the operation of short term entertainment events in the Mall should be encouraged. The taskgroup considered that in an attempt to encourage greater use of the Hornsby Mall for short term entertainment events it would be necessary to amend and incorporate a number of favourable incentives within the Code. Feedback received during the community consultation phase in the development of the HMSMP indicated that restrictions placed on set up and pull down times had, in the past, created difficulties for events holders. Following discussions with a number of key event stakeholders appropriate guidelines were incorporated by the taskgroup into the revised Code to assist in attracting more short term entertainment to the Mall.

Having regard to the above, the taskgroup considers that this guideline should not be amended as suggested by this submission.

### *Short Term Entertainment Events (Section B.2.11.d. xi. General) Toilets and Carparking*

As alluded to earlier within this Report, while the Strategy Six taskgroup encourages greater use of the Hornsby Mall for short term entertainment activities, there should also be safeguards to minimise the impacts that such activities may have on existing businesses and visitors/users to the Hornsby Mall. Accordingly, the taskgroup considers that Council's overall objectives in terms of attracting more short term entertainment events to the Hornsby Mall would not be adversely impacted if the wording of the guidelines concerning toilet facilities and car parking under this activity was replaced by the following:

*“A permit holder shall ensure that access to appropriate toilet and car parking facilities is available and that event participants are advised of relevant location/s”*

## Submission Three

A number of suggestions provided in this submission appear to relate to matters outside the parameters and guidelines of the revised Hornsby Mall Code. Comments about the submission have, therefore, been limited to those matters which relate directly to the operation of the Hornsby Mall Code.

As the Hornsby Mall was developed primarily for pedestrian use, officers are of the opinion that to allow activities such as bike riding and skateboarding, as suggested by the respondent,



has undesirable safety implications for pedestrians. Accordingly, officers are not supportive of allowing such activities to be undertaken within the Hornsby Mall. The respondent's comments concerning trees and seating are issues identified within the HMSMP for consideration by the Strategy Four – A Beautiful Hornsby Mall – taskgroup in due course.

It is noted that during the public exhibition period, officers identified that certain minor amendments and additions were required to clarify a number of the guidelines set out in the revised draft Code. In addition, officers considered that some further enhancements should also be incorporated into the layout of the document. Accordingly for ease of reference officers have incorporated all proposed amendments to the revised draft Code in the document included as Attachment 1 with amendments shown in *track changes*.

### **Conclusion**

Having regard to the comments provided above, it is considered that adoption of the revised draft Hornsby Mall Code, in line with the document included as Attachment 1 to this Report, will not only clarify and reduce ambiguity in respect of the requirements applying to activity users in the Mall, but also encourage greater use of this prime community space for the benefit of users and visitors to the Shire.

### **Schedule of Fees for Activities in the Hornsby Mall**

As previously reported, the revised draft Hornsby Mall Code incorporates a number of additional guidelines to encourage wider activity use in the Hornsby Mall. At the 17 March 2010 meeting, Council will also consider Report CC15/10 which seeks approval to place Council's Draft 2010/11 Fees and Charges on public exhibition. The document to be publicly exhibited incorporates a schedule of fees to apply to the various activities set out within the revised draft Hornsby Mall Code.

### **BUDGET**

There are no budgetary implications associated with this Report.

### **POLICY**

This report has consideration to Council's Public and Community Input Policy. No other Policies are affected by this Report.

### **CONSULTATION**

The revised draft Hornsby Mall Code was placed on public exhibition in line with the protocols of Council's Public and Community Input Policy for a minimum period of 28 days. Advertisements were placed in the Council column of the Hills News, Northern District Times and the Hornsby and Upper North Shore Advocate on 12, 13, 14, 19, 20, 21, and 28 January 2010 informing the community that the revised draft Code would be available for viewing at various locations, with an invitation for submissions to be lodged with the General Manager by the closing date of 22 February 2010.

Letters, attaching a copy of the revised draft Code, were also sent to the operator of the Organic Market in the Hornsby Mall and to Westfield Hornsby advising them of the public exhibition process and inviting lodgement of submissions by the closing date. A copy of the

revised draft Code was also included on Council's intranet for the benefit and comment of staff.

### **TRIPLE BOTTOM LINE SUMMARY**

The Triple Bottom Line is a framework for improving Council's decisions ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. If Council was to proceed with the recommendations proposed in the Report, Council's endorsement of the revised Hornsby Mall Code would contribute to the following strategic themes:

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

### **RESPONSIBLE OFFICER**

The officers responsible for the preparation of this Report are the Manager, Administration Services Branch Mrs Robyn Abicair, and the Manager, Commercial Property Mr Rod Drummond who can be contacted on 9847 6608 and 9847 6589 respectively.

### **RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC14/10 be received and noted.
2. Council adopt the Hornsby Mall Code, as shown in Attachment 1 to Report No. CC4/10, subject to the incorporation of the deletions and additions shown in *track changes*.

ROD DRUMMOND  
Manager - Commercial Property  
Corporate and Community Division

ROBYN ABICAIR  
Manager - Administration Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

### **Attachments:**

1. Revised Draft Hornsby Mall Code November 2009
2. Submissions concerning the revised draft Hornsby Mall Code

File Reference: F2005/00289  
Document Number: D01343476

**8 HORNSBY SHIRE COMMUNITY PLAN 2010- 2020, DELIVERY PROGRAM 2010 - 2014 AND OPERATIONAL PLAN INCLUDING BUDGET AND FEES AND CHARGES 2010/11 - ADOPTION OF DRAFT DOCUMENTS FOR PUBLIC EXHIBITION**

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**EXECUTIVE SUMMARY**

Hornsby Shire Council, in moving towards the Division of Local Government's (DLG) Integrated Planning and Reporting Framework, has undertaken its business planning processes using the DLG Framework. The outcomes are documented in the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, including Operational Plan 2010/11 which incorporates the Budget and Fees and Charges for 2010/11. Copies of the draft documents will be provided under separate cover.

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 draft Delivery Program 2010 – 2014 is Council's response to the aspirations in the Community Plan. The Delivery Program includes the annual Operational Plan and contains detail regarding the proposal to seek a special variation to general income (an infrastructure levy) of 5.8%, to be implemented in July 2010 for a term of 20 years, to address the major issue facing the Shire of ageing infrastructure.

Budget information is provided at the organisational level as well as at Branch levels, in a format comparable to the statutory General Purpose Financial Reports. Supporting information includes an expanded Rating Statement both with and without the proposed infrastructure levy. Constraints in preparing the Budget are also identified.

The draft Delivery Program 2010 - 2014 and Operational Plan 2010/11 are based on the announced rate increase of 2.6%. This is less than the percentage increase required for financial sustainability particularly in light of the increasing costs of materials such as oil and bitumen and increased street lighting charges well above the rate pegging allowance. It is also below the expected increase in costs of major expenditure items and places considerable pressure on council's ability to maintain services at existing levels.

The draft 2010/11 Annual Budget provides for an estimated surplus of \$19,940.

Following Council's adoption of the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 -2014 and Operational Plan 2010/11 and incorporated documents, the documents will be exhibited for comment from 18 March to 19 April 2010. The exhibition period allows members of the public, as well as Councillors and staff, to make submissions in respect of the contents of the draft documents, including the proposed infrastructure levy.

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, from Thursday 18 March to Monday 19 April 2010, the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, including Operational Plan 2010/11 which incorporates the Budget and Fees and Charges for 2010/11.

## **DISCUSSION**

Hornsby Shire Council is moving towards the Division of Local Government's (DLG) Integrated Planning and Reporting Framework. At its essence, the Framework encourages councils to undertake longer term thinking and planning based on community aspirations for the future.

In the past, Council's management planning processes focussed on Council's ability to provide services in the medium (3–4 year) term based on Council's financial and professional knowledge. The Integrated Planning Framework approaches management planning from the paradigm of community aspirations and preferences. It requires that the community be presented with the key issues and challenges facing the Shire in order that the community can have deliberative input into how Council, other government agencies and the community will respond to those issues and challenges. The aspirations of the various communities that make up the Shire are contained in the ten year Community Plan. Council's response is documented in the four year Delivery Program and the annual Operational Plan which contains the Budget.

### **Draft Hornsby Shire Community Plan 2010 –2020**

The draft Hornsby Shire Community Plan 2010 – 2020 represents a strategy for the future of Hornsby Shire. It is the highest level Council plan and it sets the direction for where the people of the Shire want to be in 2020. The Hornsby Shire Community Plan is the outcome of many consultations held in the second half of 2009 and the first half of 2010. The consultations were designed to ensure that all groups and various geographical areas of Hornsby Shire had opportunities for consultation and engagement. The draft Community Plan is presented as both a 32 page document and a summary brochure.

### **Draft Delivery Program 2010 – 2014**

The draft Delivery Program 2010 – 2014 is Council's response to the aspirations in the Community Plan. The Delivery Program describes the principal activities to be undertaken by Council to implement 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. Incorporated into the draft Delivery Program is the annual Operational Plan (including budget) for 2010/11. The proposed Fees and Charges for 2010/11, although presented as a separate document, are an integral part of the resourcing strategy that enables the Delivery Program to be executed.

The draft Delivery Program also contains detailed information regarding Council's proposed infrastructure levy including a rating statement with and without the levy, the rationale for the application to the Minister for Local Government and the capital works proposed to be funded by the proposed infrastructure levy.

### **The Budget for 2010/11**

Council staff commenced preparation of the 2010/11 Budget in December 2009 on receipt of Budget parameters approved by Council's Executive Committee (ExCo).

To minimise some of the impacts of the constraints and considerations outlined later in this Report, and to avoid excessive demands which could not be met, the parameters approved by ExCo included:

- A nil increase to Divisional expenditure (net of direct labour). As a consequence, this means that those activities that do not have a direct labour component have had their allocations frozen at the same dollar amount for the past five budgets. This cannot continue without adversely impacting on service delivery.
- The use of Council staff where possible to undertake Section 94 Development Contributions projects and other funded projects.
- New projects to be included in phase-up requests rather than be included in the draft Budget.
- Direct salaries and wages to include an estimated 3% increase from November 2010 (Local Government Award related) and 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. On the announcement of the rate pegging allowance the estimated labour increase was decreased from 3% to 2.6%.
- An anticipated rate increase of 2.9% - noting that the Minister for Local Government announced the rate increase of 2.6% on 13 February 2010.

In order to maintain tight control over expenditure levels in the budget process, advice was provided to budget managers that no increase was able to be applied to operating budget 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.

An informal Councillor workshop was held on Wednesday 24 February 2010 to review the format and intent of the draft Community Strategic Plan 2010 – 2020 and the draft Delivery Program 2010 – 2014, including the Operational Plan. This workshop enabled Councillors to review the draft 2010/11 Budget details. Councillors assessed the financial position taking into account service delivery commitments, the Long Term Financial Plan and the key challenges posed by ageing infrastructure. Councillors noted the significant unfunded capital programmes in excess of the phase-ups referred to above e.g. Hornsby Aquatic Centre, replacement of the pedestrian bridge over George Street, the need for additional sports fields, the Brickpit Sports Stadium and drainage enhancements.

The current draft Budget for 2010/11, shows a surplus of \$19,940. The financial constraints referred to above required considerable effort from staff and Councillors in order to achieve this result.

The most significant of initiatives to provide a balanced 2010/11 Budget involve:

- The review of services to achieve a minimum reduction in expenditure of \$620K. The consequences of this review cannot be determined at this stage, but staff and the community will be informed of the decisions that may affect them.
- Operational expenditure budgets reduced by \$250K. This has involved reducing items such as printing, stationery, subscriptions, publications, postage, catering and other miscellaneous expenses.

An important project associated with the preparation of the 2010/11 Budget has been the Long Term Financial Plan covering a ten year period. This document contains detailed financial information in respect of Council's key financial statements and an assessment of key financial performance indicators covering a ten year period.

### ***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.

### ***Loans***

The Budget includes loan proceeds of \$2 million which is the same amount as in 2009/10. Prior to 2007/08, Council had an annual loan programme of \$1 million. For each \$1 million borrowed, Council is required to apply approximately \$160,000 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 principal and interest repayments over the term of the loan.

\$1 million of the loan proceeds for 2010/11 is proposed to be used to fund the Local Road Improvement Programme. Council's policy on loan borrowings allows for loan funds to be utilised for funding capital projects where intergenerational equity is provided to ratepayers e.g. libraries, roads, flood mitigation projects etc. The Local Road Improvement Programme meets this objective.

The additional \$1 million of loan borrowings for 2010/11 is proposed to be used to upgrade specific infrastructure assets. Infrastructure replacements and upgrades were recommended in the Independent Inquiry into the Financial Sustainability of NSW Local Government published in 2006 (the Allan Report).

### **An infrastructure levy**

Based on community feedback from extensive engagement and consultation activities the Councillors, at a workshop in February, confirmed their intent to seek approval from the Minister for Local Government for a special variation to general income of 5.8% above the rate peg to improve Hornsby's ageing infrastructure and build new facilities to meet the changing needs of the community.

The special variation proposed is 5.8% of the combined Ordinary (residential, farmland, business and CBD business) Rate and the Catchments Remediation Rate. The term of the

special variation to general income is 20 years in order to align with the proposed loan period and be less than the anticipated life of the new and improved assets funded by the special variation. If approved, the special variation to general income would be known as an infrastructure levy, and commence in July 2010 for 20 years.

The purpose of the proposed infrastructure levy would be to fund the three priority projects of:

- Replacement of the Hornsby Aquatic Centre
- A new pedestrian overbridge across George Street
- The provision of additional passive and active recreation space at Old Mans Valley

Councillors also recognised the community desire to nominate ward specific projects and, therefore, proposed the total allocation of \$1,500,000 per ward in the first two years of an infrastructure levy. The projects to be funded would be determined by ward Councillors in collaboration with their constituents and according to project assessment criteria which would include triple bottom line principles and take account of ongoing financial and maintenance implications. Local projects suggested by the community include:

- Extension to the Brickpit Stadium
- Stormwater drainage improvements
- Upgrades to Epping and Galston pools
- Improvements to community buildings
- Footpath upgrades
- Improved disabled access
- Town Hall/Performing Arts Centre
- Learn to swim facility at Berowra
- Bike and skateboard parks
- Bike tracks and trails
- Improvements to amenities at local ovals
- Upgrades to playgrounds

Councillors are aware of the financial burden for pensioners and, therefore, propose a \$10 rebate for pensioners and others eligible for financial relief in accordance with Council's Hardship Policy.

If the special variation is approved, Council will report progress in a variety of ways, including in the Annual Report to the Community and on Council's website, so that those with an interest are able to easily find the information and make comment.

Community comment and feedback regarding the proposed infrastructure levy has been collected and collated since January 2010 in order to provide the Minister for Local Government with valid data reflective of community opinion. Submissions received during the proposed further exhibition period from 18 March to 19 April 2010 will be included in the data forwarded to the Minister at the end of the exhibition period.

### **Rating Structure**

Council most recently reviewed its rating structure at the April 2006 Ordinary Meeting via Report No CC20/06 and that structure has applied in respect of the calculation of the 2006/07, 2007/08, 2008/09 and 2009/10 rates. It is recommended that the same rating structure continue in 2010/11.

Details of the rate 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 2.6% rate increase announced by the Minister for Local Government on 13 February 2010.

The base amount for ordinary residential and farmland rates will increase from \$390 in 2009/10 to \$425 in 2010/11. The Valuer General supplied Council with new land values for properties across the Shire as at 1 July 2008. These values will be used for three financial years i.e. for 2009/10, 2010/11 and 2011/12.

In respect of the Catchments Remediation Rate and the Hornsby Quarry Loan Rate, the increased income for 2010/11 represents the application of the 2.6% rate increase.

Council established its intent to seek a special variation to general income of 5.8%, which if approved, will commence in July 2010. The term of the special variation will be 20 years. The purpose of the special variation is to fund improvements to the ageing infrastructure and build new facilities to meet the changing needs of the community. The special variation will be known as an infrastructure levy.

### **BUDGET**

The budget implications are discussed in the section titled 'Budget' in the body of the report.

### **POLICY**

The draft Hornsby Shire Community Plan 2010 – 2020 and Delivery Program 2010 – 2014 assists and documents the future direction of Council.

### **CONSULTATION**

The draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11 have been compiled after considerable community engagement with many of the communities in the Shire, and detailed discussion with relevant staff, taking into account the key issue for Councillors, together with phaseups/issues nominated by staff and Councillors leading up to and during the Budget meetings.

The formal exhibition period is scheduled from Thursday 18 March to Monday 19 April 2010, however community comment and feedback regarding one aspect of the Community Strategic Plan, namely the proposed infrastructure levy, has been collected and collated since January 2010. Comments received during the formal exhibition period will be added to the data collected prior to formal exhibition for submission to the DLG.

A copy of the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11 will be forwarded to various individuals, community groups, progress associations and Chambers of Commerce together with a letter inviting comment.

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



**TRIPLE BOTTOM LINE SUMMARY**

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors.

The draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014 and draft Operational Plan 2010/11 are aligned to Council's strategic themes which are based on triple bottom line principles plus governance.

A Community Strategic Plan, including a special variation to general income to fund infrastructure improvements, will contribute to community development through the provision of sustainable facilities and services by enhancing the amenity and use of recreation facilities and public open space.

Enabling the community, in collaboration with Councillors, to influence the selection of projects in each ward encourages community pride in their area. This proposal will also have a positive impact on the use of existing infrastructure by upgrading and improving the functionality and public safety of civil assets. The proposed rate variation will also enable Council to maintain its assets in a financially viable manner.

**RESPONSIBLE OFFICER**

The Manager Financial Services, Glen Magus, and the Manager Corporate Strategy, Julie Williams are responsible for matters relating to the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11. They can be contacted on 9847-6635 and 9847-6790 respectively.

**RECOMMENDATION**

THAT Council

1. Adopt for public exhibition the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11, and those documents be available for public comment from 18 March 2010 to 19 April 2010.
2. Adopt for public exhibition the rating information contained in the draft Delivery Program 2010 – 2014, based on the announced 2.6% rate pegging increase, including the rates yield in percentage terms per rating category for 2010/11 as set out in the draft Delivery Program 2010 – 2014.
3. Adopt for public exhibition the proposal to seek a special variation to general income under Section 508(2) of the Local Government Act 1993. The special variation is to be 5.8% of the combined Ordinary (residential, farmland, business and CBD business) Rate and the Catchments Remediation Rate and the term of the special variation to general income to be 20 years.
4. Lodge an application for a special variation to general income under Section 508(2) of the Local Government Act 1993 before 26 March 2010, and lodge updated information regarding community consultation before 23 April 2010.

5. Levy the Catchments Remediation Rate for 2010/11 on all rateable land in the Shire in accordance with ad valorem rates set out in the draft Delivery Program 2010 – 2014.
6. Levy the Hornsby Quarry Loan Rate for 2010/11 on all rateable land in the Shire.
7. Following the public exhibition period, and after consideration of all submissions, the draft Hornsby Shire Community Plan 2010 – 2020, draft Delivery Program 2010 – 2014, draft Operational Plan including Fees and Charges 2010/11 be referred to Council for further consideration and adoption before 30 June 2010.

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

ROBERT BALL  
General Manager  
General Manager Division

**Attachments:**

1. Draft Hornsby Shire Community Plan 2010-2020
2. Draft Hornsby Shire Community Plan Summary Brochure
3. Draft Delivery Program 2010-2014
4. Draft Fees and Charges 2010-2011

File Reference: F2009/00024-02  
Document Number: D01349065

## 9 WALLAROBBA ARTS AND CULTURAL CENTRE - UPDATE ON PROGRESS

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### EXECUTIVE SUMMARY

At the August 2009 Ordinary Meeting, Council resolved to re-purpose the Willow Park Community Centre as the Wallarobba Arts and Cultural Centre. In making this decision, Council chose not to renew the leases of tenants at the Willow Park site and requested that Council staff provide assistance to the displaced tenants to assist them in identifying temporary short term accommodation which could be used whilst the displaced tenants identified and secured suitable longer term premises for their continued operations.

This Report seeks to update Council on the progress made to date on the adaptive reuse of the Willow Park site; provide an update on the accommodation options provided to community groups; and seeks Council's endorsement to license a portion of the vacant first floor space at the former Rural Fire Service Control Centre Building Galston Road, Hornsby Heights to St John Ambulance (Hornsby Ku-ring-gai).

### PURPOSE/OBJECTIVE

The purpose of this Report is to update Council on the progress of the development of the Wallarobba Arts and Cultural Centre and to seek Council's endorsement to license part of the former Rural Fire Service Control Centre building located at 141 Galston Road, Hornsby Heights to St Johns Ambulance (Hornsby Ku-ring-gai).

### DISCUSSION

Following extensive discussion and consultation by the Community, Cultural and Recreation Facilities Task Force, Council considered Report No CC55/09 which outlined a plan to re-purpose the Willow Park Community Centre (Homestead) as the Wallarobba Arts and Cultural Centre. Council resolved that:

- 1. The contents of Executive Manager's Report No. CC55/09 be received and noted.*
- 2. The Wallarobba Arts and Cultural Centre be developed at the existing site of the Willow Park Community Centre Homestead.*
- 3. Council not renew the leases of the existing tenants at the Willow Park Community Centre Homestead and provide them with eight weeks' written notice of termination from 30 November 2009.*
- 4. Hornsby Art Society be offered a lease of the rooms identified in the concept plan for the redeveloped Willow Park Community Centre Homestead under the relevant conditions of the Code for Lease/Licence of Council Land and Buildings by Community Groups, on the basis that the Society relinquishes their current tenancy of the Council owned property at 208 Pacific Highway, Hornsby.*

5. *On receipt of a written formal request by 18 September 2009 from any of the displaced tenants of the Willow Park Community Centre, Council staff provide assistance to them in identifying temporary short term accommodation which could be used whilst the displaced tenants identify and secure suitable longer term premises for their continued operations.*
6. *Further investigations be undertaken in respect of the potential sale of the Council owned property at 208 Pacific Highway, Hornsby to assist in the funding of Stage 2 of the Willow Park Community Centre project.*
7. *Council continue to undertake consultation with the community and potential user groups in relation to the use of existing community facilities for cultural development.*

The following actions have been undertaken in respect of each point of the resolution:

***The contents of Executive Manager's Report No. CC55/09 be received and noted.***

Updates on the progress of the re-purposing project have been discussed at monthly meetings of the Community, Cultural and Recreation Facilities Task Force.

***The Wallarobba Arts and Cultural Centre be developed at the existing site of the Willow Park Community Centre Homestead.***

An architectural firm has been engaged to undertake planning work associated with the renovation of the Willow Park Homestead to re-purpose it as an arts and cultural centre. This work will ensure that the heritage values of the site are maintained and enhanced and that the site can be retrofitted to successfully function as an arts and cultural facility. Work on the re-purposing of the site has been delayed due to the extension granted until 31 March 2010 for existing tenants to move out of the Centre (see MM No 16/09 – December 2009 Ordinary Meeting).

***Council not renew the leases of the existing tenants at the Willow Park Community Centre Homestead and provide them with eight weeks' written notice of termination from 30 November 2009.***

Tenants of Willow Park Homestead were originally given notice to vacate the premises from 30 November 2009. Subsequent to this, Council considered Mayoral Minute No 16/09, and resolved that:

1. *Upon receipt of a written request from an affected tenant, the effective date of the termination of their tenancy at Willow Park Community Centre be extended until 31 March 2010.*
2. *In recognition of such an extension being granted, the tenants will be required to acknowledge that no further extensions to the effective date of termination will be considered.*

All affected tenants subsequently applied for an extension to the termination of their tenancy at Willow Park Community Centre until 31 March 2010. This request has been actioned and tenants formally advised of their new lease termination date.

