



the bushland shire

creating a living environment

BUSINESS PAPER

GENERAL MEETING

**Wednesday, 20 June, 2012
at 6:30 pm**

TABLE OF CONTENTS

AGENDA AND SUMMARY OF RECOMMENDATIONS

RESCISSION MOTIONS

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

GENERAL BUSINESS

General Manager's Division

| | | |
|--------|---|---|
| Item 1 | GM11/12 Model Code of Conduct - Review by Division of Local Government | 1 |
| Item 2 | GM12/12 Adoption of Council's Delivery Program - Includes the Operational Plan, Budget, Fees and Charges and Rating Structure for 2012/13..... | 5 |

Corporate and Community Division

| | | |
|---------|---|----|
| Item 3 | CC24/12 Storey Park Community Facility Redevelopment - Feedback from Community Consultation | 13 |
| Item 4 | CC26/12 Hornsby Shire Council Social Plan 2010-2014 – Service Plan for 2012/13. | 20 |
| Item 5 | CC28/12 Investments and Borrowings for 2011/12 - Status for Period Ending 30 April 2012 | 23 |
| Item 6 | CC31/12 Outstanding Council Resolutions - Period Until 28 February 2012 | 26 |
| Item 7 | CC32/12 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons..... | 28 |
| Item 8 | CC33/12 Local Government Remuneration Tribunal - 2012 Report and Determination - Fixing of Mayor and Councillor Fees for 2012/13 | 31 |
| Item 9 | CC34/12 Councillors' Expenses and Facilities Policy - 2012 Annual Review | 34 |
| Item 10 | CC35/12 Debts To Be Written Off - 2011/12 Financial Year..... | 39 |

Environment Division

| | | |
|---------|---|----|
| Item 11 | EN26/12 Draft Green Offsets Code - Public Exhibition | 41 |
| Item 12 | EN27/12 Brooklyn Waste Water Treatment Plant - monitoring plant discharge | 44 |
| Item 13 | EN29/12 Schofield Parade, Pennant Hills - Old Pony Club Site | 47 |

Planning Division

| | | |
|---------|--|-----|
| Item 14 | PLN28/12 Epping Town Centre Study - Report on Submissions | 52 |
| Item 15 | PLN36/12 Development Application - Dwelling-House 29 Abuklea Road, Epping | 69 |
| Item 16 | PLN40/12 Sydney Over the Next 20 Years - Discussion Paper..... | 87 |
| Item 17 | PLN41/12 Revised Bushfire Prone Land Map..... | 102 |

Works Division

| | | |
|---------|---|-----|
| Item 18 | WK17/12 Expression of Interest to lease former "Snap" building - 11 Coronation street Hornsby | 107 |
| Item 19 | WK21/12 Tender T8/2012: Supply and Delivery of Concrete..... | 115 |
| Item 20 | WK22/12 Tender T9/2012: Supply and Delivery of Road Materials..... | 118 |

CONFIDENTIAL ITEMS

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

MAYOR'S NOTES

MAYORAL MINUTES

NOTICES OF MOTION

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Reverend Ann Hogan of Hornsby Uniting Church will open the meeting in prayer

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

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

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

“In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight’s agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement.

If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight’s agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council’s Code of Conduct.”

PRESENTATIONS

DECLARATIONS OF INTEREST

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

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

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

Clause 51A of Council’s Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a non pecuniary interest in any matter

with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

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

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

OR

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

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

CONFIRMATION OF MINUTES

THAT the Minutes of the Ordinary Council Meeting held on 16 May, 2012 be confirmed, a copy having been distributed to all Councillors.

PETITIONS

RESCISSION MOTIONS

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

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

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

GENERAL BUSINESS

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

GENERAL MANAGER'S DIVISION**Page Number 1****Item 1 GM11/12 MODEL CODE OF CONDUCT - REVIEW BY DIVISION OF LOCAL GOVERNMENT****RECOMMENDATION**

THAT the draft letter to the Division of Local Government outlined in General Manager's Report No. GM11/12 be endorsed, and this letter be sent to the Division of Local Government as a formal submission to its review of the Model Code of Conduct for local councils.

Page Number 5**Item 2 GM12/12 ADOPTION OF COUNCIL'S DELIVERY PROGRAM - INCLUDES THE OPERATIONAL PLAN, BUDGET, FEES AND CHARGES AND RATING STRUCTURE FOR 2012/13****RECOMMENDATION**

THAT Council:

1. Adopt the Delivery Program including the Operational Plan 2012/13, Budget and Fees and Charges 2012/13, incorporating the amendments to the documents recommended in this Report.
2. Endorse the three additional fees to the 2012/13 Fees and Charges for public exhibition for 28 days from 21 June until 20 July 2012 with a further report back to Council on completion of the exhibition period if submissions are received.
3. Make and levy the Ordinary Rates for 2012/13 in accordance with the table shown in the Rates section of this Report.
4. Make and levy the Catchments Remediation Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of this Report.
5. Make and levy the Hornsby Quarry Loan Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of this Report.

6. Continue to provide eligible pensioners with a \$10 concession in respect of the Hornsby Quarry Loan Rate, represented by a reduction in the Base amount.
7. Continue to provide eligible pensioners with an additional \$20 concession in respect of the rate variation represented by a reduction in the Base amount.

CORPORATE AND COMMUNITY DIVISION

Page Number 13

Item 3 CC24/12 STOREY PARK COMMUNITY FACILITY REDEVELOPMENT - FEEDBACK FROM COMMUNITY CONSULTATION

RECOMMENDATION

THAT:

1. On the basis of the Stage 2 consultation detailed in Executive Manager's Report No. CC24/12, Council agree to lodge a development application for the redevelopment of Asquith Community Centre to include a new multi purpose community centre and 72 place child care centre as per the concept drawings attached to Executive Manager's Report No CC24/12.
2. Noting that rationalisation of Council properties will be essential for the Storey Park Community Facility Redevelopment project to progress, Council provide in principle support for the sale of Council properties at Lords Ave, Asquith (which currently accommodate the Asquith Nursery and Preschool and the Asquith Leisure and Learning Centre) and the Council property in Linda Street, Hornsby (which currently accommodates the Hornsby Nursery and Preschool) to assist in funding the project.
3. Should development consent be provided for the project, a report be prepared for Council's consideration which further deals with the project funding model.

Page Number 20

Item 4 CC26/12 HORNSBY SHIRE COUNCIL SOCIAL PLAN 2010-2014 – SERVICE PLAN FOR 2012/13.

RECOMMENDATION

THAT the Hornsby Shire Council Social Plan 2010-2014 – Service Plan for 2012/13, as attached to Executive Manager's Report No. CC26/12, be adopted.

Page Number 23

Item 5 CC28/12 INVESTMENTS AND BORROWINGS FOR 2011/12 - STATUS FOR PERIOD ENDING 30 APRIL 2012

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC28/12 be received and noted.

Page Number 26

Item 6 CC31/12 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 28 FEBRUARY 2012

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC31/12 be received and noted.

Page Number 28

Item 7 CC32/12 PECUNIARY INTEREST AND OTHER MATTERS RETURNS - DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

RECOMMENDATION

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

Page Number 31

Item 8 CC33/12 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2012 REPORT AND DETERMINATION - FIXING OF MAYOR AND COUNCILLOR FEES FOR 2012/13

RECOMMENDATION

THAT:

1. Council note that the Local Government Remuneration Tribunal's 2012 Report and Determination proposes no change to the categories of councils. As a consequence, Hornsby Shire Council remains in the Metropolitan Centre Category.
2. In accordance with Section 248 of the Local Government Act, and the 2012 Report and Determination of the Local Government Remuneration Tribunal, an annual fee of \$21,700 be paid to each Councillor for the period 1 July 2012 to 30 June 2013.
3. In accordance with Section 249 of the Local Government Act, and the 2012 Report and Determination of the Local Government Remuneration Tribunal, an additional annual fee of \$57,660 be paid to the Mayor for the period 1 July 2012 to 30 June 2013.

Page Number 34

Item 9 CC34/12 COUNCILLORS' EXPENSES AND FACILITIES POLICY - 2012 ANNUAL REVIEW

THAT:

1. The amended Councillors' Expenses and Facility Policy, as attached to Executive Manager's Report No. CC34/12, be adopted for the purpose of public exhibition.

2. If submissions are received during the public exhibition period, a further report be prepared for Council's consideration which addresses those submissions.
3. Should no submissions be received, the Policy as attached to Executive Manager's Report No. CC34/12 be adopted and a copy of the amended Policy be forwarded to the Division of Local Government.

Page Number 39**Item 10 CC35/12 DEBTS TO BE WRITTEN OFF - 2011/12 FINANCIAL YEAR****RECOMMENDATION**

THAT for 2011/12, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$28,634 (as detailed in Schedule A attached to Executive Manager's Report No. CC35/12).
2. Note debts considered bad totalling \$16,882 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Executive Manager's Report No. CC35/12).

ENVIRONMENT DIVISION**Page Number 41****Item 11 EN26/12 DRAFT GREEN OFFSETS CODE - PUBLIC EXHIBITION****RECOMMENDATION**

THAT Council:

1. Adopt the Green Offsets Code included as Attachment 1 to Executive Managers Report No. EN26/12.
2. Write to those who made submissions on the Green Offsets Code thanking them for the submission.

Page Number 44**Item 12 EN27/12 BROOKLYN WASTE WATER TREATMENT PLANT-MONITORING PLANT DISCHARGE****RECOMMENDATION**

THAT Council:

1. Not proceed with direct monitoring of discharge from the Brooklyn Waste Water Treatment Plant.
2. Maintain the monthly monitoring of the Hawkesbury Estuary both upstream and downstream of the Brooklyn Waste Water Treatment Plant discharge to ensure ANZECC 2000 guidelines for the protection of aquatic ecosystems are met.
3. Regularly review licence compliance reports produced by the NSW Environment Protection Authority to independently assess the adequacy of the compliance monitoring and reporting undertaken by Sydney Water.

Page Number 47**Item 13 EN34/12 SCHOFIELD PARADE, PENNANT HILLS - OLD PONY CLUB SITE****RECOMMENDATION**

THAT the contents of Executive Managers Report No. 29/12 be received and noted.

PLANNING DIVISION**Page Number 52****Item 14 PLN28/12 EPPING TOWN CENTRE STUDY - REPORT ON SUBMISSIONS****RECOMMENDATION**

THAT:

1. Council endorse progression of a planning proposal for Epping Town Centre generally in accordance with the Epping Town Centre Study subject to a review of the following:
 - Proposed East Epping and Essex Street Heritage Conservation Area boundaries;
 - Potential heritage and archaeological significance of individual nominated sites;
 - Consideration of alternate urban form nominated in landowner submissions within the Town Centre Core;
 - Heights within the Derby Street residential precinct;
 - Acquisition of the Epping Bowling Club; and
 - Short and long term impacts of the North West Rail Link on the Town Centre Core.

2. Pursuant to Section 56(1) of the *Environmental Planning and Assessment Act 1979*, Council forward the planning proposal to the Minister for Planning seeking “Gateway Determination” to progress the preparation of the planning proposal.
3. Council continue to seek confirmation regarding the State Government’s position concerning the preferred funding mechanism and timeframe for the delivery of the State infrastructure required to support the progression of the increase in densities recommended in the *Epping Town Centre Study*.

Page Number 69**Item 15 PLN36/12 DEVELOPMENT APPLICATION - DWELLING-HOUSE
29 ABUKLEA ROAD, EPPING****RECOMMENDATION**

THAT Development Application No. DA/310/2012 for the demolition of an existing dwelling-house and the erection of a dwelling-house at Lot 1, DP 409170, No. 29 Abuklea Road, Epping be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager’s Report No. PLN 36/12.

Page Number 87**Item 16 PLN40/12 SYDNEY OVER THE NEXT 20 YEARS - DISCUSSION PAPER****RECOMMENDATION**

THAT a submission be forwarded to the Department of Planning and Infrastructure indicating its general support for the preparation of the new Metropolitan Strategy and requesting that the issues outlined in Executive Manager’s Report No. PLN40/12 be addressed in preparation of the Strategy.

Page Number 102**Item 17 PLN41/12 REVISED BUSHFIRE PRONE LAND MAP****RECOMMENDATION**

THAT:

1. The revised Bushfire Prone Land Map attached to Executive Manager’s Report No. PLN41/12 be endorsed and forwarded to the Commissioner of the New South Wales Rural Fire Service for certification pursuant to provisions of the Environmental Planning and Assessment Act 1979.
2. Following certification of the Bushfire Prone Land Map, a letter be forwarded to submitters and affected land owners advising that their property has newly been classified or declassified as bushfire prone land.

WORKS DIVISION**Page Number 107**

**Item 18 WK17/12 EXPRESSION OF INTEREST TO LEASE FORMER "SNAP"
BUILDING - 11 CORONATION STREET HORNSBY**

RECOMMENDATION

THAT:

1. Council continue to manage its property at 11 Coronation Street Hornsby as a commercial asset.
2. Fusion Australia Ltd be advised that its submission to the Expression of Interest for the lease of 11 Coronation Street, Hornsby will not be progressed.

Page Number 115

Item 19 WK21/12 TENDER T8/2012: SUPPLY AND DELIVERY OF CONCRETE

RECOMMENDATION

THAT Council accept the tenders from Able Metromix Concrete and Hanson Construction Materials Pty. Ltd. for Tender T8/2012: Supply and Delivery of Concrete, with priority of all work first being given to Able Metromix Concrete.

Page Number 118

**Item 20 WK22/12 TENDER T9/2012: SUPPLY AND DELIVERY OF ROAD
MATERIALS**

RECOMMENDATION

THAT Council accept the tender from Hanson Construction Materials Pty. Ltd. for all work under Tender No. T9/2012: Supply and Delivery of Road Materials.

CONFIDENTIAL ITEMS

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

MAYOR'S NOTES

MAYORAL MINUTES

NOTICES OF MOTION

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

QUESTIONS WITHOUT NOTICE

1 MODEL CODE OF CONDUCT - REVIEW BY DIVISION OF LOCAL GOVERNMENT

EXECUTIVE SUMMARY

The Division of Local Government (DLG) is currently undertaking a review of the Model Code of Conduct for local councils in NSW (the Model Code). The DLG is inviting submissions on a draft Model Code and draft Procedures for the Administration of the Model Code (Model Code Procedures) which have been developed in response to some earlier phases of consultation in 2011.

It is recommended that a formal submission be made to the DLG from Hornsby Shire Council to highlight some opportunities for further refinement of the Model Code and Model Code Procedures.

PURPOSE/OBJECTIVE

The purpose of this report is to outline the key proposed changes to the draft Model Code and Model Code Procedures and to highlight some opportunities for further refinement of these documents, with a view to making a formal submission to the DLG from Hornsby Shire Council.

DISCUSSION

The Model Code sets the minimum requirements of conduct for council officials in NSW. Section 440 of the Local Government Act 1993 (the Act) requires all councils to adopt a code of conduct which incorporate the provisions of the Model Code. Any amendments to a code of conduct by a council cannot lessen the minimum requirements of the Model Code.

Failure by a councillor to comply with the standards of conduct prescribed under the Model Code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. Failure by a member of staff to comply with council's code of conduct may also give rise to disciplinary action.

The Model Code of Conduct has been in effect since 1 January 2005 and several revisions have taken place since this time. The Model Code is presently a single document with three parts – Part 1: Context, Part 2: General Conduct Obligations (comprising the enforceable standards of conduct) and Part 3: Procedures.

A key initiative currently proposed by the DLG is the splitting of the Model Code into two instruments being the Model Code of Conduct (comprising solely of the prescribed standards of conduct); and the Procedures for the Administration of the Model Code (comprising of the procedural requirements of the Code). This initiative is supported because it has the effect of containing the enforceable standards into a more concise stand-alone document which is easier to distribute to councillors, staff, contractors, volunteers and the like.

The draft Model Code and draft Model Code Procedures are attached. The proposed changes to the Model Code include a prohibition on binding caucus votes, refinement of provisions relating to the disclosure of reportable political donations and use of council resources for election purposes, provisions to address a loss of quorum, an extension of the prohibition on the acceptance of cash to include cash-like gifts, and amendments to the provisions relating to relationships between council officials.

The draft Model Code also foreshadows the inclusion of a whole new class of standards, known as Part 8 – Maintaining the Integrity of this Code. This class of standards differ from the other standards in that any complaints alleging a breach of Part 8 by a councillor or the General Manager are to be made directly to the DLG, rather than via the internal reporting process outlined in the Procedures.

The draft Model Code

The full text of the proposed amendments to the Model Code by the DLG are shown in bold text. It is recommended these amendments be supported.

It is also recommended that Council request the DLG to give consideration to reformatting each Part of the Model Code so that it is easier to identify which clauses relate only to staff, which clauses relate only to councillors, and which clauses relate to all council officials. Currently, the Model Code does not logically classify clauses along these lines.

The Model Code Procedures

The proposed changes to the Model Code Procedures are more substantial and are not clearly highlighted by the DLG in the draft document. A summary of the proposed changes is as follows:

- Councils will be able to establish their own conduct reviewer panels or regional panels
- Councils may use a conduct reviewer from a panel established by a prescribed organisation
- The selection process for conduct reviewers will be prescribed
- The definition of a Code of Conduct complaint will be clarified
- Complaints must be made within three months
- General Managers and Mayors will no longer have a role in the management of complaints other than receiving them
- Councils will need to nominate a staff member as a Complaints Coordinator
- Complaints will be dealt with by conduct reviewers at arms length from the Council
- Time limits will be imposed on the preliminary assessment of complaints.

A further inclusion in the Procedures is a new section dealing with special complaints management arrangements – section 5.38 to section 5.45. If adopted, this procedure would enable a Council and the DLG to enter into a special complaints management arrangement in relation to code of conduct complaints made by or about a person or persons. This is a positive development as it will assist in the management of complaints which impede or disrupt the effective administration and functioning of the Council or impose an undue and disproportionate cost burden.

Another positive development is the proposed limitation on the making of complaints to within three months of the alleged conduct or within three months of the complainant becoming aware of the alleged conduct. The draft Procedures also propose the removal of

General Managers and Mayors from any role in the management of complaints about councillors or the General Manager, other than the receipt of complaints. Instead, an independent conduct reviewer would deal with these complaints from start to finish at arms length from the Council.

It is recommended that the proposed wording of the Model Code Procedures document by the DLG be supported. It is also recommended that Council request the DLG to give consideration to amending the Procedures further to enable a conduct reviewer to request a meeting with the elected Council to seek the suspension of a General Manager pending review of an alleged serious conduct complaint. Under current arrangements, a General Manager has the ability to suspend any staff member from attendance at the workplace if a complaint is of a very serious nature and the matter requires investigation. However if an identical complaint of a very serious nature was made against the General Manager there is presently no mechanism to suspend him/her for the purposes of conducting an investigation.

Conclusion

A draft letter from Council to the DLG which outlines the matters raised above is attached. If so adopted by Council, this letter will be sent to the DLG as a formal submission from Council. Submissions are due by Tuesday 26 June 2012.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

If and when the DLG issues a new Model Code of Conduct, the Hornsby Shire Council Code of Conduct will need to be amended to incorporate the requirements of the new Model Code. A further report would be presented to Council at this time.

CONSULTATION

Discussions have been held with Mr John Davies from the DLG in relation to this matter. The Manager Human Resources was also consulted during the preparation of this report.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Manager, Risk and Audit – Mr Scott Allen - who can be contacted on 9847 6609, and the Executive Manager – Corporate and Community, Mr Gary Bensley – who can be contacted on 9847 6605.

RECOMMENDATION

THAT the draft letter to the Division of Local Government outlined in General Manager's Report No. GM11/12 be endorsed, and this letter be sent to the Division of Local Government as a formal submission to its review of the Model Code of Conduct for local councils.

SCOTT PHILLIPS
General Manager
General Manager Division

Attachments:

1. Draft Letter to DLG
2. Draft Model Code of Conduct and Procedures

File Reference: F2005/00156
Document Number: D01923651

2 ADOPTION OF COUNCIL'S DELIVERY PROGRAM - INCLUDES THE OPERATIONAL PLAN, BUDGET, FEES AND CHARGES AND RATING STRUCTURE FOR 2012/13

EXECUTIVE SUMMARY

Hornsby Shire Council's Delivery Program including the Draft Operational Plan, Budget, Fees and Charges and Rating Structure for 2012/13 were presented to Council at its 18 April 2012 Ordinary Meeting. The draft documents were publicly exhibited from 19 April until 18 May 2012 and submissions invited. 18 submissions were received and are summarised in this Report as well as being available as a consolidated document in Council's record management system (Document No. D01930286).

Following staff consideration of the submissions received, the recommendations are that Council:

- Adopt the Delivery Program including the Operational Plan 2012/13, Budget and Fees and Charges 2012/13, incorporating the amendments recommended in this Report
- Make and levy the Ordinary Rates, Catchments Remediation Rate and the Hornsby Quarry Loan Rate in accordance with the rating statement exhibited in the Delivery Program.

Once adopted, the final Delivery Program including the Operational Plan 2012/13, Budget and Rating Structure; and Fees and Charges 2012/13 will be distributed electronically and in hard copy to Councillors, staff and interested persons.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with information and recommendations regarding the submissions received in respect of the public exhibition of the Delivery Program including the Draft Operational Plan 2012/13 (including the Budget and Rating Structure for 2012/13), and Draft Fees and Charges 2012/13.

DISCUSSION

Consultation on the Documents

The Local Government Act and Local Government (General) Regulation require that Council exhibit its draft Operational Plan, including details of estimated income and expenditure, rates, proposed borrowings and draft Fees and Charges, for at least 28 days and take into consideration submissions that have been received before adopting the final document.

During the exhibition period from 19 April 2012 to 18 May 2012, copies of the Delivery Program including the Draft Operational Plan 2012/13, Budget, and Draft Fees and Charges 2012/13 were distributed to libraries and notifications including links to the website were

emailed or posted to local chambers of commerce, progress associations, residents' groups and interested individuals.

Submissions

A total of 17 submissions were received during the formal exhibition period and one late submission was received.

Of the submissions:

- two relate to the proposed increase in childcare fees
- one comments on the apparent lack of funding to support street tree planting
- one comments on the money to be spent on upgrading the skate park at Greenway Park, Cherrybrook, noting that while skate park users do not pay fees, there are inadequate funds available to upgrade sportsfields which users pay to use
- 11 support the upgrade to the skate park at Greenway Park, Cherrybrook
- one questions the staff discount for Council's pools
- a late submission requesting a review of the proposed 5% increase to hire fees for grounds used by cricket for the summer season

The submissions are summarised below, with staff recommendations in italics.

| No. | Name | Issue | Staff Recommendation |
|-----|---|---|---|
| 1. | John Christie | Opposes the increase in child care fees | <ul style="list-style-type: none"> ▪ <i>Council has determined that fees for child care should reflect the full cost of delivering the service, including administrative and operating costs. The fee increases proposed for 2012/13 reflect administrative and CPI increases.</i> ▪ <i>Council's child care services are provided to 320 families and less than 1% of those have made a comment on the proposed fee increase.</i> |
| 2. | Kirsten Wilson | Opposes the increase in child care fees – third increase since August 2010 and Council already more expensive than other local childcare centres. | |
| 3. | Irene Timmins | Lack of funding to support street tree planting in budget. | <ul style="list-style-type: none"> ▪ <i>Council is continuing street tree planting as part of its streetscape beautification program.</i> ▪ <i>Also, as part of the asset maturity program within the special rate, Council is undertaking an audit of the condition of street trees.</i> |
| 4. | Keith Everard West Pennant Hills Cherrybrook Football Club | Why large sum of money has been allocated to upgrade Greenway Skate Park (\$340,000) with no charge for users of the skate park, while the West Pennant Hills Cherrybrook Football Club have been told Council has no money to spend on fields they pay to use. | <ul style="list-style-type: none"> ▪ <i>A number of capital works have been listed for sporting fields such as floodlight upgrades at Pennant Hills Park Netball courts, Dural Park, Pennant Hills Number 1, Greenway Number 2 and Oakleigh Oval. In addition, fencing works are scheduled for baseball at Oakleigh Oval and Greenway Park.</i> ▪ <i>Council recently finished construction of the upgrade of the John Purchase playing field which does benefit Mr Everard's club.</i> |

| No. | Name | Issue | Staff Recommendation | |
|-----|---|--|--|---|
| | | | <ul style="list-style-type: none"> Surface improvements for sportsfields are listed for future years in Council's 10 year capital works program. The Greenway No. 1 field is listed for improvement in 2019/20. The program is reviewed annually. | |
| 5. | Chris Tudor | Congratulating Council for creating facilities like Greenway Park Skate Park, and his vision is to see the new skate park designed to cater for all levels of experience and ability | <ul style="list-style-type: none"> Parks and Landscape Branch currently preparing brief to select skate park designer and will then conduct public consultation on design options. | |
| 6. | Mitch Boumelhem | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 7. | Roshak Raj | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 8. | Jethro Bote | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 9. | Melody Boumelhem | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 10. | Michael | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 11. | Simon Dunand | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 12. | Angus Diekman | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 13. | Josh Wong | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 14. | Aaron Buyink | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 15. | Jonathan Lucas | Supporting upgrade of Greenway Park, Cherrybrook skate park | | |
| 16. | Leonie Kemp | Questions the council staff discount of \$2 to swim at Council's pools (\$3.80, same as children), when others have to pay \$5.80 | | <ul style="list-style-type: none"> Fee reduction introduced to promote a healthy lifestyle for Council staff. The discount has been reviewed and is recommended to be discontinued. |
| 17. | Various (Hornsby Shire Council) | Amendments to Fees and Charges to better reflect current operations | | <ul style="list-style-type: none"> Minor changes to descriptions for clarity Removal of fee for "Fagan Park Wedding & Reception" because weddings are included in the "Ceremonies" category of fees for Fagan Park p7, Service Authorities - Roads Openings, remove GST and reduction in fees as not a taxable supply. p40, new page inserted 'Commercial Filming'. |
| 18. | Nathan Tilbury on behalf of the Northern Metropolitan Cricket Council and local cricket clubs | Opposed to 5% increase in fees for grounds used by cricket. States the reduction in turf wickets, the 25% fee increase for turf wickets and the 15% fee increase for other grounds last year is impacting negatively on elite cricket competitions. Also states that cricketers will not benefit from any infrastructure | | <ul style="list-style-type: none"> 5% fee increase recommended Last year the fees for all sportsground users including cricket, increased by 15% to reflect increasing maintenance costs. Turf wickets are expensive to maintain and the proposed 5% increase in the fees and charges is warranted. The improvements to James Park and to the car-park at Berowra Oval will directly benefit cricketers. Indirect benefits to cricketers will flow |

| No. | Name | Issue | Staff Recommendation |
|-----|------|---|--|
| | | works proposed for the next two years. Does not oppose the proposed 5% fee increase for the hire of cricket practice facilities. | <i>from improvements to playgrounds and other amenities at parks used for cricket.</i> |

Two fees for new facilities and a fee type for Pennant Hills Community Centre as per the table below were not exhibited in the draft Fees and Charges 2012/13, and it is recommended that Council endorse their exhibition commencing 21 June 2012. A further report will be presented to Council following the exhibition if submissions are received.

| Page | Category | Description | Fee/Charge 2012/13 \$ | Pricing Structure | Service Category | GST Applied (YorN) | Fee / Charge 2011/12 \$ |
|------|---|--|-----------------------|-------------------|------------------|--------------------|-------------------------|
| p58 | <u>2. Netball Courts – Lighting Type</u> | Berowra Waters Courts – 8 x 1000w | 652.00 | 3 | G | Y | - |
| p58 | Oval Hire Fees Australian Rules | Aus Kick (no posts) | 317.00 | 3 | G | Y | - |
| p27 | Pennant Hills Community Centre Intermediate Hall | Friday/Saturday night hire 6:00pm – midnight | 260.00 | 3 | G | Y | - |

During the exhibition period Council staff suggested minor changes to improve the clarity of the information contained in the documents, and those changes have been incorporated.

