



BUSINESS PAPER

GENERAL MEETING

**Wednesday 11 April 2018
at 6:30PM**



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SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings of the non-confidential parts of the meeting 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. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."

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."

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 General Meeting held on 14 March, 2018 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS**RESCISSION MOTIONS****MAYORAL MINUTES****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*

OFFICE OF THE GENERAL MANAGER

Nil

CORPORATE SUPPORT DIVISION**Page Number 1**

Item 1 CS14/18 INVESTMENTS AND BORROWINGS FOR 2017/18 - STATUS FOR PERIOD ENDING 28 FEBRUARY 2018

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS14/18 be received and noted.

Page Number 4

Item 2 CS15/18 DRAFT COMMUNITY STRATEGIC PLAN 2018-2028, DELIVERY PROGRAM 2018-21 INCLUDING THE OPERATIONAL PLAN AND BUDGET, AND FEES AND CHARGES 2018/19 - ADOPTION OF DOCUMENTS FOR PUBLIC EXHIBITION

RECOMMENDATION

THAT:

1. Council adopt for public exhibition and make available for public comment from 12 April to 14 May 2018, the draft Community Strategic Plan 2018-2028, the draft Delivery Program 2018-21, including the draft Operational Plan 2018/19 which includes the draft Budget, Fees and Charges and Rating Structure for 2018/19.
2. Council note that the rating information contained in the Delivery Program 2018-21 including the draft Operational Plan 2018/19 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.3% rate increase for 2018/19).
3. Following the public exhibition period, and before 30 June 2018, a further report be prepared which provides details of any submissions received and recommends the adoption of a final Delivery Program 2018-21 including the Operational Plan 2018/19, which contains the Budget, Fees and Charges and Rating Structure for that year.

ENVIRONMENT AND HUMAN SERVICES DIVISION

Page Number 12

Item 3 EH9/18 LIGHTING THE WAY - STREET LIGHTING REPLACEMENT

RECOMMENDATION

THAT:

1. Council accept Ausgrid's proposal for the accelerated replacement of 4,326 street lights on residential roads over the next three years.
2. Funding for the proposal be allocated from the Debt Retirement and Capital Projects Restricted Asset.
3. Maintenance and energy cost savings resulting from the initiative be returned to the Debt Retirement and Capital Projects Restricted Asset over the next four years to enable the recoument of funds to this Restricted Asset.

PLANNING DIVISION

Page Number 18

Item 4 PL11/18 SOUTH DURAL PLANNING PROPOSAL

RECOMMENDATION

THAT:

1. Council request the Greater Sydney Commission not proceed with the South Dural Planning Proposal and Dural Service Centre Planning Proposal for the reasons in Attachment 1 of Group Manager's Report No. PL11/18 pursuant to Section 3.35(4) of the *Environmental Planning and Assessment Act 1979*.
2. Council advise the South Dural Residents and Ratepayers Group that Council does not support its request for an extension of the Gateway deadline for the Planning Proposal.

3. Upon payment of all Council's outstanding invoices by Statewide Property Ventures Pty Ltd, Council release the Bank Guarantee dated 3 December 2015 for payment of the cost of the Peer Review and Council resources to progress evaluation of the Planning Proposal.
4. Council notify the proponent and submitters on the Planning Proposal of Council's resolution.

INFRASTRUCTURE AND RECREATION DIVISION

Page Number 30

Item 5 IR4/18 PROPOSED UPGRADE TO WISEMANS FERRY BOAT RAMP - JOINT FUNDING WITH HILLS SHIRE

RECOMMENDATION

THAT Council:

1. Provide in-principle support to the provision of a three-lane boat ramp facility in the vicinity of the Lady Hawkesbury mooring facility, subject to:
 - a) Obtaining all necessary planning and development approvals and consents.
 - b) Capping Hornsby Shire Council's capital expenditure at \$210,000 and the total expenditure at \$3,850,000 unless increased funds are received from the Roads and Maritime Services (RMS) and/or The Hills Shire Council.
2. Authorise the General Manager to accept the funding offer from The Hills Shire Council and RMS on the basis of the limitations identified in point 1 and prepare a suitable document to formalise the funding arrangement between The Hills and Hornsby Shire Councils.
3. Notify The Hills Shire Council and RMS in terms of points 1 and 2.
4. Note the RMS's expectation that subject to Recommendation 1 the new boat ramp is expected to be provided by 31 December 2019.

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

MAYOR'S NOTES

Page Number 37

Item 6 MN5/18 MAYOR'S NOTES FROM 1 TO 31 MARCH 2018

NOTICES OF MOTION

Page Number 39

Item 7 NOM5/18 SMOKING IN HORNSBY MALL

COUNCILLOR TILBURY TO MOVE

That:

1. Council implement an awareness campaign to notify users that Hornsby Mall is a smoke free space.
2. Council review the "No Smoking" signage in Hornsby Mall with a view to making it more prominent and informative.
3. An informal briefing be provided to Councillors regarding Council's Smoke Free Environment Policy, including options for enforcement and associated resource implications.