***Hornsby Art Society be offered a lease of the rooms identified in the concept plan for the redeveloped Willow Park Community Centre Homestead under the relevant conditions of the Code for Lease/Licence of Council Land and Buildings by Community Groups, on the***

***basis that the Society relinquishes their current tenancy of the Council owned property at 208 Pacific Highway, Hornsby.***

Lease negotiations have commenced with the Hornsby Art Society concerning their future use of space within the Wallarobba Arts and Cultural Centre. The Hornsby Arts Society will remain in occupation at 208-226 Pacific Highway, Hornsby under the holding over provisions of their expired lease until completion of renovations to the Willow Park Homestead and formalisation of the terms of their occupation within the new Arts and Cultural Centre.

***On receipt of a written formal request by 18 September 2009 from any of the displaced tenants of the Willow Park Community Centre, Council staff provide assistance to them in identifying temporary short term accommodation which could be used whilst the displaced tenants identify and secure suitable longer term premises for their continued operations.***

Requests have been received from all displaced tenants regarding assistance with their temporary re-accommodation whilst they source longer term accommodation options themselves. The following update is provided on the tenants in question:

- Council officers have been advised that the Breakthrough Church have found alternate accommodation at the PCYC Centre for Performing Arts. Breakthrough Church have vacated the Willow Park site.
- Hornsby and District Chamber of Commerce and Industry (now Hornsby Business Alliance) were requested to provide details of their specific space requirements to enable further investigations to be undertaken with the assistance of local real estate agents. At the time of writing, no response has been received from the Business Alliance concerning future accommodation requirements.
- Computer Pals for Seniors (Hornsby) inspected a number of Council properties that were available for hire and have ultimately applied for the regular hire of Asquith Leisure and Learning Centre. Arrangements are being made to have the group commence operations at the new site in the near future.
- St John Ambulance (Hornsby Ku-ring-gai) have inspected vacant space in the former Rural Fire Service Control Centre building at 141 Galston Road, Hornsby Heights and have written to Council expressing their strong interest in occupying a portion of the space. The potential use of this space by the group is dealt with later in this Report.

***Further investigations be undertaken in respect of the potential sale of the Council owned property at 208 Pacific Highway, Hornsby to assist in the funding of Stage 2 of the Willow Park Community Centre project.***

Investigations are continuing to be undertaken in relation to the potential sale of Lot 99, 208-226 Pacific Highway, Hornsby. The Community, Cultural and Recreational Facilities Task Force, and Council as appropriate, will be kept informed as these investigations proceed.

***Council continue to undertake consultation with the community and potential user groups in relation to the use of existing community facilities for cultural development.***

This is occurring on an ongoing basis.

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**St John Ambulance - request to licence three rooms within the former Fire Control Centre - 141 Galston Road, Hornsby Heights**

St John Ambulance (Hornsby/Ku-ring-gai) have expressed an interest in occupying three rooms on the first floor of the building formerly used as the Fire Control Centre. The Rural Fire Service (RFS) has advised that the rooms are surplus to their requirements following the commissioning of the new Fire Control Centre at Cowan in December 2009.

The three rooms comprise a total floor area of approximately 75 square metres and are accessible from both an external and internal stair case. The RFS has offered shared use of the toilets and kitchen facilities as well as access to a larger training room on a booking basis (whereby the RFS retains priority usage). As it will not be possible to garage their vehicles at this location, it should be noted that St John wish to retain their current use of the space located at the rear of Council property at 28-44 George Street, Hornsby which they have occupied since 1995 under a month to month licence agreement on a fee free basis.

The former RFS Control Centre building is located within Crown Reserve R90697 identified for bush fire brigade purposes, with Council the appointed Reserve Trust Manager. The land is currently zoned Residential A - Low Density in the Hornsby Shire Local Environmental Plan 1994. Advice has recently been received from the Land and Property Management Authority that, as the proposal supports multiple usage objectives for Crown Land, the Authority, upon receipt of a written submission, would be willing to consider the inclusion of an additional use classification to allow St John Ambulance to occupy space within the Reserve. Accordingly, should Council be supportive of allowing St John to occupy space within the former Fire Control Centre, officers will submit an appropriate application seeking the inclusion of an additional use classification.

It is noted in their letter that St John Ambulance is a charity that exist solely to serve the community. The fees generated from offering public first aid courses are used to maintain vehicles and supplies needed to provide first aid support in the community. St John has indicated an ability to pay a share of utility costs incurred in respect of the former Fire Control centre building.

Having regard to the existing use of the property, the provisions contained within Council's Code for the Lease/License of Council Land and Buildings to Community Groups do not currently apply to this property. As such, no assessment of an application has taken place under this Code. Following consultation with a local real estate agent, and after taking into consideration the restrictive use of the land, an appraisal of the current market rental that would apply to the space has been obtained in the amount of \$2,500.00 per annum inclusive of GST. In the circumstances, officers consider that, should Council be supportive of St John's proposal, Council's interests would not be adversely affected if a licence of the three rooms, located on the first floor of the former Fire Control Centre at Hornsby Heights was granted to St John for a period of five years subject to the following:

Use:	Administration and training rooms for St John Ambulance (Hornsby/Ku-ring-gai)
Hours of Use:	Monday to Sunday (inclusive) from 8:00am to midnight and as needed during major events.
Licence Fee:	\$2,500 per annum inclusive of GST
Fee review:	Annually, in accordance with the movement in the CPI.
Operating costs:	Contribution to costs associated with electricity and water usage incurred in respect of the building on an area occupied basis. Responsible for the installation and costs associated with telephone lines and calls.
Insurance:	Public Liability Insurance, with an indemnity of \$20 million

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Legal Costs:	Payment of 50% of the licence preparation costs
General:	St John Ambulance (Hornsby/Ku-ring-gai) accepting the space in its current condition.

St John currently provides first aid services at a number of Council hosted community events each year. In general, a donation is typically given by Council as a payment for service. As described in their letter, these donations go towards the continued operation of the organisation. Historically, donations from the Community Services Branch and Community Relations Branch to St John Ambulance for attendance at community events have typically been in the order of \$50 to \$300 per event depending upon the length and timing of the event. An average donation is probably in the order of \$100 per event. As such, it is considered that St John Ambulance could pay their annual fee by the provision of “in kind” first aid services at no less than 20 Council events in any financial year.

Taking into consideration the comments provided above, and given that St John Ambulance have emphasised their status as a charity in their proposal and that their existence is oriented towards the service of others, officers recommend that the rental value of the rooms at 141 Galston Road, Hornsby Heights be payable through in-kind donations at Council events. If supported, this would be organised administratively by the Community Services Branch.

### **BUDGET**

There are no adverse budgetary implications associated with this Report. Having regard to the existing use provisions of the Fire Control Centre site, no income is currently generated by Council from the building at 141 Galston Road, Hornsby Heights. In accepting in kind contributions as a rental payment, Council’s financial expenditure on “donations” to St John Ambulance will be reduced by \$2,500 across the organisation.

### **POLICY**

The Strategic Plan for Community and Cultural Facilities is the relevant strategic plan/policy. The outcome recommended in this Report is consistent with the themes of this Plan in that it maximises the use of a community facility. This Report has consideration to the protocols of Council’s Lease/Licence of Land Policy.

### **CONSULTATION**

In the preparation of this Report, consultation has occurred with the Community, Cultural and Recreation Facilities Task Force; St John Ambulance; Rural Fire Service; officers of the Environment Division, Community Relations Branch and Community Services Branch.

### **TRIPLE BOTTOM LINE SUMMARY**

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council’s strategic themes. The following Triple Bottom Line considerations apply to this Report:

#### **Working with our community**

The relocation of St John Ambulance to suitable premises has involved a close working relationship between Council, the Rural Fire Service and members of St John Ambulance.

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

The granting of a licence to St John Ambulance to use the rooms in question will provide ongoing access to a facility for a group which exists to provide first aid services to others.

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

The granting of a license to St John Ambulance promotes the safety and wellbeing of the Shire's population at events and public gathering as outlined in the "Society and Culture" section of the Community Strategic Plan 2010-2014.

**Supporting our diverse economy**

The granting of a license to St John Ambulance has no negative impacts on the Shire's economy. The granting of a license and allowing an in-kind contribution towards rent actually improves Council's financial position marginally.

**Maintaining sound corporate and financial management**

The granting of a license to St John Ambulance will maximise the use of an under utilised community asset.

**Other sustainability considerations**

The continued existence of St John Ambulance in the community is essential in ensuring that the events that Council hosts are attended by qualified and experienced first aid officers dedicated to the welfare and safety of the community.

**RESPONSIBLE OFFICER**

The responsible officer is Mr David Johnston, Manager - Community Services Branch. For further information please contact Mr Johnston on 9847 6800, Monday to Friday 9.00 am to 5.00 pm.

**RECOMMENDATION**

THAT:

1. The contents of Executive Manager's Report No. CC16/10 be received and noted.
2. Council acknowledge the efforts of staff in reaccommodating the displaced tenants from Willow Park.
3. A request be lodged with the Land and Property Management Authority seeking the inclusion of an additional use classification in respect of Crown Reserve R90697 to accommodate the occupation of St John Ambulance (Hornsby/ Ku-ring-gai).
4. Subject to receipt of approval referred to in recommendation 3. above, Council, as Reserve Trust Manager, grant a five year licence to St John Ambulance (Hornsby Ku-ring-gai) in respect of three first floor rooms located within the former Fire Control Centre building on Crown Reserve R90697 (141 Galston Road Hornsby Heights) on the following basis:
  - The rooms shall only be used for administration and training purposes of St John Ambulance (Hornsby Ku-ring-gai).
  - The licensee shall be permitted to use the rooms from Monday to Sunday (inclusive) from 8:00am to midnight, and as needed during major events.
  - The licence fee payable in respect of the rooms shall be \$2,500 per annum



(inclusive of GST). This fee may be paid through an in-kind arrangement organised with Council's Community Services Branch.

- The licence fee will be increased annually in accordance with the movement in the CPI.
- The licensee shall contribute to operating costs, in particular electricity and water usage assessed on an area occupied basis.
- The licensee shall be responsible for all installation and running costs associated with telephone lines and calls.
- The licensee shall maintain a Public Liability Insurance policy (indemnity of \$20 million) during the term of the licence.
- The licensee shall be responsible for the payment of 50% of the licence preparation costs.
- The licence will be subject to the consent of the Minister administering the Crown Lands Act 1989.

ROD DRUMMOND  
Manager - Commercial Property  
Corporate and Community Division

DAVID JOHNSTON  
Manager - Community Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/06416  
Document Number: D01349827

**10 HORNSBY YOUTH AND FAMILY CENTRE - 17 MURIEL STREET,  
HORNSBY - EXPIRY OF LEASE**

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**EXECUTIVE SUMMARY**

At its February 2010 meeting, the Community, Cultural and Recreation Facilities Task Force, was provided with a briefing about the lease which has recently expired in respect of Council's use of the property at 17 Muriel Street, Hornsby (alternatively referred to as 20 Burdett Street, Hornsby). The property is owned by Westfield and has been leased to Council for 21 years at a peppercorn rate per annum. Council operated an Occasional Child Care Centre on the site for the first 11 years of the lease and then a Youth and Family Centre for the last ten years. The building on the site was constructed by Council using grant funds provided by the (now) Federal Department of Families and Housing, Community Services and Indigenous Affairs (FaHCSIA).

Since the lease for the site expired on 31 January 2010, Council officers have been liaising with Westfield regarding the contents of a new lease agreement. Westfield has offered Council a new lease of the facility at what they have described as a subsidised rental rate of \$70,000 per annum. This rate was discussed with the Task Force at the February 2010 meeting. The Task Force suggested that the matter be reported to Council such that Council could determine if representations should be made to Westfield and Mr Frank Lowy in an attempt to maintain the current peppercorn rental rate associated with the property.

**PURPOSE/OBJECTIVE**

The purpose of this Report is to provide information concerning the expiry of a lease that Council has with Westfield in respect of its occupation of the Hornsby Youth and Family Centre; and to recommend that representations be made to Westfield and Mr Frank Lowy in respect of Council's potential future use of the property.

**DISCUSSION**

Council has occupied and delivered a variety of services at 17 Muriel Street, Hornsby since 1989 when the lease for the property commenced with Westfield. An occasional childcare centre was initially constructed on the site with funding provided by the Commonwealth. This funding totalled \$320,000. In accepting this funding, Council agreed to operate the site and provide services to children and families for 21 years. The Hornsby Occasional Care Centre operated at the site from 1989 until early 2000.

In 1999, Council resolved to close the Occasional Care Centre and to repurpose the facility as a Youth and Family Centre. This change in use was agreed to by FaHCSIA and Westfield. The Youth Centre was opened in Youth Week 2000. The facility was then operated as a drop in youth centre and a hireable community space which serviced the needs of children, youth and families consistent with the funding agreement with FaHCSIA and the lease with Westfield. Council's funding agreement with FaHCSIA expired in June 2009 and its lease agreement with Westfield (for the land) expired in January 2010.

Westfield has offered Council a new lease for its continued occupation of the property under the current lease terms except that the rental amount would be increased to \$70,000 per annum. Westfield has explained that this new rental amount has been significantly discounted from the market rental rate because of the community benefits that are derived from operating the Youth and Family Centre in its present location. Whilst the current offer is being considered, and potentially negotiated, short term holding over provisions apply at the peppercorn rental rate.

There is currently no budget provision within the Community Services Branch for the ongoing payment of rental on the premises at the level proposed by Westfield. In this regard, it is estimated that 650 people currently use the centre each week. In 2008/09, this usage generated approximately \$14,000 of income whilst it cost Council approximately \$18,000 to operate and maintain the Centre.

Since re-purposing the facility as a Youth and Family Centre, Council has:

- Used (matched) Department of Sport and Recreation funding to install a quarter court basketball facility
- Worked with ROTARACT to landscape and paint the facility
- Hosted the Helping Early Leavers Program (HELP) at the site. HELP was a State Government funded program designed to reconnect at risk young people with employment or further education
- Delivered TAFE outreach programmes on site
- Accommodated a Mission Australia early intervention program
- Operated the Gays and Lesbians at Hornsby (GaL@H) Support Group
- Hosted multicultural play groups
- Operated a bulk billing youth health clinic in partnership with the Hornsby/Ku-ring-gai/Ryde Division of General Practice
- Held numerous community meetings and celebrations

The Centre provides an affordable meeting space for numerous community groups and service providers in and around the Hornsby CBD. The recently adopted Strategic Plan for Community and Cultural Facilities (see Report No. CC88/09) identified a lack of available community space in the Hornsby CBD. In an effort to provide additional floor space in the CBD, Council, in adopting the Strategic Plan, resolved to make the Hornsby Learning and Leisure Centre (and other Leisure and Learning Centres across the Shire) available to all community groups and not just to those servicing the needs of people over the age of 55. The Hornsby Leisure and Learning Centre is located two blocks from the Hornsby Youth and Family Centre in the Willow Park Complex. Despite this initiative to increase the available floor space, demand for community space in the Hornsby CBD remains high.

The Hornsby Youth and Family Centre is a valuable community asset that has operated at a cost to Council for the last 21 years. The Centre is well utilised and is valued by numerous play groups, support groups, faith based groups and interest groups. The area that the facility serves is predominately the medium and high density units in and around the Hornsby CBD. The occupants of those units tend to be the most culturally diverse in the Shire and they are also the less financially enabled.

Given the value of the asset to the Hornsby community, it is recommended that Council approach Westfield in an attempt to negotiate a continuation of the peppercorn rental agreement for the site at 17 Muriel Street, Hornsby such that the valuable services provided through the Centre are not lost to the Hornsby community.

In the “Working with Communities” section of the Westfield corporate website, it is stated that:

*“Westfield shopping centres have always been a focal point for community engagement. As well as generating jobs and economic activity, Westfield centres contribute to their local communities through a range of practical projects.”*

With this in mind, it is also recommended that the Mayor write to Mr Frank Lowy of Westfield to seek his support in encouraging relevant Westfield staff to take account of the valuable contribution that the Youth and Family Centre makes to the Hornsby community when a final rental is determined. A renewal of the existing partnership arrangements (including the peppercorn rental agreement) between Westfield and Council can easily see the Hornsby Youth and Family Centre maintained as a “practical (local) project” that would benefit the Hornsby community for another 21 years. In doing this, Westfield would practically demonstrate its commitment to contributing to their local communities in the Hornsby Shire in line with its corporate ideals.

### **BUDGET**

There are no budget implications associated with the recommendations contained within this report.

### **POLICY**

There are no policy implications associated with the recommendations contain within this report.

### **CONSULTATION**

Consultation has occurred in the preparation of this Report with the Community, Cultural and Recreation Facilities Task Force and staff of the Community Services Branch.

### **TRIPLE BOTTOM LINE SUMMARY**

A Triple Bottom Line assessment is not required of this Report.

### **RESPONSIBLE OFFICER**

The responsible officer is Mr David Johnston, Manager - Community Services Branch. For further information please contact Council’s Manager Community Development, Ms Lisa Cahill on 9847 6779, Monday to Friday 9.00 am to 5.00 pm.

### **RECOMMENDATION**

THAT:

1. The contents of Executive Manager’s Report No. CC17/10 be received and noted.
2. The General Manager undertake lease negotiations with Westfield in regard to the rental that would be payable in respect of Council’s future use of the Hornsby Youth and Family Centre.

3. The Mayor make personal representations to Mr Frank Lowy of Westfield thanking him for the support provided by Westfield over the past 21 years through its requirement for a peppercorn rental in respect of Council's use of the building now known as the Hornsby Youth and Family Centre; advising him of the valuable contribution that the Youth and Family Centre continues to make to the Hornsby community; and seek his support in encouraging relevant Westfield staff to maintain the existing peppercorn rental arrangements for the term of a new lease.

DAVID JOHNSTON  
Manager - Community Services  
Corporate and Community Division

GARY BENSLEY  
Executive Manager  
Corporate and Community Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/09189  
Document Number: D01352052

## 11 TREE REMOVAL AT 34 DEAN STREET, WEST PENNANT HILLS

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### EXECUTIVE SUMMARY

At its Ordinary Meeting on 17 February 2010, Council deferred report EN04/10 as follows:

*THAT consideration of Executive Manager's Report No. EN4/10 be deferred to the Ordinary Meeting of 17 March, 2010 to allow the applicant the opportunity of addressing Council regarding this matter.*

Attachment 1 is the deferred report.

### RESPONSIBLE OFFICER

The responsible officer is Dennis Hoye, Tree Management Coordinator, telephone 9847 6706, between 9am and 5pm, Monday to Friday.

### RECOMMENDATION

THAT Council refuse consent to remove one *Eucalyptus saligna* (Sydney blue gum) located in the front yard of 34 Dean Street West Pennant Hills.

ROBERT STEPHENS  
Executive Manager  
Environment Division

#### **Attachments:**

1. Report EN04/10 - Tree Removal at 34 Dean Street, West Pennant Hills

File Reference: TA/1413/2007  
Document Number: D01343852

## 12 TREE-LINED BOULEVARD PLANTING

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### EXECUTIVE SUMMARY

Council at its meeting held on 9 November 2010, in response to a Notice of Motion submitted by Cr Mills, requested submission of a Report providing information on the options and costs related to various pot sizes for streetscape boulevard planting.

Council's current practice is to beautify the streetscape through annual infill planting of tube stock trees.

The success rate of this approach is problematical. There is a high failure rate, due to vandalism, mechanical damage by lawn mowers or whippers, being run over by vehicles parking on the nature strip or simply being removed from the hole.

A tree-lined boulevard planting approach offers an opportunity to address this situation. It has the potential to provide a more instantaneous effect. It is also well documented that the results of such schemes increase community well-being, provide better visual amenity and increase property values. There are issues associated with boulevard planting, but these can be addressed through careful species selection and consultation with affected residents.

The investigation concludes that it would be worthwhile trialling the use of 45 litre plant stock as the most cost effective means of achieving a tree lined boulevard planting scheme. The trial would be funded from within the current budget, although initially it would mean less planting than under the current approach. An indicative budget of \$5,000 annually for a period of three years is suggested to be set aside for boulevard planting. This would enable the purchase of approximately 50-60 larger trees per year. Some suggested locations for avenue planting are identified in the report, but this does not preclude residents from identifying alternative options. It is envisaged that during the trial Council would identify, and if demand warrants, implement options to grow its own advanced trees for planting.

### PURPOSE/OBJECTIVE

The objective of this report is to provide information on the options and costs related to various pot sizes for streetscape boulevard planting.

The report is a consequence of Council's decision in respect to NOM 12/09: "Establishing High-Impact Tree Lined Boulevards". A copy of NOM 12/09 can be found at Attachment 1.

### DISCUSSION

Magazines such as Arbor Age and Hort Journal Australia have, over the years, indicated the benefits of urban trees, such as microclimate and wider climate benefits. Research also indicates a correlation between well planned and established urban treescapes and increased community well-being associated with low crime rates, better visual amenity and increased property values.

In Hornsby Shire there is currently a prevalence of mixed street tree plantings mainly caused by resident plantings as well as successive Council plantings.

Boulevard or avenue planting can be described as a formal design of planting trees lining both sides of the road. Most existing streets have some form of plantings, ranging from semi-mature to mature. Newer areas of the Shire, such as sections of Castle Hill, Dural and Cherrybrook, were planted as part of the original development.

To successfully carry out boulevard planting it is necessary to have streets that are at present dominated by unplanted sections of nature strip or footpath areas. The normal site requirements would also be assessed such as vision, overhead and underground facilities, proximity to driveways, width of the nature strip or footpath reservation etc.

Species selection is paramount to success as trees may occupy their planting sites for 50+ years. The selection must be appropriate to the local environmental conditions and the constraints of the planting location. There is no perfect street tree and so every selection includes some compromise.

Resident consultation is a definite requirement for the plan to succeed. Older areas of the Shire have been planted out over many years. Numerous residents have argued that they do not want trees planted for various reasons. Where trees have been planted against the residents' wishes, they tend to fail either due to vandalism, mechanical damage by lawn mowers or whippers, run over by vehicles parking on the nature strip or simply removed from the hole. For this reason, Hornsby Council, does not plant trees when a resident requests that none be planted.

### **Positives of avenue planting**

- Visual amenity - Avenue plantings give a formalised appearance along the street
- Calming - Lines of plantings have been shown to slow vehicle drivers and lower their anxiety levels
- Adds to property values

### **Negatives of avenue planting**

- Species selection is guided by current infrastructure especially the presence of aerial wires. Different species may need to be planted on opposite sides of the road.
- Replacement plantings - If a tree fails after the initial establishment period, the replacement tree will take at least several years to catch up to the growth of the others, giving the line an unbalanced appearance.
- Monoculture, or single species planting, may lead to an increase in pests and disease for the trees.

### **Tree selection**

Although Hornsby Shire is known as "The Bushland Shire" the majority of locally indigenous trees are not suitable for street or avenue planting. The following table lists trees included in the Tree Management Plan, prepared in 2000, which may be considered suitable.



Botanical name	Common name	Height	Comments
<i>Corymbia eximia</i>	Yellow Bloodwood	to 15 m	Northern parts of Shire only
<i>Banksia serrata</i>	Old Man Banksia	to 10 m	
<i>Elaeocarpus reticulatus</i>	Blueberry Ash	to 16 m	
<i>Tristaniopsis laurina</i>	Water Gum	to 15 m	
<i>Backhousia myrtifolia</i>	Grey Myrtle	to 8 m	
<i>Eucalyptus</i> sp	Gum Tree	Various	Most require large open areas
<i>Syncarpia glomulifera</i>	Turpentine	to 20 m	
<i>Callistemon</i> sp	Bottle Brush	to 8 m	

To achieve “high impact” boulevards may require exotic species to be planted as they are normally more prolific flowering than locally indigenous/native species. Such species would generally be excluded from native corridor linkages.

The following table lists exotic species which may be suitable.