Information received from other levels of government

The Home and Community Care (HACC) Program, funded by the NSW Government, provides basic maintenance and support to those with moderate, severe or profound disabilities and their carers. From 1 July 2012, HACC will assume responsibility for the fees associated with this service. Council's Fees and Charges document will be updated to reflect the change to charging policy.

The Federal Government announced its funding of the Blackspots Program. Council submitted three projects for consideration. Two projects were rejected and one was accepted to be funded. The rejected projects are at Quartersessions Road, Westleigh and Sefton Road, Thornleigh. The funded project is Hannah Street, Beecroft. Council's Operational Plan will be updated to reflect these changes.

2012/13 Rates

On 10 June 2011, the Independent Pricing and Regulatory Tribunal (IPART) approved Council's application for a special rate variation over three years, with a 6% increase (including rate peg) applying to 2012/13.

In setting the rate peg for 2012/13, IPART included an advance of 0.4% to cover the expected impact of the introduction of a carbon price from 1 July 2012. This advance will be removed

from the rate pegs across two years: 0.1% from 2013/14 and 0.3% from 2014/15. Councils with existing special variations were allowed to apply to modify their approved special variation percentages to reflect the equitable treatment being offered to all councils across NSW.

On 15 May 2012, IPART advised Council that it had approved its application bringing the increase applying to 2012/13 to 6.4% (including rate peg and carbon price advance). The rates structure included in the Delivery Program (set out below) was based on this increase for the Ordinary and Catchments Remediation Rate. The rate increase for the Hornsby Quarry Loan Rate was increased by the 'rate peg' determined by the IPART for 2012/13 at 3.6%. There were no submissions received regarding the proposed rates or rating structure.

Ordinary Rates

| Category | Minimum Amount \$ | Base Amount \$ | Base Amount % | Ad Valorem Rate per \$ | Yield \$ | % of Total Rate |
|-----------------------|-------------------|----------------|---------------|------------------------|-------------------|-----------------|
| Residential | 0 | 465 | 45 | 0.00145474 | 55,181,451 | 87.5 |
| Farmland | 0 | 465 | 28 | 0.00131386 | 504,516 | 0.8 |
| Business | 494 | 0 | 0 | 0.00490006 | 4,288,388 | 6.8 |
| Business- Hornsby CBD | 494 | 0 | 0 | 0.01078315 | 3,909,163 | 4.9 |
| Total | | | | | 63,064,518 | 100 |

Catchments Remediation Rate

(N.B. There are no minimum or base amounts in respect of this rate)

| Category | Ad Valorem Rate per \$ | Yield \$ |
|----------------------|------------------------|------------------|
| Residential | 0.00013335 | 2,757,080 |
| Farmland | 0.00009143 | 25,207 |
| Business | 0.00025807 | 214,266 |
| Business-Hornsby CBD | 0.00054096 | 154,398 |
| Total | | 3,150,951 |

Hornsby Quarry Loan Rate

| Category | Base Amount \$ | Base Amount % | Ad Valorem Rate per \$ | Yield \$ |
|----------------------|----------------|---------------|------------------------|-----------|
| Residential | 22 | 44 | 0.00007300 | 2,697,026 |
| Farmland | 34 | 42 | 0.00005171 | 24,660 |
| Business | 50 | 50 | 0.00012737 | 209,601 |
| Business Hornsby CBD | 129 | 44 | 0.00029596 | 151,036 |
| | | | | |

| | | | | |
|--------------|--|--|--|------------------|
| Total | | | | 3,082,323 |
|--------------|--|--|--|------------------|

Total Rates Levied

69,297,792

Domestic Waste Management Charge

The Domestic Waste Management Charge covers the cost of delivering the service. The draft Operational Plan includes comment on the proposed increase for 2012/13 of \$68. During the exhibition period, Council received updated information regarding lower than expected costs of the carbon tax.

It is recommended that the \$68 increase be retained, and that the distribution of the increase across the three major factors that contribute to the increase be adjusted in order to build the Waste Reserve Fund. Those three major factors and the adjusted charge increases are:

- \$22 – attributed to landfill charges and waste levy
- \$13 - attributed to carbon tax - The landfill industry estimates that the carbon price per tonne will be \$13 (Hornsby Shire households produce approximately one tonne of waste per household per year)
- \$28 – attributed to CPI, waste reserves and other costs.

It is recommended that Council adopt the increase to Domestic Waste Management Charge for 2012/13 as outlined above.

Impact of the Carbon Tax on Ratepayers in 2012/13

As discussed above, IPART adjusted the rate peg for 2012/13 by 0.4% to enable councils to recover some of the anticipated costs of the carbon price.

For the ‘average’ household in Hornsby Shire paying council rates of \$1,120, 0.4% equates to an additional \$4.60 per year. At the same time ratepayers will also pay the increased waste management charge of \$13 attributed to the carbon tax.

Hence the total rates increase attributable to the carbon tax for the ‘average’ ratepayer is \$17.60.

BUDGET

The publicly displayed draft 2012/13 Annual Budget included an estimated surplus of \$261K. As a consequence of reducing external borrowing requirements in 2011/12, the budget for debt servicing in 2012/13 will be reduced by \$144K. This will increase Council’s budgeted surplus to \$405K for the 2012/13 financial year, noting that a proportion of this surplus will need to be applied to increased costs associated with the imposition of the carbon tax.

It is noted that the 2012/13 Annual Budget was formulated on an estimated \$2 million of savings identified from a review of Council’s external services. The savings result from a combination of a reduction in staff numbers and non-labour related expenses. In the 2012/13 Annual Budget, the \$2 million savings has been applied to eliminating the need to borrow external funds and to capital improvements.

In the past five years, considerable savings have been made by not allowing any increase in non-salary related operating budgets, i.e. no increases in the costs associated with plant, materials, charges, etc. Any increases in these areas have needed to be met by efficiency and other gains across Council in those years. Savings of \$1.45 million identified in the 2011/12 Annual Budget resulting from the review of internal services has been held when formulating the 2012/13 Budget.

An additional \$6.68 million of infrastructure funding has been provided for in the 2012/13 Annual Budget due to the approval of Council's special rate variation in June 2011. The redevelopment of the Hornsby Aquatic Centre has been fast tracked with a significant portion of the capital funding required in the 2012/13 Financial Year. This change in cash-flow requirements has been reflected in the Delivery Program for 2012/13. Once tender information for the construction of the Hornsby Aquatic Centre is received Council will undertake a review of estimated cash-flow requirements and revise the Long Term Financial Plan.

It should be noted that Executive Manager's Report No. CC10/12 resolved to approve a new organisational structure commencing from 4 June 2012. As a consequence, many of the financial pages contained within the 2012/13 delivery program will need to be re-organised to reflect a change in reporting lines. Adjustments will also be required to reflect the external services review outcomes against individual branch financial pages. The reduction in the budget for debt servicing as discussed above will also require amendment to the 'All Principal Activities' budget result on page 110 of the Draft Delivery Plan 2012/13.

POLICY

The Delivery Program is Council's principal instruction to its organisation.

CONSULTATION

The proposed Delivery Program including Operational Plan 2012/13, Budget and Fees and Charges 2012/13 have been prepared after detailed discussions with relevant staff, consideration by Council and public exhibition of draft proposals.

Councillors received a briefing on the contents of the draft documents on 28 March 2012.

Publicity included advertisements in the three local papers as well as prominent signage at five libraries and Council's Administration Centre reception area.

An email or letter was sent to 17 local community groups including links to the documents on exhibition on Council's website.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council:

1. Adopt the Delivery Program including the Operational Plan 2012/13, Budget and Fees and Charges 2012/13, incorporating the amendments to the documents recommended in this Report.
2. Endorse the three additional fees to the 2012/13 Fees and Charges for public exhibition for 28 days from 21 June until 20 July 2012 with a further report back to Council on completion of the exhibition period if submissions are received.
3. Make and levy the Ordinary Rates for 2012/13 in accordance with the table shown in the Rates section of this Report.
4. Make and levy the Catchments Remediation Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of this Report.
5. Make and levy the Hornsby Quarry Loan Rate on all rateable land in the Shire, in accordance with the table shown in the Rates section of this Report.
6. Continue to provide eligible pensioners with a \$10 concession in respect of the Hornsby Quarry Loan Rate, represented by a reduction in the Base amount.
7. Continue to provide eligible pensioners with an additional \$20 concession in respect of the rate variation represented by a reduction in the Base amount.

GARY BENSLEY
Executive Manager
Corporate Support Division

SCOTT PHILLIPS
General Manager
General Manager Division

Attachments:

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

File Reference: F2011/01357
Document Number: D01925274

3 STOREY PARK COMMUNITY FACILITY REDEVELOPMENT - FEEDBACK FROM COMMUNITY CONSULTATION

EXECUTIVE SUMMARY

Since its last formal consideration of the Storey Park Community Facility Redevelopment, Council staff have been progressing the project in line with Council's resolution and have been regularly informing Councillors of progress. This Report provides details of the community consultation process which occurred between February and May this year.

A draft design for the project was released for community consultation through a variety of mediums throughout early 2012. This consultation process resulted in a review of the concept designs by the Project Team with a number of amendments made and alternate configurations for parking considered. Design amendments were subsequently retested with the community via the "Your Say" website and via a face to face consultation. A consultation summary has been provided by Straight Talk (who facilitated the community consultations with Council staff and project architects) and Mode Design (who were the project architects). This approach was taken to ensure that community feedback is reported to Council in an independent manner.

Taking into account community feedback on the project concept designs that have been the basis of the community consultation, it is considered that there is general community support for progressing the redevelopment of the Storey Park Community Facilities. Given that the majority of those that chose to participate in the consultation were in favour of the site being redeveloped, it is recommended that a development application be submitted based on the attached concept design.

As the rationalisation of Council properties will be essential for the Storey Park Community Facility Redevelopment project to progress, it is also recommended that Council provide support to the sale of Council properties at Lords Ave, Asquith (which currently accommodate the Asquith Nursery and Preschool and the Asquith Leisure and Learning Centre) and the Council property in Linda Street, Hornsby (which currently accommodates the Hornsby Nursery and Preschool) to assist in funding the project. It is noted that the intent is for those facilities to remain in place and operate up until the time the new facilities at Storey Park are available for use.

Should development consent be provided for the project, it is proposed that a further report be prepared for Council's consideration which deals with the project funding model.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with feedback from Stage 2 of the Storey Park Community Facility Redevelopment community consultation process and to seek Council's authorisation to lodge a development application for the project based on the attached project concept designs. This Report also seeks to confirm a funding model for the redevelopment.

DISCUSSION

Background

Council most recently considered the Storey Park Community Facility Redevelopment at the 11 June 2008 Ordinary Meeting when it resolved, via Executive Manager's Report No. CC58/08, that:

1. *The contents of Report No CC58/08 be received and noted.*
2. *The recommendation from the May 2008 Meeting of the Community, Cultural and Recreation Facilities Task Force that the project proceed to Phase Two – Design, Partnerships and Costings, be endorsed.*
3. *The funding source identified for progressing the project during Phase 2 be noted and endorsed.*
4. *The Community Cultural and Recreation Facilities Task Force continue to oversee, and participate in, the redevelopment process for the Asquith Community Centre through the receipt of progress reports at their monthly meetings.*
5. *The Community Services Branch conduct a review of Council's provision of child care for children aged three to five in line with objectives outlined in the Management Plan 2008/09 before a final decision is made on the scale of Council's child care commitment to the Asquith Community Centre project.*
6. *Potential impacts of Council's Housing Strategy be noted and be taken into account as the Asquith Community Centre project progresses.*

Since consideration of Report No. CC58/08, the following actions have taken place:

- 2008/09 – Council constructed a new 72 place child care centre in Greenway Park, Cherrybrook and also extended and renovated the Cherrybrook Community Centre. This project informed the scope of the Storey Park Community Facility Project, particularly the child care component in terms of the size of the centre needed to operate cost effectively through the achievement of economies of scale.
- November 2009 – Council adopted the Strategic Plan for Community and Cultural Facilities. This document evaluated the current levels of community facility service provision and the current issues with the community facility asset stock that Council held and recommended a way forward. The evidence and principles detailed in this Plan informed the project development of Storey Park and provided some rigour about why such a project would be considered.
- June 2010 – detailed work was undertaken on inclusions arising from the Stage 1 community consultation regarding the Storey Park redevelopment. Councillors were informed that the Storey Park site is constrained and the partnerships and inclusions on the site would be limited.
- October 2010 – Council adopted an approach to the future provision of child care in the Shire. This resulted in an approach which will see three large centres operated by Council and defined that the centre provided at Storey Park should be a 72 place centre.

It also defined that the properties which currently accommodate Council's Hornsby and Asquith child care services should be sold and the child care places from those sites moved to the Storey Park site.

- December 2010 – as the inclusions on the Storey Park site were more defined following a review of the provision of child care and a review of Council's provision of community facilities across the Shire, project architects, Mode Design, were appointed to progress Stage 2 of the Project – Design, Partnerships and Costings.
- 2011 - Project designs were progressed and amended based on valuations for properties that had been mooted to be rationalised to fund the Storey Park Project taking into account the Hornsby Housing Strategy. This scoping work set an estimated working budget for the project.
- November 2011 – a final draft concept design was discussed at an Informal Briefing Session of Councillors and it was noted that community consultation on the project was scheduled to occur between February and May 2012.

Stage 2 of Project – Community Consultation

Community consultation on Stage 2 of the project was undertaken between February and May 2012. Having regard to that feedback, the project is now referred to as the Storey Park Community Facility Redevelopment in recognition of the fact that redevelopment of Storey Park Oval is not included. Comments in respect of Design, Partnerships and Costings are provided below.

Part 1 - Design

A draft design for the project, which had been viewed by Councillors at an Informal Briefing in November 2011, was released for community consultation through a variety of mediums throughout early 2012. Consultation took place through site meetings with key stakeholders at Asquith Community Centre, Asquith Leisure and Learning Centre and at Hornsby and Asquith Nursery and Preschools, as well as via online consultation using Council's "Your Say" website. An on-site general community consultation was held on 21 February 2012 and was advertised via a letter box drop to residents within the general area as well as via local media.

This consultation process resulted in a review of the concept designs by the Project Team with a number of amendments made and alternate configurations for parking considered - see Attachment 1. With respect to feedback on the configuration of car parking on the site, a specific car park design was suggested through the consultation process which would see the car parking located centrally on the site and accessed via a roundabout which integrates with Clarinda Street. Attachment 1 outlines how this suggestion has been tested. Whilst it indicates that it could reduce the impacts on neighbouring properties, it also lists the impacts that such a design alteration would have in terms of a reduction in the open space provision on the site and the impact on the design integration of the buildings on the site. On balance, it appears that the original parking configuration should be maintained with the inclusion of an acoustic fence.

Details regarding responses to general community feedback can be found on the Hornsby Council "Your Say" website. Attachments 2 and 3 provide details of this consultation process and the architectural response i.e. what changes were made to the design following

community consultation. Design amendments were subsequently retested with the community via the “Your Say” website and via a face to face consultation held at the Council Chambers on 2 May 2012. This consultation involved a presentation from the project architects on design solutions that would best respond to Council’s design brief and community feedback. This process also sought final comments from the community in terms of the architectural response to Stage 1 consultations. Attachment 4 summarises this second stage of consultation.

It is noted that this consultation summary was provided by a consultant (Straight Talk) who facilitated the community consultations with Council staff and project architects (Mode Design) in attendance to answer any questions. As such, the summaries are Straight Talk’s and the architectural response is provided by Mode Design. This approach was taken to ensure that community feedback could be reported to Council in an independent manner.

As a result of this two stage consultation process, the attached concept designs (Attachment 5) are presented to Council for consideration.

Part Two - Partnerships

In June 2010, Councillors were advised at an Informal Briefing that the partnerships and inclusions mooted in the Stage 1 community consultation would be difficult to progress due to the constrained development site as well as budgetary implications. In progressing the community centre component of the project, staff were only able to accommodate current users of both the Asquith Community Centre and the Asquith Leisure and Learning Centre on the available site within the available budget and development site.

It is noted that Council acquired additional land to the north of the current Asquith Community Centre site (12 Old Berowra Road) in order to enhance the development opportunities of the site - see Executive Manager’s Report No. WK69/11 for details. Despite this larger development footprint, no additional project partners were able to be accommodated in the project without a capital contribution to the building costs due to project financial constraints. At the time of writing, no formal offer of capital contributions has been received by Council, however, it is understood the Triple H Radio may be making a written submission in this regard.

Part 3 - Costings

The estimated cost of the Storey Park Community Facility Redevelopment is considered to be commercial in confidence at this stage. It is noted that an estimate has, however, been discussed at Informal Briefings.

Should development consent be provided for the project, it is proposed that a further report be prepared for Council’s consideration which deals with the project funding model.

Summary and Recommendations from Stage 2

Taking into account community feedback on the project concept designs that have been the basis of the community consultation, it is considered that there is general community support for progressing the redevelopment of the Storey Park Community Facilities. It is noted however, that concern/disapproval of the project has been expressed by members of the Asquith Seniors Club (with respect to moving the Club activities further from rail transport) and some local residents in Old Berowra Road due to the specific design of the facilities.

Given that the majority of those that chose to participate in the consultation were in favour of the site being redeveloped in a manner similar to that described on the attached plan (Attachment 5), it is recommended that a development application be submitted based on the attached concept design.

Project Funding

The funding model for the Storey Park redevelopment is a combination of Developer Contributions (Multipurpose Community Facilities) and asset rationalisation. The properties proposed for rationalisation include the Hornsby Nursery and Preschool (Linda Street, Hornsby) and Asquith Nursery and Preschool/Asquith Leisure and Learning Centre (Lords Ave, Asquith). Council's agreement to rationalise these properties is sought as part of the recommendation to this Report.

Asset rationalisation

Whilst the sale of a community asset is a serious decision to consider, asset rationalisation to fund the Storey Park project is the only funding model that will allow the project to continue. Council has four ageing buildings at Storey Park, on Lords Ave, Asquith and Linda St, Hornsby sites. These buildings are in excess of 30 years old and can no longer provide the level of service that the majority of the community expect and all the community deserves. From an asset management point of view, they are reaching the end of their useful lives.

The important point to consider in the funding model for the Storey Park Community Facility Redevelopment is that, in selling the properties at Lords Avenue, Asquith and Linda Street, Hornsby, no community floor space or service availability is actually lost. In taking this approach, the child care service actually increases places from 68 combined places to 72 places at Storey Park. Similarly, the community centre floor space increases from 360 square metres at Asquith Community Centre and 210 square metres at Asquith Leisure and Learning Centre (total of 570 square metres) to 1,100 square metres at the proposed Centre.

This model of asset rationalisation also co-locates services such that better community interactions can take place and the facility may become more of a destination in the sense that a greater number of community activities will take place at the Storey Park site than currently take place at the other community facilities. Better potential, therefore, exists to build social capital and community connections as a result.

Whilst moving community facilities further away from rail transport (i.e. the Leisure and Learning Centre) to Storey Park is not ideal, the Storey Park development will be in the heart of the new residential development that may take place in the Asquith area as a result of the Housing Strategy. The new space will become an important public space when the densities in the immediate vicinity of the development site are increased over time. It is also noted that a bus route passes nearby to the development site.

BUDGET

The estimated cost of the Storey Park Community Facility Redevelopment is considered to be commercial in confidence at this stage. It is noted that an estimate has, however, been discussed at Informal Briefings.

Should development consent be provided for the project, it is proposed that a further report be prepared for Council's consideration which deals with the project funding model.

POLICY

There are no policies associated with the consideration of this Report.

CONSULTATION

A detailed list of consultation processes and outcomes has been provided in the attachments to this Report.

TRIPLE BOTTOM LINE SUMMARY

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

This Report proposes to replace ageing community infrastructure by rationalising older Council properties and investing the proceeds from the sale (with additional funding from Developer Contribution Funds) into the provision of new community floor space. This new floor space will replace as well as add to the floor space lost from the properties that will be sold.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. On the basis of the Stage 2 consultation detailed in Executive Manager's Report No. CC24/12, Council agree to lodge a development application for the redevelopment of Asquith Community Centre to include a new multi purpose community centre and 72 place child care centre as per the concept drawings attached to Executive Manager's Report No CC24/12.
2. Noting that rationalisation of Council properties will be essential for the Storey Park Community Facility Redevelopment project to progress, Council provide in principle support for the sale of Council properties at Lords Ave, Asquith (which currently accommodate the Asquith Nursery and Preschool and the Asquith Leisure and Learning Centre) and the Council property in Linda Street, Hornsby (which currently accommodates the Hornsby Nursery and Preschool) to assist in funding the project.
3. Should development consent be provided for the project, a report be prepared for Council's consideration which further deals with the project funding model.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Parking Options Study
2. Phase 1 Consultation Report
3. Architectural review - Stage 1 consultation
4. Final Concept Design
5. Phase 2 Consultation Report

File Reference: F2010/00659
Document Number: D01914497

4 HORNSBY SHIRE COUNCIL SOCIAL PLAN 2010-2014 – SERVICE PLAN FOR 2012/13.

EXECUTIVE SUMMARY

The Social Plan is a four year strategic document that informs Council's Operational (Service) Plans that focus on improving community/social outcomes. These Plans are reviewed annually in order to ensure that Council is responsive to the changing needs of the community.

The attached draft Service Plan for 2012/13 has been developed to reflect community needs as detailed in the adopted Social Plan 2010-14. The Plan will be delivered within the budget currently allocated to the Community Services Branch. In this regard, it is noted that the delivery of a number of activities nominated in the Plan are dependent on grant funding.

This Report recommends that Council adopt the Service Plan 2012/13 and that the Plan be implemented in the forthcoming financial year.

PURPOSE/OBJECTIVE

The purpose of this Report is to recommend the adoption of the draft Hornsby Shire Social Plan 2010-2014 – Service Plan for 2012/13.

DISCUSSION

The Hornsby Shire Social Plan 2010-2014 was developed to integrate with the Hornsby Shire Community Plan 2010-2020 and the adopted Hornsby Shire Council Delivery Program 2010-2014. It seeks to address five elements of sustainability as identified in the Planning Web™: governance; ecology; economy; society and culture; and human habitat. These key elements (themes) are each broken down into three goals. The Social Plan 2010-2014 documents how Council's community service programmes contribute towards the achievement of these elements and goals.

Service Plans are developed annually to guide service provision in line with other corporate documents, reporting timeframes and legislative requirements. It is noted that many of the issues identified during the community consultation process used to inform the Social Plan 2010-2014 are beyond the control or responsibility of local government. The Division of Local Government's Integrated Planning and Reporting Guidelines suggest that these issues be documented and referred to the appropriate level of government for action. The Service Plan (or Operational Plan) for the 2012/13 financial year is attached to this Report.