Page Number 40

Item 8 NOM6/18 NATIONAL PARKS

COUNCILLOR HEYDE TO MOVE

THAT Council:

1. Acknowledges that National Parks are integral to the sustainability and viability of Hornsby Council's bushland reserves. Combined, National Parks and Council reserves provide residents and visitors with opportunities to experience interconnected walks and trails whilst providing important linkages and habitat for flora and fauna.
2. Notes that Hornsby LGA incorporates and is adjacent to large areas of National Parks, including Lane Cove National Park, Ku-ring-gai Chase National Park, Berowra Valley National Park, Marramarra National Park and Mougamarra Nature Reserve.
3. Notes that National Parks have a special significance for residents of the 'Bushland Shire' with approximately 70% of the Shire covered in bushland.
4. Notes with concern the budget, staff cuts and restructures currently taking place within the NSW National Parks and Wildlife Service (NPWS). The reduced resources places significant risk in maintaining NPWS service levels to ensure continued economic viability, visitor safety, public amenity and environmental conservation are provided to the community.
5. Calls on the NSW Government to ensure NPWS service levels are continued, with adequate staff resources, so that high recreational and environmental standards are maintained.
6. Writes to the NSW Premier, The Hon. Gladys Berejiklian MP, the NSW Minister for the Environment, The Hon. Gabrielle Upton MP, the Shadow Minister for the Environment, Penny Sharpe MLC and the Greens NSW Environment Spokesperson, Dr Mehreen Faruqi MLC, expressing the concerns raised in this resolution.

Page Number 42

Item 9 NOM7/18 PLANNING PANELS – APPOINTMENT OF EXPERT AND COMMUNITY MEMBER

COUNCILLOR DEL GALLEGGO TO MOVE

THAT Council:

Request that the Minister for Planning and Environment replace Mr Tony Jones with Mr Brian Scarsbrick AM as the community representative for A Ward on Council's Independent Hearing and Assessment Panel given his qualifications, experience and skills which make him an ideal candidate to represent the interests of our community.

Page Number 44**Item 10 NOM8/18 OPEN IHAP DECISION MAKING TO THE PUBLIC**

COUNCILLOR MCINTOSH TO MOVE

THAT Council write to the Chair of the Hornsby Independent Hearing and Assessment Panel (IHAP), Mr Gary Fielding, requesting that consideration be given to opening the decision making section of the IHAP Meeting to the public and that the public be given the opportunity to witness the decision making process of the panel.

Page Number 46**Item 11 NOM9/18 ACCESS TO PLANNING INFORMATION**

COUNCILLOR MCINTOSH TO MOVE

THAT:

A report be prepared for Council's consideration at the earliest opportunity outlining improvements to how our community can access on Development Applications submitted, including (but not limited to):

- Who the determining body will be (IHAP; the Sydney North Planning Panel or Council staff under delegation)
- How submissions can be made
- When are they due
- Value of the DA
- Link to the DA Plans and other publicly available information
- Link to relevant HSLEP / DCP / or Masterplan

and after processing has been completed – the final decision.

SUPPLEMENTARY AGENDA**MATTERS OF URGENCY****QUESTIONS WITHOUT NOTICE**

1 INVESTMENTS AND BORROWINGS FOR 2017/18 - STATUS FOR PERIOD ENDING 28 FEBRUARY 2018

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 28 February 2018 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be in accordance with relevant legislative requirements and Council's policies and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the annualised return for the month of February 2018 was 2.54% and this compared to the benchmark of 1.50%.

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS14/18 be received and noted.

PURPOSE

The purpose of this Report is to advise Council of funds invested in accordance with Section 625 of the Local Government Act; to provide details as required by Clause 212(1) of the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy; and to advise on the extent of Council's current borrowings.

BACKGROUND

A report is required to be submitted for Council's consideration each month detailing Council's investments and borrowings and highlighting the monthly and year to date performance of the investments. Initial investments and reallocation of funds are made, where appropriate, after consultation with Council's financial investment adviser and fund managers.

DISCUSSION

Council invests funds which are not, for the time being, required for any other purpose. Such investment must be in accordance with relevant legislative requirements and Council Policies, and the Chief Financial Officer must report monthly to Council on the details of the funds invested.

Council's investment performance for the month ending 28 February 2018 is detailed in the attached document. In summary, the At-Call and Term Deposits achieved an annualised return of 2.54% for February 2018, compared to the benchmark of 1.50%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2007 to date, based on the principal balances outstanding is 7.04%. The Borrowings Schedule as at 28 February 2018 is also attached for Council's information.