Botanical name	Common name	Height	Comments
<i>Gordonia axillaris</i>	Fried Egg plant	to 8 m	Can be classified as “messy”
<i>Lagerstroemia indica</i>	Crepe Myrtle	to 10 m	
<i>Syzygium leuhmannii</i>	Small leafed Lilly Pilly	to 6 m	
<i>Banksia integrifolia</i>	Coastal banksia	to 10 m	
<i>Waterhousia floribunda</i>	Weeping Lilly Pilly	to 15 m	
<i>Lophostemon confertus</i>	Brush Box	to 20 m	
<i>Pyrus</i> sp	Flowering Pear	to 20 m	
<i>Corymbia ficifolia</i>	Summer Red	to 6 m	

Careful consideration must be given to tree species selection. Mature height, when reached, must not impede on above-ground services. Commonly planted exotic species such as Liquidamber and Plane Tree should be avoided, due to fruit drop and invasive root systems.

With the possibility of “user pays” being included in the future plans of the energy providers such as Energy Australia, species selection must aim to reduce the necessity to prune the trees. This not only reduces future maintenance costs, but allows the tree to achieve its natural size and form.

Due to the presence of aerial service wires in the majority of suburban streets, several different planting regimes may need to be assessed, including:

1. Both sides planted with small trees, i.e. up to 6 metres
2. One side planted with small trees and the other planted with medium trees, i.e. up to 10 metres
3. One side planted with small tree and the other planted with tall trees, i.e. over 10 metres.

## 4. Avenue treatment on one side only

Long established suburbs such as Hornsby, Beecroft and Epping have fewer streets that are not already dominated by established street trees. Streets in newer areas of the Shire such as Castle Hill, Dural and Cherrybrook were planted out as part of the development. Further planting opportunities are limited.

An inspection of older streets has found the following sites could be suitable for avenue planting at this time. Some of the streets would require removal of existing trees, which may contravene the current Tree Preservation Order.

Street name	Number of residences (approx)	Comments	Cost to purchase trees (\$)	Cost of contractor to purchase and plant (\$)
Delaware Ave Epping	40	Only 1 property has a tree planted on nature strip.	5,400-6,800	11,440
Midson Rd Epping (between Ray Rd and Carlingford Rd)	40	To achieve avenue effect some trees, mainly in poor condition will require removal	5,400-6,800	11,440
Pennant Pde Epping	50	To achieve avenue effect some trees, mainly in poor condition will require removal	6,750-8,500	14,300
Waitara Ave Waitara	15	Planting undertaken outside oval. Continue planting on other side of road with same species	2,025-2,550	4,290
Amor St Asquith	40	To achieve avenue effect some trees, mainly in poor condition will require removal	5,400-6,800	11,440
Berowra Waters Rd Berowra	100	Would achieve high impact, but has major restrictions due to informal kerb and guttering and possible road widening in the future	13,500-17,000	28,600
Pacific Highway Hornsby (between College Cres and Edgeworth David Ave)	Up to 20	Continue existing planting. Extensive investigation required for underground services	2,700-3,400	5,720
Duffy Ave Thornleigh (between Pennant Hills Rd and The Esplanade)	20	To achieve avenue effect some trees, mainly in poor condition will require removal	2,700-3,400	5,720

All areas identified for possible planting would require extensive resident consultation prior to planting. To achieve effective avenue planting at least 80% of the street would require planting. Letters outlining the proposal could be sent to the residents in these identified streets seeking their support.

Other residents would be encouraged to nominate their street, after discussions with other residents. Council would then liaise with all residents to identify whether the area is suitable.

### **Method**

The use of 75 litre stock would give an instant effect to the landscape. The trees would be between 3m and 6m high, depending on the species selected. The 45 litre stock would be about 20-30% smaller. After ten years growth it would be reasonable to expect that the trees would reach 50-70% of their expected mature height.

To excavate a hole large enough to take 45 or 75 litre stock, it is a requirement to contact Dial Before You Dig (DBYD). DBYD is a national referral service. It refers enquiries, from those who propose to excavate, to underground asset owners who are members of the DBYD service.

The asset owners respond by providing advice as to the location of any underground pipes and cables, along with information on how to work safely and carefully whilst excavating in the vicinity of underground plant.

A hole large enough to take 75 litre stock will require a bobcat with a large auger or backhoe attachment. The bobcat would also be utilised to lift the plant into the hole. By utilising the bobcat in this manner it would be feasible to plant approximately 25 trees in a normal working day.

Due to the size of the root ball, additional watering would be required. Regular watering over a three month period would assist in the success of the planting. Further watering could be carried out by the residents if they wished to become actively involved.

### **Cost**

Three different nurseries were contacted to supply indicative costs. The purchase price of 75 litre stock is \$135-\$170 depending on species and availability. This does not include the cost to excavate, install, stake, fertilise, purchase tree guards (where required), water and prune. The cost of purchasing 45 litre stock is between \$75 -\$100 each. The use of a bobcat is costed at approximately \$1000 per day. A bobcat would not be required if 45 litre plants were used.

By trialling various streets within the Shire the success rate of the planting could be measured and feedback obtained from local residents. Residents could be asked to comment on whether the larger trees met their expectations.

### **BUDGET**

The cost to purchase 45 litre trees would reduce the number of trees that could be bought using the current budget. \$10,000 of the current budget is used to purchase stock. If \$5,000 of this amount was used, 50-60 x 45 litre plants could be bought and planted by Council staff. These plants could be utilised in planting out streets where the impact on the streetscape

could be instant and the survival rate would be increased. The remaining budget could be used to purchase plants as usual.

### **POLICY**

There are no policy implications arising from this report.

### **CONSULTATION**

There is no requirement for consultation in this matter.

### **TRIPLE BOTTOM LINE SUMMARY**

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

#### **Working with our community**

- The proposal involves identifying streets where more established trees could be planted to ensure greater success/survival rate with street trees. The local residents would be consulted as part of the process.
- An improved outcome is possible when the vision for the urban streetscape is shared by Council and the residents.

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

- The proposal will have a positive effect on the local streetscapes and will assist in the reduction of greenhouse gasses as the trees are more likely to survive due to their size.

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

- The proposal will result in beautification of the streetscapes and a safer environment as lines of plantings have been shown to slow vehicle drivers as well as lower their anxiety levels.
- The proposal will have a positive effect on the provision of services to the community as the trial will be measurable and if successful, can be replicated in other areas in Hornsby Shire.

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

- The proposal will result in improved amenity and streetscapes for the future and will be sympathetic to the heritage values of the area.
- The proposal will promote the well-being of the community as trees have been demonstrated to improve the quality of life by providing shade, reducing the temperature and offsetting carbon emissions.

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

- This proposal supports sound corporate and financial management of community assets.

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

- This proposal supports sound corporate and financial management of community assets.
- The proposal protects and enhances the streetscape beautification program by proposing larger sized plantings which will ensure a better survival rate and result in fewer failures, and minimise wasted time and resources.

#### **Other Sustainability Considerations**

- There are few negatives associated with streetscape beautification if appropriate species selection, maintenance and community consultation are considered.

**RESPONSIBLE OFFICER**

The responsible officer is Dennis Hoye, Tree Management Coordinator, Parks and Landscape, telephone 9847 6706, between 9am and 5pm, Monday to Friday.

**RECOMMENDATION**

THAT Council agree to trial the use of 45 litre plants as street tree plantings for a period of 3 years in selected streets throughout the Shire.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. NOM 12/09 Establishing High-Impact "Tree-Lined Boulevards within Hornsby Shire"

File Reference: F2007/00402-05  
Document Number: D01343940

### 13 BUNYA TREES AT 19C ETHEL STREET, HORNSBY

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#### **EXECUTIVE SUMMARY**

Council at its meeting held on 17 February 2010, adopted a Matter of Urgency submitted by Cr Smart requiring the submission of a Report to the March Ordinary Meeting of Council in relation to Bunya Pine trees located at 19c Ethel Street, Hornsby.

It is understood the matter arose from the current owners' concerns about the danger presented by the shedding and the high cost of de-nutting the pineapple like cones or nuts from the Bunya Pines on their property.

The trees (see attachments 1 and 2) are healthy and annual de-nutting would alleviate the problems caused by the shedding of the nuts. De-nutting the trees can cost anywhere from \$2,000 to \$4,500 per annum. The lower cost is based on the landowners de-nutting their trees at the same time as Council de-nuts its 14 Bunya Pines.

The Bunya Pines are estimated to be 80-100 years old and are listed as heritage items within Hornsby Local Environmental Plan 1994. They are considered to have local significance in terms of their historic / cultural associations, visual, aesthetic, landmark and representative values. The heritage assessment notes that although planted in large private gardens and public planting schemes throughout Sydney since the early nineteenth century, older specimen Bunya Pines are now somewhat rare in the Hornsby Shire (Attachment 3).

The heritage listing of the trees requires the property owner to lodge a development application for their removal. The development application could either be supported by a heritage impact assessment or, given that Council already has sufficient information on the heritage value of the trees, the owner could request Council consent to the removal of the trees having regard to the particular circumstances of the case, notwithstanding their heritage significance. In any regard, Council would need to take into consideration the extent to which the removal of the trees would affect the heritage significance of the "heritage item".

#### **PURPOSE/OBJECTIVE**

This report provides information regarding de-nutting cost, heritage and streetscape information in respect to the *Araucaria bidwillii* (Bunya Pine) trees at 19c Ethel Street, Hornsby.

This report was generated by the following resolution of Council at the Ordinary Meeting on 17 February 2010.

*THAT the Executive Manager, Environment Division submit a report to the next Ordinary Meeting of Council providing the following details regarding the Bunya trees located at 19c Ethel Street, Hornsby:*

1. *The cost associated with the removal of the fruit from the trees.*

2. *The heritage value of the trees and the implications of the associated heritage provisions.*
3. *The contribution of the trees to the streetscape and to the Hornsby local government area.*

## **DISCUSSION**

### **Resident concerns**

The current owners purchased the residence known as 19c Ethel Street Hornsby in May, 2007. They were aware of the heritage listing of two *Araucaria bidwillii* (Bunya Pine) trees at the time of purchase. They applied in October 2008, under Council's Tree Preservation Order (TA/1062/2008) for permission to remove the two Bunya Pines. Permission was denied due to the health of the trees and because they were listed as a heritage item.

The residents contacted Council in February 2009 claiming several large cones had fallen from the trees, damaging the roof and a car parked in the driveway, and falling onto the road.

The residents reported further fruit fall in February 2010, which broke through the roof of the dwelling.

### **Bunya Pines**

*Araucaria bidwillii* (Bunya Pine) are native to Queensland. They grow to a mature height of 35-40 metres. Mature trees bear pineapple like cones weighing up to 8kgs. The cones are shed in summer to autumn.

Bunya Pines appear to have been planted on large properties, particularly around the early 1900's. They were also used as "marker trees" due to their size and distinct shape.

Council maintains 14 Bunya Pines growing either in parks or on nature strip/footpath areas. They are "de-nutted" every December/January. It is not known how many exist on private property within Hornsby Shire, but staff are aware of at least 8 properties within the built up areas of the shire that contain Bunya Pines. More Bunya Pines are believed to exist in the rural areas of the shire.

"De-nutting" the trees requires either a tree climber to scale the tree or an elevated work platform (EWP) to reach the top of the canopy where the nuts grow. Due to the height of the mature tree, most tree firms do not carry an EWP large enough to reach this height and must therefore hire the specific vehicles. This adds to the cost of carrying out the works. Additional cost is involved if the trees are located near power lines, with the average cost of sheathing the wires being in the order of \$1,000 - \$1,200 per span.

A verbal quote of \$2,000 to remove the nuts has been obtained from one of Council's recommended contractors. This price includes sheathing the overhead electricity wires and is based on carrying out the de-nutting at the same time as the de-nutting of Council's Bunya Pines. It has been suggested that the cost of de-nutting the trees as a stand-alone job could cost in excess of \$4,500. Cost to remove the nuts would be the responsibility of the owner of the property.

The residents claim that the annual cost is exorbitant and they cannot afford to pay it every year.

## **Heritage**

The two trees were included as a heritage item when the *Hornsby Shire Local Environmental Plan 1994* was gazetted and were estimated to be between 80-100 years old. They were again identified as being worthy of retention as part of the Heritage Review Stage 4 currently in draft form.

Property No. 19c Ethel Street, Hornsby is listed as a heritage item (garden trees) of local significance under the provisions of Schedule D of the Hornsby Shire Local Environmental Plan 1994. The recent Heritage Review Stage 4 (2008) reviewed the tree listing and noted that:

*The cluster of two Bunya Pines (Araucaria bidwillii) and a Maritime Pine (Pinus pinaster) are prominently located along the Galston Road frontage in the small garden of 19C Ethel Street. These cultivated pines are believed to be the remnants of a much larger garden dating from the late nineteenth century (prior to the existing subdivision). This group is considered to have local significance in terms of its historic/ cultural associations, visual, aesthetic, landmark and representative values. They are important contextual elements of considerable scale and integrity. Although planted in large private gardens and public planting schemes throughout Sydney since the early nineteenth century, older specimen Bunya Pines are now somewhat rare in the Hornsby Shire.*

*The Bunya Pines appear to be in good condition and health with relatively dense crowns and minimal dead wood. One specimen Bunya Pine has a damaged upper crown (possibly storm damage) with dense apical growth and renewed vigour. The Maritime Pine has a thinning canopy and some dead wood in the lower crown.*

Under the Hornsby Local Environmental Plan 1994 (HSLEP), a “Heritage Item means a building, work, relic, tree or place listed in Schedule D”. The subject trees are listed in Schedule D as “garden trees”. As a consequence of the listing Section 18 of HSLEP prescribes inter alia that development consent is required to remove the trees.

The property owner is required to lodge a development application to remove the trees. This could either be supported by a heritage impact assessment or given the Council already has sufficient information on the heritage value of the trees the owner could request Council grants consent to the removal of the trees having regard to the particular circumstances of the case, notwithstanding their heritage significance. In any regard, Council would need to take into consideration the extent to which the removal of the trees would affect the heritage significance of the “heritage item”.

## **Contribution to the streetscape**

The canopy of the subject Bunya Pines contributes to the general tree canopy when viewed from Galston Road and Ethel Street and as such contributes to the aesthetic value and public amenity of the area. The trees are among the largest in the locality and link both visually and physically with a Bunya Pine and several Coral Trees located opposite the property. The trees are also part of a corridor running along Ethel Street into both Galston Road and Ida Street. This corridor is beneficial to both birds and small animals in allowing safe crossing of Galston Road, a major secondary road linking Hornsby with Galston.

## **BUDGET**

The extent of budget impacts will depend on the course of action adopted by Council.



**POLICY**

There are no policy implications arising from this decision.

**CONSULTATION**

There is no requirement for consultation in this matter.

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

The responsible officer is Dennis Hoye, Tree Management Coordinator, Parks and Landscape, telephone 9847 6706, between 9am and 5pm, Monday to Friday.

**RECOMMENDATION**

THAT the contents of Executive Manager's Report No. EN 9/10 be received and noted.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. Photo of Bunya Pine trees 19c Ethel Street Hornsby
2. Photo of trees - Street view
3. Heritage Register 19c Ethel Street Hornsby

File Reference: TA/1062/2008  
Document Number: D01344382

## 14 OFFSET CODE - RESULTS OF TRIAL PERIOD

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### EXECUTIVE SUMMARY

At the Ordinary Meeting of 9 April 2008 Council considered Report EN13/08 and resolved to adopt the Green Offsets Code – POL00149 ('the Code') and trial the Code for a 12 month period, starting from the date of the implementation of the first Offset agreement. The Offset examples examined at the end of the trial period indicate that the Code is achieving its aims to offset some of the significant native vegetation that is lost to development, through enhancement and restoration of larger areas of bushland that would otherwise have little or no opportunity for restoration. The continued use of the Offsets Code is therefore supported, subject to an amendment to include replacement of indigenous canopy trees within the Code.

### PURPOSE/OBJECTIVE

The purpose of the report is to advise Council of the results of the trial and to recommend adoption of the Code with recommended amendments.

### DISCUSSION

The basic principle of offsetting is that in the scope of planning a development all avenues must firstly be explored to avoid impacts on native vegetation, then to minimize and mitigate any impacts. If removal of native vegetation is still required after all of these options have been exhausted, then offsetting can occur. Offsetting involves replacing or offsetting the loss of native vegetation due to development in one location, by protecting and conserving native vegetation elsewhere in the Shire.

The purpose of trialling this Offsets Code is to introduce a transparent policy and to test the effectiveness of having a voluntary mechanism to offset the loss of vegetation at a development site, for conservation of native vegetation to occur at another site in the Hornsby Shire.

As the Offsets Code was introduced at a time when a downturn in developments occurred due to the global financial crisis, there have been limited opportunities to trial offsetting. The first offset to be introduced was one imposed by the Land and Environment Court judgment which commenced in February 2009. Hence the review will span some of the offsets that occurred prior to the more formal code in order to better evaluate the pros and cons.

### Examples of Offsets

The best examples of offsets are those where a developer has understood and implemented the offset concept well. Three have occurred through several developments by Transport Infrastructure Development Corporation (TIDC) including offsets receiving sites at Fuller Road, Kenley Park and Castle Howard Reserve offsetting the loss of Blue Gum High Forest Critically Endangered Ecological Community and Turpentine Ironbark Forest Endangered Ecological Community for rail projects. Another successful offset occurred for the loss of Turpentine-Ironbark Forest for a seniors living development at Shepherds Drive Cherrybrook. One offset was implemented for a single house requiring removal of

Turpentine-Ironbark Forest at Clement Close Pennant Hills which funded bush regeneration in a bushland corridor immediately to the rear of the property with a highly successful outcome due to good implementation of works by Bushland Team.

A less successful offset has been one directed through Land and Environment Court orders at Beaumont Road Mount Ku-ring-gai where the court directed an offset including on-site protection, creekline restoration on and off-site, topsoil translocation. Parts of site have been successfully protected, whilst parts of site were poorly implemented by the developer due to lack of knowledge and will to implement the offset, with some additional restoration still to be commenced.

On balance, whilst offsets can often be difficult to negotiate and guarantee a successful outcome, they are nonetheless an additional tool for Council to utilise to protect and restore native vegetation, where the alternative would be to lose vegetation on the development site and have no opportunity for conservation and restoration of sites not subject to development.

The offsets discussed have been costed at the value of over \$220,000 funding for restoration of bushland within the Hornsby Shire that would otherwise not have been available.

The benefits to native vegetation in the Hornsby Shire have been made to the following offset receiving sites (this list is not exhaustive).

Offset Receiving Site	Area (approximately)	Native Vegetation community regenerated
Fuller Road	1 500 sq m	Blue Gum High Forest
Kenley Park	5 000 sq m	Blue Gum High Forest
Castle Howard Reserve	2 400 sq m	Turpentine-Ironbark Forest
Shepherds Drive	1 528 sq m	Turpentine-Ironbark Forest
Clement Close	1 500 sq m	Turpentine-Ironbark Forest
Beaumont Road	3 665 sq m	<i>Darwinia biflora</i> and <i>Tetratheca glandulosa</i>
Other	190 m	Riparian restoration

Additionally during the trial period, Council has been approached to be the recipient of offsets in the order of an additional \$89,000 of funding for bush regeneration, due to two developments occurring within the Ku-ring-gai Council Local Government Area. Subject to a merit based assessment where the principles align with those outlined in the code, the code should present no barrier to accepting offset works within the Hornsby Local Government Area.

### **Suggested Amendments to the Code**

Where amendments are proposed they are shown on the attached copy of the code, with deletions shown by ~~strikethrough~~ and additions shown by underlining.

The code needs to be regularly amended to reflect updated vegetation mapping as it occurs, such as that prepared by Dr Peter Smith and Dr Judy Smith Ecological Consultants. This will be the subject of future amendments as updated mapping occurs.

There has been an increased demand from the community for the replacement of indigenous canopy trees to offset the loss of significant areas of canopy. The code requires clarification to include significant canopy tree replacement.

**Conclusion**

The Green Offsets Code was considered by Council initially in 2007 out of a need identified in the Biodiversity Conservation Strategy 2006 to develop more flexible mechanisms to address the loss of valuable native vegetation communities across the Hornsby Shire due to development, especially endangered and critically endangered ecological communities of Turpentine-Ironbark Forest and Blue Gum High Forest. At the end of the trial period the offsets examined have achieved substantial positive outcomes for the conservation of native vegetation in Hornsby Shire with the most successful examples being those voluntarily entered into as opposed to being directed, resulting in a substantial improvement of the offset receiving sites due to concerted efforts to regenerate, restore and rehabilitate bushland and return it to a resilient condition requiring minimal maintenance through time following completion of the offset works.

**BUDGET**

There are no cost implications to Council.

**POLICY**

The policy amendments are discussed above and underlined in the attached amended code.

**CONSULTATION**

Consultation has been undertaken with Development Assessment and Tree Management and Parks Officers during the time of the trial.

**TRIPLE BOTTOM LINE SUMMARY**

Report EN48/07 contains a full copy of the Triple Bottom Line assessment undertaken for this code. As this report simply provides Council with updated information and does not propose any actions which require a sustainability assessment, no additional Triple Bottom Line considerations apply.

**RESPONSIBLE OFFICER**

The responsible officer is Diane Campbell, Manager Bushland and Biodiversity, telephone 9847 6903, 9am to 5pm, Monday to Friday.

**RECOMMENDATION**

THAT Council adopt the Green Offsets Code with amendments as outlined.

ROBERT STEPHENS  
Executive Manager  
Environment Division

**Attachments:**

1. Revised Green Offsets Code

File Reference: F2007/01418

Document Number: D01348196

**15 LEGAL SERVICES TENDER - COUNCILLOR NOMINATION FOR INTERVIEW PANEL**

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**EXECUTIVE SUMMARY**

In accordance with Council's December 2009 resolution, Council has invited expressions of interest for firms to sit on a legal services panel. Council received eighteen responses during the exhibition period of the tender.

Council is requested to nominate which Councillors are to sit on the interview panel to recommend the selection of Council's new legal services panel.

**PURPOSE**

The purpose of this report is to facilitate Council's nominations for a Councillor from each Ward to sit on the interview panel to select a new legal services panel.

**DISCUSSION**

In December 2009, Council resolved to undertake a tender process for the provision of legal services. In January/February 2010, Council invited expressions of interest for firms to be on a panel to provide advice and services to Council in respect of legal matters.

Council received eighteen responses during the exhibition period of the tender.

An interview panel is being established to review the responses received during the exhibition period. In accordance with Council's resolution, the interview panel is to comprise of one Councillor from each Ward, the General Manager, the Executive Manager Planning and the Executive Manager Works. Council is now requested to nominate which Councillors are to sit on the interview panel.

It is anticipated that the interview panel's recommendation will be reported to Council in May 2010.

**BUDGET**

There is no budget implications associated with this report.

**POLICY**

There is no policy implications associated with this report.

**CONSULTATION**

The Executive Manager Planning, being the officer that coordinated the public exhibition of the legal services tender, was consulted prior to the preparation of this report.

**TRIPLE BOTTOM LINE SUMMARY**

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

**RESPONSIBLE OFFICER**

The Executive Manager Planning is responsible for the preparation of this report.

**RECOMMENDATION**

THAT Council nominates one Councillor from each Ward to sit on the interview panel for the legal services tender.

SCOTT PHILLIPS  
Executive Manager  
Planning Division

**Attachments:**

There are no attachments for this report.

File Reference: F2009/00825  
Document Number: D01348840

## 16 ASSET MANAGEMENT POLICY

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### EXECUTIVE SUMMARY

Recent amendments to the Local Government Act require councils to account for and plan for the existing assets under their ownership, and any new assets subsequently acquired. Each Council is required to prepare an asset management strategy and asset management plans to support the Community Strategic Plan and Delivery Program that are now required as part of the integrated planning framework that has been introduced. The asset management strategy must include a Council endorsed asset management policy. An asset management policy has been prepared and is now proposed for adoption by Council.

### PURPOSE/OBJECTIVE

To seek Council's adoption of the attached draft policy – Asset Management.