The initial community consultation to produce the Social Plan and associated Service Plan occurred in May/June 2009. In addition to the May/June 2009 consultations, further consultations with service users have taken place throughout each delivery year to ensure that the Plan addresses priority issues raised by the community. Given the emphasis placed on transport issues by the community during previous consultations, a consultant was appointed in 2011 utilising grant funds to identify issues and recommend appropriate transport related

actions both by the community and Council. Relevant recommendations from this research are included in the current Service Plan 2012/13.

In addition to this, the priority/major theme during the forthcoming Service Plan will be mental health awareness and support, in particular targeting young people. This theme will be addressed within a local government context noting that the State is responsible for the provision of mental health care.

BUDGET

The 2012/13 Service Plan will be delivered within the budget currently allocated to the Community Services Branch. It should be noted that the delivery of a number of activities nominated in the Plan are dependent on grant funding. Grant funding will be sought throughout the year in order to implement these action items where appropriate.

POLICY

The 2012/13 Service Plan reflects the contents of the previously adopted Social Plan 2010-2014 and the Community Development Social Justice Policy.

CONSULTATION

There has been consultation in the preparation of this Report with the Community Development Manager and Council's Community Development Team.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Community Services Branch, Mr David Johnston. He can be contacted on 9847-6800. For further information, please contact the Community Development Manager – Mrs Lisa Cahill, who can be contacted on 9847-6779.

RECOMMENDATION

THAT the Hornsby Shire Council Social Plan 2010-2014 – Service Plan for 2012/13, as attached to Executive Manager's Report No. CC26/12, be adopted.

DAVID JOHNSTON
Manager - Community Services
Corporate and Community Division

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Social Plan Operational Plan 2012-2013

File Reference: F2009/00662

Document Number: D01923035

**5 INVESTMENTS AND BORROWINGS FOR 2011/12 - STATUS FOR PERIOD
ENDING 30 APRIL 2012**

EXECUTIVE SUMMARY

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

This Report indicates that the total year to date investment income for the period ending 30 April 2012 was \$1,650,000 compared to the revised budgeted income for the same period of \$1,713,000. Of the investment income earned, 34% of the total relates to externally restricted funds and is required to be allocated to those funds.

PURPOSE/OBJECTIVE

The purpose of this Report is to advise Council of funds invested in accordance with Section 625 of the Local Government Act; and details as required by Clause 212(1) of the Local Government (General) Regulation 2005 and Council's Investment of Surplus Funds Policy (which was last reviewed by Council at its 20 April 2011 Ordinary Meeting).

DISCUSSION

Council's Investment Performance – Period Ending 30 April 2012

- The At-Call and Term Deposits achieved an annualised return of 5.68% for the period ending 30 April 2012 compared to the benchmark of 4.25%.
- NSW T-Corp Long Term Growth Facility achieved a marked to market annualised return of 2.9% for the period ending 30 April 2012 compared to the benchmark of 4.83%. This fund has a 70% allocation to growth assets. Short term performance is expected to be volatile and the investment should be viewed over the longer term.
- The Capital Guaranteed Notes achieved annualised returns of 0% for the period ending 30 April 2012 compared to the benchmark of 4.74%. No interest will be accrued for the remaining life of the securities.

For total investments, the annualised return for the period ending 30 April 2012 was 5.03% compared to the benchmark of 4.31%.

Statement by Glenn Stevens, Governor, Reserve Bank Board: Monetary Policy Decision – Media Release 1 May 2012

At its meeting today, the Board decided to lower the cash rate by 50 basis points to 3.75 per cent, effective 2 May 2012. This decision is based on information received over the

past few months that suggests that economic conditions have been somewhat weaker than expected, while inflation has moderated.

Growth in the world economy slowed in the second half of 2011, and is likely to continue at a below-trend pace this year. A deep downturn is not occurring at this stage, however, and in fact some forecasters have recently revised upwards their global growth outlook. Growth in China has moderated, as was intended, and is likely to remain at a more measured and sustainable pace in the future. Conditions in other parts of Asia softened in 2011, partly due to natural disasters, but have recently shown some tentative signs of improving. Among the major countries, conditions in Europe remain very difficult, while the United States continues to grow at a moderate pace. Commodity prices have been little changed, at levels below recent peaks but which are nonetheless still quite high. Australia's terms of trade similarly peaked about six months ago, though they too remain high.

Financial market sentiment has generally improved this year, and capital markets are supplying funding to corporations and well-rated banks. At the margin, wholesale funding costs have declined over recent months, though they remain higher, relative to benchmark rates, than in mid 2011. Market sentiment remains skittish, however, and the tasks of putting European banks and sovereigns onto a sound footing for the longer term, and of improving Europe's growth prospects, remain large. Hence Europe will remain a potential source of adverse shocks for some time yet.

In Australia, output growth was somewhat below trend over the past year, notwithstanding that growth in domestic demand ran at its fastest pace for four years. Output growth was affected in part by temporary factors, but also by the persistently high exchange rate. Considerable structural change is also occurring in the economy. Labour market conditions softened during 2011, though the rate of unemployment has so far remained little changed at a low level.

Recent data for inflation show that after a pick up in the first half of last year, underlying inflation has declined again, and was a little over 2 per cent over the latest four quarters. CPI inflation has also declined, from about 3½ per cent to a little over 1½ per cent at the latest reading, as the weather-driven rises in food prices in the first half of last year have, as expected, now been fully reversed. Over the coming one to two years, and abstracting from the effects of the carbon price, inflation will probably be lower than earlier expected, but still in the 2–3 per cent range.

As a result of changes to monetary policy late last year, interest rates for borrowers have been close to their medium-term averages over recent months, albeit tending to increase a little as lenders passed on the higher costs of funding their books. Credit growth remains modest overall. Housing prices have shown some signs of stabilising recently, after having declined for most of 2011, but generally the housing market remains subdued. The exchange rate remains high even though the terms of trade have declined somewhat.

Since it last changed the cash rate in December, the Board has maintained the view that the setting of policy was appropriate for the time being, but that the inflation outlook would provide scope for easier monetary policy, if needed, to support demand. The accretion of evidence over recent months suggests that it is now appropriate for a further step in that direction.

In considering the appropriate size of adjustment to the cash rate at today's meeting, the Board judged it desirable that financial conditions now be easier than those which had

prevailed in December. A reduction of 50 basis points in the cash rate was, in this instance, therefore judged to be necessary in order to deliver the appropriate level of borrowing rates.

Borrowings

In respect of borrowings, the weighted average interest rate payable on loans taken out from June 2002 to June 2011, based on the principal balances outstanding, is 6.89%. The Borrowings Schedule as at 30 April 2012 is attached for Council's information.

BUDGET

Total year to date investment income for the period ending 30 April 2012 was \$1,650,000. The revised budgeted income for the period was \$1,713,000. Approximately 34% of the total income relates to externally restricted funds and is required to be allocated to those funds.

POLICY

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

CONSULTATION

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC28/12 be received and noted.

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

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. HSC Investment Portfolio as at 30 April 2012
2. HSC Borrowings Schedule as at 30 April 2012

File Reference: F2004/06987
Document Number: D01923637

6 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 28 FEBRUARY 2012

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 28 February 2012 which have not yet been substantially implemented.

DISCUSSION

In accordance with the Council Resolutions Policy, each Division has carried out a review of any resolutions adopted by Council up until 28 February 2012 which have not yet been substantially implemented. This has resulted in the attached table 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.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT the contents of Executive Manager's Report No. CC31/12 be received and noted.

ROBYN ABICAIR

Manager - Governance and Customer Service
Corporate and Community Division

GARY BENSLEY

Executive Manager
Corporate and Community Division

Attachments:

1. Outstanding Council Resolutions as at 28 February 2012

File Reference: F2005/00112

Document Number: D01928457

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

EXECUTIVE SUMMARY

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

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

PURPOSE/OBJECTIVE

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

DISCUSSION

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

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

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

- require all Councillors and Designated Persons who hold that position at 30 June in any year to submit Returns to the General Manager by 30 September in that year (i.e. they are lodged under S449(3)). These Returns are tabled at the October General Meeting of Council in that year;
- require newly elected Councillors or newly appointed Designated Persons to lodge Returns to the General Manager within three months of their election/appointment (i.e.

they are lodged under S449(1). These Returns are tabled at the next available General Meeting of Council; and

- require those Councillors or Designated Persons who are leaving Council (because of retirement, resignation, etc) to lodge Returns to the General Manager by their last day with Council. These Returns are tabled at the next available General Meeting of Council.

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

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns under these Sections of the Act at the General Meeting held on 16 May 2012 (see Report No. CC20/12). Since that time, four additional Returns have been lodged with the General Manager and are now tabled as required by the Local Government Act.

| Date Lodged | Councillor/Designated Person (Position) | Reason for Lodgement |
|--------------------|---|-----------------------------|
| 1 May 2012 | Manager, Subdivisions | Leaving Council |
| 2 May 2012 | Property Services Coordinator | New appointment |
| 16 May 2012 | Engineer - Design and Major Projects | New appointment |
| 22 May 2012 | Program Director - Somerville Park Early Childhood Education Centre | New appointment |

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

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

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

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

There are no attachments for this report.

File Reference: F2011/00977

Document Number: D01929288

8 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2012 REPORT AND DETERMINATION - FIXING OF MAYOR AND COUNCILLOR FEES FOR 2012/13

EXECUTIVE SUMMARY

Sections 248(2) and 249(3) of the Local Government Act allow Council to fix the annual fee payable to Councillors and the additional annual fee payable to the Mayor. The annual fees must be fixed in accordance with the relevant annual determination of the Local Government Remuneration Tribunal (the Tribunal). Based on the Tribunal's 2012 Report and Determination, it is recommended that Council approve a 2.5% increase in Councillor and Mayoral fees for the 2012/13 financial year i.e. each Councillor receive an annual fee of \$21,700 and the Mayor receive an additional annual fee of \$57,660.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide Council with the 2012 Report and Determination of the Tribunal such that it can determine the amount of the annual fee payable to each Councillor and the additional fee payable to the Mayor for the 2012/13 financial year.

DISCUSSION

Local Government Remuneration Tribunal – 2012 Report and Determination

A copy of the Tribunal's 2012 Report and Determination dated 27 April 2012 is attached.

The Tribunal is established under Chapter 9, Part 2, Division 4 of the Local Government Act. In this regard, Section 239 of the Act states:-

- (1) *The Remuneration Tribunal must, at least once every 3 years:*
 - (a) *determine categories for councils and mayoral offices, and*
 - (b) *place each council and mayoral office into one of the categories it has determined*

- (2) *The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the maximum and minimum amounts of fees to be paid to mayors and councillors in each of the categories so determined.*

Section 241 of the Act states:-

The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.

The Tribunal's Report advises that in line with Section 239 of the Act, a fundamental review of the existing categories of councils was undertaken in 2012. Having regard to the submissions received from councils and other interested parties, the findings of previous reviews, and issues raised by the Local Government and Shires Associations (LGSA) and the Division of Local Government (DLG), the Tribunal has determined that no change is warranted to the existing categorisation framework or to the current categorisation of individual councils.

The Report also advises that its 2012 review of the minimum and maximum fees applicable to councillors and mayors in each Category has had regard to issues raised in submissions received from the LGSA and individual councils. Based on a number of key economic indicators, the requirements of relevant legislation and the views of the Tribunal's assessors, the Tribunal has determined that an increase of 2.5% in fees payable to councillors and mayors is appropriate for the 2012/13 financial year.

Impact on Council

As a result of the Tribunal's determination, Hornsby remains placed in the Metropolitan Centre Category of councils together with Bankstown, Campbelltown, Fairfield, Gosford, The Hills, Hurstville, Lake Macquarie, Liverpool, North Sydney, Randwick, Ryde, Sutherland, Warringah, Willoughby and Wyong Councils.

The fees determined by the Tribunal as being applicable to the Metropolitan Centre Category of councils (which up until the Tribunal's 2011 Report and Determination had been known as Category 1) are:

| Councillor | Mayor |
|---------------------------------|-------------------------------------|
| Annual Fee Minimum - Maximum | Additional Fee Minimum - Maximum |
| \$11,640 - \$21,700 | \$24,700 - \$57,660 |

In 2011, when Council last determined the fees payable to Councillors and the Mayor, it resolved to pay fees at the maximum level which applied to Metropolitan Centre councils.

Having regard to the Tribunal's statement in its 2002 Report and Determination that *"Gosford, Hornsby, Liverpool, Sutherland and Randwick certainly warrant payment of the maximum fee for Category 1 and their activities have been taken into account in determining the maximum fee for Category 1"*, it is considered appropriate that the maximum fee for the Metropolitan Centre Category continue to be paid to Councillors and the Mayor for the period 1 July 2012 to 30 June 2013. This would result in each Councillor receiving an annual fee of \$21,700 and the Mayor receiving an additional annual fee of \$57,660 for the 2012/13 financial year.

BUDGET

Sufficient funds have been allocated in the draft 2012/13 Budget to cover the 2.5% increase proposed in the IPART Determination.

POLICY

No Council policies are affected by this Report.

CONSULTATION

The Tribunal consulted with councils, various industry organisations and the LGSA and DLG as part of their 2012 review.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. Council note that the Local Government Remuneration Tribunal's 2012 Report and Determination proposes no change to the categories of councils. As a consequence, Hornsby Shire Council remains in the Metropolitan Centre Category.
2. In accordance with Section 248 of the Local Government Act, and the 2012 Report and Determination of the Local Government Remuneration Tribunal, an annual fee of \$21,700 be paid to each Councillor for the period 1 July 2012 to 30 June 2013.
3. In accordance with Section 249 of the Local Government Act, and the 2012 Report and Determination of the Local Government Remuneration Tribunal, an additional annual fee of \$57,660 be paid to the Mayor for the period 1 July 2012 to 30 June 2013.

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

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Determination of the Local Government Remuneration Tribunal 2012

File Reference: F2004/09552
Document Number: D01930544

9 COUNCILLORS' EXPENSES AND FACILITIES POLICY - 2012 ANNUAL REVIEW

EXECUTIVE SUMMARY

In accordance with Section 252 of the Local Government Act, Council is required to review its policy regarding the payment of expenses and provision of facilities to Councillors on an annual basis. Once such review is complete, the updated policy is required to be forwarded to the Division of Local Government (DLG).

A review of Council's current Councillors' Expenses and Facilities Policy has been completed and the updated draft Policy is included in the attachment to this Report, with proposed amendments shown in *track changes*. The review of the Policy has regard to the latest "Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW" issued by the DLG in October 2009 and a Circular from the DLG issued on 21 September 2011 titled "Findings from Review of Councillor Expenses and Facilities Policies". A copy of the Guidelines and the Circular are attached.

It is recommended that Council adopt the attached draft Policy for the purpose of public exhibition.

PURPOSE/OBJECTIVE

The purpose of this Report is to comply with Section 252 of the Local Government Act; provide Council with the opportunity to consider the proposed amendments to its Councillors' Expenses and Facilities Policy; and seek Council's endorsement of the amended Policy for the purpose of public exhibition.

DISCUSSION

Council's last review of the Councillors' Expenses and Facilities Policy occurred in September 2011 as a consequence of its consideration of Executive Manager's Report No. CC40/11.

Having regard to the provisions of Section 252 of the Local Government Act; the latest "Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW" issued by the DLG in October 2009; and Circular No 11-27 issued by the DLG in September 2011 titled "Findings from Review of Councillor Expenses and Facilities Policies", the 2012 annual review of the Policy has now been completed. It is noted that all councils are required to submit their expenses and facilities policies to the DLG by 30 November each year.

The 2012 annual review of the Policy has resulted in a number of recommended variations, each of which are shown in *track changes* in the attached draft Policy. The recommended variations take into account the DLG requirements detailed in the Guidelines and Circular referred to above. A comparative analysis of equivalent Policies of neighbouring councils and one other metropolitan council has also been undertaken. Consideration was also given

to adverse publicity in 2011 of a NSW council which was criticised by the media and the DLG for not having an adequate Councillors' Expenses and Facilities Policy. Notwithstanding there have been no significant reported concerns raised about the use and application of the Councillors' Expenses and Facilities Policy at Hornsby Shire Council, it is appropriate to continue to align Council's Policy with the requirements of the DLG.

The recommended variations to Council's Policy are summarised below:

Setting of Limits – Claimable Expenses and Facilities

In Section 1.6.6 of the DLG Guidelines, the following comments are made in respect of the setting of limits on expenses and the provision of facilities:

“The payment of expenses and the provision of equipment and facilities to councillors must not be open-ended. However, these guidelines do not specify particular monetary limits. Rather, councils must agree and set monetary limits to all expense provisions in their policy, where practicable and where appropriate, as well as standards for the provision of equipment and facilities provided to councillors. In doing so, councils need to consider what is a reasonable and acceptable level of provision.”

It is noted that Council's 2011 review of its Policy paid specific attention to the above and resulted in limits being set in respect of the following:

- Clause 2(g) – Incidental Expenses
- Clause 3(e) - Training and Education
- Clause 3(f) - Attendance at Dinners and Other Non-Council Functions
- Clause 3(j) – Care and Other Related Expenses

In respect of setting limits on mobile telephone expenses, Council's 2011 review stated in Executive Manager's Report No CC40/11:

“There are no expenditure limits currently applied to mobile phone expenses because all mobile phones supplied to Councillors have been supplied on the basis that they are for the sole purpose of Council business and that any private call costs are to be paid for by the Councillors. This process is the same for employees who are supplied with Council phones. There is, however, a set line item budget allocation for Councillor's mobile phone costs in total and expenditure against this allocation is monitored regularly by staff.

In the next review of this Policy in the lead up to the 2012 Local Government Election, there is an opportunity to discuss with the current Council alternative methods for the provision of equipment and facilities to the new Councillors. This review could consider a more tailored provision of equipment, which reflects the individual requirements of each Councillor, rather than the global approach currently taken.”

Following on from that Report, there has been discussion with Councillors at a 2 May 2012 Informal Briefing about alternatives which may exist in respect to a Councillor's use, on Council business, of the internet, landline and mobile telephones. Following those discussions, it was apparent that it would be desirable for Councillors elected at the September 2012 election to be given the opportunity to make their own arrangements with their preferred telecommunications supplier such that their individual needs would be met in respect of their use of the internet, landline and mobile telephones for Council business. Those arrangements would be subject to a maximum monthly claimable amount and would be reimbursed following the production of required statements by the Councillor. In respect

of a maximum claimable amount, and having regard to a comparative analysis undertaken of a number of other councils' policies, it is considered that a maximum of \$200 per month for each Councillor should be available in respect of their use of the internet, landline and mobile telephones for Council business, except in extenuating circumstances where the General Manager would have discretion to review a Councillor's claim.

It is noted that such arrangements would be in line with Section 2.3.9. of the DLG's Guidelines which state, in respect of Telecommunications that "*Councils should establish a monthly monetary limit for the cost of official mobile, landline and facsimile calls made by Councillors. A system should also be established to reconcile all telephone costs claimed with account statements. Councils should also consider limiting expenses for internet use.*"

Based on the above, it is proposed that Sections 3h - Home Telephone/Facsimile Expenses and 3i - Mobile Phone Expenses of Council's Policy be deleted and replaced with the following:

Telecommunications Expenses

- i) Council will reimburse reasonable communications costs incurred under a cost effective communications plan associated with a Councillor's use of the internet, landline and/or mobile telephone for Council business. Such reimbursement will be based on the production of relevant account statements from the telecommunications supplier which provides details of expenses incurred by the Councillor. The reimbursement may include amounts for the provision of a communication device through such a plan and/or the proportion of leasing, renting or repayment costs associated with a communication device.*
- ii) In respect of i) above, a Councillor may submit to the General Manager details of cost effective communication plan/s they have or intend to have in place along with a proposal of how they would expect Council to contribute monthly to the cost of such plan/s to recognise the Council business that the Councillor is undertaking under such plan/s.*
- iii) Where the General Manager makes an approval based on a proposal submitted by a Councillor in line with ii) above, the Councillor will be reimbursed in accordance with the General Manager's approval following their submission of a claim for such reimbursement. The claim is to include a statement from the telecommunications supplier which shows that the Councillor is maintaining the communication plan/s submitted to the General Manager in ii) above.*
- iv) The amount claimable by a Councillor under this clause will be limited to an amount of \$200 per month.*

Provision of Equipment and Facilities

Assuming that Council is supportive of the above recommended approach in respect of Telecommunications Expenses, it would then be appropriate to remove from Section 4a ii) of Council's Policy, the provision to Councillors of a mobile phone and landline telephone as the Councillor would be responsible for making their own arrangements for these pieces of equipment if required. Discussion with existing Councillors has also indicated that the provision of a facsimile and answering machine would no longer be required and they should be deleted from the draft Policy. Also, based on the feedback received from Councillors and Council staff who have been involved in a trial of iPads as a device which can be used to

access emails, the internet, Council Meeting papers, etc it is proposed that points i) and ii) of Clause 4a of the Policy:

“Council will provide the following facilities and administrative support to Councillors to assist them to effectively discharge their civic duties. The provision of such equipment will be of a standard deemed by the General Manager as appropriate for this purpose.

- i) *Secretarial support.*
- ii) *On request, laptop computer, mobile phone, printer, facsimile/telephone, answering machine, filing cabinet, briefcase, general office stationery and other administrative aids, including installation costs, as considered appropriate by the General Manager or his delegate.”*

be replaced with the following:

“Council will provide the following facilities and administrative support to Councillors to assist them to effectively discharge their civic duties. The provision of such equipment will be of a standard deemed by the General Manager as appropriate for this purpose.

- i) *Secretarial support.*
- ii) *A Tablet PC (e.g. Apple iPad or Samsung Galaxy Tablet) or similar device, as approved by the General Manager following a request from a Councillor, which will provide the Councillor with internet access to Council’s Business Paper at Council Meetings as well as providing email and calendar functionality.*
- iii) *On request, printer (which meets the specifications of the Tablet PC or similar device referred to in ii) above), filing cabinet, briefcase, general office stationery and other administrative aids, including installation costs, as considered appropriate by the General Manager or his delegate.”*

Public Notice

Section 253 of the Local Government Act requires that Council give public notice of its intention to amend a Policy for the payment of expenses or provision of facilities to Councillors, allowing at least 28 days for the lodgement of public submissions. The Guidelines issued by the DLG state that public notice must be given prior to the annual Policy adoption process, even if the proposed amendments are not substantial. As such, a public exhibition process in respect of the amended draft Policy is required to be undertaken. The exhibition process is proposed to commence on 21 June 2012 and conclude on 18 July 2012. If submissions are received during the public exhibition period, a further report will be prepared for Council’s consideration at the 15 August 2012 General Meeting.

BUDGET

An allocation exists within Council’s adopted budget for the payment of Councillor expenses and facilities that fall within the provisions of the subject Policy. This budget is monitored on a monthly basis and is subject to a quarterly review by Council.

POLICY

This Report proposes amendments to the Councillors' Expenses and Facility Policy. Should Council resolve to adopt the amended Policy for the purpose of public exhibition, the public exhibition process will be undertaken having regard to relevant legislation and Council's Public and Community Input Policy.

CONSULTATION

The review of the Policy has regard to the latest "Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW" issued by the DLG in October 2009 and a Circular from the DLG issued on 21 September 2011 titled "Findings from Review of Councillor Expenses and Facilities Policies". Consultation has also taken place with relevant staff members.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. The amended Councillors' Expenses and Facility Policy, as attached to Executive Manager's Report No. CC34/12, be adopted for the purpose of public exhibition.
2. If submissions are received during the public exhibition period, a further report be prepared for Council's consideration which addresses those submissions.
3. Should no submissions be received, the Policy as attached to Executive Manager's Report No. CC34/12 be adopted and a copy of the amended Policy be forwarded to the Division of Local Government.

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

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. DLG Guidelines
2. Findings from Review of Councillor Expenses and Facilities Policies
3. Councillors' Expenses and Facilities Policy

File Reference: F2004/09552
Document Number: D01930604

10 DEBTS TO BE WRITTEN OFF - 2011/12 FINANCIAL YEAR

EXECUTIVE SUMMARY

The Financial Services Branch is responsible for assessing Council's outstanding debtors on a regular basis to determine those debts which are bad, doubtful or recoverable. For 2011/12, it is recommended that Council write off debts considered bad totalling \$28,634 (see Schedule A), and note debts considered bad totalling \$16,882 which will be written off under the General Manager's delegated authority (see Schedule B).

PURPOSE/OBJECTIVE

The purpose of this Report is to seek Council approval, in accordance with Clause 213 of the Local Government (General) Regulation, to write off debts considered bad for the 2011/12 financial year.

DISCUSSION

Each year, the Financial Services Branch assesses the status of outstanding debtors to determine those debts which are bad, doubtful or recoverable. Debts considered bad are either recommended for write off by the General Manager under his delegated authority or submitted to Council for approval to write off. (N.B. Doubtful debts are provided for in the financial records in contrast to bad debts which are written off)

The writing off of debts by Council is undertaken in accordance with Clause 213 of the Local Government (General) Regulation. At the Ordinary Meeting held on 10 July 1996, Council resolved that the General Manager be delegated authority to write off individual debts up to \$1,000 which are considered irrecoverable. Debts over \$1,000 may only be written off by resolution of Council. It is noted that, since 2006/07, the amount of bad debts written off by Council in accordance with Clause 213 of the Regulation is:

| | |
|---------|-----------|
| 2006/07 | \$ 7,295 |
| 2007/08 | \$21,165 |
| 2008/09 | \$ 4,636 |
| 2009/10 | \$ 4,526 |
| 2010/11 | \$ 15,254 |

In respect of 2011/12, it is recommended that Council write off debts considered bad totalling \$28,634 (see details in Schedule A); and note debts considered bad totalling \$16,882 which will be written off under the General Manager's delegated authority (see details in Schedule B). It should be noted that even if a debt is written off, Council is not prevented from taking future legal proceedings to recover the debt.