### DISCUSSION

Asset management consists of a series of actions that, taken together, lead to the provision of infrastructure that is relevant to the community's needs, appropriately maintained, and for which replacement or renewal arrangements have been made. Financial decisions relating to assets form part of the asset management process, as does consultation that leads to the determination of a level of service appropriate to the community's needs.

Asset management in Hornsby is based on plans prepared for the following key asset classes: roads, stormwater drainage, foreshore facilities, public buildings, open space and leisure facilities. Effective financial management underpins the actions taken in respect of the commissioning, operation, maintenance, renewal and eventual disposal of an asset. These decisions are based on parameters that experience has shown to be largely unique to each asset class. Asset Management Plans for these key asset classes have been prepared.

In order to provide a framework for the systematic and sustainable management of Council's infrastructure assets, and to guide future revisions of its asset management plans, the attached draft policy has been developed and is now submitted for Council's approval, to guide Council staff in future asset management decisions. The policy establishes the framework for the sustainable management of Council's infrastructure assets to reflect reasonable community expectations of time, quality and value for money. The elements of this policy are already largely in place.

As Council is aware, a new planning and reporting framework for NSW Local Government has been introduced. These reforms replace the current Management Plan and Social Planning process with an integrated framework. As part of the resourcing strategy that Council is required to develop in this planning process, Council must consider asset management, accounting for and planning for the assets in its ownership, and for any new assets that may be proposed in future. An Asset Management Strategy is currently in preparation. With the Asset Management Plans that have been prepared, these documents support the Community Strategic Plan and Delivery Program that form part of the integrated planning framework.



**BUDGET**

There are no budget implications arising from this report.

**POLICY**

Adoption of this policy will provide a framework for Council staff to effectively manage Council's infrastructure assets and refine the asset management plans currently in place.

**CONSULTATION**

This report has been prepared following consultation with Council's Executive Managers, Manager Corporate Strategy and Manager Financial Services.

**TRIPLE BOTTOM LINE SUMMARY**

The triple bottom line is a framework for improving Council's decisions ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. Adoption of the draft policy will contribute to the following triple bottom line considerations.

Governance – guidance towards a sustainable future (consistent and effective policy and plans).

Society and Culture – enhance social and community well being (meet our diverse community needs).

Human Habitat – effective community infrastructure and services.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this report is the Executive Manager Works Division, Maxwell Woodward, telephone No. 9847 6665.

**RECOMMENDATION**

THAT Council adopt the draft policy – Asset Management.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Asset Management Policy

File Reference: F2010/00130  
Document Number: D01349461

## 17 PROPOSED BEROWRA AQUATIC CENTRE

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### **EXECUTIVE SUMMARY**

Council has previously resolved to proceed with a project feasibility study for a learn to swim pool in the undercroft area of the Berowra Community Centre, and to prepare documentation to enable it to call tenders for design and construction of the facility. The project was not funded in the 2008/09 or 2009/10 budgets. Concerns regarding the desirability of proceeding with this project have been identified, and it is now proposed that construction of the facility not proceed at this time.

### **PURPOSE/OBJECTIVE**

The purpose of this report is to recommend that Council not proceed with construction of the Aquatic Facility proposed for Berowra at this time.

### **DISCUSSION**

At its meeting of 13 August 2008, Council considered report No. WK51/08 and resolved as follows:

THAT

1. Executive Manager's Report No. WK51/08 be received and Council endorse the new option 1 for further investigation.
2. A suitable consultant be engaged to undertake a project feasibility study for new option 1 and to prepare for a design and construct tender.
3. A further report be prepared following the completion of the detailed feasibility investigation and be submitted to Council no later than November 2008.
4. The matter be referred to the Community Cultural and Recreation Facilities Task Force for further consideration in the interim.

Arising from Council's resolution, Council invited quotations from consultants to undertake the Feasibility Study and to prepare for the Design and Construct tender. Only one response was received. No further action has been taken with the responses to this invitation because of the lack of funding that is required to enable the project to proceed.

In planning for this project, a number of concerns have become apparent. These include:

#### **1. Suitability of the Site**

It is understood that concerns regarding the suitability of the proposed location for the facility (undercroft of Berowra Community Centre) was the subject of ongoing concern. The initial site identified for an aquatic facility, to the north of the community centre and its car park, exceeded the available budget, and is in a bushfire-prone location. Whilst the current location reflects the budget available, the desirability of the undercroft location remains of concern. Council's budget does not extend to the acquisition of an alternative site (should such be found) for an aquatic facility.

## **2. Extent of Facility**

The current proposal provides for a learn to swim facility only. Whilst this in itself is a worthy project, it is understood that a more extensive facility is considered necessary, as the learn to swim pool will not cater for recreational swimming. However, the current population of Berowra and surrounding areas to the north (approx 11,000) is not sufficient in itself to justify a recreational facility when compared with other (more centrally located) areas.

## **3. Funding**

Council has previously established a restricted asset which had been identified for the purpose of partly financing an aquatic centre at Berowra. These funds (totalling \$312,000) have been used to partly finance the purchase of land at 120 Berowra Waters Road, Berowra. This land was purchased to unlock the development potential in Council's adjacent property at 122 Berowra Waters Road. Whilst Council has since granted consent to a subdivision of this land to enable its sale as five lots (retaining the Early Childhood Centre) the Real Estate market is such that an appropriate return on this investment would not be received should the land be disposed of at this time. Notwithstanding the sale of the land, additional funding would still be required to enable the project to proceed.

## **4. Grant Funding**

A grant application to the Commonwealth Department of Education, Employment and Workplace Relations for funding of this project under the Local Schools Working Together Program was submitted in late 2008. This application was unsuccessful, as was a second approach under round 2 of the program in mid 2009. Council's staff are not aware of any other grant funding opportunities that would enable the project to proceed.

## **5. Proposed Infrastructure Levy**

Community consultation regarding the proposed infrastructure levy has indicated a strong preference for the reconstruction of the Hornsby Aquatic Centre. The Hornsby Centre is a Shire-wide facility, and is centrally located to other suburbs in the Shire, servicing a significant population. It can provide opportunities for recreational swimming as well as learn to swim and squads opportunities. It is considered that, given the limited funding available to Council for major infrastructure projects, the Hornsby facility is better located, and warrants priority over the Berowra facility.

## **6. Conclusion**

In the circumstances, given Council's financial position, and the emergence of other high priority projects, it is considered appropriate that Council not proceed with the subject facility at this stage.

A briefing was provided to the Community Cultural and Recreation Facilities Task Force at its meeting of 25 February 2010, where it was noted that a report on this matter would be prepared for Council's consideration.

## **BUDGET**

There are no budgetary implications associated with this report. When the land in Berowra Waters Road is disposed of, the proceeds will be available for future use by Council.

## **POLICY**

There are no policy implications associated with this report.

**CONSULTATION**

The Manager Design and Construction, Manager Aquatic and Recreation Facilities and Executive Manager Environment were consulted in the preparation of this report.

**TRIPLE BOTTOM LINE SUMMARY**

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

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

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this report is the Executive Manager Works Division, Maxwell Woodward, telephone No. 9847 6665.

**RECOMMENDATION**

THAT:

1. The contents of report WK13/10 be received and noted.
2. Council not proceed with the proposed Berowra Aquatic Centre at this time.
3. Council not accept the quotation submitted for this project, as it no longer intends to proceed with the project.
4. Council consider future proposals for the use of the funds set aside for this project following realisation of the net proceeds of sale of its land at 120 and 122 Berowra Waters Road, Berowra.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/08495-02  
Document Number: D01349784

**18 WISEMANS FERRY COMMERCIAL CENTRE MASTERPLAN -  
RELOCATION OF SOLOMON WISEMAN STATUE**

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**EXECUTIVE SUMMARY**

Council in considering Executive Manager, Works Division Report No. WK45/09 in July 2009 resolved to support in principle the draft Wisemans Ferry Commercial Centre Masterplan dated March 2009 and, following discussions with the RTA and The Hills Shire Council, to prepare a further report for Council's consideration regarding implications for heritage items, options for progressing the work and Council's share of the funding.

This report is with regard to the proposed relocation of the Solomon Wiseman statue from the Hornsby Shire side of Old Northern Road to The Hills Shire side of the road. A further report will be prepared for Council's consideration following finalisation of discussions with the RTA with regard to the provision of a section of grass drainage swale with stormwater pipeline below to replace the existing table drain.

The statue of Solomon Wiseman is currently located on the Hornsby Shire side of Old Northern Road just inside the compound of the Wisemans Ferry Hotel. This bronze statue was commissioned by the Wiseman Ferry Chamber of Commerce as a Bicentennial project in 1988 and sculptured by Gay Evans. The items that surround the statue include ferry timbers, wheel and winch from the old ferry DMR 8. This statue was erected by the Wisemans Ferry Chamber of Commerce in 1988 with Council's assistance. Council however, does not maintain it and it is understood that the present owner of the hotel maintains this statue.

The Wisemans Ferry Hotel including the statue of Solomon Wiseman is listed in Council's Heritage Register as Inventory No. L250 (see copy attached). The significance for this listing is rated Of Regional Significance. The historic evaluation is Rare and the aesthetic evaluation is Representative.

The report recommends that Council not agree to the relocation of the Solomon Wiseman statue in view of the objections from the property and adjacent property owners, and the adverse impact on the context of the setting with respect to the historical monuments for Wisemans Ferry.

**PURPOSE/OBJECTIVE**

This report is prepared for Council to make a decision with regard to The Hills Shire Council's proposed relocation of the Solomon Wiseman statue (see Plate A) from the Hornsby Shire side of Old Northern Road to The Hills Shire side of the road.

The report provides information to Council regarding the statue, its heritage significance, the impact of the proposed relocation of the statue on the adjacent monument, and consultation with the property owners of the Wisemans Ferry Hotel (the statue is located within this property) and the Bush Bites Take Away Café (neighbouring property adjacent to where the statue is located) as well as Council staff from various divisions.

## **DISCUSSION**

### **Background**

This Masterplan was commissioned by The Hills Shire in late 2008 and Council was invited to provide comments on the conceptual masterplan in January 2009 and draft Masterplan in April 2009. The draft Masterplan (see attachment) was on public exhibition from 28 April to 22 May 2009 and was adopted by The Hills Shire Council in June 2009.

During the Mayoral interview held on 18 May 2009 with four members of the Wisemans Ferry Business Community (WFBC), the members also stated that the statue of Solomon Wiseman (currently on the Hornsby Shire side of the road) was proposed to be moved to the other side of the road to bring it more in a direct line of focus.

Council in considering Executive Manager, Works Division Report No. WK45/09, resolved that:

1. Council support in principle the draft Wisemans Ferry Commercial Centre Masterplan dated March 2009.
2. Following discussions with the RTA and The Hills Shire Council, a further report be prepared for Council's consideration regarding implications for heritage items, options for progressing the works and Council's share of the funding.

The Hills Shire Council relevant officer has also sent an email to Council officers on 19 January 2010 requesting written confirmation that Council has no objections to the proposed relocation of the Solomon Wiseman statue to the other side of the road.

### **Proposed Relocation of the Statue of Solomon Wiseman**

The statue of Solomon Wiseman is currently located on the Hornsby Shire side of Old Northern Road just inside the compound of the Wisemans Ferry Hotel. This bronze statue was commissioned by the Wiseman Ferry Chamber of Commerce as a Bicentennial project in 1988 and sculptured by Gay Evans. The items that surround the statue include ferry timbers, wheel and winch from the old ferry DMR 8. This statue was erected by the Wisemans Ferry Chamber of Commerce in 1988 with Council's assistance. Council however, does not maintain it and it is understood that the present owner of the hotel maintains this statue.

There is also a monument for the Great North Road located adjacent to the statue (see Plate A). This monument was installed and opened by the then Mayor of Council in April 2000. The setting of this monument and the statue of Solomon Wiseman can be considered as historical monuments for Wisemans Ferry.

### **Heritage Register Listing**

The Wisemans Ferry Hotel including the statue of Solomon Wiseman is listed in Council's Heritage Register as Inventory No. L250 (see copy attached). The significance for this listing is rated Of Regional Significance. The historic evaluation is Rare and the aesthetic evaluation is Representative.

### **Consultation regarding Statue Relocation**

Consultation was undertaken with the Hills Shire Council's relevant officer, the property owners of the Wisemans Ferry Hotel and the adjacent Bush Bites Take Away Café as well as

with Council officers from the Town Planning Branch, the Library and Information Services Branch and the Parks and Landscape Team.

The relevant officer from the Hills Shire Council has advised that the proposed relocation is for the Solomon Wiseman statue and plaque only but not for the ferry wheel and winch.

The owner of the Wisemans Ferry Hotel has advised that the Solomon Wiseman statue was located on the Hotel property and as there was no mention of the statue when the property was bought in early 2000, the owner considered that the statue belonged to the property owner. As this stage the owner does not agree to the relocation of the statue.

The owner of the adjoining property, Bush Bites Take Away Café, considered that there was no necessity to relocate the statue to the other side of the road and the statue should be left where it is together with the ferry wheel and winch in the rural setting.

Council staff consider that the statue is part of the heritage listing and its relocation to the other side of the road would impact on the context of the setting with respect to the Wisemans Ferry Hotel building being where Solomon Wiseman had lived and the monument for the Great North Road and Convict Trail located adjacent to the statue are all part of the history of Wisemans Ferry. It is however, noted that the relocation of the statue to the other side of the road would bring it more in a direct line of focus.

### **Recommendations**

It is recommended that Council not agree to the relocation of the Solomon Wiseman statue in view of the objections from the property owner on which the statue is located and the adjacent property owner, as well as the adverse impacts on the context of the setting with respect to the historical monuments for Wisemans Ferry.

### **BUDGET**

There is no budget implication if Council do not agree to the relocation of the statue.

Should Council agree to the relocation, there would be some budget implications with regard to the re-design and reconstruction of the setting for these two historical monuments. This cost has not been estimated at this stage but is not expected to cost more than a few thousand dollars. There is currently no allocation for this project in the current 2009/10 Budget.

### **POLICY**

This report has no impacts on Council's policies. However, the proposed relocation of the Solomon Wiseman statue would have an impact on Council's Heritage Register Listing L250.

### **CONSULTATION**

Officers from the Corporate and Community (Neil Chippendale - Local Studies Coordinator), Environment (David De-Fina – Landscape Architect) and Planning (Jason Rawlin – Principal Strategic Town Planner, and Kim Appleby - Research & Policy Development Officer) divisions of Council were consulted in the preparation of this report.

**TRIPLE BOTTOM LINE SUMMARY**

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

A TBL assessment is considered unnecessary at this stage as this report is to consider the proposed relocation of the Solomon Wiseman statue.

**RESPONSIBLE OFFICER**

The responsible officer is the Manager, Assets Branch, Mr Chon-Sin Chua, telephone number 9847 6677.

**RECOMMENDATION**

THAT Council not agree to the relocation of the Solomon Wiseman statue in view of the objections from the property owner on which the statue is located and the adjacent property owner, as well as the adverse impacts on the context of the setting with respect to the historical monuments for Wisemans Ferry.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

- |   |                               |
|---|-------------------------------|
| 1. Plate A - Solomon Wiseman Statue and Adjacent Monument | Included under separate cover |
| 2. Draft Wisemans Ferry Commercial Centre Masterplan      | Included under separate cover |
| 3. HSC Heritage Register Listing L250                     | Included under separate cover |

File Reference: F2004/07051-02  
Document Number: D01350788



## 19 REVIEW OF CHERRYBROOK INTEGRATED LOCAL TRANSPORT PLAN

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### EXECUTIVE SUMMARY

The Cherrybrook Integrated Transport Plan was prepared to enable the planning for future traffic and transport infrastructure and services around Cherrybrook in an integrated manner. The primary purpose of the Plan is to moderate, rather than strive to satisfy, unrestricted traffic growth by offering alternatives to private car use. Although restricted to one suburb, the Cherrybrook Integrated Local Transport Plan helped develop the principles and processes used in the Integrated Land Use Strategy for the Hornsby Shire.

Since Council resolved to adopt the Plan in principle in 2001, many recommendations of the Plan have been implemented. Those recommendations not yet implemented fall into two categories. Some outstanding recommendations are unlikely to be achieved in the short to medium term due to the lack of funds or because other agencies have declined involvement. The remainder may be feasible to implement. Each outstanding recommendation of the Cherrybrook Integrated Local Transport Plan (CILTP) referred to in this report has been classified as either recommended (for further action as detailed in the recommendation of this report) or not recommended due to reasons given in this report.

### PURPOSE/OBJECTIVE

At the Ordinary Meeting of 14 October 2009 Council considered report WK75/09 Cherrybrook Traffic and Parking Management and resolved in part that -

10. a) *The Executive Manager Works prepare a report for Council consideration by the March Ordinary Meeting on the remaining steps required to implement the recommended strategies and actions of the Cherrybrook Local Transport Plan (the 'Plan') and the initiatives in Executive Manager's Report No. WK70/01, and provide a recommendation as to revising that Plan with up-to-date initiatives based on community consultation and input as part of Council's 2010/11 Management Plan.*

A full review of the entire action plan resulting from Cherrybrook Integrated Local Transport Plan is included in this report with a breakdown of the status of each action.

### DISCUSSION

8 August 2001 Council resolved that -

1. *Council note the final report of the Cherrybrook Integrated Local Transport Plan.*
2. *Council adopt, in principle, the strategies and actions presented in the final study report that are required to implement the Cherrybrook Local Transport Plan.*
3. *The Executive Manager, Works provide from the strategies, a program of work for the current year, including urgent priority being given for the upgrading of the bush track from Joyce Place to Hancock Drive.*

4. *A meeting be arranged with the Glenorie and Harris Park bus companies to discuss a more flexible, demand-driven service. Interested Councillors and relevant officers to attend.*

Council's decision to adopt *in principle* the strategies and actions of the Cherrybrook Integrated Transport Plan acknowledged the limitations of Council's authority when dealing with other agencies, and resource limitations which make some projects unfeasible until such time that funding sources can be identified.

The recommendations and strategies contained within the Plan were the result of a process involving extensive data collection and consultation with other agencies and development of a strategic plan and draft action plan followed by public review and feedback. A total of 49 actions involving public transport, walking, cycling and private vehicle use were presented in the final report. The priority of the recommended actions was based in part on community feedback and in part on technical imperatives. Extracts from the action plan are listed under in italics followed by the status and if applicable, a recommended action.

### **Bus Service Coverage.**

*PT1 – Review the road closure of the bus link to Oakhill Drive with a view to opening it and extending the bus service to the Oakhill Drive area.*

Following public consultation Council resolved to replace the planned bus link with a pedestrian/cycleway as detailed in the Special Meeting Planning Committee 19 May 1999, report PLN133/99. A cycleway through the link is planned pending funding for a cycle path along the nature strip of Hastings Road.

Recommended.

*PT2 – Negotiate with Harris Park Transport and DoT to extend their service into the Fallon Drive area; assist with customer survey and community survey to establish latent demand and publicise new service when established.*

A review of Region 4 bus services by Transport NSW and Hills Bus in 2008 involved public consultation for new routes including those around the area under reference. The bus company advises that the review did not identify Fallon Drive as a viable route.

Not recommended.

*PT3 – Lobby the DoT and Glenorie Buses to establish a service to Cherrybrook Village as part of their normal service.*

A review of Region 4 bus services by Transport NSW and Hills Bus in 2008 involved public consultation for new routes including those in the area under reference. This review did not identify Cherrybrook Village as a viable route.

Not recommended.

*PT4 – Liaise with the Glenorie Bus Company to determine whether any of the proposed road closures on Castle Hill Road could be bus-only links (e.g. Franklin Road to service Tangara School). Ensure that any changes in the DCPs enshrine a bus-link option for these road closures.*

Planned full road closures along Castle Hill Road have been deferred as traffic data indicates the partial closures have successfully reduced crash history. Also, traffic management for the North West Metro/Rail Link station at Franklin Road needs to be considered. The operation of the partially closed roads will continue to be monitored and any proposed work referred to the bus company for comment prior to referral to the Local Traffic Committee for a recommendation.

Recommended and ongoing.

*PT5 – Set up a working committee with the representation from the bus companies, Council, and the local Cherrybrook representatives to develop a more flexible demand-driven service component possibly based on the model of Baxters Buses.*

The operations planning manager for the bus company has advised that Cherrybrook has a relatively high level of bus service compared to other suburbs in the area as follows -

16 services direct to the City via the M2, Lane Cove Tunnel and Gore Hill Freeway in the AM peak taking 26 minutes from Pennant Hills Road to Wynyard. A similar number of return services are provided in the PM peak.

6 services to Lane Cove, St Leonards and North Sydney in the AM peak and six returning in the PM peak.

2 direct services from Cherrybrook to Parramatta and return in the evening.

A 30 minute peak frequency service to Castle Hill, Macquarie University, Macquarie Centre and Macquarie Park.

A 60 minute service frequency in the off-peak, Saturdays and Sundays to Castle Hill, Macquarie and the City.

The last buses from the City on Monday to Thursday are at 8.00 9.00 and 10.00pm. On Friday and Saturday nights the services continue every hour to 2.35am.

There is the 626 bus which operates every 60 minutes between Dural and Pennant Hills through Cherrybrook on weekdays.

On this basis the bus company advises that it does not consider a flexibus service to be viable.

Not recommended.

*PT6 – Investigate a Council community bus which can run services to link with the beach services by other operators in summer (e.g. Forest Coaches to Mona Vale Beach), and other attractors during other times of year.*

Hillsbus ran a summer service from Dural and Cherrybrook direct to northern beaches for beach goers. Patronage from the Cherrybrook area fell and the service is now run from Castle Towers to meet demand.

Not recommended.

*PT7 – Develop a strategy in consultation with the bus service companies and the local community to upgrade the frequency of bus service on these roads as a precursor to lobbying the RTA to trial a morning T2 lane on New Line Road and Boundary Road in the southbound kerbside lane. This strategy would necessarily need to include all day parking control in the Pennant Hills area where Cherrybrook rail commuters presently park.*

Current traffic volumes on these roads are so great that they are unlikely to function with a T2 lane. Restricting parking near Pennant Hills will also inconvenience commuters from areas other than Cherrybrook who use the railway station.

Not recommended.

*PT8 – Cooperate with the Baulkham Hills Shire to investigate a joint parking area/interchange for commuters to railway stations to use as a park-and-ride or kiss-and-ride bus facility before they enter Cherrybrook.*

Splitting a 2 mode journey into 3 modes is not attractive for commuters due to the propensity for missed connections and increased costs. Residents of North West Sydney feel they are disadvantaged at having to pay the M2 toll without a rebate as exists for other toll roads in Sydney. Increasing the cost of public transport while reducing the convenience will be a huge disincentive to use the service.

Not recommended.

*PT9 – Undertake a wide publicity campaign in Cherrybrook to involve residents and promote the T2 initiative.*

This will depend on PT7 being viable and it is considered unlikely to be.

Not recommended.

*PT10 – Undertake an audit of bus stop seating throughout Cherrybrook with a view to installing seats every 200m along bus routes coordinating with bus stops with a priority for those bus stops within the catchments of retirement villages.*

Council is currently auditing all bus stops in the Shire to check compliance with Disability Discrimination Act requirements. This is a major undertaking which will take at least a further 12 months to complete. There is no Council budget exclusively for bus seats and priorities are determined on a Shire basis with priority going sites with higher numbers of senior or disabled passengers.

Not recommended.

*PT11 – Undertake a range of bus time table information initiatives including developing links to the DoT bus service web page from Council's web page.*

The Cherrybrook Sustainable Transport Map (CTSM) website currently under development will include a link to Cherrybrook/Castle Hill area bus timetables. The number of visits to the website be monitored to determine whether other areas should be included on Council's website.

Recommended - trial of website ongoing

*PT12 – Investigate initiatives with the bus companies and local business operators, which encourage bus substitution for car use especially during high car usage times before Christmas, Easter, Mothers Day etc.*

A number of over 55 communities currently run private buses into Cherrybrook Village Shopping Centre and local route services stop outside the centre. Shopping trips during the

times referred to above involve greater than normal amounts of purchases which make public transport use less attractive for those with access to a vehicle.

Not recommended.

*PT13 – Monitor the preferred SRA station location and prepare a DCP for the surrounding area integrating with Baulkham Hills Shire; coordinate land use and transport minimising vehicle generation round the new station.*

This action was underway until state government deferred North West Metro. Further action can only be considered when the planning for the North West Metro is resumed.

Recommended and on going subject to state government action.

### **Pedestrian Access.**

*W1 – Lobby the RTA to construct a Pelican pedestrian signal north of the County Drive/New Line Road roundabout and associated missing footpaths leading to the signals.*

Letters from public are referred to the RTA with Council endorsement. The preferred outcome is to reconstruct the roundabout to a signalized intersection. The RTA advises that this location is reviewed annually to determine whether it qualifies for inclusion in funding programs.

Recommended and on going. It is proposed that representations be made to the Minister for Roads requesting that signals be installed at this location as a priority.

*W2 – Lobby the RTA to construct pedestrian refuges with grab rails (magpie crossings) and construct missing footpaths on Boundary Road near bus stops.*

Boundary Rd is a State Road and the responsibility of the RTA. Letters from public are referred to the RTA with Council endorsement. Footpaths are provided in accordance with Council's Footpaving Program which is reviewed regularly to determine priorities.

Recommended and on going.

*W3 – Lobby the RTA to construct a cement shared path prior to road widening OR Council construct temporary asphalt shared path on New Line Road from Purchase Road to Jenner Road on the school walking route.*

Permanent concrete path between Jenner Road and Purchase Road completed by Council in 2005.

Completed.

*W4a – Construct missing footpaths on County Drive.*

Ongoing as infill development occurs. Where developer contributions are not available Council's Assets Branch prioritises Council funded paths on a Shire wide basis. This action reassessed annually.

Recommended and on going.

*W4b – Construct missing footpaths on collector roads.*

Ongoing as either infill development occurs or in accordance Council's Footpath Program. This action is ongoing and is reassessed annually.

Recommended and on going.

*W5 – Undertake an audit of footpaths and crossing facilities within walking range (0.8km) of the two retirement villages in Cherrybrook and in the shopping centres; undertake subsequent works to comply with Australian standards for the mobility impaired.*

Assets Branch advises that all pedestrian footpaths have been audited and kerb ramps and crossing points are compliant for mobility impairment.

Completed.

*W6 – Install seating every 200m on accessible routes to assist the mobility impaired and extent their walking range.*

Council does not currently have the resources to consider providing seating at 200m intervals for pedestrians. The limited funds for seating are targeted at bus stops and parks where the (consistent) level of usage justifies the expenditure.

Not recommended.

*W7 – Close the slip lanes on Francis Greenway Drive at Boundary Road and Purchase Drive at New Line Road so that pedestrians, especially children, are no longer at risk from left turning vehicles.*

This is a matter for the RTA to determine based on crash history and their warrants. A review of current crash data indicates that the two sites under reference have no adverse pedestrian crash history.

Matter for RTA.

*W8 – Develop walking initiatives with local primary school communities such as preferred walking routes (as in the Safer Routes to Schools Program); a walking bus to and from schools to decrease local driving.*

The Cherrybrook Sustainable Transport Map currently under development will be a useful resource tool to help develop walking routes. Council currently does not have the resources to provide a walking bus program. The school principals, other Councils and the RTA advise that it is extremely difficult to find volunteers, even when paid, to supervise children to and from school.

Not recommended.

*W9 – Advertise and support Pedestrian Council activities such as Walk to School Days, Walk to Work Days.*

Promotion currently occurs on the Council website.

Recommended and on going.

*W10 - Research with local residents (e.g. the Cherrybrook Progress Association) the location and condition of all walkways in Cherrybrook, undertake upgrade works where necessary and produce a local map showing how they link to buses and local facilities and distribute in local area.*

Assets Branch receives requests from all sections of the community and uses such requests to assist with planning the annual footpaving programs. The Cherrybrook Sustainable Transport Map will show pedestrian connections and bus routes.

Recommended and trial of website is ongoing.

*W11 – Coordinate within the various departments of Council and possible sponsors such as the Heart Foundation to develop a brochure on the health benefits of walking for all age groups, and use as a resource during promotions of walking.*

Council's Sustainable Action Committee provided funding to Council's Environmental Sustainability & Health Team to coordinate the 10,000 Steps program (a program funded by Queensland Health). The 10,000 Steps program aimed to increase the day-to-day activity of residents (particularly seniors) by encouraging them to use a step-counting pedometer to accumulate "incidental" physical activity as part of their everyday living. Unfortunately the program did not proceed further than the original pilot due to a lack of ongoing interest from the community.

Not recommended.

### **Bicycle Access.**

*B1 – Undertake the construction of the off-road link from Cherrybrook to Pennant Hills as a priority.*

A number of options have been investigated however the huge capital cost for an all weather cycleway connection through steep bushland is prohibitive. An off road connection using the footway along Boundary Road has been determined to be more viable and is preferred.

Not recommended – see next item.

*B2 – Lobby the RTA to construct bicycle facilities on Boundary Road and New Line Road as outlined in Council's Bike Plan.*

On road cycleways will involve property acquisition and major reconstruction. This should only be considered when the road requires reconstruction. The alternative involves Council, with state government funding support, providing a cycleway along the footway. A preliminary design for a shared footway/cycleway along Boundary Road has been prepared however the estimates exceed the limits of all the usual funding sources including those of the State and Federal government. Breaking the project into stages to match available funding limits is difficult as the resulting temporary cycleway may lack connectivity for a number of years. The planning for this cycleway is ongoing and funding is reviewed annually. Council has been advised that funding under a new program (DECCW) – Waste and Sustainability Improvement Payment Program (WaSIP) will be shortly available. This project may qualify under this program, and the Boundary Road Commuter Cycleway will be nominated for inclusion in the list of projects to be funded under the WaSIP Program.

Recommended (as a Council project), and will be separately pursued.

*B3 – Liaise with Bike North regarding their concerns about the implementation designs of the on road components of the Bike Plan; develop Guidelines for Council's Works to follow when constructing roundabouts, pedestrian refuges, kerb extensions using the Austroads Guidelines as a basis.*

Bike North has provided input into the Hornsby Shire Bike and the Local Traffic Committee ensures all Council work is in accordance with prescribed standards and guidelines.

Recommended and on going.

*B4 – Construct shared paths for use by cyclists and pedestrians through all road closures planned on Castle Hill Road on opening County Drive.*

A cycleway was provided through the David Road closure. No other full closures are anticipated at this stage.

Completed.

*B5 – Install AS secure bike parking (U bars) at the two local shopping centres and re-site the Cherrybrook Village bike parking at the main entrance to the shops; install U bars at the Cherrybrook Community Centre and Greenway Park sports area.*

Both shopping centres and their car parks are on private property therefore Council is unable to install infrastructure. However, Cherrybrook Village Shopping Centre management relocated bicycle parking in mid 2009 to a more prominent location.

Within Greenway Park, bicycle racks have been provided at the Aquatic Centre however, the Parks and Landscapes Team and Community Services Branch advise that no requests for bicycle parking have been received from the public. If such requests are received they will be considered for inclusion in future asset upgrades.

Recommended and ongoing subject to requests from cyclists.

*B6 – Install secure bike parking (U bars) at strategic locations in the Pennant Hills Shopping area and bike lockers near the railway station for commuters.*

Bike Lockers were provided in partnership with Ministry of Transport during 2007 at Pennant Hills and a number of other railway stations. Subject to funds U bars are provided on Council controlled land across the Shire wherever nominated by cyclists. There have been no requests for extra bicycle parking in Pennant Hills since the lockers were installed.

Completed.

*B7 – Assist the local school communities to raise funds to construct secure bicycle parking compounds and helmet storage within school grounds.*

This is a matter for the school principals and Department of Education and Training at public schools. Not all school principals support children cycling to schools.

Not recommended.



*B8 – Liaise with Bike North and local residents (possibly via the Cherrybrook Progress Association) to establish a local strategy for bicycle promotion.*

The Cherrybrook Sustainable Transport Map (CSTM) will shortly be available from Council's website and part of its function is to assist with bicycle promotion. There is no budget for bicycle promotion at a local level outside of Bike Week. Access to RTA funding for Bike Week is subject to conditions regarding the type of event.

Recommended and ongoing via CSTM website.

*B9 – Distribute the available bicycle information brochures from the RTA to schools together with a map of existing and planned facilities and how to use them safely.*

The web based CSTM is planned to incorporate a direct link to the bicycle section of the RTA web site.

Recommended and on going via CSTM website.

*B10 – Support the RTA Bike Week initiative with local cycling activities such as Cycle to School Days, Cycle to Pennant Hills Station Days.*

To be considered as the CSTM is rolled out and cycleway links to Pennant Hills become available.

Recommended and on going.

### **Traffic Management**

*V1 – Develop traffic calming schemes for all 50 km/h speed zoned collector roads to constrain travel speed to 50 km/h.*

Council resolved in July 2003 to maintain the 60 km/h speed zone on collector roads mainly to discourage ratrunning. Current traffic management practice is to annually review crash data and prioritise traffic management to roads with the worst crash history. Where collector roads are subject to poor crash history as determined by RTA criteria, a range of options may be considered and referred to the Local Traffic Committee for approval.

Recommended – traffic calming subject to locations being identified as problem locations in Council's annual crash review.

Not recommended – 50 km/h speed limits.

*V2 – Lower the speed limit on New Line Road (collector component) and County Drive to 50 km/h and develop traffic calming strategy for both.*

In July 2003 Council determined that 60 km/h is the appropriate speed for collector roads. Indiscriminately reducing speeds on collector roads can result in traffic using alternative local roads which are not designed for higher volumes of traffic.

The traffic proposal for County Drive has been deferred pending a review.

Recommended – traffic calming subject to locations being identified as problem locations in Council's annual crash review.

Nor recommended – 50 km/h speed limit.

*V3 – Monitor speeds and lobby police to undertake speed enforcement.*

This is an ongoing task for Traffic and Road Safety Branch. Speed surveys are regularly referred to Police showing the times speeding most frequently occurs.

Recommended and on going.

*V4 – Develop campaigns with the community to address local speeding using available brochures and material from the RTA.*

During 2009 Council's Road Safety Officer, in partnership with the Police and the RTA, delivered a Speed Management Project focusing on a number of roads in the Shire, including Shepherds Drive. Traffic data is reviewed annually to determine which locations qualify for inclusion in such programs.

Recommended and on going.

*V5 – Develop with the Cherrybrook Technology High School community, an initiative to improve driving safety of this young driver group as well as the encouragement of the use of more sustainable travel means.*

Council has written to the school principal requesting the school consider having a student driving management plan to manage students who drive to school.

Completed.

*V6 – Develop an on street parking management strategy in Pennant Hills to restrict all day commuter parking to complement the T2 strategy (see Action PT7).*

This cannot be supported due to the impact it will have on commuters and workers from areas outside Cherrybrook driving to Pennant Hills.

Not recommended.

*V7 – Develop a contingency strategy for the management of traffic infiltration into Council streets in the David Road precinct after the opening of County Drive.*

After County Drive was opened David Road was closed at Castle Hill Road in 2003 and traffic data shows the road system in the David Road precinct is operating satisfactorily.

Completed.

*V8 – Monitor traffic volumes on the regional roads, and Council roads after the opening of County Drive with a view to undertaking the traffic infiltration strategy if necessary.*

See above. Traffic monitoring is ongoing throughout the Shire and any locations qualifying for inclusion in traffic management programs are considered for funding.

Completed.

*V9 – Review the need for two travel lanes in each direction on County Drive for the full length of that road, with a view to constraining peak hour traffic volume increase by the*

*provision of only one travel lane in each direction at least from New Line Road to Treetops Road.*

Work on traffic calming County Drive has been deferred pending further public consultation and a further report to Council (Report WK22/10 to this meeting).

*V10 – Develop a suite of performance indicators to monitor the containment of vehicle trips in and through Cherrybrook.*

A state government agency, the Transport Demand Centre, compiles this data and it is incorporated in Council's Hornsby Shire Transport Model.

Completed.

*V11 – Develop and implement a local Cherrybrook resident traffic reduction education program linked to the actions proposed in this study.*

This is the purpose of the CSTM to be available from Council's website shortly.

Recommended and ongoing via CSTM website trial.

*V12 – Target the Cherrybrook community for attendance at a one-day community discussion forum at Council on sustainable transport.*

The CSTM will make sustainable transport information available to Cherrybrook residents via Council's web site.

Not recommended as information will be available from CSTM website.

*V13 – Develop a Council News Sheet to promote integrated transport issues and initiatives in the Shire.*

The CSTM will make sustainable transport information available to Cherrybrook residents via Council's web site.

Recommended as information will be available from CSTM website.

*V14 – Develop a policy for Council support of street parties and other community events in Cherrybrook that can promote sustainable transport. This included identification and removal of current barriers to organising these events.*

The cost of planning and managing a road closure is a significant expense for which Council has no budget. The organizer of the event is responsible for obtaining approval and paying for the cost of managing traffic.

Not recommended.

*V15 – Assist the promotion of Liftclub.com a new internet, subscription-based Cherrybrook business promoting commuter car lift sharing in Cherrybrook – this could be linked into Council's website.*

The web address referred to is not operating and other similar sites appear to be either partially developed or no longer operating i.e. Letscarpool.com, Gumtree.com, Carpoolworld.com.

Not recommended due to short life span of websites.

### **BUDGET**

There are no budget implications if the recommended option is adopted as all work can be funded from the current budget.

### **POLICY**

There are no policy implications in this report.

### **CONSULTATION**

The Manager Engineering Services, Manager Parks and Landscapes Team, Traffic Officer Eastwood Police and Cherrybrook Village Shopping Centre Management were consulted in the preparation of this report.

### **TRIPLE BOTTOM LINE SUMMARY**

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

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

### **RESPONSIBLE OFFICER**

This report was prepared by Council's Manager Traffic and Road Safety, Mr Lawrence Nagy telephone 9847 6524.

### **RECOMMENDATION**

THAT:

1. Council note that the majority of the recommendations of the Cherrybrook Integrated Local Transport Plan have been implemented
2. Council endorse the following actions (listed with reference to the Cherrybrook Integrated Local Transport Plan) for inclusion in future funding programs:
  - a. PT1 - Cycleway link through redundant bus connection between Hastings Road and Broadoak Place be considered for inclusion in future traffic facilities programs subject to completion of a cycle path along the nature strip of Hastings Road.
  - b. W1 – Council write to The Minister for Transport and Roads and the RTA requesting the roundabout at New Line Road and County Drive be signalized

and that additional signalized pedestrian crossings be provide in New Line Road between County Drive and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road.

- c. B2 - The Boundary Road Commuter Cycleway link be included in the list of projects to be funded by the Waste Levy.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Attachment - Integrated Local Transport Plan

File Reference: F2004/08710  
Document Number: D01351336

## 20 AQUATIC CENTRES - REDUCTION IN WINTER HOURS

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### EXECUTIVE SUMMARY

Council operates three Aquatic Centres located at Hornsby, Epping and Galston. These centres operate all year round. In the past, winter trading hours at the centres have been reduced due to patronage levels declining over the winter period. In 2009 Council endorsed report WK 27/09 in regards to closing Epping and Galston pools over the 2009 winter period, however agreed to keep the Hornsby pool open over the winter period. It costs Council approximately \$1,000.00 per centre per Sunday to operate the centres with minimal return. It is proposed to close the Epping Aquatic Centre, keep Galston Aquatic Centre open from 8.00 am to 11.00 am and operate Hornsby Aquatic Centre from 7.00 am to 4.00 pm on Sundays for the duration of the winter season.

### PURPOSE/OBJECTIVE

The purpose of this report is to seek Council's approval to a reduction in operating hours at Council's three Aquatic Centres on Sundays from May 2010 to September 2010 (inclusive).

### DISCUSSION

Council's three Aquatic Centres operate Learn to Swim and Squad programs 12 months of the year. The centres also provide recreational programs and swimming on a year round basis. Following Council's experience in 2009 when it was agreed that opening hours would change over the winter period, consideration has been given to arrangements for the 2010 winter period. The following is noted:

#### **Epping Aquatic Centre**

Following further consideration of an earlier proposal to close this Centre in the 2009 winter period, Council approved the opening of the Epping Aquatic Centre from 13 September 2009, for Sunday trading from 7.00am to 12.00 noon and to track attendance figures for the month of September. The following attendance figures were recorded:

13 September, 2009	28 swimmers
20 September, 2009	28 swimmers
27 September, 2009	8 swimmers

It is proposed, following consultation with regular users of the Centre, that the Centre closes from May to September 2010.

#### **Galston Aquatic Centre**

Galston Aquatic Centre has received a booking request from the Hornsby RSL Swim Club to hold their club races from Sunday, 11 April 2010, to Sunday, 31 October 2010, from 8.30am to 9.30am. Council has honoured this booking for the past 30 years. The Centre Supervisor has indicated that Council could expect approximately 45 patrons would use the centre between 8.00am and 11.00am.

It is proposed that the Centre operate from 8 am to 11 am on Sundays over the winter period.

### **Hornsby Aquatic Centre**

Attendance figures were kept last winter to monitor patron usage at the Hornsby Aquatic Centre on a Sunday throughout winter. The centre averaged approximately 100 patrons and given the strong demand for Learn to Swim classes on a Sunday, it is proposed that Hornsby Aquatic Centre remain open on a Sunday, trading from 7.00am to 4.00pm.

### **BUDGET**

Closing Epping Aquatic Centre on a Sunday from May to September would result in a \$20,000.00 reduction in operating costs for the centre. Closing Galston Aquatic Centre at 11.00 am on a Sunday would result in a \$10,000.00 reduction in the operating costs for the centre.

### **POLICY**

There are no policy implications arising from this decision.

### **CONSULTATION**

Consultation has been taken with the Executive Manager Works and the Centre Supervisor from each centre.

### **TRIPLE BOTTOM LINE SUMMARY**

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

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

### **RESPONSIBLE OFFICER**

The responsible officer is Mr Scott Hewitt, Manager Aquatic and Recreational Facilities, telephone 9847 6304.

### **RECOMMENDATION**

THAT:

1. Council approve the closure of Epping Aquatic Centre for Sunday trading from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.
2. Council approve Sunday trading for the Galston Aquatic Centre, 8.00am to 11.00am from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.
3. Council approve Sunday trading for Hornsby Aquatic Centre, 7.00am to 4.00pm from Sunday, 2 May 2010, to Sunday, 26 September 2010, inclusive.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

There are no attachments for this report.

File Reference: F2004/08949-02  
Document Number: D01351416



## 21 CODE FOR INSTALLATION OF PARKING RESTRICTIONS NEAR DRIVEWAYS

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### EXECUTIVE SUMMARY

This report recommends adoption of a code for the installation of parking restrictions near driveway.

The report outlines some background information and the reasoning behind the development of the code and seeks the agreement of Council to adopt the code.

### PURPOSE/OBJECTIVE

The purpose of this report is to provide Council and Council officers with a process to assess requests for parking restrictions near driveways in a consistent manner.

The code seeks to ensure impartiality and transparency in the assessment of requests for parking restrictions near driveways, whilst identifying, managing and mitigating the removal of on-street parking on local roads.

### INTRODUCTION/BACKGROUND

Council receives regular requests from residents who are concerned with traffic safety when exiting their driveways. These request generally fall into two categories; one – vehicles blocking access to property, this is dealt with by enforcement under the Australian Road Rules, and two – vehicles parked right up to the edge of a driveway thereby limiting visibility of frontage road. Whilst parking near driveways can appear unsafe to the average motorist, crash statistics indicate that driveway related crashes on roads under Council's control represents a very small proportion (between 1 and 2%) of all accidents throughout Hornsby Shire.

1. Many of these crashes are likely to be due to unsafe practice, i.e., reversing onto roadways rather than the result of reduced sight distance.
2. In many areas around railway stations, schools and commercial areas, on street parking is inevitable and desirable. Over application of parking restrictions at driveways in these busy areas will result in a shortage of parking near the area of greatest demand and parking being displaced into adjacent areas.

Parked vehicles in less congested residential streets result in reduced travel speeds, minimising the potential for serious vehicle and pedestrian accidents. Requests for parking restrictions must be carefully considered as such restrictions effectively widen the carriageway and encourage higher vehicle speeds.

### DISCUSSION

On-street parking is a valuable community asset and currently removal is only considered at locations with an established crash history. This code proposes that requests for parking

restrictions near driveways be assessed by reviewing factors affecting road safety near driveways such as:

1. Sight distance at driveway
2. Volume of traffic on frontage road
3. Volume of traffic accessing the property
4. Speed of traffic along frontage road
5. Crash data (most recent 5 year period, within 50m radius of subject driveway, excluding intersections).

The proposed “Parking Restrictions near Driveways” code seeks to formalise that process by way of ranking the sites requiring treatment. The advantage of this process is delivery of consistent and a systematic approach to each request and ensuring that parking restrictions near driveways are only implemented in cases where doing so can provide measurable traffic safety improvements. A copy of the draft code is attached with this report.

The code’s proposed ranking system groups driveway related requests in to three categories;

1. Low or no risk - No action required
2. Medium risk– Monitoring required
3. High risk – Proposal for parking restrictions referred to LTC

The Roads and Traffic Authority of NSW has delegated its powers to authorise certain traffic control devices on regional and local roads, including parking control signs, to Councils. Requests for changes to parking restrictions are investigated by Council staff and any proposals are forwarded to the Local Traffic Committee for consideration. It should be noted that Berowra railway station has been declared as a nominated station by the RTA, and Council is not authorised to make any changes to parking restrictions within one kilometre radius of the station.

### **BUDGET**

There are no budget issues associated with this report.

### **POLICY**

No other policy issues are attached to this report.

### **CONSULTATION**

This report has been prepared in consultation with the Members of the Local Traffic Committee and has been recommended for approval by Council by the Local Traffic Committee, report No LTC35/2009.

### **TRIPLE BOTTOM LINE SUMMARY**

#### **1. Working with our Community**

The adoption of this code will provide the community with a clearly articulated policy in relation to providing parking restrictions near driveways. This will improve the perception amongst the community and Council officers of accountability, transparency and impartiality in the way Council conducts its assessment for such requests.

**2. Conserving our Natural Environment**

No implications.

**3. Contributing to Community Development through Suitable Facilities and Services**

No implications.

**4. Fulfilling our Community's Vision in Planning for the Future of the Shire**

No implications.

**5. Supporting our diverse economy**

Maximising on street parking where possible in commercial areas.

**6. Maintaining sound Corporate and Financial Management**

No implications.

**7. Other Sustainable Considerations**

No implications.

**RESPONSIBLE OFFICER**

This report has been prepared by Council's Senior Traffic Engineer, Mr Radek Zarzycki. Additional information can be obtained prior to the Ordinary meeting on 98476684.

**RECOMMENDATION**

THAT Council adopt the attached code titled Parking Restrictions Near Driveways.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Parking restrictions near driveways code

File Reference: F2004/08694  
Document Number: D01352012

## 22 INTRODUCTION OF FEE FOR ASSESSMENT OF TRAFFIC MANAGEMENT PLANS/ROAD CLOSURE PLANS

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### EXECUTIVE SUMMARY

This report recommends introduction of a fee for the assessment of traffic management plans and temporary road closure proposals.

The report outlines some background information and the reasoning behind proposed fee and seeks the agreement of Council to introduce a new fee in accordance with cost recovery guidelines.

### PURPOSE/OBJECTIVE

The purpose of this report to introduce a fee to allow for the recovery of cost associated with the assessment of a Traffic Management Plan (TMP) and temporary road closure for commercial purposes.