The level of debt to be written off in the 2011/12 financial year has increased when compared to prior years. This is partly due to an increase in the number of company liquidations received over the last 12 months and companies that have simply closed their business. In this situation, Council has exhausted all possible approaches to recover the outstanding debt but is

unable to proceed further due to legal protection being provided through insolvency. As an unsecured creditor, the likelihood of any return remains low.

BUDGET

The 2011/12 budget for bad debts written off is \$4,000. As the recommendation for write off exceeds that amount, net available working funds will decrease by the excess amount.

POLICY

There are no policy implications associated with this Report.

CONSULTATION

This Report has been prepared in consultation with Council's debt collection agency - Recoveries and Reconstruction (Australia) Pty Ltd; Council's Operations Accountant and other relevant Council staff.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT for 2011/12, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$28,634 (as detailed in Schedule A attached to Executive Manager's Report No. CC35/12).
2. Note debts considered bad totalling \$16,882 which will be written off under the General Manager's delegated authority (as detailed in Schedule B attached to Executive Manager's Report No. CC35/12).

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

GARY BENSLEY
Executive Manager
Corporate and Community Division

Attachments:

1. Impairment of Debtors

File Reference: F2004/06978-02
Document Number: D01930622

11 DRAFT GREEN OFFSETS CODE - PUBLIC EXHIBITION

EXECUTIVE SUMMARY

In March 2012, Council considered Executive Managers Report No. EN7/12 and resolved to endorse a draft Green Offsets Code ('GOC') for the purposes of public exhibition.

The draft GOC sought to extend its application from offsetting the loss of native vegetation only, to incorporate individual canopy trees in a development setting. The draft GOC was placed on public exhibition through April and May 2012, and during this period four submissions were received by Council.

This report outlines and considers the submissions that were received throughout the public exhibition and proposes two minor amendments arising from the submissions that would, on a 'where possible' basis, require replacement trees to be of the same species, and for seed to be collected from trees to be removed.

This report recommends that Council adopt the amended draft Green Offsets Code included as Attachment 1 to Executive Managers Report No. EN26/12.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of submissions received as a result of the public exhibition of the draft GOC, inform Council of minor amendments proposed as a result of the submissions and to seek Council's adoption of the amended draft GOC.

DISCUSSION

In March 2012 Council considered Executive Manager's Report No. EN7/12 and resolved:

"THAT:

1. *Council adopt for public exhibition and make available for public comment the draft Green Offsets Code for a period of one month.*
2. *At the conclusion of the exhibition period, a further report be presented to Council detailing the submissions received.*
3. *If there are no submissions received, the draft Green Offsets Code be considered adopted.*
4. *The cost of replacement trees to be planted on Council land be established at \$1,000 per 20 square metres of canopy area removed, and included as an estimate in the Draft Fees and Charges Schedule for 2012/13."*

The draft GOC was placed on public exhibition through April and May 2012, and during this period four submissions were received by Council.

Submissions made during the public exhibition can be generally categorised as follows:

- Replacement Species
- Non-indigenous Species
- Offset Measures/Multiplier
- When the Code Applies
- General Amendments

Attachment 2 to this report includes an appraisal of the issues raised by all submissions and a summary response to these.

As a result of public submissions two minor amendments are proposed for the draft GOC that would, on a 'where possible' basis, require replacement trees to be of the same species, and for seed to be collected from trees to be removed.

The suggested amendments described above have been incorporated in Section 11.3 of the draft GOC.

BUDGET

There are no budget implications arising as a result of this Report.

POLICY

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

CONSULTATION

This report informs Council of the submissions received as a result of the public exhibition of the draft Green Offsets Code.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council:

1. Adopt the Green Offsets Code included as Attachment 1 to Executive Managers Report No. EN26/12.
2. Write to those who made submissions on the Green Offsets Code thanking them for the submission.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Attachments:

1. Draft Green Offsets Code
2. Summary of Submissions

File Reference: F2010/00633
Document Number: D01919015

12 BROOKLYN WASTE WATER TREATMENT PLANT- MONITORING PLANT DISCHARGE

EXECUTIVE SUMMARY

Following Sydney Water's application to increase nutrient discharge to the Hawkesbury estuary, Council requested that a report be prepared for its consideration outlining how monitoring tests could be undertaken to ascertain if effluent that is being discharged from the Brooklyn Waste Water Treatment Plant (BWWTP) meets its licensing requirements.

This report recommends that Council does not proceed with direct monitoring of discharge from the BWWTP based on the following rationale:

- Sydney Water has since removed its application seeking to increase nutrient discharge to the Hawkesbury estuary
- The NSW Environment Protection Authority (NSW EPA) is responsible for compliance monitoring of Sydney Water's Treatment Plant discharge. Currently, the discharge is monitored every six days, compliance reports are produced annually, long term impacts of sewage treatment are assessed by the NSW EPA and data and reports are made available to the public.
- Council currently monitors the Hawkesbury estuary both upstream and downstream of the discharge location to ensure that guidelines for the protection of aquatic ecosystems (ANZECC 2000) are met. This monitoring will continue to occur.
- Council could reconsider the need for direct monitoring of discharge from the BWWTP should there be any changes made to Sydney Water's licence conditions for compliance monitoring in the future.

PURPOSE

The purpose of this Report is to respond to Mayoral Minute No. MM18/11 Brooklyn Sewage Treatment Plant.

DISCUSSION

At its Planning Meeting of 7 December 2011, Council resolved that:

"A report be submitted to Council outlining how monitoring tests on discharges from the Brooklyn Sewage Treatment Plant can be undertaken to ascertain if effluent being discharged from the plant meets its licensing requirements."

This action formed part of a public campaign led by Council and the Lower Hawkesbury Estuary Management Committee, against Sydney Water's proposal to increase nutrient concentrations being discharged from the plant.

Following this campaign, in January 2012 Sydney Water withdrew its application to increase nutrient concentrations and resolved to install and maintain tertiary filters at the plant.

Council currently undertakes monthly monitoring of the receiving waters of the BWWTP discharge to assess the Plant's impact on the estuary. Council undertakes this monitoring to ensure compliance with the national water quality guidelines for the protection of aquatic ecosystem health (ANZECC 2000), and will continue to do so in the future. It is considered that this monitoring would adequately assess the impact of the plant discharge on the estuary through time.

Monitoring the discharge directly to ensure that license conditions are met is the responsibility of the NSW EPA. The NSW EPA has the legislative ability to monitor the BWWTP performance and compliance with license conditions through time. These licences specify the quantity and quality of treated wastewater that can be discharged to the estuary. To ensure license requirements are met, Sydney Water undertakes the following activities:

1. Monitoring waste water discharge every six days for nutrients, faecal coliforms, BOD, total suspended solids, toxicity concentrations and monthly load based licensing, with the analysis of water samples being undertaken by a NATA certified laboratory.
2. At the end of each financial year an Annual Return is sent to the EPA reporting on the compliance with licence conditions. This report is available on the EPA's public register (<http://www.environment.nsw.gov.au/prpoeoapp/> search for license number "12438").
3. A report called "Sewage Treatment System Impact Monitoring Program" including assessment of potential medium to long-term impacts is submitted annually to the EPA and is available at <http://www.wastesafe.com.au/Publications/Reports.cfm>.
4. From 1 August 2012 all pollutant monitoring data will be available on Sydney Water's website.
5. The BWWTP is managed under an Environmental Management System ISO 14001 and certified by a third party. Internal and external audits at BWWTP are conducted regularly.
6. Compliance with licence conditions are also reported to the public within Sydney Water's Annual Reports (<http://www.sydneywater.com.au/publications/AnnualReports.cfm>).

Given these provisions are in place to ensure that licence conditions are met and that the application for increasing nutrient discharge levels has been removed, it is not considered necessary at this point in time for Council to monitor the discharge directly from the Plant.

This would not preclude Council reconsidering the matter should there be any changes made to Sydney Water's compliance and monitoring licence conditions in the future.

BUDGET

There are no budgetary implications arising from this Report should Council maintain the current level of monitoring as recommended.

If however Council wishes to commence direct monitoring of BWWTP discharges, additional funds of approximately \$40,000 per annum would be required. This amount has not been allowed for in Council's 2012/13 budget.

POLICY

There are no policy implications arising from this Report.

CONSULTATION

In the preparation of this Report, advice was sought from Greg Cawston, Manager Treatment - Sydney Water, regarding Sydney Water's responsibilities for compliance monitoring and reporting.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council:

1. Not proceed with direct monitoring of discharge from the Brooklyn Waste Water Treatment Plant.
2. Maintain the monthly monitoring of the Hawkesbury Estuary both upstream and downstream of the Brooklyn Waste Water Treatment Plant discharge to ensure ANZECC 2000 guidelines for the protection of aquatic ecosystems are met.
3. Regularly review licence compliance reports produced by the NSW Environment Protection Authority to independently assess the adequacy of the compliance monitoring and reporting undertaken by Sydney Water.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08681-02
Document Number: D01919121

13 SCHOFIELD PARADE, PENNANT HILLS - OLD PONY CLUB SITE

EXECUTIVE SUMMARY

At its meeting of 16 May 2012, Council deferred consideration of a Notice of Motion regarding the former Pony Club site at Schofield Parade, Pennant Hills in order to seek clarification as to whether the site is to be included in the proposed Berowra Valley National Park; and to obtain further information regarding the environmental, social and economic impacts of various land uses at the site.

This report provides advice that the site is located within the boundaries of the proposed Berowra Valley National Park, and discusses legislative, environmental, social and economic considerations associated with use of the site for active sport and passive recreation.

PURPOSE/OBJECTIVE

The purpose of this report is to inform Council of the environmental, social and economic impacts of various land use options at the former Pony Club Site at Schofield Parade, Pennant Hills.

DISCUSSION

At its meeting of 16 May 2012, when considering a Notice of Motion regarding the former Pony Club site at Schofield Parade, Pennant Hills, Council resolved as follows:

“That Council defer further consideration on its position concerning the potential future use of the former pony club site at Stringybark Ridge for one month pending a briefing to Councillors regarding the environmental, social and economic impacts of various land use options including: active sports, passive recreation and/or reservation for conservation purposes; and to clarify with the State Government as to the status of this parcel in terms of it being included in the national park.”

In line with Council’s resolution, Councillors were provided with a briefing regarding the site on 6 June 2012.

Location of the site

The former Pony Club site consists of a cleared, grassed area of approximately 1.8 hectares at Stringybark Ridge, which is located within the Berowra Valley Regional Park (BVRP). An aerial photograph of the site has been included as Attachment 1 to this report.

History of the site

A brief history of the site is listed below:

- In 1949, the site was Crown land reserved for use as a Hospital
- In 1962, horse riding was permitted at the site on a temporary basis. The site remained Crown land.

- In 1988, the site became part of the Berowra Valley Bushland Park. The land remained in Crown ownership but was under the care, control and management of Council.
- In 1998, Berowra Valley Regional Park was gazetted under the *National Parks and Wildlife Act 1974* and the site was included within the boundaries of the Regional Park.
- In 2002, Council adopted its Leisure Strategic Plan which recommended that the site be reviewed as an option for soccer and cricket.
- In 2005, a Plan of Management (PoM) for BRVP was adopted by the NSW Minister for the Environment. When considering the site, the PoM indicated that the site would be progressively developed as an area for passive recreation with limited day-use facilities such as picnic tables and shelters, electric barbeques, toilets and parking. In addition, the provision of a camping area at the site for users of the Great North Walk would be investigated.
- In 2006, Council adopted its Sports Facility Strategy. This site was identified as a potential development site for outdoor sporting facilities, however following initial analysis, was discounted from further consideration on the basis that the PoM for BRVP limited use at the site to passive recreation only. The analysis also noted that strong community opposition had been expressed.
- In 2012, the *National Parks and Wildlife Amendment (Adjustment of Areas) Bill* was introduced into the NSW Parliament. As introduced, this Bill would serve to re-categorise part of BRVP as a national park to be known as Berowra Valley National Park (BRNP). An indicative map (Attachment 2) shows the site to be located within the areas to be included in the proposed BRNP.

Use of the site for active sports

Legislative Considerations

The current PoM for BRVP limits the site to passive recreation uses such as picnicking and camping. To enable the site to be used as a sportsground, a new PoM that allowed this activity to occur would need to be prepared under the *National Parks and Wildlife Act 1974* and adopted by the NSW Minister for the Environment. This process would typically take 18 months.

Following adoption of the PoM by the Minister, environmental approvals under Part 5 of the *Environmental Planning and Assessment Act 1979* would be required. This would include the preparation of a Review of Environmental Factors (REF) or an Environmental Impact Statement (EIS) to consider the impact of a sportsground on any threatened species, endangered populations, and critically endangered or endangered ecological communities that may be present at or near the site.

Environmental considerations

If a sportsground were to be developed at the site, a REF or EIS would need to assess the impacts on the surrounding flora and fauna of the following:

- Land surface modification
- Sowing and maintenance of exotic turf
- Increased water and nutrients
- Weed plumes
- Further clearing for infrastructure

- Site amenities – treatment of sewer
- Lighting upon nocturnal fauna
- Improvements to the access road
- Provision of parking facilities

An issue that would also need to be considered would be the impact of the increased traffic generated by a sportsground on adjoining residential streets.

Social Considerations

Council's Leisure Strategic Plan identified that there was a shortfall in the provision of sports facilities for selected sports within the Shire, particularly soccer, cricket and netball. The subsequent Sports Facility Strategy was prepared to guide the future planning, provision and funding for the upgrade of existing facilities and development of new sporting facilities.

Economic Considerations

It is estimated that developing a sportsground on the site inclusive of amenities and lighting would cost in the vicinity of \$2-3 million. Additional to this amount would be the cost of a system to capture, treat and reuse water on site (\$200,000-500,000). The provision of on-site parking facilities and upgrades to the site access road would also need to occur, which, depending upon the scale could add up to a further \$1 million.

Use of the site for passive recreation

Legislative Considerations

To enable the site to be developed for camping and picnicking in accordance with the BVRP PoM and the precinct plan that has been prepared for the site, environmental approvals under Part 5 of the *Environmental Planning and Assessment Act 1979* would be required. This would include the preparation of a REF or an EIS to consider the impact of the proposed facilities (picnic tables and shelters, electric barbeques, toilets and parking) on any threatened species, endangered populations, and critically endangered or endangered ecological communities that may be present at or near the site.

These requirements would also apply to the mountain bike trails that are proposed for the site.

Environmental Considerations

If passive recreation facilities or a mountain bike trail were to be developed at the site, an REF or EIS would need to assess the impacts on the surrounding flora and fauna of the following:

- Site amenities - treatment of sewage
- Provision of parking facilities
- Improvements to the access road
- The construction, maintenance and use of mountain bike trails in bushland areas

An issue that would also need to be considered would be the impact of the increased traffic generated by improvements at the site on adjoining residential streets.

It is understood that a REF is currently being prepared for the proposed mountain bike trails at the site.

Social Considerations

The BRVP PoM notes that there are no formalised recreational facilities in the southern and western sections of the park and has identified the site for future passive recreation purposes. The PoM also identifies that the site will be investigated as a camping area for users of the Great North Walk.

Options for a mountain bike facility in northern Sydney are currently being examined by the NSW Minister for the Environment, with this site at Stringybark Ridge being one of two under current consideration.

Economic Considerations

Any costs associated with developing the site for passive recreation purposes in line with the precinct plan would be borne by the NSW National Parks and Wildlife Service. This would also apply to any mountain bike trails constructed at the site.

BUDGET

There are no budgetary implications associated with this report.

POLICY

There are no policy implications associated with this report.

CONSULTATION

In the preparation of this report, advice was sought from the NSW National Parks and Wildlife Service regarding the inclusion of the former Hornsby Pony Club site in the proposed Berowra Valley National Park.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is the Manager, Natural Resources – Diane Campbell who can be contacted on 9847 6903.

RECOMMENDATION

THAT the contents of Executive Managers Report No. 29/12 be received and noted.

STEPHEN FEDOROW
Acting Executive Manager - Environment
Environment and Human Services Division

Attachments:

1. Aerial photograph of the Former Pony Club Site - Schofield Parade, Pennant Hills
2. Map of Proposed Berowra Valley National Park

File Reference: F2005/00021

Document Number: D01937852

14 EPPING TOWN CENTRE STUDY - REPORT ON SUBMISSIONS

EXECUTIVE SUMMARY

The *Epping Town Centre Study* was exhibited for public comment from September to November 2011. Many submissions were received raising objections to the *Study*, providing feedback on how the *Study* recommendations could be improved, indicating support for the *Study* and suggesting amendments to the recommendations. The submissions provide valuable feedback to assist understand the impacts of the *Study* recommendations. The submissions also identify a number of issues that would require further consideration should Council resolve to progress planning controls to facilitate growth within the Epping Town Centre.

This Report presents options for progression of the *Study* recommendations. The advantages and disadvantages of each option are outlined. It is recommended that Council endorse the progression of a planning proposal for the Epping Town Centre generally in accordance with the *Study* recommendations subject to further review of the following:

- Proposed Heritage Conservation Area (HCA) boundaries and potential heritage and archaeological nominated sites;
- Consideration of alternate urban form outcomes nominated in landowner submissions within the Town Centre Core;
- Heights within the Derby Street residential precinct;
- Acquisition of the Epping Bowling Club; and
- Short and long term impacts of the North West Rail Link (NWRL).

The State Government has commenced precinct planning for Epping and other NWRL stations. With respect to Epping, the Department of Planning and Infrastructure (DP&I) advises that it will review and build on the *Study*, resolve key issues and develop outcomes that will support future planning proposals in the Centre. This work will involve providing plans for coordination of local infrastructure upgrades required to support future growth in the Centre. It is recommended that Council continue to seek confirmation regarding the State Government's position concerning the preferred funding mechanism and timeframe for the delivery of the State infrastructure required to support the progression of the increase in densities recommended in the *Study*.

PURPOSE

The purpose of this Report is to present the outcome of the exhibition of the *Epping Town Centre Study* and outline options for progression of the *Study* recommendations.

BACKGROUND

The *Epping Town Centre Study* has been undertaken by a consultant on behalf of Hornsby and Parramatta Councils and the DP&I to:

- explore the potential for the Epping Town Centre to accommodate increased growth to fulfil its role as a “*Town Centre*” and to maximise the benefits arising from State Government infrastructure investment; and
- inform future planning controls and infrastructure requirements to accommodate this growth and provide certainty for Epping residents and businesses.

The *Study* concludes that there is opportunity within the Town Centre for an additional 3,200 – 4,300 dwellings across the *Study Area*, with capacity for approximately 1,800 – 2,925 of these within the Town Centre Core. As it relates to the Hornsby Local Government Area (LGA), the *Study* delivers a Structure Plan for the Centre which (in summary) identifies:

- A compact, high density town centre with increased development potential around the Railway Station. A single mixed use zoning is proposed that permits a wide range of retail, commercial, residential and community uses and adjustment of the Town Centre boundary to include properties Nos. 2 and 4 Epping Road as business zoned land;
- Identification of opportunities for approximately 1,125 - 2,835 new dwellings within precincts within the Town Centre Core with building heights between 4 and 20 storeys;
- Identification of opportunities for approximately 1,275 new dwellings outside the Town Centre Core in the form of 2 and 3 storey town houses and 5 storey residential units within five new residential intensification precincts;
- Creation of HCAs in East Epping (including Norfolk Road, Chester Street, Oxford Street, Surrey Street and Sussex Street), Essex Street and Rosebank Avenue;
- New and upgraded traffic, pedestrian and cyclist facilities including upgrades to key streetscapes and intersections to improve traffic and pedestrian connectivity; and
- New recreational facilities and community spaces.

At its meeting on 25 July 2011, Parramatta City Council (PCC) resolved not to progress the *Epping Town Centre Study*. Notwithstanding, at its meeting on 3 August 2011, Council resolved to endorse the *Study* for public exhibition. In accordance with Council’s resolution, the *Study* was exhibited for public comment from 28 September to 28 November 2011. Council only sought feedback on the recommendations of the *Study* that relate to land within Hornsby Shire.

DISCUSSION

This Report provides a summary of the outcome of the exhibition of the *Epping Town Centre Study* and presents options for progression of the *Study* recommendations. This Report also

provides an update on the delivery of State infrastructure required to support the progression of the increase in densities recommended in the *Study*.

Exhibition and Review of Public Submissions

The *Epping Town Centre Study* was exhibited for two months from 28 September to 28 November 2011. The *Study* was exhibited in accordance with a Consultation Strategy endorsed by Council. The Consultation Strategy was structured to inform residents about why and how the *Study* was prepared and to encourage constructive feedback to assist Council in determining how to progress the *Study* recommendations. Notification of the exhibition was placed in the local newspaper and on Council's website.

Various methods of communication were used to engage with the Epping Community, including sending a brochure advising of the key findings, recommendations and exhibition of the *Study* to property owners within the *Study* Area and within a 500 metre radius of the *Study* Area as it relates to Hornsby Shire. Property owners within Parramatta City LGA that were part of the *Study* Area were notified. Letters were also sent to community groups, industry groups and statutory authorities. Communication targeted the media, community groups, industry groups, local Members of Parliament and statutory authorities. An internet discussion forum was established and two community drop-in sessions were held.

A total of 375 submissions were received during the exhibition period, including individually written letters or emails, from letters and petitions. Submissions raised objections to the *Study* (or aspects of the *Study*), provided constructive feedback on how it could be improved, indicated support for the *Study*, and suggested amendments to the recommendations. The *Epping Town Centre Study - Report on Submissions* (copy attached) provides a summary of submissions. The report does not attempt to capture all of the information identified in submissions. The report provides an overview of submissions, a snapshot of the reasoning, key local issues identified and suggestions made.

Overall, the major reasons for objection to the *Study* are uncertainty surrounding the provision of infrastructure, dwelling mix and local issues (which is comprised of a number of matters). The major local issues of concern raised in submissions are traffic, height, parking and character/streetscape. Those that support the *Study* agreed with the methodology for increasing density within walking distance of Epping Station. The other major reasons for support are dwelling targets and local issues (which is comprised of a number of matters). The major local issues raised in submissions in support of the *Study* are heritage, height and support for the proposed infrastructures upgrades.

Should Council resolve to progress the recommendations of the *Study*, the submissions also identify a number of issues that would require further consideration to inform future planning controls and infrastructure/public domain requirements.

Overview of Local Issues

The key local issues raised in submissions concerning the *Study* and recommendations are outlined below.

Increased capacity within the Town Centre Core

The *Structure Plan* incorporated the *Study* identifies a compact high density Town Centre Core with increased development around the railway station and building heights between 15 metres (est. 4 storeys) and 66 metres (est. 20 storeys) to permit a wide range of retail,

residential and community uses and opportunities for between 1,125 and 1,835 high density dwellings. Heights of 66 metres are recommended in respect of a portion of properties Nos. 12-22 Langston Place and the corner of Beecroft, Carlingford and Ray Roads to facilitate the development of tower buildings to identify the southern and eastern entry to the Town Centre Core.

Submissions: The majority of submissions recognise that increasing densities within the Town Centre Core would increase the feasibility, sustainability and vitality of the Centre. Submissions also recognise that increasing densities would facilitate opportunities for the funding and delivery of improvements within the public domain. However, there is a wide range of views on the desired future character of the Town Centre Core, in particular the proposed heights of buildings.

A number of submissions suggest that the village character of the Town Centre Core be maintained by restricting future development to those heights currently permitted. However, most submissions acknowledge that an increase in height is required to ensure redevelopment is feasible. Submissions that support increasing densities within the Core, but object to the heights proposed in the *Study*, suggest a range of heights up to 10 storeys or alternatively make reference to the appropriateness of applying the heights contained in the *Parramatta Local Environmental Plan*.

A number of submissions propose alternate built form to that proposed in the *Study* in the Core and suggest variation to a range of controls proposed under the *Study* including heights, densities, public domain provisions and laneways/linkages.

Concerns regarding the potential heritage and archaeological significance of sites within the Core are also raised in a number of submissions requesting detailed investigation of these matters as part of the progression of any *Study* recommendations.

Comment: Subsequent to the exhibition of the *Study*, the State Government committed to the delivery of the NWRL. The NWRL Project includes works within the Epping Town Centre Core and has implications for the progression of *Study* recommendations. In particular land between Beecroft Road and Ray Road is identified as a future service facility. Further consideration of the implications of the NWRL Project are discussed in detail under the State Government Consultation component of this report.

Should Council resolve to progress the recommendations of the *Study* for the Town Centre Core, it is recommended that progression of the recommendations include further review of the following:

- Potential heritage and archaeological significance of a nominated site;
- Consideration of alternate urban form nominated in landowner submissions within the Town Centre Core; and
- Short and long term implications of the NWRL.