### DISCUSSION

Council's role in granting approvals to partially / temporarily close a public road is to

- ensure that appropriate public notification is undertaken
- ensure that the impact on traffic flow is minimal
- maintain records of activity an road reserve in case future legal issues arise
- ensure compliance with Sections 115 and 138 of the Roads Act
- advise whether RTA and/or Police approval is also required
- ensure work occurs at the appropriate time of day balancing amenity, safety and congestion issues
- minimise use of the road reserve when alternatives are available
- approve the temporary variation of traffic restrictions
- ensure that the applicant has adequate public liability insurance and RTA certification.

In acting on an approval the applicant assumes

- responsibility for safety at the site (including areas of the road reserve)
- compliance with Australian Standards, Austroads and RTA guidelines
- compliance with any planning requirements (such as the need for a Review of Environmental Factors)
- ensuring that pedestrian and disabled access is maintained
- compliance with WorkCover requirements

On average, Council receives 2 requests per week requiring the assessment of Traffic Management Plans associated with construction works affecting roads under Council jurisdiction. With an average 2.6 hours spent on assessment and processing of a proposal this equates to 270 hours of officer's time.

Council currently does not charge a fee for this service. A fee for recovering the cost associated with the assessment process is proposed as follows:

2.6 hours @ \$75 per hour = \$195.00

A review of neighbouring Council fees for assessment of Road Closure TMPs is provided below:

The Hills Shire Council -	maximum of \$535.60 per week
Kuring-Gai Council-	\$210 per day
Parramatta Council -	\$443.25 per day in CBD
	\$221.70 per day in other areas
Gosford Council -	\$100 up to 24 hours

It is proposed that non-profit organisations such as community groups, churches and charity organisations be exempt from the TMP assessment fee.

Emergency and essential utility works are also exempt as a result of State Regulation.

### **BUDGET**

Council officers assess, 2 TMP's per week (on average). The cost recovery based on a \$195.00 fee is approximately \$20,000 per annum.

### **POLICY**

Council's Policy for Road Closures and Special Event Traffic Management is relevant to this report.

### **TRIPLE BOTTOM LINE SUMMARY**

#### **1. Working with our Community**

Non-profit organisations will be exempted from this fee. This will help maintain positive relations with the community groups.

#### **2. Conserving our Natural Environment**

No implications.

#### **3. Contributing to Community Development through Suitable Facilities and Services**

No implications.

#### **4. Fulfilling our Community's Vision in Planning for the Future of the Shire**

No implications.

#### **5. Maintaining sound Corporate and Financial Management**

The introduction of a fee for the assessment will allow for the recovery of cost associated with the assessment process.

#### **6. Other Sustainable Considerations**

No implications.

**CONSULTATION**

This report has been prepared in consultation with adjoining Councils. Their fee structure has been examined to ensure that the proposed fee is balanced whilst providing a cost recovery for the service currently provided.

**RESPONSIBLE OFFICER**

This report has been prepared by Council's Senior Traffic Engineer, Mr Radek Zarzycki. Additional information can be obtained prior to the Ordinary meeting on 9847 6684.

**RECOMMENDATION**

THAT Council adopt the new fee for assessment of Traffic Management Plan/Temporary Road Closure.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

There are no attachments for this report.

File Reference: F2008/00342  
Document Number: D01352136

**23 EXPRESSION OF INTEREST EOI 1/2010: EXPRESSION OF INTEREST FOR THE DESIGN AND CONSTRUCTION MANAGEMENT OF HORNSBY AQUATIC CENTRE**

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**DISCLOSURE OF INTEREST – EXECUTIVE MANAGER**

Council is advised of a non-pecuniary, less than significant conflict of interest in relation to one of the tenderers for the subject contract. I advise that a close family relative is employed by the parent company of one of the tenderers. I further advise that a friend is employed by this tenderer. My involvement in this matter has been in the review of the report and recommendations. Following discussion with the General Manager, it has been agreed that I should continue to participate in the selection of a tenderer for this project. The subject tenderer is not recommended for inclusion in the short list.

**EXECUTIVE SUMMARY**

This report should be read in conjunction with Executive Manager's Report No. WK20/10 - Upgrade of Hornsby Aquatic Centre.

Expressions of Interest (EOI) have been called in accordance with the Local Government Act and it has been recommended that Council invite six of the 36 submissions to submit tenders for the design and construction management of Hornsby Aquatic Centre.

**PURPOSE/OBJECTIVE**

This report provides a recommendation for EOI 1/2010: Expression of Interest for The Design and Construction Management of Hornsby Aquatic Centre.

**DISCUSSION**

EOI 1/2010 was called to select a short list of consultants from which tenders can be called for the design and construction management for Hornsby Aquatic Centre. A summary of all submissions together with full evaluation details have been placed on file (Trim Folder F2010/00007). Excepting this report, the summary and details of the EOI's received are to be treated as confidential in accordance with the Local Government Act.

Thirty Six (36) EOI submissions were received from the following companies:

- Coffey Projects (Australia) Pty Ltd
- Donovan Payne Hamor
- EPM Projects Pty Ltd
- Glendenning Group Architects Pty Ltd
- Lippmann Partnership
- NBRS & Partners
- Quattro Design Pty Ltd
- Allen Jack Cottier Architects Pty Ltd
- AMFM Constructions Pty Ltd

- APP Corporation Pty Ltd
- Brewster Hjorth Architects
- Butler & Co Architects Pty Ltd
- Caldis Cook Group
- Complete Urban Pty Ltd
- Courtam Pty Ltd
- Daryl Jackson Robin Dyke Pty Ltd
- Etch Architectural Solutions Pty Ltd
- Facility Design Group
- Geoff Ninnes Fong & Partners Pty Ltd
- Geoform Design Architect
- GHD Pty Ltd - Sydney
- Group GSA
- Harry Seidler & Associates
- Hassell Limited - Sydney
- HBO + EMTB
- Hill International (Australia) Pty Ltd
- Liquid Blu Pty Ltd
- Mode Design
- Gravitus Consulting Group
- Peter Hunt Pty Ltd
- Rider Levett Bucknall
- Silvester Fuller
- Stafford Moor & Farrington
- Suters Architects - Pymont
- The Cox Group
- TompkinsMDA Architects

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

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

Criteria were assessed on information submitted with each submission.

The attached Confidential Memo WD D&C 16/2010 provides a summary of the evaluation. Full details of the tender evaluation are on file.

From the results of the evaluation it is recommended that Council invite The Cox Group, Geoff Ninnes Fong & Partners Pty Ltd, Mode Design, Peter Hunt Pty Ltd, Suters Architects and TompkinsMDA Architects to tender for the design and construction management of Hornsby Aquatic Centre.



**BUDGET**

The upgrade of Hornsby Aquatic Centre is proposed to be funded by a special infrastructure rate levy. It is estimated that costs of approximately \$50,000 will be incurred in preliminary design activities prior to Council being advised of the outcome of its application for this rate increase. In order to meet the project timetable set out in Report WK20/10, it is considered necessary to proceed with this action in advance of knowledge of the outcome. It is therefore proposed that up to \$50,000 be allocated from working funds with the source of funding to be determined at a subsequent budget review.

**POLICY**

There are no policy implications.

**CONSULTATION**

The tender has been evaluated in consultation with the Council's Landscape Coordinator, Mr Kurt Henkel, Manager Design and Construction, Mr Rob Rajca and Manager Aquatic & Recreational Facilities, Mr Scott Hewitt.

**TRIPLE BOTTOM LINE SUMMARY**

A triple bottom line summary is not required for this type of report.

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT:

1. Council invite The Cox Group, Geoff Ninnes Fong & Partners Pty Ltd, Mode Design, Peter Hunt Pty Ltd, Sutera Architects and TompkinsMDA Architects to tender for the design and construction management of Hornsby Aquatic Centre.
2. The result of the tender to be reported back to Council.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Refer to Confidential Attachment to WK19/10, located in the Confidential Section of Business Paper Confidential Memo WD D&C 16/10 (circulated separately by Councillors). - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2010/00007

Document Number: D01352550

## 24 RECONSTRUCTION OF HORNSBY AQUATIC CENTRE

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### **EXECUTIVE SUMMARY**

This report should be read in conjunction with Executive Manager's Reports Nos. WK19/10 - EOI 1/2010: Hornsby Aquatic Centre.

The condition of the Hornsby Aquatic Centre (HAC) has deteriorated to the extent that closure is anticipated by early 2013, or earlier if deterioration accelerates. A briefing was provided to the Community Cultural and Recreation Facilities Task Force at its meeting of 25 February 2010, where it was noted that a report on this matter would be prepared for Council's consideration to proceed with the reconstruction of the Hornsby Aquatic Centre.

### **PURPOSE/OBJECTIVE**

This report provides a recommendation for Council to proceed with the reconstruction of the Hornsby Aquatic Centre with upgraded facilities.

### **BACKGROUND**

The Hornsby Aquatic Centre was first opened to the public in 1962. It comprises a 50 metre outdoor pool, Learn to Swim facilities and a toddler splash pool. The grandstand was constructed in 1968 with a roof added in 1985.

Concerns were first raised regarding the structural integrity of the pool's support structures in the early 1970's, when evidence of spalling of concrete and rusting of reinforcement in the pool support structure was noted. Subsequent inspections by a consultant structural engineer revealed significant deterioration and defects. Following the consultant's report, Council commenced precautionary monitoring of the in-service behaviour of the structure and has been progressively carrying out extensive repairs since that time to ensure that the centre remains safe for use.

The latest structural advice received early this year suggests that the pool may continue operating till 2013, however serious deterioration of the structure can occur rapidly and the pool may need to be closed without notice. The details of the structural advice are discussed below.

### **DISCUSSION**

#### *Condition of Existing Aquatic Centre*

Within 10 years of Hornsby Pool's construction, signs of deterioration were present and in 1977 Council engaged Professor Steve Bakoss from UTS to assess the pool structure. Professor Bakoss has been retained since 1977 to advise Council on the condition of the pool. Extensive remedial works have been undertaken since this time including a partial reconstruction of the grandstand supports in 2005. Ongoing significant repairs undertaken in the late 1990's and early 2000's have enabled the centre to continue operation.

In 2008, Council commissioned a detailed structural inspection of the centre by Professor Bakoss. He has advised that, notwithstanding the extensive maintenance activities undertaken by Council, the centre is nearing the end of its effective life. Council engaged a second consultant, Mr Doug McMillan of Cardno, (Cardno) to review the work done by Professor Bakoss and to review the service life of the pool, (i.e. a second opinion).

Cardno concurred with previous work and advised;

*“Whilst no absolute guarantees can be given, it is my belief that the life of the pool structure should be able to be extended for a further three years without incurring normally unacceptable risks, or significantly higher maintenance expenditure than has been incurred in the last few years. My conclusions are premised on the condition of the pool being closely monitored, and on any changes in condition being promptly referred to Professor Bakoss for his assessment and recommendations regarding appropriate risk minimisation.”*

In order to see if any major parts of the existing facilities could be kept in the redevelopment of the Aquatic Centre, Cardno were asked to comment on the amenities block and the grandstand.

#### Amenities Block

It was noted by Cardno that, *“it is probable that erosion has occurred around drainage lines under the amenities building where these lines were installed in trenches cut into the underlying rock. Because of the extensive drainage beneath the amenities building, repairs to the original earthenware drainage lines that have been or will in the future be damaged by settlement of the pipes as a result of erosion of the pipe beds will be difficult, and therefore expensive to repair”*.

However, *“As access to the pool area from both the north and south ends is possible leaving the amenities building in position whilst a new pool is constructed is both feasible and practical from an engineering standpoint”*.

Given that these facilities are now almost 50 years old, future maintenance costs could be significant. The facilities would appear “dated” compared to any new pool facilities provided during reconstruction and the most cost effective time to replace the amenities would be during the major redevelopment of the pool. Further, keeping the amenities block constrains positioning of any new pools.

It is not recommended that the old amenities block and offices be kept as part of the pool redevelopment.

#### Grandstand

With regard to the Grandstand, the following comments were made by Cardno:

*” The grandstand structure was a later addition to the pool complex and all indications suggest that it relies on the connection to the pool concourse for its lateral stability.*

Without the lateral support provided by the pool concourse, wind forces on the roof on the solar heating panels and on the tiered seating would impose very significant uplifts on the foundations. Observations suggest that the foundations have little uplift capacity. Removal of the solar panels, the roof sheeting, and the timber decking and risers of the tiered seating would dramatically reduce wind loads and hence foundation uplifts, and it is possible that the structural steel frame below the tiered seating level could remain, once connection to the pool structure was removed. However, the roof beams and purlins would have to be removed and later replaced when support of the eastern end of roof bearers could be re-established.

Accordingly, I assess that maintaining the grandstand for incorporation into the new pool complex would present difficulties and costs that would virtually render such a proposal impractical”.

Therefore to keep the pool in the existing location, it may be possible, but not recommended, to retain the amenities building. However the grandstand should be demolished. If Council were to consider retaining both structures, then the 50 metre pool would need to remain as a seven lane pool as there is insufficient space between the grandstand and amenities building to add an additional swimming lane.

#### Need for an Aquatic Centre

In 2006, Council engaged Owl Research and Marketing Pty Limited to prepare the Customer Satisfaction Study and Community Satisfaction Study. In relation to Hornsby Aquatic Centre, the study found:

“Council providing swimming pools were very important to residents (8 out of 10 in importance) with 41% (84 people) of this sample having used at least one of Council’s swimming pools within the previous 3 years, with these users most likely to have been female, aged 16-39 years and to have children under 12 years of age. Hornsby swimming pool was the most popular, especially with the 16-39 year age group.”

Some relevant questions asked in relation to Aquatic facilities are listed below.

#### *Q.27. In the past 3 years, have you used one of the Council swimming pools in the Shire?*

Q.27. In the past 3 years, have you used one of the Council swimming pools in the Shire?

	Total	Respondent Age				Household Composition				Gender		Ward		
		16-39	40-55	56-75	76+	Young Singles/ Couples	Family <12 years	Family > 12 years	Mature Couple	Male	Female	Ward A	Ward B	Ward C
No of Respondents	203	44	63	85	11	8	48	62	85	107	96	95	51	57
	%	%	%	%	%	%	%	%	%	%	%	%	%	%
YES	41	68	43	31	9	50	67	42	26	33	51	47	43	30
NO	59	32	57	69	91	50	33	58	74	67	49	53	57	70

#### *Q.30. The importance of Council providing aquatic facilities.*

	Total	Respondent Age				Household Composition				Gender		Ward		
		16-39	40-55	56-75	76+	Young Singles/ Couples	Family <12 years	Family > 12 years	Mature Couple	Male	Female	Ward A	Ward B	Ward C
No of Respondents	203	44	63	85	11	8	48	62	85	107	96	95	51	57
	<b>MEAN SCORES - the closer the number is to 10 - the better</b>													
Importance of Facility	7.99	9.02	7.78	7.65	7.73	6.63	8.92	7.81	7.73	7.83	8.17	8.51	7.45	7.61

8 out of 10 as a score, indicates that residents consider it to be very important for Council to provide aquatic facilities, with this level of importance rising even higher (8.92 out of 10) amongst families with children < 12 years of age. It is also particularly important to residents in Ward A.

*The Research Study also showed that residents consider it to be very important for Council to provide aquatic facilities, with the level of importance increased amongst families with children less than 12 years of age.”*

#### June 2009 Community Research Study

In the June 2009 Community Research Study residents in focus groups were asked what issues they wanted ‘corrected’ or addressed by Council. Not surprisingly many commented on the need for additional and improved recreation facilities including a new pool at Hornsby and more sports grounds.

In late 2009 Hornsby Council undertook consultation and engagement activities to inform and engage the community about the proposed rate variation to general income (infrastructure levy).

Community meeting and focus groups were based on deliberative principles. Deliberative public engagement is a distinctive approach to involving people in decision-making. It is different from other forms of engagement in that it is about giving participants time to consider and discuss an issue in depth before they come to a considered view. Background reading provided a context for informed engagement at each consultation.

Outcomes from the community consultation and engagement about the proposed one-off rate variation include:

- **Majority agreement by the community that the Hornsby Aquatic Centre is the highest priority project for funding by an infrastructure levy**
- The second priority project is the Hornsby pedestrian over bridge
- The willingness of the community to contribute to the list of possible projects to be funded by a levy
- A wish by the community to be kept appropriately informed of the funding allocation and the projects funded from an infrastructure levy

It was also agreed that, taking account of community preference and need, the follow three major projects were to be funded by the proposed infrastructure levy:

1. Hornsby Aquatic Centre
2. Hornsby pedestrian over bridge
3. Old Mans Valley for recreation purposes

#### Patronage

Based on a recent analysis of visits to Hornsby Aquatic Centre, 42% live in Hornsby and 79% in Hornsby or to the north. The remaining 21% are from southern parts of or outside the shire.

Based on a recent survey, Hornsby Pool currently has around 120,000 visits per annum. In the summer season (October to March) the pool is at capacity and there is a strong demand for more learn to swim classes. Currently there is a waiting list of 50 for LTS. It is considered that if on site parking was provided, this would draw significantly larger numbers to an enhanced learn to swim facility.

During the winter months (April to September) patronage is significantly lower and falls away by approximately 60%.

It is considered that providing LTS indoor facilities would greatly increase patronage during the winter months.

#### Hornsby Leisure Strategic Plan

The Hornsby Leisure Strategic Plan Stage 2 report on Demand, Supply and Service Gap Analysis was prepared in 2000 and deals with Aquatic Facilities in the shire.

The findings are summarised below:

- *“There are no large public swimming centres in adjacent municipalities in locations close to Hornsby Shire’s boundaries. (The closest centres are at Baulkham Hills, West Pymble and Ryde – at four, six and seven kilometres, respectively, from the Shire’s boundaries).*
- *The Hornsby Swimming Centre is located in Hornsby Park, opposite the Hornsby Shire Council Chambers. “The facility is strategically well located, being visible from a major traffic route (Pacific Highway) and within easy walking distance of the Hornsby CBD and railway station.”*
- *The Pool is a major venue for school swim carnivals. There are 23 school carnivals (no zone, due to the pool being only 7 lanes, they prefer 8 lanes) during the month of February and March each year.*

#### *Pool ‘catchment’ areas*

- *The catchment area for a facility is the geographical area from which the users of the facility are drawn. The actual size of a catchment depends upon many matters including a facility’s intrinsic qualities and appeal, its uniqueness, promotion and marketing campaigns, programs and activities offered, management skills and the presence or otherwise of other opportunities in the catchment, including other pools.,*
- *The primary catchment is the geographical area containing the majority – 70% to 80% - of potential users. Research undertaken by the Victorian and South Australian Governments between 1980 and 1995 has demonstrated that the primary catchment area for aquatic facilities is generally within about 5 kilometres travel distance or 15 minutes travel time from the facility. This is the average catchment size. Individual catchments may be larger or smaller, depending on specific local circumstances.*
- *The primary catchment areas for the Hornsby and Galston Pools are likely to be much larger – up to 15 kilometres – due to the absence of alternative opportunities in the north and northwest districts of the Shire.*
- *The catchment area for Hornsby Aquatic Centre is:*
  - *Westleigh*
  - *Thornleigh*
  - *Normanhurst*
  - *Hornsby*
  - *Waitara*
  - *Asquith*
  - *Berowra Creek*
  - *Hornsby Heights*
  - *Mt Colah*
  - *Mount Kuring-gai*

- Berowra
- Berowra Waters
- Milson's Island
- Milson's Passage
- Cowan
- Berowra Heights

*The actual catchment populations for the Hornsby Centre is, therefore, more likely to be in the order of 75,000.*

- *The market profile indicates that some of the population groups that, typically, are higher users of pools (children and adults with children) form a significant proportion of the catchment populations.*
- *There are several private and commercial aquatic facilities in the Shire – including small commercial pools – Dural (2), Hornsby Heights, Thornleigh and Beecroft – and two school 25 metre indoor pools (Barker and Loreto). There is also a pool at Abbotsleigh School – just over the municipal border in Wahroonga.*
- *Lack of shallow and heated water, weather, the short season and the usual heavy commitment to club and lap swimming activities limits the range and flexibility of programming at traditional, outdoor facilities. Substantial operating subsidies are the inevitable result.*
- *Indoor heated pools, on the other hand, have the potential to break even financially. But this will generally require entrepreneurial management, minimum size catchment populations (around 40,000 for fifty metre pools and 20,000 for twenty-five metre pools) and integration with other leisure facilities such as sports halls, fitness facilities and catering/merchandising.*

### **Broad Grouping**

### **Market Segment**

#### **RECREATION MARKET**

*Families  
Children  
Seniors groups  
Holiday programs  
Children's parties*

#### **HEALTH / FITNESS MARKET**

*Adult lap swimming  
Corporate fitness  
Rehabilitation programs  
Aqua-aerobics*

*Long term inactive (i.e. 'fit and fat loss')*

#### **EDUCATION MARKET**

*School programs  
Learn to swim  
Stroke correction*

#### **SPORTS MARKET**

*Carnivals / competitions  
Club training  
Swim squads*

*Aquatic sports (scuba diving, water-polo, hockey, canoeing, synchronised swimming)*

#### **PUBLIC SAFETY MARKET**

*Life Saving training*



- *The existing aquatic centres are receiving relatively high levels of use but, at the Hornsby and Epping outdoor centres, the use is concentrated in the summer months (with up to 75% of visits occurring in the October-March six months).*
- *The current study has identified a strong demand within the community for upgraded, heated year round swimming facilities.*
- *The Community Survey also found a high level of unmet demand for ‘swimming/aquatic activities’ – with 11% of respondents expressing a need for more participation in such activities. (This was the highest score for unmet demand). Associated with this was a high ranking for ‘swimming facilities’ in Council’s future spending priorities – with 19% of respondents giving pools their number one expenditure priority.*
- *At the Sports Stakeholder Meeting, strong support was expressed for the upgrading of Council’s aquatic facilities – in accordance with requirements that had been identified ten years previously (in the 1993 Leisure Needs Study, for example).*
- *It is probable that the relatively low levels of use are a consequence of the current condition and presentation of assets and the absence of key facilities (such as indoor heated ‘leisure pools’).*
- *Based on the experience of modern centres, appropriately upgraded facilities will cater more effectively to the full range of potential users (or markets segments) at a lower unit cost to Council.”*

#### Australian Infrastructure Financial Management Guidelines

Australian Infrastructure Financial Management Guidelines, 2009 give guideline levels for community recreation facilities for a population of 100,000. Factoring this for the Shire’s population of 160,000 the projected facility provision for aquatic facilities are:

<u>FACILITY</u>	<u>No. for Shire</u>
Indoor 25m pool	2.58
Indoor 50m pool	0.29
Outdoor 25m pool	0.29
Outdoor 50m pool	1.42

Given that Hornsby Shire has two 50m outdoor pools at Hornsby and Epping, the distance between the facilities are such that the above guidelines suggest two 50m pools are warranted. The guidelines suggest 2.58 indoor 25m community pools are warranted. Galston is the only community pool in the shire. Cherrybrook pool has limited public access.

#### Locating a New Facility

Whilst a number of other options for the location of a new facility have been considered, such as Old Mans Valley, the existing location is positioned well for access via a number of transport modes.

Relocation to a new site would require the existing site to be rehabilitated and landscaped after demolition of the existing facilities, the cost of which is considered significant.

Some other sites may also require the cost of property acquisition.

*New Aquatic Centre Requirements*

To start the process of siting a pool complex within Hornsby Park, there needs to be agreement on what facilities are required within the aquatic centre. To assist Council in determining a budget for the facility the following assumptions and justifications have been made. These may require further investigation to determine the feasibility and suitability of identified elements.

TABLE 1

<b>Existing</b>	<b>Proposed</b>	<b>Justification – brief comments</b>
50m 7 lane outdoor pool	50m 8 lane outdoor pool	Majority of Olympic pools are 8 lanes. Creates more recreational space during peak periods.
12m by 8m. Outdoor Program Pool	25m by 20m Indoor Program Pool	There is a very high demand for Learn to Swim (LTS). Increase LTS space will offset operational costs. Providing an indoor 25m pool will reduce heating costs and will also permit the 50m outdoor pool to be closed during winter further saving considerable energy costs maintaining pool water temperatures.
Approx 40 square metre Outdoor splash Pool Currently old and outdated.	150 square metre Outdoor splash Pool	Larger pool to provide a zero depth splash pool to attract families to the centre.
Grandstand with approx 850 seating capacity	Grandstand with approx 500 seating capacity	There are only 4 or 5 school carnivals which require more seating. If these larger schools leave, other (smaller) schools will take up vacancies.
Amenities: Approx 150 square metres of Male & Female toilets/change rooms	Amenities: Approx 100 square metres of Male & Female toilets/change rooms	Current amenities not fully utilised. Can be made smaller without adverse impact.
100 square meters of Clubroom / multi purpose room	100 square meters of Clubroom / multi purpose room.	Existing size facilities is adequate. Dual use as Club Room and multipurpose room.
Approx 60 square meters of Kiosk	Approx 60 square meters of Kiosk	Existing kiosk is separated from front counter. Incorporating both allows potential staff reduction while maintaining or improving kiosk sales.
Approx 20 square meters of 1 <sup>st</sup> Aid room	30 square meters of 1 <sup>st</sup> Aid room	Existing size is adequate for future requirements.

Approx 900 square meters of Grassed Area	Approx 200 square meters of Grassed Area	Current size is not fully utilised. Approx 200 Sq. metres is sufficient based on current demand.
3 Staff Parking Spaces	10 Staff Parking Spaces Require during summer	Currently staff park on grass or stack parking. Provide adequate parking for staff
Zero available on site. Public Parking Spaces during the week.	Over 50 Public Parking Spaces	Easy access for patrons to visit the centre. Safer site access for children (no crossing of Pacific Highway). Unknown No. of lost visits due to no convenient parking
1 Disabled Parking Space	4 Disabled Parking Spaces	4 disabled spaces to attract people with disabilities to the complex.
No Gymnasium	No Gymnasium	Several gyms already within walking distance of pool.

### **Site Constraints**

An analysis of the park setting finds that the existing pool forms a visual barrier to potentially attractive views into Old Mans Valley and the aging pool infrastructure detracts from the attractive open parkland areas.

There is an opportunity to improve this relationship by carefully managing the built form and applying design controls on the redevelopment proposals.

Siting a new aquatic complex in Hornsby Park requires consideration of a number of physical, planning and heritage elements. Discussed below are the major constraints on any proposal.

### **Site Constraints – Physical**

#### **Terrain**

The site is steeply sloping which means that the facilities if reconstructed on a similar alignment would generally be constructed as a suspended structure similar to the existing as the land slopes become steeper to the west.

#### **Trees**

The existing Turpentine's in the park are highly significant and if possible should be retained. The trees are retained in the options considered in this discussion paper.

#### **Lone Pine**

The pine tree planted south of the pool entrance is from a tree grown in Australia propagated from a seed collected at Gallipoli and therefore has significance to many residents in Hornsby. The siting of the tree makes it difficult to design any future pool unless the existing footprint is used. The dropping of seed and pine needles results in significant pool maintenance issue. Even then, ground disturbances in the area will be significant during demolition and construction activities and may have detrimental affects on the root system of the tree. The removal of this tree would

greatly enhance the potential layouts for a new facility. Council staff are collecting seeds from the tree to propagate new trees at the Council nursery.

### Site Access

Hornsby Pool is located on Pacific Highway in Hornsby Park which is a Crown reserve. It is 400m from Hornsby station on the western edge of Hornsby town centre. Car parking is currently available on street and in Dural Street. The Pacific Highway links the core of the town centre to Hornsby Park.

Hornsby Park has an interesting relationship with the town centre, providing relief to the strong built form. The landform and plantings on the frontage mean that views into the park are limited. The change in the scale of the Highway in front of the park is important in setting the 'City Beautiful' scene for the park. Main pedestrian link to the park is from the Town centre parking areas and Hornsby Station, entering the park from the CWA area.

Currently the pool provides essentially no parking for visitors or staff, except for a recently installed disabled parking bay near the plant room. Advice received from the Planning Division, suggests that if Council follows a DA route, then parking required for the new complex may be able to be kept to a level similar to current levels. It is recommended that parking should be provided. This can be achieved by building parking under the proposed pool structure. The existing pool is raised above ground on columns. A new pool will be built the same way and it is possible to excavate to a level to allow for parking.

As an indication of the level of parking that may be required for this facility, Council previously engaged traffic consultants to determine parking requirements for the proposed Berowra Aquatic Centre. Based on a 12 metre by 8 metre Program Pool and a 25 metre pool, it was determined a peak parking demand of 44 vehicles during weekday afternoons was required.

Given that some parking is required, access to the parking area can be via:

- a) Existing roadway at the northern end of the site. Based on preliminary investigations, this is not considered viable as the roadway needs to be widened and the turpentine's adjacent to the road require removal. This internal access road will separate the playground/BBQ area from the site and gradients on the access road will constrain the height of the pool development site. Further, with changes to Pacific Highway, a dedicated right turn lane to the parking area cannot be provided and right turn out of the park would be a high risk manoeuvre.
- b) Old Man Valley (and Quarry Road). As part of the development of the Old Man Valley Masterplan, access issues were discussed. One option considered utilising access behind the pool and joining the existing unsealed road to Old Man Valley that connects to Quarry Road. This access could also be used to access parking for a pool complex, but the route would be long and circuitous.
- c) No 6 Dural Street. Council owns No. 6 Dural Street which is currently used by the Montessori School. The building and school has heritage significance. Access could be developed through this property, however differences in footpath and road levels need to be addressed. Also retaining walls and sound

barriers are likely to be required to minimise disturbance to adjoining properties. Sight distance at the roadway is restricted due to a line of large trees.

- d) Opposite Coronation Street. This is the preferred access point for a new road. This access point to the park would be at a traffic signal controlled intersection and can have a dedicated right turn lane from the Pacific Highway. For south bound traffic, vehicles leaving the site can travel in any direction. There is an opportunity to establish a new road that leads directly into the pool and in future may link into OMV and the Quarry lands. It is an opportunity to provide vehicular, cycle and possibly pedestrian access into the valley and therefore should be 20m wide to provide for future flexibility and responding to the Coronation Street streetscape. This option is preferred as it ties best into existing road network and relates well to the site, however it does require removal of the CWA building and public toilet block which may need to be accommodated in the site development. Further, the heritage street light in the island on the Pacific Highway needs to be relocated further north to allow for a right turn lane. The cost for relocating these items is included in the cost estimates discussed below.

Options for access into the pool to provide for car parking indicate that there will need to be the removal of heritage elements. See the section on Heritage below.

#### **Site Constraints – Planning**

Hornsby Aquatic Centre is located in Hornsby Park which is a Crown Reserve. Before Council can carry out any major changes, such as an aquatic centre, approval is required from the Department of Lands. Council has two ways to approach this process, namely submitting a DA and getting concurrence from the Department of Lands or incorporating the Aquatic Centre in a Plan of Management (PoM) for Hornsby Park. A PoM still requires Department of Planning concurrence however once the PoM is adopted, an aquatic centre can be constructed without requiring a DA.

Preliminary consultations with the Department of Lands have indicated that the preparation of a PoM would be supported if the proposal is likely to be controversial. They suggest a two stage process where we prepare a landscape plan and get public comment ahead of preparing a PoM to support the plan.

The preparation of a PoM under the Crown Lands Act means that Council can proceed to construction without a DA under SEPP Infrastructure. The Parks and Landscape Team is currently preparing a PoM for OMV and it is considered beneficial to develop a PoM for Hornsby Park incorporating the Aquatic Centre.

A DA or PoM requires public consultation and the overall time frame required to construction approval is anticipated to be considerably less for a DA.

#### **Site Constraints – Heritage**

The proposed redevelopment of Hornsby Pool needs to consider a number of important issues associated with its setting in Hornsby Town Centre and Hornsby Park. Hornsby Park occurs on the edge of the highly built up town providing a soft landscape relief to the hard paved surfaces and built forms of the town. The existing pool is not visible from the town centre, due to it being located well back from the

Pacific Highway frontage of the park, behind tree and garden bed areas and at a level well below the street.

Hornsby Park and the Lone Pine are currently heritage listed in the LEP with regional heritage significance and the Park and Pool are within the Hornsby Conservation Area. Key heritage elements of the park were identified in a 1996 Conservation Policy and Concept Master Plan prepared by Warwick Mayne Wilson, which found the park has aesthetic significance as a good example of 1930's 'City Beautiful' parkland movement, of regional significance. This study identified the following significance ratings of elements of the park:

- The existing Turpentine tree canopy - High significance
- The east-west axis paths and curved paths - High significance
- The Sandstone wall at the north entry - High significance
- The lone pine - Medium significance
- The Captain Cook Memorial - Low significance
- The CWA buildings - minor social significance
- The Pacific Highway palm trees and plantings - High significance

Further, there is a provisional listing for the CWA building as a heritage item in the LEP. The Parks and Landscape Team have previously objected to this proposal and commented "*Hornsby Park is already heritage listed, and building is therefore included in this listing. Case for adding building is not strong and will unnecessarily and unreasonably inhibit future potential and expansion of recreation facilities in Hornsby Park e.g. access road to Old Mans Valley, creation of park café.*"

Objections to the inclusion of the CWA building are also being prepared by the Works Division.

#### **Options Considered for the Purpose of Developing a Budget**

Given the constraints and assumptions discussed above, seven basic concepts were prepared for the purpose of developing a budget for the site. The options followed three main themes with variations in alignment of the pools with respect to the boundaries. The three themes were:

- 1) On the existing alignment of the pools (north-south) but moved to the north
- 2) At the south end of the park, an "L" shaped complex with the 50 metre pool along one axis and the 25 metre LTS forming the other axis.
- 3) At the north end of the park, an "L" shaped complex with the 50 metre pool along one axis and the 25 metre LTS forming the other axis

The Northern end of the park options were considered not practical due to large amounts of excavation and retaining and the potential loss of trees and the close proximity of the outdoor pool to trees and the associated pool cleaning issues.

Two options based on 1 and 2 above were further developed for estimating purposes and to provide indicative costs for alternate layouts for a complex in the park. Both options incorporate carparking under the pools. Option 1 can provide approximately 60 parking spaces, Option 2 approximately 50 parking spaces.

A quantity surveyor (QS) was engaged to provide indicative costs for these options. The costs are summarised below:

TABLE 2

ITEM	OPTION 1	OPTION 2
Demolition	\$340,000	\$340,000
Services Relocations	\$60,000	\$60,000
Earthworks and Site Preparation	\$930,000	\$520,000
50m Outdoor Pool	\$4,460,000	\$4,430,000
25m Indoor Pool	\$3,320,000	\$3,320,000
Attached Ancillary Areas (Amenities, Kiosk, Office, etc)	\$1,700,000	\$1,400,000
Below Pool Area, Ancillary Services & Plant Room	\$1,060,000	\$920,000
Carpark Below Pool Area including lift	\$1,480,000	\$1,200,000
Splash Pool	\$530,000	\$530,000
Club House	\$290,000	\$290,000
Grass Area	\$10,000	\$10,000
External Works (Vehicular Access, PA system, lighting, etc)	\$930,000	\$1,030,000
Miscellaneous (Allowance for staging, energy efficiency, substation)	\$820,000	\$820,000
Country Women's Association (building at unspecified location)	\$620,000	\$620,000
Toilet block (building at unspecified location)	\$150,000	\$150,000
Construction Contingency (10%)	\$1,670,000	\$1,560,000
<b>TOTAL</b>	\$18,000,000	\$17,000,000

Once a budget has been set for the project and the scope of works determined, a consultant with experience in modern pool design would be engaged to develop concept designs taking account of the various site constraints, identified community needs and the need for an integrated response to the development of the aquatic facility and its relationship to the proposed OMV development.

A business plan will need to be developed for the various options proposed including an analysis of financial performance and capacity to maintain any new development options.

These concepts would be presented to the Community, Cultural and Recreation Facilities Task Force at a future date. Expressions of Interest have been called for a consultant.

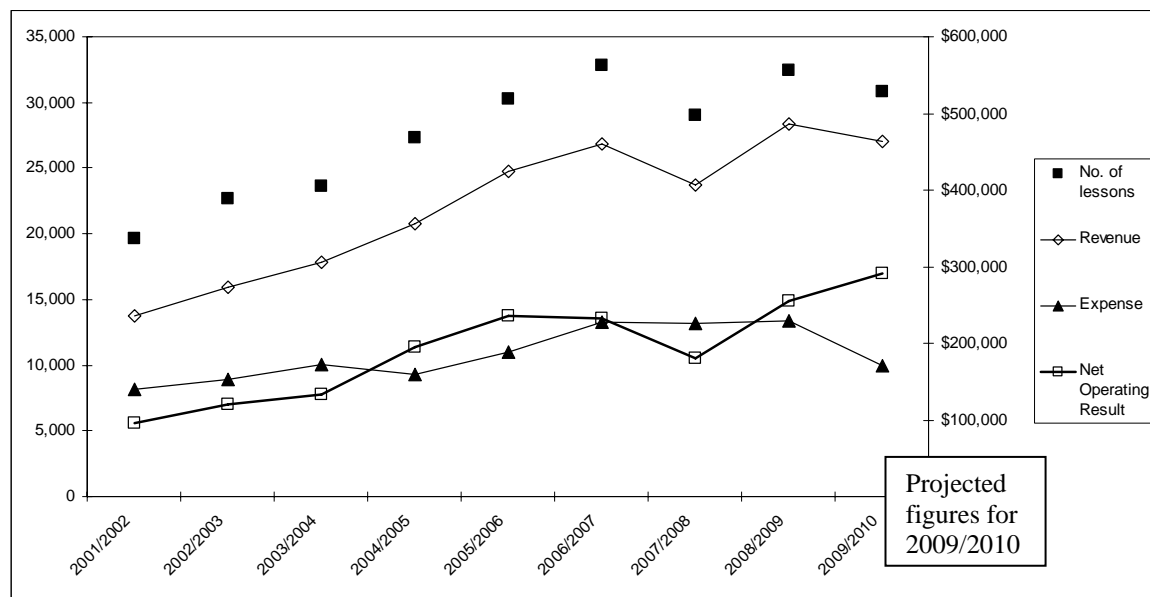
The QS was asked to include costs for potential staging of the construction so that one pool could be kept operational during construction of another pool. This is only valid for certain configurations and may not be practical for safety and economic reasons.

**The QS advised that costs for construction are likely to increase by approximately 8 to 10% over the next few years. Given the costs for both options are similar, Council should anticipate a cost of around \$20 Million for the project.**

#### **Financial Projection**

The Hornsby Aquatic Centre current LTS classes are showing a positive result generating an income to offset the overall running costs of the pool. The chart below shows LTS revenue and lessons are increasing over a nine year period. The decrease in the trend in 2007/2008 can be attributed to poor weather conditions in the summer and hence a reduction in classes.

CHART 1



Aquatic centres typically run at a loss, with the LTS component of the operation generating a net profit. Based on a configuration with an indoor 25 metre indoor pool, the LTS classes can be increased from 96 square metres (12m by 8 m) to 40% of a 25 by 20 metre pool, i.e. 200 square metres. This allows additional lanes of the pool to be used for other income generating activities, especially in winter when the 50m pool could be closed which would result in significant energy savings.

Adding two additional teachers in summer (up from four) and one additional teacher in winter (up from two), it is projected an increased return, after expenses, of greater than \$230,000 per annum for the LTS usage of the pool. This would reduce the annual operating loss to approximately \$100K.

This is considered to be valid only if the pool is enclosed and additional parking provided. The cost for these upgrades is approximately \$3M of the \$18M estimated by the QS. This cost could be recovered by the additional revenue in approximately 13 years. This proposal should be further tested by the Consultant engaged to advise on the overall concept.

### Design Options

The various pool redevelopment and site access options need to be evaluated to determine the scope of their impacts on the park. It is recommended that a consultant be appointed to develop options with costings and financial projections for a new facility. From the two options developed for the purpose of developing a budget, option 1 scheme has a less significant impact on the park fabric and has the potential to improve the relationship between the developed park and Old Mans Valley. The option 2 scheme will require substantial alterations to the park which may ultimately be considered unacceptable on heritage grounds. It will by necessity require substantial park construction works to replace parkland that is to be altered as a consequence of the redevelopment proposal. All access proposals have implications for heritage items.

### Time Frame

The planning and approval process for constructing a new aquatic centre is complex and requires many decisions and approvals. The shortest practical time frame to completion of a new complex is early 2013 which aligns with the expected maximum remaining life of the existing structure. A Gantt chart showing the estimated time frame is attached.



**Other Progress to Date**

In keeping with the time frame discussed above, an Expression of Interest (EOI) has been advertised seeking consultants for the design and project management for developing a new complex. The EOI closed on 17 February 2010 and 36 submissions were received. A report on the EOI is tabled as WK19/10 at this Meeting.

The above information was presented to the Community, Cultural and Recreation Facilities Task Force at its meeting on Thursday 25 February 2010. The Task Force indicated that Council should consider incorporating the following features in the scope of works for the project:

- reconstruction of the Hornsby Aquatic Centre on the existing site
- construction of a 50 metre eight lane outdoor pool
- construction of a 25 metre indoor pool with basement parking
- construction of new grandstand/s with 500 seat capacity
- construction of a splash pool
- construction of a new amenities block, club rooms, etc
- budget allocation of \$20 million

Further, the Task Force proposed that the final design take into consideration the potential for expansion of the facility at a later date to incorporate such features as a water park.

**BUDGET**

The estimated budget for the Upgrade of Hornsby Aquatic Centre is \$20 Million to be funded by the proposed infrastructure levy. If this source of funding does not eventuate then the funding of a new aquatic centre may be beyond Council's current financial capability. Any expenditure to be incurred prior to confirmation of this source of funds will require a specific allocation, yet to be identified. It has been estimated that funds in the order of \$50K will have been expended on the project by June 2010. It is proposed that this expenditure be funded from working funds at this time, with a specific source of funding identified in a future budget review.

**POLICY**

There are no policy implications.

**CONSULTATION**

The Manager Design and Construction, Manager Aquatic and Recreation Facilities, Co-ordinator Landscape and Executive Manager Environment were consulted in the preparation of this report.

## **TRIPLE BOTTOM LINE SUMMARY**

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

### **Working with our Community**

The proposal to construct an Aquatic Centre reflects strongly held community expectations that such a Centre is required. Provision of the Centre will demonstrate that Council is working with the community to provide these facilities. The proposal promotes social equity by providing enhanced access to recreational swimming, learn to swim activities, competitive swimming and aqua exercise facilities at a reasonable cost at a central location for the community. The opportunity will exist for social equity to be promoted in the programs that will be operated at the Centre.

### **Conserving our Natural Environment**

The proposed location is adjacent to a natural area and will incorporate at least a significant part of the area used by the current facility. Preparation of a Development Application in accordance with the relevant planning instruments will ensure that any adverse impact on the natural environment is minimised. Initiatives that minimise the quantity of energy and water to be used by the facility will be considered during the design phase. Where possible, the recovery, reuse and recycling of waste materials will be actively promoted. Water consumption will be minimised by the use of appropriate technology. There will be minimal impact on adjacent bushland or biodiversity. Option 1 appears to have the least impact on the natural environment as it is within the footprint of the existing aquatic facility.

### **Contributing to Community Development through Sustainable Facilities and Services**

Previous studies indicated that a facility at Hornsby is supported by the community. The proposal now submitted for consideration will require a significant capital investment, and will require a lesser but ongoing financial commitment from Council. Care will be taken with the design to ensure that the use of new technologies will reduce the carbon footprint for this type of facility. The facility will be able to be accessed by all sectors of the community.

### **Fulfilling our Community Needs in Planning for the Future of our Shire**

The proposal will be designed to be consistent with the existing built and natural environment. Care will be taken to ensure that the character and features of the existing area are maintained. The proposal will promote the well-being of the areas current and future population by providing quality swimming and leisure opportunities and providing the opportunity to participate in Learn to Swim or exercise programs.

### **Supporting our Diverse Economy**

The proposal is expected to have a small positive effect on economic development in that it is expected to provide two part time jobs and a number of casual positions when in operation. Local contractors will have the opportunity to tender for work opportunities that may arise from construction and operation.

**Maintaining Sound Corporate and Financial Management**

Whilst the costs of operation of the facility can be partially covered by user fees, the facility is expected to result in a net cost to Council when operational and asset maintenance considerations are taken into consideration. However, it is expected the expanded learn to swim will result in a lower net loss than the current pool. A new asset will be created which will require maintenance. There are currently no proposals to divert funds from other existing operations to cover these negative cost considerations.

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT:

1. Council proceed with planning for the reconstruction of the Hornsby Aquatic Centre.
2. Council proceed with the selective tender process as outlined in Report No WK19/2010.
3. The following features be included as part of the scope of works for the project:
  - i. reconstruction of the Hornsby Aquatic Centre on the existing site
  - ii. construction of a 50 metre eight lane outdoor pool
  - iii. construction of a 25 metre indoor pool with basement parking
  - iv. construction of new grandstand/s with 500 seat capacity
  - v. construction of a splash pool
  - vi. construction of a new amenities block, club rooms, etc
  - vii. budget allocation of \$20 million
4. The tender documentation to include provisions to halt progress if the proposed Infrastructure Levy is not successful.

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Gantt chart showing estimated reconstruction timeframe

File Reference: F2009/00753

Document Number: D01352653

## 25 TENDER T2/12010: ELECTRICAL SERVICES

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### EXECUTIVE SUMMARY

The proposed contract for “Electrical Services” is required to provide Council with the services of licensed electrical contractors to carry out maintenance and some new installation work for Council’s buildings, depots, parks, ovals, aquatic centres and various other facilities.

Council does not have licensed tradespersons and specialist personnel for this work and therefore open tenders have recently been called 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 month period. D & JF Scaife Electrical Contractors and Rob Edwards Electrical Pty Ltd. trading as REES have been recommended for acceptance for this tender.

### PURPOSE/OBJECTIVE

This report provides a recommendation for the acceptance of Tender No.T2/2010: Electrical Services.

### DISCUSSION

The Tender No. T2/2010 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details are on file (Trim folder F2010/00016). Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Nine (9) tenders were received for Tender No. T2/2010 from the following companies.

- Bluegum Electrical Services
- MNI Eletrospark Pty Ltd.
- Project Electrical Group NSW Pty Ltd.
- Pure Power Solutions
- Rob Edwards Electrical Pty Ltd. T/A REES Electrical
- D & JF Scaife Electrical Contractors
- Spectra Electrical & Communications Pty Ltd.
- Utility Services Corporation Ltd.
- AJS City Electrics Pty Ltd.

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

- Cost of the Works
- Past performance and experience in similar types 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.

Confidential Memo WD D&C 15/2010, that has been separately distributed, contains information regarding the evaluated value of work of each tender and summary of evaluation. 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 D & JF Scaife and Rob Edwards Electrical Services Pty Ltd. trading as REES Electrical.

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

### **BUDGET**

There are no budgetary implications.

### **POLICY**

There are no policy implications.

### **CONSULTATION**

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

### **TRIPLE BOTTOM LINE SUMMARY**

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

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

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

Under the Electrical Services Contract, the Contractors will be advised to minimise energy consumption by installing and using energy efficient electrical products. The Contractors will be encouraged to make recommendations to minimise Council's energy consumption.

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

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

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

Proper maintenance of electrical installations will have a positive effect on conserving and enhancing Council's assets such as parks, gardens, buildings, aquatic centres and other amenities and it will provide confidence and enhance safety to residents and the general public who use these assets to fulfil their needs.