Residential Intensification Precincts

The *Structure Plan* identifies opportunities for approximately 1,275 new dwellings outside the Town Centre Core in the form of 2 and 3 storey town houses and 5 storey residential units within five new residential intensification precincts.

Submissions: The primary reason for objecting to the residential intensification precincts is the perceived impact on the existing character of residential areas. The majority of submissions objecting to the identification precincts either object to the rezoning of any residential areas outside the Core, or the rezoning of any properties outside the Core containing existing detached housing. A number of submissions also raise concerns regarding the impact of the proposed precincts on the heritage significance of the proposed HCAs.

Submissions supporting increased densities suggest increasing heights in some precincts to ensure an appropriate level of feasibility is achieved to ensure development is economically feasible. A number of suggestions also suggest extensions to the boundaries of precincts. Submissions comment that heights within the Derby Street precinct should be reviewed. It is noted that a number of properties have been developed for medium density housing. Therefore, redevelopment may not be achieved under the 3 storey height limit proposed.

Comment: Should Council resolve to progress the recommendations of the *Study* for the Residential Intensification Precincts, it is recommended that progression of the recommendations include further review of the following:

- Heights within the Derby Street residential precinct; and
- Boundaries of the precincts in response to landowner submissions.

Heritage Conservation

A key element of the *Structure Plan* is the progression of recommendations from previous heritage studies to list new heritage items and create the East Epping, Essex Street and Rosebank Avenue HCAs. Properties Nos. 30-50 Pembroke Street, Nos. 6-22 Chester Street and Nos. 1-3 Essex Street are not recommended for inclusion in the proposed HCAs as they have been identified as having marginal heritage value and are located in precincts identified for higher density development.

Submissions: The majority of submissions express support for the heritage conservation recommendations of the *Study*. However, many submissions raise concern in relation to the impact of the proposed intensification precincts on the heritage values of the proposed HCAs. In particular, the submissions raise concerns in relation to the rezoning of the southern side, and part of the northern side, of Chester Street between Norfolk Road and Oxford Street.

A number of submissions note that development has occurred within the proposed HCAs since they were first proposed and object to the HCAs given the extent of change. Submissions reference the length of time since preparation of the earlier heritage studies, object to the progression of recommendations from the studies and question the validity of progressing the findings without further review. Submissions also object to the HCAs being used as a mechanism to stifle development rather than allowing the Centre to fulfil its role as a “town centre”.

As previously reported, the potential heritage and archaeological significance of sites within the Core is identified by a number of submissions. The submissions raise concern that the recommendations of the *Study* will be progressed in advance of the heritage significance of the potentially State listed relics being investigated. Submissions also nominate a number of properties outside the Core for heritage significance.

Comment: It is acknowledged that considerable development has occurred within the proposed HCAs since completion of the East Epping Conservation Evaluation and Review and the Rosebank Avenue Epping Heritage Assessment in 2001 and 2003 respectively. This development has the potential to impact on the heritage qualities of the area and the heritage significance recognised by the studies. It is appropriate that prior to the proposed HCAs being progressed that the heritage significance of the areas be reviewed. Should Council resolve to progress the recommendations of the *Study* for the listing of new heritage items and creation of the East Epping, Essex Street and Rosebank Avenue HCAs, it is recommended that progression of the recommendations include further review of the following:

- Significance of the East Epping and Essex Street HCA boundaries;
- Significance of individual properties nominated for heritage listing; and
- Significance of potential State listed archaeology within nominated sites.

Council has recently engaged Godden Mackay Logan to undertake *Heritage Review - Stage 5* to address the accuracy and completeness of Council's list of heritage items under Schedule D of the *Hornsby Shire Local Environmental Plan 1994 (HSLEP)*. The *Review* includes an assessment of the significance of those properties identified within the Core as potentially containing relics of State significance. The assessment would assist in informing the progression of any planning proposal for the Centre.

New Recreational Facilities and Community Spaces

A key element of the *Structure Plan* involves the development of new recreational facilities and community spaces, including Forest Park Recreation Facility, the upgrading of the Epping Library and Learning and Leisure Centre and a new landscaped plaza at Pembroke Street opposite the Anglican Church.

Submissions: The majority of submissions generally support the recommendations of the *Study* in relation to new recreational facilities and community spaces. A number of submissions question the adequacy and suitability of the proposed Forest Park Recreation Facility and some suggest that additional recreational facilities would be better located on the western side of the railway line.

Comment: There may be other opportunities within Epping that would facilitate the delivery of additional open space and these should be investigated. Should Council resolve to progress the recommendations of the *Study* for the development of new recreational facilities and community spaces, it is recommended that progression of the recommendations include further review of the appropriateness of the acquisition of Epping Bowling Club and development of the proposed Forest Park Recreation Facility.

Car Parking Strategy

The *Study* includes a review of Hornsby and Parramatta Councils' car parking control for Epping and notes that Hornsby Council's car parking rates are higher than Parramatta Council's and do not differentiate parking rates having regard to proximity of development to public transport.

The *Study* also notes community consultation raised concern that increased public transport services at Epping Station will further constrain parking available on residential streets

outside the Town Centre Core. The *Study* comments that there would likely be a reduction in the need for commuter parking with the implementation of the NWRL. Commuters from the release areas in the north-west of Sydney serviced by the NWRL will find it more convenient to use the new stations in those areas to park and ride rather than continuing to travel to Epping to park. Accordingly, the *Study* does not recommend the development of a commuter parking station in Epping.

Submissions: A number of submissions support the *Study*'s recommendation that no long term commuter car parking be provided at Epping and acknowledge that providing additional long term parking would attract additional commuters to the area and increase traffic congestion. However, the majority of submissions raise concern that the *Study* does not adequately address the existing car parking issues within Epping Town Centre. Submissions received suggest that, at a minimum, a parking station and free three hour parking zones should be provided for shoppers and local business. Some submissions also suggest that car parking rates should be increased not reduced.

Comment: Council's Integrated Land Use and Transport Study recommended the introduction of a reduced car parking rate for development within close proximity of Hornsby Station. These rates are reflected in the draft *Hornsby DCP* which makes provision for car parking rates based on differentiation of development located either more or less than 800m from railway stations. This approach is generally consistent with the recommendations of the *Study* for review of Council's parking rates.

Transport and Traffic Improvements

Key elements of the *Structure Plan* relating to transport and traffic improvements include the development of:

- New and improved laneways and streets to improve pedestrian connectivity and streetscape improvements;
- New and upgraded traffic, pedestrian and cyclist facilities (including the upgrade of key intersections and road alignment/carriageway widening of Epping/Beecroft Roads) to manage traffic queuing and improve movements; and
- Improved pedestrian priority at key intersections, including an additional pedestrian/cycleway at the railway bridge.

Submissions: Submitters that support the *Study* note that the proposed upgrades to the road network would improve the flow of traffic along the arterial roads whilst maintaining accessibility to local roads in the short term. The majority of submissions also note that improvements to the road network should focus on improving accessibility for local residents and land owners and not on improving conditions for through traffic. Submissions also acknowledge that the proposed increases in dwelling densities are to be located close to existing and upgraded infrastructure, providing high levels of accessibility to public transport.

However, the majority of submissions note that the *Study* recommendations are a short term solution and would not alleviate bottlenecks and congestion. The submissions suggest that significant infrastructure spending and consideration of a bypass road, a new bridge or a tunnel is required. Submissions also object to any increases in dwelling densities in the Centre until such time as the recommended infrastructure upgrades have been implemented.

Comment: The *Study* identifies substantial infrastructure requirements to assist in the management of future growth in Epping. An update on the delivery of the State infrastructure required to support the progression of the increase in densities recommended by the *Study* is provided below under the heading of “Study Recommendations - Infrastructure Delivery and Funding”.

State Government Consultation

The State Government was consulted during preparation of the *Study* through its representation on the *Epping Town Centre Study* Steering Committee and the Government Agencies Working Party. The *Epping Town Centre Study - Report on Submissions* provides a summary of feedback received from public authorities consulted with during exhibition of the *Study*. Details of ongoing consultation with State Government agencies regarding the *Study* and the NWRL project are outlined below.

North West Rail Link Project - Impact on Town Centre Core

The transport model prepared as part of the *Study* includes assumptions regarding the delivery of the NWRL and impact on transport over the long term. However, shortly after completion of the *Study*, the State Government announced its commitment to the delivery and funding of the NWRL which proposes the construction of eight stations between Epping and Rouse Hill.

Transport for NSW recently submitted an application to the Minister for Planning and Infrastructure to obtain approval for Stage 1 of the project (i.e. Major Civil Construction Works). The first Environmental Impact Statement (EIS) for proposed tunnelling, underground railway station construction and preliminary above ground work to support the Stage 1 application was recently exhibited. A second EIS is currently being prepared for Stage 2 of the project (i.e. Stations, Rail Infrastructure and Systems). It is anticipated that the EIS will be exhibited in the second half of 2012 and will address the design of the railway stations, operational rail infrastructure and systems like signalling.

The first EIS details the impact of proposed tunnelling, underground railway station construction on land within the Epping Town Centre Core, including tunnelling access and the operation of the Epping Service Facility on land located between Beecroft Road and Ray Road. It is understood that the proposed Epping Service Facility will be an ongoing function of the rail link. However, until such time as the second EIS is finalised, the long term implications of the Epping Service Facility and the operation of the rail link on the Core are uncertain. Should Council resolve to progress the recommendations of the *Study* for the Town Centre Core, it is recommended that progression of the recommendations include further review of the short and long term implications of the NWRL.

North West Rail Link - Station Precinct Analysis

Since completion of the *Study*, the State Government has established Infrastructure NSW and Transport for NSW to prioritise and deliver infrastructure in partnership with the private sector and to improve the delivery of critical major infrastructure in the State, including the NWRL. The DP&I has recently commenced working with other Government agencies, in particular transport and utility agencies, to develop precinct structure plans for Epping and the other NWRL station precincts.

The aim of the precinct planning process is to identify and resolve key issues associated with the station precinct to establish planning principles and frameworks to guide development

over the next 20-25 years. The Department has advised that the precinct plan currently being prepared for Epping and other stations will constitute a strategy under the State Government's strategic framework and should be used to support future planning proposals and development applications. Accordingly, Council will need to consider the provisions of any draft precinct plan in progressing any planning proposal for Epping.

In relation to the Epping Town Centre, Council has been advised that the Department proposes to review and build on the *Study*, resolve key issues and develop outcomes that will support future planning proposals and development applications. Part of this work involves providing clear plans for coordination of local infrastructure upgrades required to support future growth targets.

Study Recommendations - Infrastructure Delivery and Funding

Following completion of the *Study* in 2011, Council continued to seek the State Government's position concerning its support for the progression and implementation of the recommendations of the *Study* in light of the gazettal of the Parramatta LEP. Council also sought to confirm the State Government's preferred funding mechanism and timeframe for the delivery of the State infrastructure required to support the progression of the increase in densities recommended in the *Study*. On 21 April 2012, the Director General of the DP&I provided the following response:

"I understand the Study identifies certain infrastructure projects which will assist in the management of traffic generated from future growth in Epping Town Centre and existing traffic constraints.

The DP&I has been tasked with providing clear plans for coordinating local infrastructure upgrades to support growth planning across NSW. The Department is committed to working with Council, RMS and Transport for NSW to investigate issues and assist to develop an infrastructure growth plan for the precinct.

In light of the above, I confirm the Department remains committed to assisting with progression of the Study outcomes. The Department is keen for Council to formally bring forward a proposal to accommodate future growth in Epping Town Centre as per commitments made by Council in its Planning Reform Fund Agreement."

Although the Roads and Maritime Services (RMS) has not provided specific comment in relation to the recommended infrastructure upgrades, RMS has advised that it will use the *Study* recommendations as a starting point to assist the investigation of short term improvements within the Epping Town Centre as well as for investigation of potential longer term corridor infrastructure improvements as the Centre evolves.

Council should continue to seek confirmation regarding the State Government's position concerning the preferred funding mechanism and timeframe for the delivery of the State infrastructure required to support the progression of the increase in densities recommended in the *Study*.

OPTIONS FOR PROGRESSION OF STUDY RECOMMENDATIONS

Council has the following options, or a combination of options, for consideration regarding progression of the *Study* recommendations.

Option 1: Seek State Government Commitment to delivery of State infrastructure

Central to the *Study* has been the preparation of the *Epping Town Centre Traffic Model*, a comprehensive traffic simulation model which has enabled the impacts of the future development scenarios identified under the *Structure Plan* to be tested. The majority of the increased traffic in the long term has been identified to be associated with development outside the *Study* area. The Traffic Model indicates that identified road infrastructure works would adequately cater for identified growth in the short term scenario and go towards improving the capacity of the roads under the long term development scenarios.

As discussed, the DP&I recently commenced precinct planning for Epping and other NWRL station precincts. With respect to Epping, the Department advises it will review and build on the *Study*, resolve key issues and develop outcomes that will support future planning proposals in the Centre. This work will involve providing clear plans for coordination of local infrastructure upgrades required to support future growth in the Centre.

This option requires that prior to progressing the Study recommendations, Council await confirmation through the Department's precinct planning work, of the State Government's preferred funding mechanisms and timeframes for delivery of State infrastructure required to support progression of increased densities in the Centre.

The advantages and disadvantages of this option are outlined below.

Advantages

- Ensures infrastructure works and funding mechanisms are identified to support development within the Centre.

Disadvantages

- Does not promote development consistent with Epping's role as a "town centre" in the commercial hierarchy;
- Opportunity to provide funding through developer contributions towards improvements to the public domain including streetscape works and traffic control measures would not be realised;
- Would not promote residential development to assist achievement of Council's dwelling targets;
- The heritage qualities within the Centre would not be recognised; and
- Would not enable release of remaining Planning Reform Funds from the DP&I.

Should Council be of a mind to support this option, an appropriate resolution would be as follows:

1. *Prior to the progression of the recommendations of the Epping Town Centre Study, formal commitment be obtained from key Government agencies concerning the funding and delivery for infrastructure works indentified in the Epping Town Centre Study to support the increased densities recommended.*
2. *Any commitment include a funding and delivery plan detailing the scope and costs of infrastructure works to be undertaken to facilitate the development of the Centre.*
3. *The funding plan provide clear delineation between funding to be provided by proponents of future development, Local Government and the commitment of funds by the State Government.*

Option 2: Progress a Planning Proposal in accordance with Study recommendations

Council's *Housing Strategy* identifies that Council will be required to prepare planning controls to facilitate a further 3,900 dwellings under its next stage. This long term target is likely to increase with the allocation of additional dwellings to be provided within the North Subregion under the State Government's current review of the *Metropolitan Plan*.

The *Epping Town Centre Study* confirms that there is opportunity to promote increased residential development within the Centre to assist meet Council's dwelling target while also reinforcing the role of the Epping as a "town centre". Under this option, a planning proposal would be progressed in accordance with the findings and recommendations of the *Study*.

The advantages and disadvantages of this option are outlined below.

Advantages

- Reinforces the role of the Epping Town Centre as a "town centre";
- Promotion of redevelopment of undercapitalised sites;
- Provision of funding through developer contributions towards improvements to the public domain including streetscape works and traffic control measures;
- Would promote residential development to assist achievement of Council's dwelling targets; and
- Realises benefits from State Government infrastructure spending.

Disadvantages

- Increased densities may be delivered before infrastructure upgrades have been delivered.
- Potential loss of heritage qualities, including nominated heritage items and archaeological relics; and

- May not realise public benefits that could be achieved by the delivery of alternate built form within the Town Centre Core.

Should Council be of a mind to support this option, an appropriate resolution would be as follows:

1. *A planning proposal be progressed for the Epping Town Centre generally in accordance with the recommendations of the Epping Town Centre Study.*
2. *Pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979, Council forward the planning proposal to the Minister for Planning and Infrastructure seeking “Gateway Determination” to progress the preparation of the planning proposal.*
3. *Council continue to seek confirmation regarding the State Government’s position concerning the preferred funding mechanism and timeframe for delivery of the State Infrastructure required to support the progression of the increase in densities recommended in the Epping Town Centre Study.*

Option 3: Progress a Planning Proposal in accordance with Study recommendations for the Town Centre Core

Under this option, the recommendations relating to the Town Centre Core would be progressed and the current controls applying to those areas outside the Core would be retained. The proposed HCAs and the proposed residential intensification precincts would not be progressed as part of this option. It is uncertain whether the DP&I would support progression of a planning proposal that only delivered part of the development opportunities identified in the *Study*.

The advantages and disadvantages of this option are:

Advantages

- Maintains the character of the low density residential areas;
- Promotes development consistent with Epping’s role as a “town centre” in the commercial hierarchy;
- Would promote redevelopment of undercapitalised sites;
- Provision of funding through developer contributions towards improvements to the public domain, including streetscape works and traffic control measures;
- Would promote residential development to assist achievement of Council’s dwelling targets; and
- Would realise benefits from State Government infrastructure spending.

Disadvantages

- The heritage qualities within the Centre would not be recognised;
- May not realise public benefits that could be achieved by the delivery of alternate built form within the Town Centre Core; and
- Increased densities may be delivered before infrastructure upgrades have been delivered.

Should Council be of a mind to support this option, an appropriate resolution would be as follows:

1. *A planning proposal be progressed for the Epping Town Centre generally in accordance with the recommendations for the Town Centre Core in the Epping Town Centre Study.*
2. *Pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979, Council forward the planning proposal to the Minister for Planning and Infrastructure seeking “Gateway Determination” to progress the preparation of the planning proposal.*
3. *Council continue to seek confirmation regarding the State Government’s position concerning the preferred funding mechanism and timeframe for delivery of the State Infrastructure required to support the progression of the increase in densities recommended in the Epping Town Centre Study.*

Option 4: Progress a Planning Proposal generally in accordance with Study recommendations subject to further review of a range of matters

Under this option, a planning proposal for Epping Town Centre would be progressed generally in accordance with the Study recommendations subject to further review of the following:

- Proposed East Epping and Essex Street Heritage Conservation Area boundaries;
- Potential heritage and archaeological significance of individual nominated sites;
- Consideration of alternate urban form nominated in landowner submissions within the Town Centre Core;
- Heights within the Derby Street residential precinct;
- Acquisition of Epping Bowling Club; and
- Short and long term impacts of the NWRL on the Town Centre Core.

The advantages and disadvantages of this option are:

Advantages

- Promotes development consistent with Epping's role as a "town centre" in the commercial hierarchy;
- Would promote of redevelopment of undercapitalised sites;
- Provision of funding through developer contributions towards improvements to the public domain, including streetscape works and traffic control measures;
- Would promote residential development to assist achievement of Council's dwelling targets; and
- Would realise benefits from State Government infrastructure spending.
- The heritage qualities within the Centre would be recognised;
- Addresses recreational needs of the Centre; and
- Responds to the impact of the NWRL.

Disadvantages

- Additional cost and time to progress the preparation of a planning proposal; and
- Increased densities may be delivered before infrastructure upgrades have been delivered.

Should Council be of a mind to support this option, an appropriate resolution would be as follows:

1. *Council endorse progression of a planning proposal for the Epping Town Centre generally in accordance with the Epping Town Centre Study subject to a review of the following:*
 - *Proposed East Epping and Essex Street Heritage Conservation Area boundaries;*
 - *Potential heritage and archaeological significance of individual nominated sites;*
 - *Consideration of alternate urban form nominated in landowner submissions within the Town Centre Core;*
 - *Heights within the Derby Street residential precinct;*
 - *Acquisition of the Epping Bowling Club; and*
 - *Short and long term impacts of the NWRL on the Town Centre Core.*

2. Pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979, Council forward the planning proposal to the Minister for Planning and Infrastructure seeking “Gateway determination” to progress the preparation of the planning proposal.
3. Council continue to seek confirmation regarding the State Government’s position concerning the preferred funding mechanism and timeframe for delivery of the State Infrastructure required to support the progression of the increase in densities recommended in the Epping Town Centre Study.

It is recommended that Council progress Option 4 as it would enable further investigation of a number of outstanding matters whilst facilitating increased residential development within the Centre to assist meet Council’s dwelling target, while also reinforcing the role of the Epping as a “town centre”.

STATUTORY CONSIDERATIONS

As identified in the options, should Council resolve to progress the recommendations of the *Study* (or part thereof), the first step in the process would require a resolution to prepare a planning proposal to prepare revised planning controls for Epping Town Centre. This would enable Council to obtain preliminary advice from the DP&I by means of a Gateway Determination. If Council determines that additional investigation is required to be undertaken as part of the progression of the planning proposal, the Gateway Determination will provide feedback to Council prior to undertaking additional investigations.

The Minister for Planning and Infrastructure determines whether a planning proposal is to proceed. The “Gateway Determination” is intended to act as a checkpoint to ensure that the proposal is justified before further studies are done and resources allocated. The Minister determines requirements for further technical studies and investigations, consultation required to be undertaken, whether a public hearing is required and the timeframes for the various stages in the plan making process. If necessary, the planning proposal is amended to meet the requirements of the Gateway Determination.

CONSULTATION

In accordance with the *Epping Town Centre Study Memorandum of Understanding (MOU)*, a Steering Committee was formed to assist making critical decisions for progression of the project. The Steering Committee comprises Councillor and staff representatives from Hornsby and Parramatta Councils and DP&I representatives. The Committee met at regular intervals to discuss key tasks and milestones in progression of the project.

Government agencies, service providers and internal divisions of Council were consulted to assist identify potential opportunities and constraints within the *Study* area. Key infrastructure providers have indicated that some existing services are at capacity and augmentation would be required to service future development.

The review of submissions was overseen by the *Epping Town Centre Study* Steering Committee. At its meeting on 13 March 2012, the Steering Committee agreed that a report on submissions be prepared for Council’s consideration.

BUDGET

The Epping Town Centre Study addresses many of the issues relevant to the progression of a planning proposal for the Epping Town Centre. Submissions received during consultation identify issues that warrant further investigation to be undertaken as part of the progression of a planning proposal. These issues are identified in option 4 and include further review of Heritage Conservation Area boundaries and potential heritage and archaeological significance of individual nominated sites, as well as consideration of alternate urban form nominated in landowner submissions within the Town Centre Core.

Should Council support option 4, the most cost effective and timely method of progressing any review would be for the work to be done in-house with the assistance of urban design, traffic and economic feasibility consultants that are currently, or have recently, provided consultancy services to Council relevant to the *Epping Town Centre Study*.

The Minister for Planning approved a contribution of \$125,000 towards the preparation of the *Epping Town Centre Study* as part of the MOU. An amount of \$50,000 remains outstanding of the total allocation of \$125,000. The Department has advised that a planning proposal would need to be progressed by July 2012 to secure the outstanding funding. It is anticipated that the cost of consultant input into any review would fund by the remaining MOU monies.

POLICY

Should Council resolve to progress the recommendations of *Study*, statutory and policy controls are required to be prepared in accordance with the State Government's planning requirements. The rezonings would be required to be incorporated into Council's *HSLEP* or draft *HLEP* depending on the timing of the proposal. Any new controls arising from the *Study* would be incorporated into relevant Council DCPs or the new draft Consolidated DCP.

CONCLUSION

This report presents options for progression of the *Epping Town Centre Study* recommendations. Each option has its own distinct advantages and disadvantages. It is recommended that Council endorse the progression of a planning proposal for Epping Town Centre generally in accordance with the *Study* recommendations subject to further review of a range of matters including HCA boundaries, potential heritage items, urban form in the Town Centre Core, residential precinct heights, property acquisition and NWRL impacts.

The State Government has recently commenced precinct planning for the Epping NWRL station precinct to provide clear plans for coordination of local infrastructure upgrades required to support future growth in the Centre. It is recommended that Council continue to seek confirmation regarding the State Government's position concerning the preferred funding mechanism and timeframe for the delivery of the State infrastructure required to support the progression of the increase in densities recommended in the *Study*.

RECOMMENDATION

THAT:

1. Council endorse progression of a planning proposal for Epping Town Centre generally in accordance with the Epping Town Centre Study subject to a review of the following:

- Proposed East Epping and Essex Street Heritage Conservation Area boundaries;
 - Potential heritage and archaeological significance of individual nominated sites;
 - Consideration of alternate urban form nominated in landowner submissions within the Town Centre Core;
 - Heights within the Derby Street residential precinct;
 - Acquisition of the Epping Bowling Club; and
 - Short and long term impacts of the North West Rail Link on the Town Centre Core.
2. Pursuant to Section 56(1) of the *Environmental Planning and Assessment Act 1979*, Council forward the planning proposal to the Minister for Planning seeking “Gateway Determination” to progress the preparation of the planning proposal.
 3. Council continue to seek confirmation regarding the State Government’s position concerning the preferred funding mechanism and timeframe for the delivery of the State infrastructure required to support the progression of the increase in densities recommended in the *Epping Town Centre Study*.

JASON RAWLIN
Acting Manager - Town Planning Services
Planning Division

JAMES FARRINGTON
Acting Executive Manager - Planning
Planning Division

Attachments:

1. Epping Town Centre Study - Report on Submissions

File Reference: F2010/00546-02
Document Number: D01892268

**15 DEVELOPMENT APPLICATION - DWELLING-HOUSE
29 ABUKLEA ROAD, EPPING**

| | |
|------------------------------------|--|
| Development Application No: | DA/310/2012 |
| Description of Proposal: | Dwelling-house |
| Property Description: | Lot 1, DP 409170, No. 29 Abuklea Road, Epping |
| Applicant: | Eden Brae Homes Pty Ltd |
| Owner: | Mrs Kripa Shivamurthy |
| Statutory Provisions: | Hornsby Shire Local Environmental Plan 1994 Residential A (Low Density) |
| Estimated Value: | \$393,000 |
| Ward: | C |

RECOMMENDATION

THAT Development Application No. DA/310/2012 for the demolition of an existing dwelling-house and the erection of a dwelling-house at Lot 1, DP 409170, No. 29 Abuklea Road, Epping be approved subject to the conditions of consent detailed in Schedule 1 of Executive Manager's Report No. PLN 36/12.

EXECUTIVE SUMMARY

1. The application proposes the demolition of an existing dwelling-house and the erection of a dwelling-house.
2. The proposal complies with the requirements of the *Hornsby Shire Local Environmental Plan 1994* (HSLEP) and Council's Dwelling House Development Control Plan.
3. Fifteen submissions have been received in respect of the application.
4. The application is the subject of a "Red Sticker". Accordingly, the matter is referred to Council for consideration.
5. It is recommended that the application be approved.

THE SITE

The 798m² corner allotment is located on the low, northern side of Abuklea Road and the eastern side of Stanley Road, Epping. The property contains a part one and two storey dwelling-house of brick and tile construction with an inground swimming pool located in the rear yard and established landscaped gardens. The site experiences an approximate fall of 14% from the southern to the northern boundary and vehicular access is via a driveway direct to Stanley Road.

The site is not flood prone or burdened by any easements or restrictions. The site is located within a bushfire prone area.

Abuklea Road is not within a heritage conservation area. However, the subject site is in vicinity of properties No. 21-23 Abuklea Road and No. 32 Abuklea Road Epping, both of which are listed as heritage items (*house*) of local significance under the provisions of Schedule D (Heritage Items) of the *Hornsby Shire Local Environmental Plan (HSLEP) 1994*.

The streetscape character of the surrounding area is typified by structures ranging from single storey dwelling-houses of modest, post-war design to two storey dwelling-houses of a more contemporary appearance. All properties are surrounded by well established trees and landscaped areas and front fences, if erected, are simple in design and low in height.

THE PROPOSAL

The application proposes the demolition of an existing dwelling-house and the erection of a two storey dwelling-house incorporating a double garage, study, lounge, laundry, lounge room, dining room, kitchen, games/media room, living room and an alfresco at the ground floor level.

The first floor would incorporate four bedrooms, a toilet, three ensuites, a rumpus room, a sitting room and two balconies.

Associated development includes the construction of a driveway and retaining walls, a “decorative corner fence” along a portion of the Stanley Road boundary, a rainwater tank and an air-conditioning unit as noted in the BASIX commitments. The swimming pool in the rear yard would remain.

No significant trees would be removed or adversely impacted by the proposed development.

ASSESSMENT

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

1. STRATEGIC CONTEXT

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

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

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

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

The proposed development would be consistent with the *Metropolitan Plan for Sydney 2036* and *draft Strategy* as it would contribute to the provision of renewed housing stock.

2. STATUTORY CONTROLS

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

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Residential A (Low Density) under the *HSLEP*. The objectives of the Residential A zone are:

- to provide for the housing needs of the population of the Hornsby area.*
- to promote a variety of housing types and other land uses compatible with a low density residential environment.*
- to provide for development that is within the environmental capacity of a low density residential environment.*

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

Clause 15 of the *HSLEP* prescribes that the maximum floor space ratio (FSR) of development within the Residential A zone is 0.4:1. The applicant addresses this requirement as the 798m² area of the site and the gross floor area of the development of 320m² would result in an FSR of 0.4:1, which complies with the development standard. Therefore, the scale of the development would be consistent with the anticipated scale of development in the surrounding zone.

Clause 18(5) of the *HSLEP* requires Council to consider the likely effect of the proposed development on the heritage significance of a heritage item and its setting. The subject land is in the vicinity of heritage items, pursuant to Schedule D of the *HSLEP*. The Statement of Environmental Effects submitted with the development application makes reference to these items and was considered as part of the following assessment.

2.2 Draft Hornsby Local Environmental Plan

At its meeting on 7 March 2012, Council resolved to endorse the *draft Hornsby Local Environmental Plan (DHLEP)*. The draft plan is currently on exhibition. Under the *DHLEP* the subject land would be zoned R2 - Low Density Residential and dwelling-houses would be permissible within this zone with Council's consent.

2.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The application has been assessed against the requirements of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. This *Policy* aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

The proposal is consistent with the environmental capability of the site and subject to implementation of conditions relating to sediment and erosion control, the development would prevent adverse impacts on water quality. The development complies with the *SREP* in this regard.

2.4 State Environmental Planning Policy (Exempt and Complying Development)

On 27 February 2009, *SEPP (Exempt and Complying Development)* commenced operation. Under the *SEPP*, the Housing Code outlines how residential developments including:

- detached one and two storey dwellings,
- home extensions, and
- other ancillary development, such as swimming pools,

can proceed on lots of greater than 450m² in size as complying development with council or accredited certifier approval.

The proposal is excluded from the *SEPP* on the basis that the 9 metre height exceeds the maximum permissible height of 8.5 metres and the 1.5 metre eastern side boundary setback does not comply with the calculated 1.82 metre requirement.

Subject to the lowering of the dwelling height by 500mm and its repositioning a further 320 mm from the eastern side boundary, the development would comply in all other respects to the development standards under the *SEPP*, including the placement of windows, density, privacy, landscaping, floor area and site coverage.

2.5 Dwelling House Development Control Plan

The proposed development has been assessed having regard to the relevant performance criteria and design requirements of Council's *Dwelling House DCP*. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

| Dwelling House Development Control Plan | | | |
|--|-------------------|--------------------|-------------------|
| Control | Proposal | Requirement | Compliance |
| FSR | 0.4:1 | 0.4:1 | Yes |
| Site Coverage | 26% | 40% | Yes |
| Height | 9m | 9m | Yes |
| No. of Storeys | 2 | 2 | Yes |
| Length of Building | 17.7m | 24m | Yes |
| Unbroken Wall Length | 9.4m | 10m | Yes |
| Private Open Space | 280m ² | 120m ² | Yes |
| Landscaping | 55% | 45% | Yes |
| Car Parking | 2 | 2 | Yes |
| Cut and Fill | 1m | 1m | Yes |
| Solar Access | 3 hrs | 3 hrs | Yes |
| BASIX Certificate | 417319S-02 | | Yes |
| Setbacks | | | |
| Front | 6m | 6m | Yes |
| Side (East) | 1.5m | 1m | Yes |
| Side (West) | 5.5m | 3m | Yes |
| Rear | 15.7m | 3m | Yes |

As detailed in the above table, the proposed complies with the prescriptive measures of the *Dwelling House DCP*. The following planning controls have been identified as requiring further comment.

2.5.1 Height

The objective of the Height element of the *Dwelling House DCP* is to encourage development with a building “*height consistent with residential development in the local area and that maximises privacy, solar access and views*”.

The performance criteria support this objective by requiring the height of a dwelling-house to “*complement the streetscape and character of the area*”. To satisfy the performance criteria the DCP requires that dwelling-houses not “*exceed 9 metres in height measured vertically from the natural ground level to the ridge line*”.

Following negotiations with the owner and applicant, amended plans have been submitted, lowering the overall height of the dwelling-house from the 9.5 metres originally proposed to 9 metres. This reduction in the overall height of the development has been achieved by reducing the first floor level ceiling height and the pitch of the roof.

The resultant height of the dwelling-house would be consistent with the objectives of the Height element of the *Dwelling House DCP*. The amended height of the dwelling-house raises no concerns in terms of privacy, solar access and views, meets the objectives of the Height element and is considered acceptable.

2.5.2 Scale

The proposed floor space ratio of 0.4:1 and site coverage of 26% comply with the relevant development standard, the requirements of the Residential A zoning and the prescriptive measures of the Scale element. On that basis, the scale of the development would not be an over development of the site and would be consistent with the anticipated scale of development in the surrounding zone.

The proposal meets the objectives of the Scale element and is considered acceptable.

2.5.3 Design

The objectives of the Design element of the *Dwelling House DCP* are to encourage building design “*that is consistent with and enhances that character and amenity of the local area, has regard for environmental characteristics and energy efficiency*”.

The performance criteria state that “*The design of dwelling-houses should be consistent with the dominant character of the area.*”

The prescriptive measures of the Design element states that the “*design should be consistent with the dominant design themes within the immediate area*”.

The design of the proposal is inconsistent with the less prominent design themes of the immediate area. Notwithstanding, in assessing the design of the proposal, the provisions of the *NSW Housing Code* have also been considered, as the *Code* will significantly influence the future appearance of dwelling-houses to be erected within this non heritage area of the Hornsby Shire.

Whilst the design and materials of the proposal would not be consistent with the design and finishes of the immediate surrounding area, it is considered that the proposal would be consistent with the established built form in terms of setbacks, landscaping and private open space while retaining amenity to adjoining properties in respect to privacy and solar access.

2.5.4 Privacy

The first floor of the proposal includes a rumpus room, a sitting room and two balconies which do not comply with the prescriptive measures of the Privacy element which seeks to have living and entertaining areas located on the ground floor only.

The rumpus room windows within the eastern and southern elevations and the sitting room and adjacent balcony are all orientated towards the front of the dwelling-house, overlooking

the front yard of the subject site and the adjoining property, No. 31 Abuklea Road only and not the living or private open spaces of any adjoining development.

The first floor level balcony in the north-western corner of the dwelling-house faces the rear yard of the subject property and Stanley Road only and would not allow direct overlooking of the private open spaces and living rooms of adjacent development. In addition, this balcony adjoins a bedroom only and therefore, would not be used as an extension to the active living or entertaining areas within the development.

The remaining first floor windows serve bedrooms and bathrooms in accordance with the prescriptive measures of the Privacy element. Accordingly, the proposal meets the objectives of the Privacy element and is considered acceptable.

2.5.5 Solar Access

- The shadows cast from the proposal would allow at least 4 hours of sunshine to the private open space required for adjacent and proposed dwelling-houses on 22 June (the winter solstice).

- The shadows cast from the proposal would allow north facing windows to living areas of adjacent and proposed dwelling-houses to receive 3 hours of sunshine over a portion of their surface on 22 June.

-

The proposal meets the prescriptive measures and objectives of the Solar Access element and is considered acceptable.

2.5.6 Drainage Control

Adequate fall is provided to enable all collected stormwater resulting from the development to be gravity drained and connected to Council's street drainage system in Stanley Road.

The proposal meets the objectives of the Drainage Control element and is considered acceptable.

2.5.7 Vehicle Access and Parking

The driveway profile submitted with the application indicates that the driveway grade would comply with the prescriptive measures for driveways and provides a simple, safe and direct access to the garage whilst preserving the amenity of the adjoining properties.

The proposal meets the objectives of the Vehicle Access and Parking element and is considered acceptable.

2.5.8 Setbacks

The prescriptive measures of the Setbacks element require a 6 metre setback from the primary, front boundary and a 3 metre setback from the secondary street frontage in circumstances where the site is located on a corner allotment.

The amended application proposes a primary front boundary setback from Abuklea Road of between 6 to 8 metres and secondary street setback from Stanley Road of between 5.5 and 5.8 metres. These setbacks comply with the prescriptive measures.

Whilst the primary setback would be forward of the adjoining dwelling-house at No. 31 Abuklea Road, the proposal would be generally consistent with development elsewhere in the street and would have acceptable amenity impacts. Furthermore, the 7 metre width of the nature strip facing Abuklea Road would ensure adequate vision for drivers accessing Abuklea Road from Stanley Road.

Concurrent with the submission of amended plans to lower the overall height of the proposal, the applicant has also re-positioned the dwelling-house 1.5 metres from the eastern side boundary to address concerns about impact of the proposal on the adjacent dwelling-house at No. 31 Abuklea Road.

The setbacks of the development would not adversely impact on the established streetscape character of the area or adjacent premises, meet the objectives of the Setbacks element and are considered acceptable.

2.6 Heritage Development Control Plan

The subject site is in the vicinity of the properties No. 21-23 Abuklea Road and No. 32 Abuklea Road Epping, both of which are listed as heritage items (*house*) of local significance under the provisions of Schedule D (Heritage Items) of the *HSLEP*.

The development would be located at least 75 metres from the dwelling-houses on both these listed properties and as a consequence, would have a minimal impact on their heritage significance.

3. ENVIRONMENTAL IMPACTS

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

3.1 Natural Environment

The proposal would not impact upon any trees considered significant or worthy of retention, satisfies the objectives of the Flora and Fauna Protection element and is considered acceptable.

3.2 Built Environment

The area is characterised by detached dwelling-house on substantial allotments. The proposed dwelling-house would not be out of character with the evolving form of residential development approved elsewhere in the street and would be consistent with the form of development permitted in the locality.

3.3 Social or Economic Impacts

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

4. SITE SUITABILITY

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

4.1 Bushfire Risk

The site is located within a bushfire prone area. The application was assessed with the assistance of ‘Planning for Bush Fire Protection 2006’ which determined that the development would be subject to a bushfire attack level (BAL) of BAL - 29. Accordingly, an appropriately worded condition is recommended requiring that the development comply with ‘AS 3959-2009 - Construction of buildings in bushfire prone areas’ for BAL - 29.

5. PUBLIC PARTICIPATION

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



5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 28 March 2012 and 11 April 2012 in accordance with Council’s Notification and Exhibition DCP. During this period, Council received 15 submissions, including 10 from the owners of properties who were not notified.

The map below illustrates the location of the landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

| | | | |
|---|-------------------------------|---|---|
| <ul style="list-style-type: none"> • PROPERTIES NOTIFIED | <p>X SUBMISSIONS RECEIVED</p> |  PROPERTY SUBJECT OF DEVELOPMENT |  |
|---|-------------------------------|---|---|

These submissions objected to the development, generally on the grounds that the development would result in unacceptable impacts in terms of scale, setbacks, design, height, privacy, solar access, drainage control and vehicular access. These issues have been addressed in Part 2.5 of this report under the relevant headings.

6. THE PUBLIC INTEREST

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

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

The application is considered to have addressed Council’s criteria under the *Dwelling House DCP* and therefore the development would be in the public interest.

CONCLUSION

The application proposes the demolition of an existing dwelling-house and the erection of a two-storey dwelling-house and front boundary fence. The proposed dwelling-house would not be out of character with the evolving form of residential development approved elsewhere in the street and would be consistent with the form of development permitted in the locality.

The application is considered to have addressed Council’s criteria under the *Dwelling House DCP* and therefore in the circumstances of this case, it is recommended that the application be approved.

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

SIMON EVANS
Manager - Assessment Team 1
Planning Division

JAMES FARRINGTON
Acting Executive Manager - Planning
Planning Division

Attachments:

1. Locality Plan
2. Site Plan
3. Ground Floor Plan
4. First Floor Plan
5. Elevations
6. Shadow Diagrams

7. Slab Floor Plan
8. Ground Floor Electrical Plan
9. BASIX Plan

File Reference: DA/310/2012
Document Number: D01916580

SCHEDULE 1**GENERAL CONDITIONS**

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

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

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

1. Approved Plans and Supporting Documentation

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

| <i>Drawing No.</i> | <i>Drawn by</i> | <i>Dated</i> |
|--------------------|-----------------|--------------|
| A17799 pages 1 - 6 | Eden Brae Homes | 25-5-12 |
| A17799 pages 7- 9 | Eden Brae Homes | 8-3-12 |

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

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

3. Design and Construction - Bushfire Attack Category

The dwelling-house construction must comply with the current *Australian Standard AS3959 'Construction of buildings in bush fire-prone areas'* section 7 (BAL 29) and section A3.7 Addendum Appendix 3 of *Planning for Bushfire Protection* and the following requirements: -

- a. All guttering and valleys must be screened with non-corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability index no greater than 5.
- b. Roller doors, tilt-a-doors and the like must be sealed to prevent the entry of embers into the building.
- c. All exposed/external timber used in the development must be of a fire resistant timber species as identified in RFS Development Control Notes. These species

include Blackbutt, Kwila (Merbau), Red Iron Bark, Red River Gum, Silver Top Ash, Spotted Gum and Turpentine.

Notes: Timbers treated with an applied intumescent paint are no longer recognised by the Rural Fire Service as a fire retardant treated timber or a performance option to increase fire resistance.

4. Contract of Insurance (Residential Building Work)

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

5. Notification of Home Building Act, 1989 Requirements

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

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

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

6. Sydney Water – Quick Check

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**7. Erection of Construction Sign**

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

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

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

8. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

- a. be a standard flushing toilet connected to a public sewer; or
- b. be a temporary chemical closet approved under the *Local Government Act, 1993*.

9. Erosion and Sediment Control

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

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

REQUIREMENTS DURING CONSTRUCTION**10. Construction Work Hours**

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday. No work is to be undertaken on Sundays or public holidays.

11. Demolition

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

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

12. Council Property

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

13. Disturbance of Existing Site

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

14. Survey Report – Finished Floor Level

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a. The building, retaining walls, front boundary fencing and the like have been correctly positioned on the site; and
- b. The finished floor level(s) are in accordance with the approved plans.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

15. Fulfilment of BASIX Commitments

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

16. Stormwater Drainage – Dwellings

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained and connected directly to Council's street drainage system.

17. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a. Design levels at the front boundary be obtained from Council;
- b. The driveway be a rigid pavement; and
- c. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.

18. Vehicular Crossing

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* and the following requirements:

- a. Any redundant crossings to be replaced with integral kerb and gutter;
- b. The footway area to be restored by turfing; and
- c. Approval obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

19. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

20. Retaining Walls

All required retaining walls must be constructed as part of the development.

21. Installation of Air Conditioner

To protect the amenity of adjacent properties, the condenser unit for the air conditioner must be sited a minimum of 3 metres from the property boundary of any adjoining residential premises unless a certificate has been prepared by a suitably qualified person confirming that the unit has been tested for heating and cooling on the highest settings and that the noise levels generated do not exceed 5 dB(A) above

background noise levels when tested at the property boundary between 8 pm and 10 pm.

OPERATIONAL CONDITIONS

22. Swimming Pool Requirements

Child resistant fencing for the swimming pool in the rear yard must comply with the provisions of the *Swimming Pool Act 1992*, the *Swimming Pool Regulation, 1998*, *Australian Standards 1926.1-3 – Swimming Pool Safety*.

- END OF CONDITIONS -

ADVISORY NOTES

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

Environmental Planning and Assessment Act, 1979 Requirements

The *Environmental Planning and Assessment Act, 1979* requires:

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

Long Service Levy

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

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

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

Tree Preservation Order

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

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

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

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

Dial Before You Dig

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

16 SYDNEY OVER THE NEXT 20 YEARS - DISCUSSION PAPER

EXECUTIVE SUMMARY

A new Metropolitan Strategy is being developed for Sydney that will provide a framework for housing, employment, transport, infrastructure, the environment and open space over the next 20 years. The new Strategy is being prepared to align with the priorities and timeframe of the recently released *NSW 2021*, the NSW Government's 10 year plan to guide the State's policy and budget decisions. The new Strategy will replace the current *Metropolitan Plan for Sydney 2036* and link it to the State Government's other long-term plans – the *NSW Long Term Transport Master Plan* and the *State Infrastructure Strategy*.

The NSW Government has released a Discussion Paper - "*Sydney Over the Next 20 Years*", to start the public consultation process. The draft Strategy will follow in mid 2012. The Discussion Paper notes that Sydney's population is expected to reach 5.6 million by 2031, some 700,000 higher than was predicted in the 2005 Strategy, *City of Cities: A Plan for Sydney's Future*. The Discussion Paper highlights the key planning issues for Sydney. The NSW Government is seeking feedback on the Discussion Paper.

It is recommended that Council forward a submission to the Department of Planning and Infrastructure (DP&I) indicating its general support for the preparation of a metropolitan strategy which seeks to ensure that planned population growth in Sydney places commitments on all relevant State government agencies and is linked to State transport and infrastructure plans. The submission should note that any population strategies should also clearly identify actions and timeframes, assign responsibility and allocate funding for the delivery of actions.

PURPOSE

The purpose of this report is to advise Council of the State Government's preparation of a new Metropolitan Strategy and its implications for Hornsby Shire.

BACKGROUND

In December 2005, the State Government released the *Metropolitan Strategy* entitled *City of Cities: A Plan for Sydney's Future* to provide a broad framework to facilitate and manage the growth of Sydney over the proceeding 25 years. The *2005 Metropolitan Strategy* divides Sydney into ten subregions. Hornsby Shire has been grouped with Ku-ring-gai Local Government Area to form the North Subregion.

In October 2007, the DP&I released the *draft North Subregional Strategy* to translate the *Metropolitan Strategy 2005* actions into local housing and employment objectives and capacity targets. The *draft Strategy* requires that Council identify opportunities to provide an additional 11,000 dwellings and 9,000 jobs by 2031.

In 2010, the first scheduled review of the *Metropolitan Strategy* was undertaken by the State Government through the release of a discussion paper, *Metropolitan Strategy Review (Sydney Towards 2036)*.

In December 2010, the NSW Government released its *Metropolitan Plan for Sydney 2036* incorporating public feedback on the *Metropolitan Transport Plan*, as well as the outcome of the first five-yearly review of the *Metropolitan Strategy*.

In February 2012, the State Government released the *NSW Long Term Transport Master Plan - Discussion Paper* signalling the next step in a 12 month process to develop an integrated transport plan for the State.

The Discussion Paper - "*Sydney Over the Next 20 Years*" was released on 3 May 2012 and marks the first step in the development of a new *Metropolitan Strategy*. The DP&I is inviting submissions on the Discussion Paper until 29 June 2012. A draft strategy will be released in mid-late 2012 and will be the subject of more detailed consultation. It is anticipated that the draft subregional strategies, issued in 2007 and 2008, will be updated and finalised following the release of the new Metropolitan Strategy.

DISCUSSION

The following discussion outlines the "*Sydney Over the Next 20 Years*" Discussion Paper and identifies its implications for Hornsby Shire.

"Sydney Over the Next 20 years" - Discussion Paper

"*Sydney Over the Next 20 Years*" notes that Sydney is one of the world's great global cities with an economy that represents nearly 25 per cent of Australia's gross domestic product. It recognises that Sydney's population is growing rapidly and as a result, Sydney will need an additional 570,000 homes and at least 600,000 more jobs by 2031. The Discussion Paper notes that over the past decade there has been insufficient provision of housing and the infrastructure needed to meet the growth challenges faced by Sydney. This has resulted in issues of housing affordability and transport problems across the metropolitan area.

The Discussion Paper comments that a new approach is needed to ensure that decisions are made about growth and development in a coordinated way. Accordingly, the Metropolitan Strategy is being prepared concurrently with a number of other significant strategy documents with the same 20 year horizon, in particular the *Long Term Transport Master Plan* and the *State Infrastructure Strategy*. The *Long Term Transport Infrastructure Master Plan* is a 20 year plan that seeks to return quality services through a world class transport system. The *State Infrastructure Strategy* is a 20 year strategy to identify and prioritise the delivery of critical public infrastructure that drives productivity and economic growth. It is intended that the Plans will inform the State Government's *Budget* priorities.

The Discussion Paper acknowledges that for a city the size of Sydney, the distribution of housing, jobs, infrastructure and transport networks cannot be left to chance. The Discussion Paper acknowledges that Government needs to better coordinate housing and infrastructure and provide a wider range of employment opportunities across the metropolitan area. This will require the State to work more closely with local government to deliver these key outcomes.

The Discussion Paper draws on the objectives set out in *NSW 2021: A Plan to Make NSW Number One (NSW 2021)*. The aim of the review is to enable the incorporation of the feedback received from the community, stakeholders and local government as well as the latest government policies. “*Sydney Over the Next 20 Years*” is a Discussion Paper that:

- identifies the State Government’s current approaches to delivering outcomes;
- seeks to generate feedback on whether current plans and policies are appropriate, deliverable and supported by the community;
- identifies key directions that guide planning for discussion within the community; and
- invites consideration of what the priorities are now and in the future for Sydney.

The Discussion Paper outlines revised growth forecasts for 2031, with the main forecasts for Sydney being:

- that the population is expected to rise by more than 1.3 million by 2031;
- the need for 570,000 additional homes by 2031; and
- the need to accommodate an additional 600,000 jobs.

The Discussion Paper identifies important trends that will set the vision for Sydney for the next 20 years, as follows:

- the percentage population of people over 65 will rise from 12% in 2010 to 16% in 2031;
- the increase in the number of cars on Sydney roads since 1996 is 7 million;
- the proportion of NSW perishable vegetables produced in Sydney is 40%;
- the proportion of Sydneysiders who currently take public transport to work is 24%;
- the proportion of low and moderate income householders in Sydney suffering rental stress is 45%;
- the contribution Sydney’s regions food industries make to total value of agriculture is \$1.5billion; and
- Sydney current ecological footprint as measured per person is 7.21ha.

The Discussion Paper provides an alternative approach to the themes of the current *Metropolitan Strategy*, with a focus on principles which have been prepared in response to the issues and challenges facing Sydney including:

- Linking land use planning to transport and infrastructure;
- Strengthening economic and employment opportunities;

- Protecting the natural environment and heritage;
- Providing housing that meets different needs and budgets;
- Providing access to a range of jobs across the city;
- Supporting the region with appropriate services and infrastructure;
- Making it easier to access public transport;
- Providing access to economic and recreational opportunities;
- Building new places and improving existing places through a high standard of design, energy efficiency and public space;
- Building new places and improving existing places to promote healthy, active lifestyles and to create safe, inclusive and comfortable neighbourhoods; and
- Adapting to changing climate.