**Supporting our diverse economy**

The proper maintenance of the electrical services will encourage the residents and the general public to use the amenities in the Shire and this in turn has a positive effect on the local economy and businesses.

**Maintaining sound corporate financial management**

The cost effective and energy efficient electrical installations and proper maintenance of these installations will help maintain sound financial management of these assets.

**Other sustainability considerations**

The Environment Policy and EEO Policy of all the tenderers were taken into consideration in the evaluation of tenders received.

**RESPONSIBLE OFFICER**

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

**RECOMMENDATION**

THAT Council accept tenders for Tender No T2/2010: Electrical Services, as follows:

<b>Work Area</b>	<b>First preference</b>	<b>Second preference</b>
Parks, Ovals and Gardens	Rob Edwards Electrical Services trading as REES Electrical	D & JF Scaife Electrical Contractors
Buildings including Aquatic Centres	D & JF Scaife Electrical Contractors	Rob Edwards Electrical Services trading as REES Electrical

MAXWELL WOODWARD  
Executive Manager  
Works Division

**Attachments:**

1. Refer to Confidential Memo WD D&C 15/2010 (separately circulated to Councillors) - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2010/00016  
Document Number: D01353567

## 26 COUNTY DRIVE CHERRYBROOK TRAFFIC CALMING MEASURES

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### **EXECUTIVE SUMMARY**

Council commenced construction of a traffic calming scheme for County Drive in late January 2010. Sections of the community objected to the traffic calming treatment leading Council to suspend work pending further public consultation. The linemarking has remained in place, allowing council staff the opportunity to monitor the operation of the proposed traffic calming scheme prior to construction of the civil works. The traffic data and site investigations indicate that the traffic calming scheme will achieve the goals of reducing crash severity and manage use by non local traffic, and there is further scope to improve traffic flow by extending sections of auxiliary lanes. However, the key cause of congestion in County Drive, the delays experienced at the New Line Road roundabout, is beyond Council's control and will rely on the RTA signaling the intersection.

### **PURPOSE/OBJECTIVE**

At the Planning Meeting of 3 February, 2010 Council considered Mayoral Minute 2/10 and resolved that:

*A report be submitted to the March Ordinary Meeting to enable Council to undertake a review of the traffic calming measures introduced recently in County Drive.*

*Further the Report address the potential to introduce the following traffic management measures on County Drive:*

- \* *clearways*
- \* *bus lanes*
- \* *transit lanes*
- \* *a 50 kmh speed limit*
- \* *a shared bike path*
- \* *parking limits, and*
- \* *special measures for peak hours.*

A review of these options is included in this report along with the results of the public consultation.

### **DISCUSSION**

#### **Planning History**

County Drive is currently classified as a Sub Arterial Road in Council's Road Hierarchy Plan. When planned in the mid eighties, County Drive was intended to form part of a route linking Cherrybrook and New Line Road to the M2 Motorway via Highs Road, Taylor Street and Merelynn Avenue in The Hills Shire LGA. By the time the M2 was opened in 1997 the M2 operator and RTA had abandoned plans to provide the ramps and the then Baulkham Hills Shire Council promptly reconstructed the route through its LGA to 2 travel lanes with parking lanes to manage non local traffic.



During this time, Council adopted the Hornsby Shire Bike Plan in 1998 which designated County Drive as a cycle route. This was confirmed again in the review of the Bike Plan in 2005

When County Drive was opened to Castle Hill Road in 2002 its 4 lane configuration was redundant and no longer required for the anticipated traffic volumes. In recognition of the road infrastructure changes which had occurred in The Hills Shire, Hornsby Shire Council did not discourage residential parking on County Drive. This effectively created a two lane road, with parking lanes, that complemented the traffic management undertaken by the neighbouring Council.

In August 2001 Council adopted the Cherrybrook Integrated Local Transport Plan (CILTP) that was developed after extensive consultation with community groups and residents. Consultation included newspaper advertisements, 2 community workshops and a telephone survey of 208 Cherrybrook households. One of the high priority recommendations of the report included a review of the need for 4 lanes on County Drive. The report authors (Geoplan Services Limited, Institute for Sustainable Futures at the University of Technology and Westerman Consultants Pty Ltd) noted that any spare capacity in County Drive would be used by non local traffic. It is noted that, while 91% of respondents supported the need to undertake a traffic infiltration strategy for the area, only 17% of the respondents supported the recommendation to limit County Drive to one traffic lane. This may have been due to the community survey being undertaken before County Drive was opened, when residents were unclear of the impacts on them as road users. However, the report authors clearly recognized the adverse road safety and residential amenity issues relating to County Drive being used by non locals as a detour to avoid congestion on Castle Hill Road by making traffic mitigation a high priority action. Refer to Attachment 1 for an extract from the Cherrybrook Integrated Local Transport Plan vehicle movement recommendations.

### **The Approved Proposal**

The problems anticipated by the Cherrybrook Integrated Local Transport Plan authors have eventuated, the entire length of County Drive currently qualifies for state and federal Blackspot program funding. In the previous 5 years there were 45 significant crashes, 14 of which involved injuries and 1 fatality. The crash data excludes the end intersections with Castle Hill Road and New Line Road, which are an RTA responsibility.

The Police have advised in writing that they are concerned by the propensity for motorists to use the kerbside lane of County Drive to speed around slower moving traffic, resulting in severe crashes when drivers emerge from side roads. The crash data indicates this problem fairly evenly spread across all hours. There have been 8 “run off road” type crashes, confirming excessive speed is an issue.

The driver behaviour reported by Police is of concern as up to 53 pedestrians an hour, many of them school aged, cross County Drive between Woodgrove Road and New Line Road.

Recent intersection counts show that while 996 vehicles use Castle Hill Road eastbound in the morning peak hour, an additional 635 turn left into County Drive. Relatively little of this traffic from Castle Hill Road is generated by Hornsby Shire as there are few roads in Hornsby Shire LGA feeding traffic onto Castle Hill Road or Old Northern Road between Castle Hill Road and Round Corner Dural. Therefore most of the adverse traffic impacts in County Drive are the result of non local trips from other LGAs. Traffic generated by local schools tends to

peak in County Drive after 8:20 am while the main work trip peak responsible for the extensive delays at New Line Road roundabout peaks at 7:50 am.

Site observations confirm that the worst delays occur in the morning peak when traffic queues back from the New Line Road roundabout, affecting the operation of Woodgrove Avenue traffic signals at times. Afternoon peaks are more moderate with queues rarely affecting other intersections.

Some delay is also experienced when southbound traffic queues back from John Road to Woodgrove Road, mainly in the morning peaks.

The morning peak delays experienced in County Drive originate at the New Line Road roundabout. Until the RTA signals this intersection this issue cannot be resolved by Council. The main goal of the County Drive traffic calming scheme is to reduce crash frequency and severity. By restricting the length of second lane, overtaking opportunities leading to higher speeds are reduced. In addition, a secondary goal of the treatment, limiting road capacity, is a recognised traffic management mechanism to limit non local traffic which has alternative routes along state roads.

Parking has always occurred on County Drive, however the number of vehicles parked during peak periods (about 10 northbound and 17 southbound) is insufficient to effectively deter undertaking. The proposed concrete kerb blisters provide a more structured deterrent to erratic lane changing and have proven effective on roads of similar status such as North Rocks Road where two lanes off Cumberland Highway have been reduced to one outside the schools, and Taylor Street and Highs Road in The Hills Shire, which is a continuation of County Drive. About 23 parking spaces will be lost due to the kerb blisters.

While retention of on street parking is desirable along County Drive for its traffic calming benefits, some parking had to be removed near intersections to provide turning lanes, notably where the new dual lane right turn will be provided out of John Road. An additional 10 parking spaces will be removed from County Drive when the dual right turn is operating out of John Road. The loss of 33 parking spaces from about 1200 metres of County Drive is not considered significant given the low to medium parking demand.

At either end of County Drive 2 travel lanes on the approaches to the state roads have been maintained to accommodate queuing however little parking occurs in these areas. The number of school age pedestrians crossing north of Darlington Road during the peaks requires some blister treatment between this intersection and New Line Road. The kerbside northbound lane is not subject to extensive queuing however it is used by left and through movements which would otherwise be detained in the queue waiting to turn right into New Line Road.

The cost benefit ratio for traffic calming County Drive is calculated to be three times the minimum required to qualify as a Blackspot using current crash history. A copy of the crash data showing the plotted locations along County Drive is in Attachment 2.

Using RTA data and criteria, it is estimated the treatment will result in a 40% reduction in crashes with a net cost saving to the community of \$1.2 million over 10 years.

The proposal was recommended for construction by the Local Traffic Committee in December 2009 (LTC Item 38/2009) subject to relatively minor changes including removal of concrete kerb blisters closest to Castle Hill Road and New Line Road.

### Evaluation of original proposal

The suspension of work in late January 2010 pending further consultation has provided an opportunity to compare the operation of County Drive in February 2010, when only the line marking and plastic waterfilled plastic barriers were in place, to June 2006, when vehicles could legally travel in the kerbside lane subject to no parked vehicles. The table under confirms that even in its temporary form the traffic calming scheme has reduced speeds and incidents of speeding significantly.

	2006	2010
AADT	16253	17425
85% ile speeds	66km/h	63 km/h
Exceed 60 km/h %(N)	48	23
Exceed 60 km/h %(S)	24	18

It should be noted that prior to County Drive being connected to Castle Hill Road, traffic volumes were in the order of 7,800 vehicles per day, which is likely to be the true figure for local traffic given that this section of Cherrybrook was essentially developed. As seen above, an additional 10,000 vehicles per day attracted to County Drive.

Council staff have repeatedly driven along County Drive between 7 am and 9 am over a number of days spread over a number of weeks to determine the impact of the morning peak hour traffic, timing trips with stop watches to verify travel time data. The results are included in Attachment 3. It should be noted that the pavement marking was applied in late January, shortly before the new school term commenced, which is a particularly hectic period for road travel across Sydney. In addition, the second week of term was subject to a number of rainy days, which also results in increased delays.

The travel time graph shows that the extensive delays experienced when the lanemarking was first applied have decreased over time as motorists became aware of the scheme and consequently modified their travel behaviour. The best possible trip time between Castle Hill Road and New Line Road is slightly less than two minutes allowing for acceleration and deceleration at either end, not exceeding the speed limit and no red lights at John Road or Woodgrove Avenue. If motorists have to stop at both intermediate signals the time would be over 4 minutes. The worst peak period travel time recorded was 12 minutes with 8 minutes being more typical. The majority of the delay experienced in County Drive occurs as the result of queues at the New Line Road roundabout. The worst delays are condensed into a 30 minute period commencing about 7:30 am. Such delays are typical of peak periods across the Sydney road network.

The above travel times compare favourably with times quoted by motorists who have written to Council over the years frustrated with delays in County Drive. As recently as May 2009 a motorist wrote to Council stating that they had timed their trip and it took fifteen minutes to negotiate the queues at John Road and County Drive. . In addition, the Planning Manager for Hillsbus advises that bus services have not been affected by the traffic calming works.

It is believed the total time taken to travel County Drive as a result of this work has not changed significantly. The capacity at New Line Road is essentially fixed. If there are increased delays in County Drive at John Road and Woodgrove Road (and this is doubtful given the relatively few vehicles that could take advantage of overtaking opportunities before the parking lane was marked) these delays would translate to shorter queues at New Line Road.

**Public Consultation.**

The Cherrybrook Integrated Transport Plan adopted by Council in August 2001 was developed in consultation with the broader Cherrybrook community as detailed earlier.

The initial consultation for the original traffic calming proposal involved a letterbox drop to County Drive residents in November 2009 as per Council's normal process, as they would be affected by the loss of parking resulting from the proposal. The results of the initial consultation are included in the Local Traffic Committee report LTC 38/2009 circulated in December 2009. Of the 110 letters sent to residents and authorities, 5 responses were received comprising 3 letters of support for the proposal and 2 objections due to the loss of parking.

The second round of consultation in February 2010 involved notification in Council's corporate page in the local newspaper and Council's website. A break down of the number of responses is in the table below.

<b>Support treatment</b>	<b>traffic calming</b>	<b>Oppose treatment</b>	<b>traffic calming</b>
Confirmed Hornsby residents	95	Confirmed Hornsby residents	89
Total supporters	139	Total objectors	229
Written petition signatures	142	Online petition	998
Form letters	0	Form letters	64

Note – the number of confirmed residents and “total supporters/total objectors” is per household. The other categories are by number of submissions which may include multiples from households.

Traffic and Road Safety staff note that most of the objectors contacting them by phone were under the mistaken impression that the project involved the removal of a traffic lane to provide a parking/bicycle lane.

On Wednesday 3 March the Mayor met a delegation of 14 residents objecting to the traffic calming scheme. The delegation presented an updated petition containing about 1100 signatures along with a resolution requesting the preliminary works be removed, the proposal to install kerb blisters and cycleway not proceed and peak hour parking restrictions be provided to create a kerb side travel lane. The Mayor has arranged to meet with residents who support the proposal on Monday 8 March, however this meeting will occur too late for details to be included in this report.

The issues raised by the public during the extended consultation are included in Attachment 4, along with a response from Traffic and Road Safety Branch.

**New Line Road roundabout.**

Council has written to the RTA a number of times in recent years requesting the intersection of County Drive and New Line Road be signalized, mainly to improve pedestrian access but also to reduce vehicle delays. The RTA annually reviews the site to determine whether it meets their internal funding criteria for traffic signals however so far it has not qualified for funding.

Other than traffic signals, the only means of reducing the delays in County Drive involves allowing right turns from the left lane in County Drive into New Line Road. The RTA has declined to provide a dual right turn due to the adverse road safety implications.

Until the intersection with New Line Road is signalized the delays in County Drive will not be significantly reduced. When the delays are eventually reduced the route will likely attract even more traffic due to the extent of morning peak delays in Castle Hill Road, in which case the need for traffic calming in County Drive will be more pressing.

While some sections of the community are frustrated by the delays in County Drive, and many expected parking would eventually be banned to provide an additional travel lane, it is not appropriate for Council to fund and manage the local road network to make up for deficiencies in the state road network.

### **Mayoral Minute of February 3, 2010.**

The Mayoral Minute MM2/10 endorsed by Council on 3 February 2010 requested a number of alternative options be considered. Traffic and Road Safety staff have obtained verbal comments from the RTA regarding these options however no written comments had been received in time for inclusion in this report.

#### **1. Clearways**

The purpose of the traffic calming scheme is to address the speed related crash history. Parking has not been retained specifically to service residents and bus commuters, but also to assist with traffic calming. RTA and Police advice is that removing road side parking results in higher travel speeds and Council's preliminary speed data confirms this. In addition to the speed related problems, a Clearway will not solve the problem of delays at New Line Road. The Police have specifically objected to the removal of parking in New Line Road.

A Clearway cannot be recommended as it will not solve the problem of delays at the New Line Road roundabout and will significantly increase the road safety risk, especially where pedestrians cross the eastern end of County Drive. Providing a Clearway will be contrary to the recommendations of the Cherrybrook Integrated Local Transport Plan and create another "Boundary Road", dividing the community and deterring pedestrians, cyclists and bus patrons from leaving their cars at home.

#### **2. Bus Lanes**

The same comments for Clearways apply to Bus Lanes, as parking will be removed. It should also be noted that the Hillsbus website shows that while 87 bus services use County Drive daily, they only use the sections between Woodgrove Avenue and John Street, and Treetops Road and Castle Hill Road. If parking were to remain on the sections not used by buses, there would be no overall improvement to traffic flow over the current arrangement. Motorist travel times will not benefit from a Bus Lane as it only provides 1 travel lane, and road safety targets will not be met.

#### **3. Transit Lanes**

The same comments for Clearways apply to Transit Lanes, as parking will be removed. It will however provide more travel lanes than a Bus Lane for other road users, but motorists turning right at New Line Road will still need to merge at the New Line Road roundabout. Transit Lanes will not improve road safety or significantly reduce overall travel time.

#### 4. 50 km/h Speed Limit

The RTA is solely responsible for speed zones and Council is not authorised to change speed zones. The RTA has advised that it will only provide 50 km/h speed zone if the traffic calming is provided. They will not provide 50 km/h zones on Clearways.

In 2003 the RTA requested Council to nominate which roads it would consider to be included in the 50 km/h Urban Speed Limit. Council resolved that collector roads should retain 60 km/h speed as they are designed and managed for these speeds (Report WK 45/03).

The 50 km/h speed limit will not address delays at New Line Road.

#### 5. Shared Bike Path

The on road cycleway was provided to take advantage of the traffic calming required to address the crash history – it was not a reason for the traffic calming as such. Generally there are too many driveways along County Drive to allow the safe interaction of cyclists and vehicles reversing out of driveways, except at the ends where no driveways are located.

#### 6. Parking Limits

Parking limits have been provided near intersections where required by RTA standards for the safe operation of intersections. Extending the length of auxiliary lanes during peak periods with peak period only parking restrictions provides a balance between providing capacity for peak hour traffic flows traffic calming outside of peak periods. The amended proposal includes peak period parking restrictions.

### AMENDED PROPOSAL

An amended proposal has been prepared in light of comments received during the second consultation. The amendments essentially extend the auxiliary lanes as much as possible, mainly by way of morning peak restrictions, however there are limits as to how much auxiliary lane can be provided without reducing the road safety and traffic mitigation measures. A copy of the amended proposal is included as Attachment 5, with comments detailing the proposed changes. The proposed rain gardens will be replaced with concrete kerb blisters which will be less expensive to build and can be easily moved or removed if required in the future.

Northbound the proposed amendments include –

1. Relocate the painted cycle island midway between Castle Hill Road and Treetops Road to provide a 80 metre merge lane off Castle Hill Road.
2. Extend the left turn lane into Treetops Road back to the painted cycle island to extend the deceleration lane from 30 metres to 70 metres.
3. Extend the auxiliary lane on the approach to John Road by 40 metres with am peak parking restrictions to create an 80 metre storage lane.
4. Extend the auxiliary lane on the departure side of John Road with am peak parking restrictions to create an 80 metre merge lane.
5. Extend the auxiliary lane on the approach to Woodgrove Road back to the existing bus stop by way of am peak parking restrictions to create a shared left and through lane about 80 metres long.

6. Extend the departure lane at Woodgrove Road by way of am peak parking restrictions to provide a merge lane 80 metres long.
7. Adjust the location of the blister islands between Darlington Drive and Brokenwood Place to create a pedestrian friendly crossing area.
8. Delete the last blister near New Line Road and provide am peak parking restrictions to increase the length of kerbside lane available for left turning and through traffic from 120 metres to 200 metres

Southbound the proposed amendments include –

1. Relocate the first kerb blister and provide 24 hour parking restrictions to extend the merge lane from New Line Road from 110 metres to 150 metres.
2. Remove the last kerb blister on the approach to John Road and provide am and pm parking restrictions to extend the left turn lane from 40 metres to 120 metres.
3. Remove the last kerb blister on the approach to Castle Hill Road.

The estimate for the original proposal was \$195,000. About \$40,000 has been expended so far on line marking. By replacing the rain gardens with less expensive kerb blisters, and reducing the number of kerb blisters as per the amended proposal, the cost of amending the existing line marking and completing the amended proposal will be about cost neutral, that is, the project can be completed for a total expenditure of \$195,000.

## **CONCLUSION**

Close scrutiny of the partial treatment after work was suspended confirms the effectiveness of the original design in meeting the road safety and traffic mitigation goals. The original proposal can be modified to improve traffic flow however the amended proposal, if adopted, will need to be monitored to determine its effectiveness.

The amended plan will need to be readvertised and referred back to the Local Traffic Committee for a recommendation.

## **BUDGET**

There are no budget implications if the recommended option is adopted as all work can be funded from the current budget, subject to the work being completed by 30 June 2010.

## **POLICY**

There are no policy implications in this report.

## **CONSULTATION**

The comments provided during the second public consultation were referred to when preparing this report, in addition to the Manager - Infrastructure Planning Hills Shire Council, the RTA Team Leader – Road Network Services, the Traffic Officer Eastwood Police and Council's Design and Construction Branch.

## **TRIPLE BOTTOM LINE SUMMARY**

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

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

### **RESPONSIBLE OFFICER**

This report was prepared by Council's Manager Traffic and Road Safety, Mr Lawrence Nagy telephone 9847 6524.

### **RECOMMENDATION**

THAT:

1. Council note that County Drive has an adverse crash history and traffic calming is required as a matter of priority.
2. Council note that the need to traffic calm County Drive was identified as a priority in the Cherrybrook Integrated Transport Plan adopted by Council in August 2001.
3. The amended proposal attached (as detailed in this report) be adopted in principle, readvertised for public comment and referred to the Local Traffic Committee for a recommendation.
4. Council write to The Minister for Transport and Roads and the RTA requesting the roundabout at New Line Road and County Drive be signalized and that additional signalized pedestrian crossings be provide in New Line Road between County Drive and Boundary Road, and in Boundary Road between Cedarwood Drive and Lee Road.

MAXWELL WOODWARD  
Executive Manager  
Works Division

#### **Attachments:**

1. Attachment 1 - CILTP Vehicle Recommendations
2. Attachment 2 - Crash Summary
3. Attachment 3 - Travel Time Summary
4. Attachment 4 - Public Consultation Responses
5. Attachment 5 - Plan Showing Proposed Amendments

File Reference: F2010/00089-02  
Document Number: D01353685



**27 MAYOR'S NOTES FROM 1 TO 31 JANUARY 2010**

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Sunday 17 January – The Mayor, Mrs Berman and Councillor Chopra attended the Indian Seniors Group Joint Celebration for Australia Day and Indian Republic Day at Epping.

Monday 25 January – Councillor Chopra, on behalf of the Mayor, attended the Australia Day and Indian Republic Day Celebration at Parramatta.

Monday 25 January – The Mayor and Mrs Berman attended the NRMA 90<sup>th</sup> Anniversary Dinner at Sydney Town Hall.

Tuesday 26 January – The Mayor hosted the Australia Day Citizenship Ceremony and Citizen of the Year Presentation at Pennant Hills Community Centre.

Tuesday 26 January – The Deputy Mayor, on behalf of the Mayor, attended the Rotary Club of Pennant Hills Australia Day Award at Pennant Hills Bowling Club.

*Please note that these are the functions that the Mayor, or his representative, has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.*

File Reference: F2004/07053  
Document Number: D01341572

## 28 MAYOR'S NOTES FROM 1 TO 28 FEBRUARY 2010

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Thursday 4 February – The Mayor, Mrs Berman and the Deputy Mayor attended the Ladies DIY Night at Bunnings Dural.

Saturday 6 February – The Mayor attended the Commemoration of the 62<sup>nd</sup> Anniversary of Independence of Sri Lanka at Cherrybrook Community Centre.

Sunday 7 February – The Deputy Mayor, on behalf of the Mayor, attended the Inaugural Meeting of the Australia Northern Sydney Business Council at Hornsby Peking Restaurant.

Wednesday 10 February – The Mayor joined Easy Care Gardening Volunteers for a working bee at West Pennant Hills.

Saturday 13 February – The Deputy Mayor, on behalf of the Mayor, attended the Sathya Sai Centre Inauguration at Pennant Hills Community Centre.

Tuesday 16 February – The Mayor attended Pennant Hills High School's Presentation Evening at the School.

Wednesday 17 February – The Mayor met with Year 5 and Year 6 students at West Pennant Hills Public School.

Sunday 21 February – The Mayor attended Cherrybrook Chinese Community Association's 2010 Chinese New Year Dinner at King's Seafood Restaurant, Eastwood.

Monday 22 February – The Mayor hosted a Citizenship Ceremony at Pennant Hills Community Centre.

Friday 26 February – The Mayor attended the Special Olympics Australia Annual Thank You Luncheon at Greenshades Café, Galston.

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

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Document Number: D01351841