The Discussion Paper encourages debate and seeks comments on these principles based around nine broad discussion topics. An overview of the key discussion topics and matters relevant to Hornsby Shire are outlined in the discussion below.

Implications for Hornsby Shire

The State Government should be commended for its intention to integrate the new Metropolitan Strategy with the *NSW Long Term Transport Master Plan* and the *State Infrastructure Strategy*. However, Council should reiterate its concerns which were raised in commenting on both the formulation of the current *Metropolitan Strategy* and the draft *North Subregional Plan*, that the obligation for councils to respond to housing and employment targets should be matched by commitments by State Government agencies to deliver associated infrastructure and services.

A strategy that identifies meaningful performance targets with performance monitoring, reporting and accountability, reviews, monitoring and review timing should be supported. The Strategy should ensure State government agencies are held accountable where performance targets are not met. The new Strategy should also acknowledge that concessions to councils may be required, should critical infrastructure not be provided by State agencies in a timely manner.

The major potential implication for Hornsby Shire in the preparation of a new Metropolitan Strategy is the identification of revised dwelling and employment targets. The Discussion Paper notes that updated housing targets will need to be determined. It is also anticipated that employment capacity targets will also need to be reviewed to reflect the forecast increase in population. Until the details are released of how Council's housing and employment targets will be amended, the full implications of the revised figures outlined in the Discussion Paper cannot be determined.

General comments on the key discussion topics outlined under the Discussion Paper are addressed below.

Housing our growing population

The Discussion Paper provides the following general comments on housing demand, targets, locations, affordability, size and design:

- Over past 20 years, most new dwellings being built in existing urban areas and the proportion of new dwellings that are multi unit types exceeded 80%;
- There continues to be unmet demand for semi-detached dwellings (terraces and townhouses) and apartments (residential flat buildings) in Sydney's middle and outer suburbs;
- In excess of 62,000 dwellings have been rezoned in Greenfield areas in the last 5 years producing record levels of land supply for housing;
- Need to investigate why increases in land supply has not led to increased production of housing;
- Sydney's high cost of land, the highest in Australia, contributes to households in Sydney facing the greatest housing affordability pressures;
- Around 45% of low and moderate income households in Sydney suffer rental stress;
- Making housing affordable for lower and middle income can improve social cohesion, economic growth and reduce inflammatory pressures;
- A typical detached home in NSW is nearly 263m², higher than the national average of 245m² and larger than international standards; and
- Consideration needs to be given to identifying underutilised land within walking distance of shops and public transport for energy efficient multi dwelling housing.

Comment: The new Strategy should:

- Substantiate the evidence base for its population projections, targets, dwelling occupancy rates and dwelling numbers, including providing councils with access to any background reports undertaken to inform the preparation of the Strategy.
- Acknowledge the environmental capacity of a subregion to accommodate growth and the cost this will place on a council's ability to provide the necessary social and recreation facilities to meet the needs of increases in population.
- Ensure that any obligation for councils to respond to housing and employment targets are matched by commitments by State government agencies to deliver associated infrastructure and services. The new Strategy should also acknowledge that concessions to councils may be required, should critical infrastructure not be provided by State agencies in a timely manner.
- Recognise that a council's ability to provide the necessary social and recreation facilities to meet the needs of any increase in population is significantly

constrained through the imposition of rate pegging and other limits on income sources, such as Section 94 contributions. The new Strategy should identify mechanisms that will be available for councils to ensure that it is in within their capacity to fund and manage existing infrastructure.

- Avoid unnecessary duplication of expenditure of financial and staff resources by government agencies and councils by referencing the timing and commitment for the release of base data to assist councils in preparing strategies responding to employment and housing targets;
- Ensure that there is a coordinated approach between State and local government to avoid unnecessary expenditure of financial and staff resources relating to urban design matters.
- Ensure any housing targets not only take advantage of any capacity within infrastructure but should also consider opportunities to revitalise existing centres.
- Protect key lands within walking distance of public transport and centres from redevelopment that does not achieve the potential development capacity of the land. Inappropriate development would hinder the future attainment of planning outcomes in these areas through fragmentation and under capitalisation.
- Consider the impact of Government policy on the ability of older residents to downsize from the large family home (i.e. stamp duty) and the impact of this on occupancy rates, house size, sustainability and ecological footprint.
- Consider the effectiveness of current affordable housing policy, the delivery of affordable dwellings within the region and the levers required by the development industry for investment in affordable housing.
- Consider more rigorous requirements for requiring and undertaking social impact assessment processes and social sustainability plans to strengthen consideration of impacts on vulnerable members of the community such as low income, aged or persons with a disability.

Providing jobs and economic opportunities

The Discussion Paper provides the following general comments on Sydney's industries, economic infrastructure and economic opportunities:

- Sydney is expected to show the highest rate of economic growth among NSW regions;
- There is a need to attract and retain skilled labour by keeping pace with technological advances, building upon economic infrastructure and changing the way our industries do business;
- Opportunities will exist within emerging green economies as Sydney adapts to using less carbon;
- The demand created by the ageing population can create markets and opportunities as well as challenges; and

- Sydney must continue to provide cost effective industrial land and office and retail space to keep business costs low and boost competitiveness.

Comment: The new Strategy should:

- Maintain a commercial centres hierarchy with clearly defined roles, appropriate land uses and established relationships between centres in both the sub-region and metropolitan region.
- Continue to support the promotion of the Hornsby Town Centre as a major centre and include details of the mechanisms that will be pursued by State government to increase investment in the centre and attract major employment generating business.
- Acknowledge the role and impact of home based work and provide strategies to encourage work from home in a manner that does not undermine the viability of commercial centres or result in a deleterious impact upon the amenity of residential areas.
- Promote place making activity within centres such as Epping, where centres are managed by more than one local government or determining authority.
- Maintain policies that promote the Sydney metropolitan region as a “City of Cities”, reduce reliance on Sydney CBD as the primary employment base, promote cross city movement and consider implementing self sustaining subregional employment strategies.
- Support both home based and employment land based economic activity by identifying strategies for high speed broadband coverage of the Sydney region.
- Protect appropriately located and serviced employment lands for industry, retail and commercial office use to meet the future growth needs of the sub-regions from short term pressures to change to a residential or other land use that provides higher economic returns to landowners at the expense of the broader community.
- Focus on reinvigorating existing commercial centres rather than the creation of new centres which may undermine the role and function of centres in the commercial centres hierarchy.

Providing Efficient Transport Networks

The Discussion Paper provides the following general comments on supporting growth in different areas, transport, supporting the economy and local sustainable improvements:

- The best cities in the world are cities with efficient and reliable transport networks;
- Strengthening our multi-centred city is appropriate as it is not practical or equitable to expect everyone to have to travel to a single CBD;

- There is a need to take advantage of the areas that are better connected by rail or bus and plan for more housing, jobs and activities in these locations;
- Substantial improvements can be delivered at a local level, including walking and cycling paths to support healthy, safe and active communities and offer a viable alternative to car travel for shorter trips; and
- Regional planning needs to promote walking and cycling by making them easier and safer options.

Comment: The new Strategy should:

- Promote quality, sustainable transport that offers a convenient and viable alternative to private vehicle use through public and other active transport modes, supports integrated transport services, facilitates equitable access for everybody and co-locates higher intensity business and housing with good public transport services.
- Include mechanisms to assist councils in the area of transport planning. Although transport planning goes beyond Shire boundaries, most transport planning activities are undertaken at the expense of individual councils. Sharing of modelling data from the Sydney model developed from studies funded by the State and Federal governments is often restricted by intellectual property clauses.
- Prioritise delivery of the following transport priorities identified in the *Long Terms Infrastructure Masterplan* submission prepared by the Northern Sydney Regional Organisation of Councils, including:
 - Completion of the North-West Rail link, the Parramatta to Chatswood Rail Link and the M2-F3 link into the Sydney orbital;
 - Construction of a second Harbour rail crossing and a fast North Shore line;
 - Introduction of a bus priority or light rail link from Chatswood to the Northern Beaches;
 - Improvements to bus networks including the establishment of strategic bus corridors;
 - Development of transport strategies for Pennant Hills Road and the Pacific Highway;
 - Construction of bus/train interchanges for Macquarie Park and St Leonards; and
 - Improvements to regional rail services to the Central Coast and Newcastle to contain travel by private vehicles to, and from, that region.
- Address the efficiency of main roads in the Shire facing debilitating congestion due to high demand for inter regional travel, including pinch points at:
 - Pacific Highway at the F3;

- Pennant Hills Road;
 - New Line Road;
 - Boundary Road;
 - Castle Hill Road;
 - Carlingford Road; and
 - Epping Road.
- Provide greater recognition of cycling and walking as viable transport modes and address support for cycling/walking infrastructure and the utilisation of rail corridors, including previously prioritised metropolitan links outlined in the NSW Bike Plan.
 - Commit to the development of a metropolitan parking policy to regulate private vehicle movements generated by parking demands, particularly for journey to work. The policy should provide a consistent approach to the role of parking that also acknowledges differences in the travel and transport options between widely differing areas of the metropolitan region.

Providing the Infrastructure We Need

The Discussion Paper identifies that the following infrastructure is needed to support a growing city:

- Economic infrastructure such as roads, railways, airport, dams, reservoirs water headworks, treatment and articulation facilities, telecommunications and power generation;
- Social infrastructure such as schools and educational facilities, hospitals, clinics and other health facilities, recreational and sporting facilities; housing, parks and public meeting places, arts and cultural facilities, law and order facilities;
- The Discussion Paper notes that providing infrastructure is about delivering the right infrastructure in the right location at the right time.

Comment: The new Strategy should:

- Provide evidence based research that assesses infrastructure capacity within the region.
- Focus on new transport projects and future urban release areas for future generations. These projects need not be detailed. However, the Strategy should provide a vision and plan for growth beyond 2031 to provide guidance for investment and allow for opportunities to be taken to implement longer term plans should opportunities arise. There is a need to identify and reserve land for major future infrastructure works projects, including new transport corridors, new utility networks and other service infrastructure such as water and sewage treatment and putrescible waste.

- Plan for the systematic undergrounding of all overhead electricity cables across Sydney to reduce the risk from projected increases in the severity and occurrence of storm events, as well provide urban design benefit.
- Acknowledge that the infrastructure needs of Sydney will not be achieved if councils are unable to properly fund infrastructure due to lack of availability of funding, due in part to rate pegging and capping of Section 94 contributions. The Strategy should make provision for new governance decisions that either link rate increases to approved infrastructure programs or introduce some other new funding mechanism.
- Address the impacts of recent amendments to Section 94 of the *Environmental Planning and Assessment Act 1979* to limit the ability of councils to pay for the acquisition and development of regional parks and open space.

Providing Equitable Access to a Great Lifestyle

The Discussion Paper provides the following general comments on social inclusion, access to opportunities and protecting heritage:

- Access to quality affordable housing close to transport options, open space and community facilities and services improves the mental and physical health and well being of Sydney residents;
- Concentrations of disadvantage within Sydney are characterised by early school leaving, low work skills and incomes, relatively poor health, high unemployment and higher levels of criminal convictions;
- People with reduced mobility can feel excluded because of the design of some buildings and public places;
- Parks, community and sporting facilities and open space need to be incorporated early into Sydney's planning and their delivery requires a long term commitment from government; and
- Society must protect its many important aboriginal sites and rich colonial, modern and contemporary urban heritage in a way that balances the need to protect the local character of our suburbs and neighbourhoods with the development needed for our growing population.

Comment: The new Strategy should:

- Ensure equitable access to opportunity by committing to the delivery of infrastructure in accordance with population, housing and employment growth in the subregion to:
 - Meet the needs of that growth when it occurs; and
 - Minimise any impacts on existing communities.
- Require that all infrastructure projects, public domain works and developments be planned and undertaken in a way which improves the landscape and urban design

quality of places to ensure the metropolitan area is promoted and developed as a highly desirable and attractive place to work and live.

- Include a targeted review focusing on the acquisition of additional open space for active recreation purposes to meet the increased demand for sporting facilities generated by increased population projected under the Strategy.
- Set targets for levels of service with respect to infrastructure.

Protecting our Environment and Building Resilience to Natural Hazards

The Discussion Paper provides the following general comments on impact on the environment and the challenges:

- Population growth and increasing levels of consumptions in Sydney have resulted in a high ecological footprint, particularly in relation to the rest of Australia;
- Sydney produces substantial amounts of greenhouse gas emissions per capita, particularly in relation to the rest of the world;
- Responses to environmental management and emissions reduction can be planned at metropolitan, subregion and local scales; and
- Modelling suggests the region's urban areas are getting hotter and are likely to be more vulnerable to an increase in natural hazards such as more frequent bushfires, changes in rainfall intensity, rising sea levels and longer more frequent droughts.

Comment: The new Strategy should:

- Discuss the environmental consequences of any actions outlined in the Strategy.
- Include strategies that mitigate all relevant risks that have the potential to impact upon the city including hazards from energy supply, economic and food security, not just natural hazards.
- Address the need for minimum energy efficient provisions for both residential and commercial premises.
- Include strategies for bushfire construction for residential flat buildings.
- Conserve the natural and built environment that is identified as having high ecological and community value, particularly environmentally sensitive places, remnant bushland and threatened species that need to be protected.

Protecting productive rural and resource lands

The Discussion Paper provides the following general comments on the importance of Sydney's rural and resource lands:

- Sydney's rural and resource land is important in respect of:
 - Providing fresh food close to market;

- Recharging ground water supply;
 - Providing a positive sense of identity through heritage landscapes;
 - Providing opportunities to mitigate and adapt to climate change; and
 - Capacity to contribute to energy security and affordability;
- Sydney's access to locally produced food, safe drinking water, affordable energy and the raw materials needed for construction are directly impacted by how rural and resource land is managed;
 - The interaction between urban and rural uses needs to be managed;
 - The food industry faces pressure to increase production, processing and distributing dealing with climate change diminishing supplies, soil degradation, rising productions costs and food safety risks; and
 - Sydney sources a significant amount of its construction materials locally, however these sources will soon become exhausted.

Comment: The new Strategy should:

- Include a strategic approach to future food production for the metropolitan region to avoid the loss of the most productive land. Recent public debate has highlighted community concern about potential risks to food production such as the current drive for extensive Coal Seam Gas extraction, with the risk of water contamination, and the lack of restrictions on overseas purchase of agricultural land by sovereign wealth funds and other foreign investors.
- Provide a clear vision for rural lands that identifies their important agricultural, ecological, cultural, social and scenic value economic, environmental and social values rather than continuing to allow the perception of them being "land awaiting future residential development." The Strategy should address the establishment of a clear urban growth boundary to prevent land speculation.
- Provide certainty for land owners by clearly identifying areas that may be suitable for future release for urban purposes and those areas that should be protected.
- Promote food security and develop a socially, economically and environmentally sustainable food security policy for the Sydney region. The Strategy should document the need for farmland to enact permanent protection, modelling appropriate and feasible scenarios regarding food security and energy costs. The Strategy should also implement strategies to manage owners who had inspirations to develop their farmland. Food and agriculture should be considered along with other infrastructure in longer-term planning (egs. city planning, regional and economic development).
- Include strategies for diversified food production in regional and around urban areas adjacent to centres. Reliance on a limited range of food production areas increases the risk of food shortages due to climate change or disease effects.

Connecting with the regions

The Discussion Paper provides the following general comments on transport connections, tourism and education and reliance on regional areas:

- Almost a quarter of the Australian population is located within Sydney, the Lower Hunter, Central Coast, Illawarra, Shoalhaven and southern highlands;
- Nearly a quarter of workers who live on the Central Coast commute to metropolitan Sydney for work, as does a sixth of the Illawarra workforce;
- The *Long Term Transport Master Plan* will plan for efficient transport connections to move goods between Sydney and regional NSW;
- Tourism and education are strong connections between Sydney and the regions;
- Sydney relies on regional areas for quality food, water and energy;
- Sydney produces some food, but it needs to become more self sufficient with respect to its consumption of water, energy and food; and
- Despite an increase in recycling, Sydney still relies on its regional areas to dispose of waste.

Comment: The new Strategy should:

- Acknowledge the roles and functions of the various subregions in the context of the metropolitan region and include strategies to protect key activities within those subregions that are crucial to the functioning of the region.

Delivering the Strategy

The Discussion Paper includes an overview of issues relating to Integrated Planning and Accountability and Certainty and identifies State government commitments under this topic. Specifically, the Paper notes that:

- The new Metropolitan Strategy is a critical element in a suite of plans and once in place will require a monitored delivery program;
- During 2012, a number of new polices will establish clear priorities for the long term success of the State;
- The way the region provides quality services, renovates infrastructure, improves the local environment and strengthens communities is to be undertaken in an integrated and collaborative way across government, supported by close engagement of the community and stakeholders;
- Clear responsibility for initiatives and a commitment from government for these activities to be delivered on time;
- Clear arrangements to measure and report on progress and a commitment to transparency when reporting on performance; and
- Evidence based analysis of the performance of the Strategy.

Comment: The new Strategy should:

- Ensure that housing and employment targets are matched by commitments by State government agencies to deliver associated infrastructure and services. Population strategies should clearly identify actions and timeframes, assign responsibility and allocate funding for the delivery of actions. The Strategy should also acknowledge that concessions to councils may be required, should critical infrastructure not be provided by State agencies in a timely manner.
- Include an action plan that clearly identifies actions, responsibility, timing and funding for the delivery of the actions. The Strategy should also include guidance as to how agencies are to resolve differences between competing objectives/principles to deliver on their obligations.
- Identify priorities for all actions but build in flexibility in delivery timetables in order to be able to respond to changing circumstances.
- Ensure that the delivery of infrastructure proceeds in accordance with population, housing and employment growth in the subregion.

In summary, the overarching objective identified in the Discussion Paper of aligning planning with infrastructure and transport should be commended. Similarly, the identification of an implementation plan assigning responsibility for actions with performance targets would be a welcome initiative. Therefore, it would be appropriate to forward a submission to the Department on the Discussion Paper indicating general support for the review of the Metropolitan Strategy and requesting that the issued outlined above be considered in formulating the revised Strategy.

POLICY

The new Metropolitan Strategy would act as a framework to guide the preparation of Council land use strategies and planning controls. The Discussion Paper notes that updated housing targets will need to be determined. It is also anticipated that employment capacity targets will also need to be reviewed to reflect the forecast increase in population. Until the details are released of how housing and employment targets will be amended, the full implications of the revised figures outlined in the Discussion Paper cannot be determined.

CONCLUSION

The NSW Government should be commended for its intention to integrate the new Metropolitan Strategy with the *NSW Long Term Transport Master Plan* and the *State Infrastructure Strategy*. The preparation of a new Metropolitan Strategy should ensure that planned population growth in Sydney place commitments on all relevant State government agencies. Further, any population strategies should clearly identify actions and timeframes, assign responsibility and allocate funding for the delivery of actions.

The major potential implication for Hornsby Shire in the preparation of a new Metropolitan Strategy is the identification of revised dwelling and employment targets. Until the details of how the revised targets will be translated at the local government level, the full implications of the revised figures outlined in the Discussion Paper cannot be determined. It is

recommended that Council forward a submission to the DP&I requesting that the issues outlined in this report be addressed in the preparation of the new Metropolitan Strategy.

RECOMMENDATION

THAT a submission be forwarded to the Department of Planning and Infrastructure indicating its general support for the preparation of the new Metropolitan Strategy and requesting that the issues outlined in Executive Manager's Report No. PLN40/12 be addressed in preparation of the Strategy.

JASON RAWLIN
Acting Manager - Town Planning Services
Planning Division

JAMES FARRINGTON
Acting Executive Manager - Planning
Planning Division

Attachments:

There are no attachments for this report.

File Reference: F2010/00554
Document Number: D01930107

17 REVISED BUSHFIRE PRONE LAND MAP

EXECUTIVE SUMMARY

Under the provisions of the *Environmental Planning & Assessment (EP&A) Act 1979*, councils are required to review their Bushfire Prone Land Map every five years to ensure currency and reliability of cadastral and vegetation data.

Council's Bushfire Prone Land Map was certified in 2005. Accordingly, the Land Map has been reviewed based on updated vegetation mapping, anomalies between the Bushfire Prone Land Maps for Hornsby and Ku-ring-gai Councils and submissions received from land owners.

The revised Bushfire Prone Land Map for Hornsby Shire has been prepared using the methodology within the *Bushfire Prone Land Mapping Guideline 2006* prepared by the NSW Rural Fire Service (RFS). The preparation of the revised Map has also involved consultation with the Hornsby/Kuring-gai RFS District Office.

It is recommended that Council endorse the revised Bushfire Prone Land Map and that it be forwarded to the Commissioner of the NSW RFS for certification. It is also recommended that, upon certification, Council forward a letter to submitters and affected land owners where their property has been included or removed as bushfire prone land under the revised Map.

PURPOSE/OBJECTIVE

The purpose of this report is to seek endorsement of the revised Bushfire Prone Land Map for Hornsby Shire for certification by the Commissioner of the NSW RFS.

BACKGROUND

In August 2002, the *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* came into effect. The *Act* introduced new provisions for bushfire protection and development control. The new provisions seek to improve the protection of life, property and the environment from the threat of bushfire.

Under the new provisions, Councils are required (in part) to map bushfire prone land within their local government area. The development of properties identified as bushfire prone on Council's Bushfire Prone Land Map are required to comply with the provisions of *Planning for Bushfire Protection 2006*. On 8 July 2003, the Commissioner of the NSW RFS certified the first Bushfire Prone Land Map for Hornsby Shire.

On 16 March 2005, Council considered Executive Manager's Report No. PLN57/05 presenting a revised Bushfire Prone Land Map for Hornsby Shire. The Map rectified a number of mapping errors, including anomalies between the Bushfire Prone Land Maps for Hornsby and the Hills Councils. Council resolved to endorse the Bushfire Prone Land Map and forward it to the Commissioner of the NSW RFS for certification.

On 16 June 2005, the Commissioner certified the second Bushfire Prone Land Map for Hornsby Shire. Since the certification of the Map, Council has received submissions from land owners requesting a review of the bushfire prone classification of their properties. Recommended amendments to the Bushfire Prone Land Map are discussed in this report.

DISCUSSION

This report discusses the preparation of a revised Bushfire Prone Land Map for certification by the Commissioner of the NSW RFS.

Bushfire Prone Land Map

To ensure a coordinated and standardised approach to the mapping of bushfire prone land, the NSW RFS published the *Bushfire Prone Land Mapping Guideline 2006 (Guideline)*. The *Guideline* contains the methodology for the designation of bushfire prone land by utilising the principles of vegetation mapping and reviewing patterns of existing urban development.

Vegetation Classification and Buffering

The revised Bushfire Prone Land Map has been prepared using two spatial data sets, namely a bushfire vegetation data set and bushfire vegetation buffer data set. The vegetation data set is derived from the analysis of vegetation groups located within Hornsby Shire using the vegetation classification contained in the *Guideline*. The vegetation classification comprises three main groups, namely:

- Vegetation Group 1 – Forest;
- Vegetation Group 2 – Woodlands, heaths and wetlands; and
- Vegetation Group 3 – Moist rainforests, shrubland, open woodlands, mallee and grasslands.

The three vegetation groups are categorised into two bushfire vegetation groups to form the bushfire vegetation buffer dataset. The areas within the Shire classified as bushfire vegetation category 1 comprise vegetation groups 1 and 2. The bushfire vegetation category 1 areas are shown in orange and incorporate a 100 metre buffer. The areas within the Shire classified as bushfire vegetation category 2 comprise vegetation group 3. The bushfire vegetation category 2 areas are shown in yellow and incorporate a 30 metre buffer. The purpose of the buffer area is to take into account factors such as ember attack and exposure to radiant heat which can indirectly damage properties during a bushfire. The buffer areas for both vegetation categories are shown in red on the Map.

The *Guideline* excludes particular vegetation groups from being mapped as being bushfire prone land. Vegetation that is excluded includes areas of ‘managed grassland’ including grassland on, but not limited to, public lands, grazing land, recreational areas, commercial/industrial land, airports/airstrips and the like.

Review of the Bushfire Prone Land Map

Under the provisions of the *EP&A Act 1979*, councils are required to review the Bushfire Prone Land Map every five years to ensure currency and reliability of cadastral and vegetation data. However, in some instances, in areas of expanding development, the Map

may need to be reviewed on a more frequent basis. Accordingly, it is timely that Council review its Map.

Revised Bushfire Prone Land Map

The revised Bushfire Prone Land Map for Hornsby Shire has been prepared using the methodology within the *Bushfire Prone Land Mapping Guideline 2006*. The Map has been prepared having regard to updated vegetation mapping, anomalies between the Bushfire Prone Land Maps for Hornsby and Ku-ring-gai Councils and submissions from land owners regarding the bushfire prone classification of their properties.

To assist with the review, representatives from the Hornsby/Kuring-gai RFS District Office were consulted. The officers from the RFS also 'ground truthed' properties to determine whether changes to the Map are warranted.

Vegetation Mapping

Between 2006 and 2008, environmental consultants (Smith and Smith) were engaged to update vegetation classification and mapping for Hornsby Shire. Due to the updated vegetation mapping and changing land-use patterns, the bushfire prone land status of some properties within the Shire has been amended. In some instances, properties identified as being bushfire prone on Council's current Bushfire Prone Land Map are no longer designated as being bushfire prone under the *Guidelines*. The bushfire prone designation is proposed to be removed from approximately 1,374 properties. Conversely, the review has also identified approximately 1,917 new properties as being bushfire prone.

Submissions

Following the certification of the Bushfire Prone Land Map, a number of submissions were received from land owners requesting a review of the Map. To assist with the review, Council consulted with Hornsby/Kuring-gai RFS District Office to determine whether bushfire prone areas within the Shire were appropriately identified in accordance with the *Guideline*. The individual properties reviewed are summarised in the table below.

| Property | Current Classification | Recommend Classification |
|--|-------------------------------|---|
| 14 Robinson Close, Hornsby Heights | Bushfire Prone | No Change |
| 17 Wycombe Street, Epping | Bushfire Prone | No Change |
| 10 Macquarie Drive, Cherrybrook | Bushfire Prone | No longer Bushfire Prone - updated vegetation dataset |
| Mount St Benedict College – 449C Pennant Hills Road, Pennant Hills | Bushfire Prone | No Change |

Adjoining Lands

The review of the Bushfire Prone Land Map has identified that there are anomalies in the bushfire prone land mapping along the south-eastern boundary of the Shire which adjoins

Ku-ring-gai Council. The Bushfire Prone Land Map for Ku-ring-gai Council indicates that the external buffer area extends onto some properties in Hornsby Shire.

The anomaly between the Maps occurred as Hornsby Shire prepared its current Map prior to the vegetation data for Ku-ring-gai Council becoming available. To ensure bushfire prone land is accurately identified along the boundary between the Councils, it would be appropriate to amend the Bushfire Prone Land Map for Hornsby Shire. This would ensure that future development proposals along the south-eastern boundary of the Shire adequately address the provisions for bushfire protection under the relevant legislation.

Exhibition

Representatives from the NSW RFS Head Office have advised that there is no statutory requirement to exhibit the revised Bushfire Prone Land Map prior to certification. The preparation of the revised Map has been undertaken in accordance with the *Guideline*. The identification of bushfire prone land is determined by specific criteria including an analysis of vegetation. The areas in the Shire that have been reviewed have also been 'ground truthed' by the RFS to determine whether changes to the Map are warranted. The criteria is non discretionary. Therefore, the representatives have advised that the Map should not be exhibited for public comment as it is unlikely that any issues raised in submissions would result in amendment to the Map.

CONSULTATION

The preparation of the revised Bushfire Prone Land Map has been undertaken in consultation with representatives from the Hornsby/Kuring-gai RFS District Office.

CONCLUSION

A revised Bushfire Prone Land Map for Hornsby Shire has been prepared using the methodology within the *Bushfire Prone Land Mapping Guideline 2006*. In response to updated vegetation mapping and changing land-use patterns, the bushfire prone land status of some properties within the Shire has been amended. The Map has also been amended to ensure consistency with the classification of bushfire prone land along the boundary between Hornsby and Kuring-gai Councils.

It is recommended that Council endorse the revised Bushfire Prone Land Map and that it be forwarded to the Commissioner of the NSW Rural Fire Service for certification. It is also recommended that, upon certification, Council forward a letter to submitters and affected land owners advising that their property has newly been classified or declassified as bushfire prone land.

RECOMMENDATION

THAT:

1. The revised Bushfire Prone Land Map attached to Executive Manager's Report No. PLN41/12 be endorsed and forwarded to the Commissioner of the New South Wales Rural Fire Service for certification pursuant to provisions of the Environmental Planning and Assessment Act 1979.
2. Following certification of the Bushfire Prone Land Map, a letter be forwarded to

submitters and affected land owners advising that their property has newly been classified or declassified as bushfire prone land.

JASON RAWLIN
Acting Manager - Town Planning Services
Planning Division

JAMES FARRINGTON
Acting Executive Manager - Planning
Planning Division

Attachments:

1. Revised Bushfire Probe Land Map Included under separate cover

File Reference: F2004/07481

Document Number: D01932089

18 EXPRESSION OF INTEREST TO LEASE FORMER "SNAP" BUILDING - 11 CORONATION STREET HORNSBY

EXECUTIVE SUMMARY

This report has been prepared in response to Council's resolution dated 24 August 2011, detailing the outcome of an Expression of Interest (EOI) campaign to lease Council's vacant property at 11 Coronation Street Hornsby (subject property), formerly known as the "Snap" building.

Any decision to lease the building should acknowledge the "Snap" building in the context of its 'key' role, on the exposed corner of the strategically important Jersey/Coronation development site ("the development site"); and its contribution to the future of the west side of the Hornsby Town Centre.

Only one submission was received, being from Fusion Australia Ltd ("Fusion"), which effectively seeks to expand its services by relocating from its existing premises at 1-3 and 5 Jersey Street to the whole of the "Snap" building. Fusion proposes to pay a nominal rent of \$280 p.a. with Council being responsible for statutory outgoings (estimated to be in excess of the rental received) and Fusion being responsible for fit out, repairs and maintenance.

Fusion's submission estimates that the total of its proposed fit out and works required for building compliance could be up to \$200,000. Fusion has indicated that it is committed to securing a financial contribution of \$80,000 to pay for materials for such works and that the balance would be secured by discounts or donations of materials and volunteer labour. A more accurate cost of compliance works will not be able to be determined until such time as a development application for the proposed works is submitted, assessed and determined. Nevertheless, Fusion have subsequently advised that they essentially intend to assume full responsibility for compliance repairs, hence their request for the nominal rent and a ten (10) year lease. However the determination that the awning needs replacement occurred after their submission and is not included as their responsibility.

Fusion has not provided a breakup between fit out costs and compliance costs, however it is reasonable to assume, based on Fusion's submission, that fit out costs would represent a large proportion of the \$200,000. Having regard to Council's compliance costs of \$105,000 to \$252,000 (not including the awning), which were developed for a similar purpose, it is considered that there exists a distinct possibility that Fusion has underestimated such costs.

The condition of the premises varies throughout from reasonable to poor condition. The building does not currently comply with the access provisions of the Federal *Disability Discrimination Act 1992* (DDA), the fire provisions, electrical and other standards of the Building Code of Australia (BCA), or personal and public safety standards with regard to the upper level verandah and the footpath awning.

Two options have been identified for the "Snap" building:

1. Continue to manage the subject property as a commercial asset, leasing it until “the development site” is ready for redevelopment (in accordance with any revised planning controls resulting from the pending revision of planning controls for the west side).

This strategy effectively preserves the long held property strategy and the integrity of the redevelopment options expressed in Council’s planning documents and leaves the way open to secure a commercial tenant that could significantly offset any short term improvement expenses.

2. Manage the subject property as a community asset, leasing it to “Fusion” for at least ten (10) years, whilst managing the properties vacated by “Fusion” on a commercial basis.

Option 2 potentially exposes Council to significant compliance, upgrading and other unrecoverable costs beyond the potential contribution by Fusion. It is also likely to restrict the available opportunities for “the development site” both strategically (in the broader context of the redevelopment of the west side) and financially, beyond the increase in social value accorded through the delivery of an expanded range of community services. It is therefore considered to be prudent asset management to recommend that Council adopt Option 1.

PURPOSE/OBJECTIVE

The purpose of this report is to provide Councillors with results of the EOI process, property, town planning and building information and a proposed property strategy with leasing options. It seeks the direction of Councillors as to their desired course of action for the future asset management of the subject property and the development site as a whole.

DISCUSSION

Background

Council considered Executive Manager’s Report No. CC48/11 titled “**Application for lease of Ground, Lower Ground and Mezzanine Floors – 11 Coronation Street Hornsby – Lifeline Harbour to Hawkesbury**”, at its Ordinary Meeting held on 24 August 2011. The report provided a summary of Lifeline’s application to lease the subject property and the recommendation of Council officers that; to maintain consistency with the provisions of the “*Code for the Lease/Licence of Council Owned Land and Buildings to Community Groups*” and to demonstrate Council’s commitment to the equitable allocation of Council assets to the community, the application submitted by Lifeline should not be determined at that stage. Instead, it was recommended that a public invitation be issued to commercial entities and community groups to identify a suitable occupier to lease the premises at 11 Coronation Street, Hornsby.

Ultimately, Council resolved that:

1. *The contents of Executive Manager’s Report No. CC48/11 be received and noted.*
2. *Council issue a public invitation to lease the premises at 11 Coronation Street, Hornsby from both commercial entities and community groups for a maximum term of up to five years.*

3. *Following receipt of the public invitation to lease submissions referred to in point 2 above, a report be prepared for Council's consideration detailing the outcomes of the process.*

Jersey/Coronation Streets Re-development Site

The subject property (11 Coronation Street, Hornsby) is located on the corner of Coronation and Jersey Streets at Hornsby, at the north eastern fringe of the "Hornsby West Side" business area.

It comprises an older style mixed use development, built over three levels. The accommodation comprises a basement storage area, ground level retail shop front, rear mezzanine office area and upper level residential area. The condition of the premises varies throughout from reasonable to poor condition. The building does not currently comply with the access provisions of the *Federal Disability Discrimination Act 1992* (DDA), the fire provisions, electrical *and other* standards of the Building Code of Australia (BCA), or personal and public safety standards with regard to the upper level verandah and the footpath awning. The building also suffers from the need to attend to a number of maintenance issues and cosmetic upgrades.

The subject property forms the "key" to the future re-development of the Council owned site bounded by Jersey Lane, Coronation Street, Jersey Street and the TAFE car park. This multi-million dollar development site is one of the few consolidation sites available on the "west side" for economically feasible development of significance. It provides a rare opportunity to 'lead' the redevelopment of the west side.

The strategic importance of the need for redevelopment and revitalisation of the west side has been widely recognised for a considerable time. The development site has been progressively acquired and consolidated by Council in order to facilitate orderly redevelopment. Council more recently resolved to undertake an extensive study of the development controls for the precinct ("planning study"), with a view to encourage redevelopment that should realise increased employment opportunities, economic growth and an improved environment.

It is expected that this planning study will be completed in late 2013, and is likely to recommend increased flexibility and scope for development in floor space and height development controls.

The subject property is strategically located to be able to take full advantage of any increase in floor space and height limits, thereby raising its prospects for economically feasible redevelopment sooner, rather than later. This further increases its strategic importance to the progressive revitalisation of the west side.

Planning and Consent for Use

The subject property currently has consent for commercial use and may be commercially leased in its present state. Any proposal for a community use of the property requires development consent, which necessarily requires improvements to meet legislative requirements regarding disability access and building standards in accordance with the Building code of Australia.

Council's Development Control Plan (DCP) requires awnings to provide pedestrian cover over footpaths, which therefore would necessitate the replacement of the unsafe awning.

Depending on the scope of the essential and desirable works and building improvements, preliminary cost estimates for compliance and other matters range from \$105,000 to \$252,000. These cost estimates do not account for the removal (\$20,000) or replacement of the structurally unsound footpath awning (\$70,000). No funds have been budgeted for any of the above works, in line with the current commercial property strategy for the site.

Results of the Expression of Interest (EOI)

In accordance with item 2 of the above resolution, an EOI campaign was commenced on 23 February 2012, and closed on 13 April 2012. The process involved the following advertising campaign;

- North Shore Times advertisement – 2nd March 2012
- Hornsby Advocate advertisement – 1st and 15th March 2012
- Hills News advertisement– 28th February and 6th March 2012
- Listing on Commercial Real Estate website – 1st March to 1st April 2012.
- “For Lease” signage and contact details posted in the shop front of the subject building.
- Hornsby Shire Council web page under EOI from 23 February 2012.

The advertising campaign drew the following enquiries;

1. Restaurant Operator A

The prospective tenant currently operates a restaurant in Annangrove and is looking for an additional restaurant and function rooms in Hornsby. Representatives conducted an inspection 13 March 2012 and advised they were interested in leasing the premises. Council officers followed up the prospective tenant on 20 March to ascertain if they were still interested in the premises. The tenant advised they were still interested and would call to arrange another inspection. The tenant has not followed up on the premises nor conducted any further inspections. No “EOI” submission was received from this inquiry.

2. Lifeline

A telephone inquiry was received as to whether whole or part of the building was available for lease. Council officers confirmed advice that the whole building was for lease in one line. Lifeline advised that they were not interested in proceeding with submitting an EOI to lease the entire premises. They would only be interested in the lower ground floor for the purposes of the storage of books and clothes for re-sale.

3. Restaurant Operator B

Council officers received a telephone enquiry on 11 April from a restaurant operator. On 16 April 2012 the prospective tenant advised they were in the process of securing alternate premises in Hornsby and therefore were no longer interested in proceeding.

4. Fusion Australia Limited

A number of representatives inspected the premises numerous times. Fusion provided a formal EOI submission and a summary of that submission is attached to this report.

Ultimately one EOI submission was received from one community group (Fusion Australia Ltd) with little interest generated from commercial/business operators.

In accordance with item 3 of the above resolution, this report has been prepared for Council’s consideration detailing the outcome of the EOI process to lease the subject property. It also

details the submission received, together with an analysis, commentary and recommended options to progress the matter.

The attachment is not considered to be confidential as it does not include financial and other information which may confer a commercial advantage upon a person with whom Council proposes to conduct business.

Matters for consideration

Fusion Australia Limited (“Fusion”)

Fusion currently occupies three retail premises owned by Council at 1-3 and 5 Jersey Street Hornsby, under an expired lease and a separate lease expiring 31 March 2013 respectively, for a total rental of \$310 per annum.

A number of services are delivered by Fusion to the community from these premises. In essence, Fusion seeks to expand these services and has expressed an interest to relocate from the existing premises to the subject property, to provide for such expansion.

Fusion seeks to lease the whole property for 10 years at a nominal rental of \$280 per annum, but with Council being responsible for statutory outgoings (estimated to be in excess of the rental received) and Fusion to be responsible for fit out, repairs and maintenance. Its submission estimates that the total proposed fit out and works required for building compliance could be up to \$200,000. Fusion has indicated that it is committed to securing a financial contribution of \$80,000 to pay for materials for such works and that the balance would be secured by discounts or donations of materials and volunteer labour. A more accurate cost of compliance works will not be able to be determined until such time as a development application for the proposed works is submitted, assessed and determined. Nevertheless, Fusion have subsequently advised that they essentially intend to assume full responsibility for compliance repairs, hence their request for the nominal rent and a ten year lease, however, the determination that the awning needs replacement occurred after their submission and is not included as their responsibility.

Fusion has not provided a breakup between fit out costs and compliance costs, however it is reasonable to assume that tenant specific fit out costs would represent a large proportion of the \$200,000. Having regard to Council’s preliminary compliance costs of \$105,000 to \$252,000, not including the awning, it is considered that there exists a distinct possibility that Fusion has underestimated such costs.

Leasing Market

The EOI invited submissions from both community groups and from businesses to lease the subject property for a maximum of 5 years, but also invited submissions that proposed longer terms.

In general terms, community organisations tend to prefer to set up and occupy the same premises for the longer term, whilst business operators generally only commit to shorter term leases with option periods.

Currently there is a lack of demand for premises in the west side business precinct, which is evidenced by a high level of vacancy, protracted periods of vacancy and the diminution in rental values. Future demand is dependent on improved economic and property market outlooks.

The age, size, design and condition of the subject property (as well as the Fusion properties), further limit the marketability, opportunities and demand for leasing.

The relocation of Fusion would provide an opportunity to lease Council's properties at 1-3 and 5 Jersey Street to the commercial market. Effectively, it would be swapping community and commercial assets. However, it is considered that the level of commercial rental to be achieved from the Jersey Street properties is unlikely to significantly exceed the amount of commercial rental that might ultimately be achieved from the subject property, such that it is considered that there is no commercial advantage to Council in 'swapping' the vacancies from Coronation Street to Jersey Street..

CONCLUSION

The outcome of the EOI campaign has demonstrated that there is limited demand to lease the subject property in its present run down and non-compliant state of repair.

Any leasing of the subject property to a community organisation would require Council to remove the unsafe awning, at an unbudgeted cost of \$20,000 and installation of a new awning structure (\$70,000). Additionally, Council may be required to carry out some part of the essential works to the building, in the event that the Fusion funding falls short. The total of the compliance, upgrade and other works could be in the range of \$105,000 to \$252,000. In order to recover this expense, Council would require a lease that provides a reasonable level of rental income. The inherent capital value of the property wholly rests with the land for redevelopment. The existing building and any capital expenditure add no further value to the property's market value. Therefore any capital expenditure would be 'written off' (amortised) over the period of the lease, until such time as the building is demolished for redevelopment.

It is considered strategically and financially important to consider the implications of any short term leasing strategies and capital expenditure, in the broader context of the redevelopment value and priority of the larger site.

Property Strategy

In recognition of the importance of the subject property's redevelopment potential, it is recommended that Council should not compromise any opportunity for redevelopment after five (5) years. Therefore, it is recommended that the property strategy provide for the inclusion of a redevelopment clause in any lease, which is exercisable by Council at any time after the first five (5) years from commencement of the lease, or 1 January 2018, whichever occurs first. In addition, it is not considered prudent for Council to incur substantial capital expenditure on a building that may be demolished in the next 5 to 10 years.

The recommended property strategy for a maximum lease term certain of 5 years conflicts with Fusion's EOI submission, which seeks a 10 year lease.

Lease Options

It is considered that there are two (2) main options available to Council for the ongoing use of the property in the short to medium term, in line with the recommended property strategy.

Option 1 – Manage the property as a commercial investment

Place the property on the open market for lease, engaging a reputable and appropriate real estate agent, offering a commercially competitive rental and lease terms, in line with the recommended property strategy regarding redevelopment.

Option 2 – Manage the property as a community asset

As Fusion was the only respondent to the EOI, this option is considered in the context of its submission.

Fusion has nominated the ‘nominal’ level of rent of \$280 per annum, in accordance with Council’s “Code for the Lease/Licence of Council Owned Land and Buildings to Community Groups” (the Code) and requires a ten (10) year lease, whereby the tenant assumes responsibility for fit out, repairs and maintenance. Statutory outgoings are required to be paid by Council.

Fusion has clarified its EOI in respect of its intention to assume full responsibility for compliance repairs and upgrading works and costs (excluding the awning), and that its request for the nominal rent and a ten year lease reflects its level of investment.

As a community organisation, Fusion would be required to submit a development application (DA), for a change of use. The conditions of consent would necessarily require that the building comply with the *Building Code of Australia* (BCA) and the *Disability Discrimination Act 1992* (DDA). Previous cost estimates for compliance for a similar use identified costs from \$105,000 to \$252,000. In accordance with Council’s DCP, the awning would also need to be replaced, at an estimated cost of \$70,000. No funds have been identified for these works and such expenditure will not translate into increased market value of the property, as the underlying value lies in its redevelopment potential.

Notwithstanding a formal assessment under the Code, Fusion’s submission falls outside of the provisions of the Code in the following respects:

- a) On the face of it, Fusion’s contribution to the capital cost estimates for compliance and other matters, may well fall below that estimated for a similar use (\$105,000 to \$252,000 plus \$70,000 to replace the awning); and
- b) It will not contribute the required 50% towards statutory outgoings.

Therefore, Council would be required to approve such occupancy outside of the provisions of the Code.

In addition, Fusion’s requirement for a ten year lease conflicts with the proposed property strategy which recognises the redevelopment potential of the broader Coronation/Jersey Street site, by limiting the term of any lease to 5 years, so as not to compromise the realisation of the site’s underlying redevelopment value.

Therefore, if this option were to be adopted by Council, it would be necessary to alter the proposed property strategy for the redevelopment site, by effectively ‘locking out’ any redevelopment potential for at least ten (10) years.

BUDGET

The current budget structure does not specify rental income or expenses for individual properties leased by Council. Given the protracted period of vacancy of this property, it is unlikely that any budgeted income or expenses have been allowed for in current budget processes. In addition, there have been no funds budgeted for any of the capital works that may eventuate from a decision to offer a lease to a community organisation.

POLICY

Any resolution of Council authorising the negotiation of lease terms will necessarily reference the *Code for Lease/Licence of Councils Land and Buildings to Community Groups* and the *Policy Land – Lease/Licence by Council*.

CONSULTATION

This report has been prepared in consultation with Council's Engineering Services Branch, Community Services Branch and Land and Property Services Branch.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT:

1. Council continue to manage its property at 11 Coronation Street Hornsby as a commercial asset.
2. Fusion Australia Ltd be advised that its submission to the Expression of Interest for the lease of 11 Coronation Street, Hornsby will not be progressed.

ROBERT STEPHENS
Acting Executive Manager
Works Division

Attachments:

1. Hornsby Snap EOI Attachment May 2012

File Reference: F2004/09431
Document Number: D01898623

19 TENDER T8/2012: SUPPLY AND DELIVERY OF CONCRETE

EXECUTIVE SUMMARY

The proposed contract for the supply and delivery of concrete is required to service the needs of Council's Infrastructure and Recreation Division in carrying out construction and maintenance of kerb and gutters, footpaths and crossings, drainage structures, etc. Council uses a substantial amount of concrete in its annual roads and drainage construction and maintenance program.

Council does not have specialist personnel and equipment required for producing concrete and therefore open tenders have recently been called in accordance with the Local Government Act. The proposed contract will be for 12 months duration with an option to extend the contract for a further 12 month period. Able Metromix Concrete and Hanson Construction Materials Pty. Ltd. have been recommended for acceptance for this tender.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide a recommendation for the acceptance of Tender No.T8/2012: Supply and Delivery of Concrete.

DISCUSSION

The Tender No. T8/2012 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details, are on file (Trim folder F2012/00335). Excepting this Report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Two tenders were received for Tender No. T8/2012 from the following companies.

- Able Metromix Concrete
- Hanson Construction Materials 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
- Material types and supply sources
- 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 non price evaluation criteria which provide a rating from 0-10 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 12/2012, which has been separately distributed, contains information regarding the evaluation of each tender. Full details of the tender evaluation are on file and are confidential.

It is considered that the work available under this contract will require the engagement of two contractors. The results of the evaluation indicate that the tenders from Able Metromix Concrete and Hanson Construction Materials Pty. Ltd. are advantageous to Council.

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.

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council accept the tenders from Able Metromix Concrete and Hanson Construction Materials Pty. Ltd. for Tender T8/2012: Supply and Delivery of Concrete, with priority of all work first being given to Able Metromix Concrete.

ROBERT STEPHENS
Acting Executive Manager
Works Division

Attachments:

1. Confidential Memo - Tender No. 8_2012 - Supply and Delivery of Concrete - *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: F2012/00335

Document Number: D01930435

20 TENDER T9/2012: SUPPLY AND DELIVERY OF ROAD MATERIALS

EXECUTIVE SUMMARY

The proposed contract for “Supply and Delivery of Road Materials” is required to service the needs of the Council’s Infrastructure and Recreation Division in carrying out the road and drainage construction and maintenance program. Council uses a substantial amount of road materials in its annual roads and drainage construction and maintenance works.

Council does not have the specialist personnel and equipment required to supply the required road materials and therefore open tenders have recently been called in accordance with the Local Government Act. The proposed contract will have a duration of 12 months with an option to extend the contract for a period of further 12 months. Hanson Construction Materials Pty. Ltd. has been recommended for acceptance for this tender.

PURPOSE/OBJECTIVE

The purpose of this Report is to provide a recommendation for the acceptance of Tender No. T9/2012: Supply and Delivery of Road Materials.

DISCUSSION

The Tender No. T9/2012 is a Schedule of Rates tender. A summary of tenders, together with full evaluation details, are on file (Trim folder F2012/00336. Excepting this report, the summary and details of the tenders are to be treated as confidential in accordance with the Local Government Act.

One (1) tender was received for Tender No. T9/2012 from the following company.

- Hanson Construction Materials Pty Ltd.

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

- Cost of the Works
- Past performance and experience with similar types of Contracts
- Plant and equipment resources
- Material types and supply sources
- Occupational Health and Safety Systems
- Sustainability

The tendered Schedule of Rates were evaluated for the 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 non price evaluation criteria which provide a rating from 0-10 based on information submitted with the tender, information gained from the tenderer’s nominated referees and past performance with previous Hornsby Shire Council works where applicable.

Confidential Memo WD D&C 13/2012, which has been separately distributed, contains information regarding the evaluated value of work of the tenderer and summary of evaluation. Full details of the tender evaluation are on file and are confidential.

The results of the evaluation indicate that the tender from Hanson Construction Materials Pty. Ltd. is satisfactory and advantageous to Council.

The total estimated cost of works under this contract is in the order of \$300,000 per annum. Full details of the tender evaluation are on folder.

BUDGET

There are no budgetary implications.

POLICY

There are no policy implications.

CONSULTATION

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

RESPONSIBLE OFFICER

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

RECOMMENDATION

THAT Council accept the tender from Hanson Construction Materials Pty. Ltd. for all work under Tender No. T9/2012: Supply and Delivery of Road Materials.

ROBERT STEPHENS
Acting Executive Manager
Works Division

Attachments:

1. Confidential Memo WD D and C 13_2012 - Tender T9_12 - Supply and Delivery of Road Materials - *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: F2012/00336

Document Number: D01930498

ITEM 20