BUDGET

Budgeted investment income for 2017/18 is \$3,500,000 with an average budgeted monthly income of \$291,670. Total investment income for the period ended 28 February 2018 was \$3,124,900 compared to the budget of \$2,333,300 for the same period. Approximately 38% of the investment income received by Council relates to externally restricted funds (e.g. Section 94 monies) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

CONSULTATION

Appropriate consultation has occurred with Council's financial investment adviser in the preparation of this Report.

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 28 February 2018 are detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.

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.

GLEN MAGUS
Chief Financial Officer - Financial Services
Corporate Support Division

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

Attachments:

1. [HSC Investments Holdings Report - February 2018](#)
2. [HSC Borrowing Schedule - February 2018](#)

File Reference: F2004/06987-02
Document Number: D07402673

2 DRAFT COMMUNITY STRATEGIC PLAN 2018-2028, DELIVERY PROGRAM 2018-21 INCLUDING THE OPERATIONAL PLAN AND BUDGET, AND FEES AND CHARGES 2018/19 - ADOPTION OF DOCUMENTS FOR PUBLIC EXHIBITION

EXECUTIVE SUMMARY

- All councils are required to develop a 10 year community strategic plan, a four year delivery program and a one year operational plan to identify the main priorities and aspirations for the future of the area and the resources required to move to that future.
- The attached documents are predicated on Council maintaining current levels of service in 2018/19 as well as capital expenditure of over \$27 million. Also included are priorities identified by Councillors during a strategic planning process in February 2018.
- At the end of the initial 2018/19 budget development process, a deficit balance of \$1.951 million remained to be funded. To ensure a balanced budget was achieved for 2018/19, staff have proposed the release of \$1.951 million from existing restricted asset reserves to meet all capital expenditure requirements.
- The financial impact of the loss of the area south of the M2 Motorway is evident in the approximate \$10 million reduction in Council's projected cash funding surplus in 2017/18 and 2018/19 when compared to previous years. This will most likely become the norm for Hornsby Shire Council with its current boundaries and will severely weaken Council's financial position over the medium to long term, necessitating a re-evaluation of many longer term capital projects as well as existing service levels.

RECOMMENDATION

THAT:

1. Council adopt for public exhibition and make available for public comment from 12 April to 14 May 2018, the draft Community Strategic Plan 2018-2028, the draft Delivery Program 2018-21, including the draft Operational Plan 2018/19 which includes the draft Budget, Fees and Charges and Rating Structure for 2018/19.
2. Council note that the rating information contained in the Delivery Program 2018-21 including the draft Operational Plan 2018/19 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.3% rate increase for 2018/19).
3. Following the public exhibition period, and before 30 June 2018, a further report be prepared which provides details of any submissions received and recommends the adoption of a final Delivery Program 2018-21 including the Operational Plan 2018/19, which contains the Budget, Fees and Charges and Rating Structure for that year.

PURPOSE

The purpose of this Report is to present to Council for adoption the draft Community Strategic Plan 2018-2028, the draft Delivery Program 2018-21 and the draft Operational Plan 2018/19 (incorporating the Budget, Fees and Charges and Rating Structure for 2018/19), such that the draft documents can be publicly exhibited from Thursday 12 April to Monday 14 May prior to being reconsidered for final adoption by Council in June 2018.

BACKGROUND

By 30 June in the year following local government elections, all councils are required to develop a 10 year community strategic plan, supported by a four year delivery program and a one year operational plan as well as a resourcing strategy. The purpose is to identify the main priorities and aspirations for the future of the local government area and the resources required to move to that preferred future. (N.B. This Delivery Program is for three years to align with Council's shortened term of office.)

The Office of Local Government has mandated an integrated planning framework which approaches business planning based on community aspirations and preferences. It requires that the community be presented with the key issues and challenges facing the Shire in order that they can have deliberative input into how Council, other government agencies and the community will respond to those issues and challenges.

DISCUSSION

Many people and organisations have contributed to shaping the future direction of Hornsby Shire. In all, over 12,000 stakeholders have given detailed and valued input. Since 2014, we have engaged our community on seven major consultations:

- Socio-Cultural Consultation Outcomes Report (July 2014)
- Community Recognition and Communication Effectiveness Research (July 2015)
- Active Living Hornsby Strategy – Community Engagement (August 2015)
- Community and Cultural Facilities Strategic Plan (August 2015)
- Hornsby Snapshot Findings and Future Planning for Hornsby Community Plan (June 2016)
- Disability Inclusion Action Plan – Consultation (June 2017) (1 in 4 identified as having disability)
- Your Vision – Your Future 2028 (October/November 2017).

Hornsby Shire's Community Engagement Strategy was updated in July 2017 and implemented for the development of this Community Strategic Plan. Micromex Research undertook statistically valid research which was weighted by age and gender to reflect the 2016 ABS community profile of Hornsby Shire Council.

Following engagement and consultation, the aspirations of the various communities that make up the Shire are contained in the 10 year Community Strategic Plan, which is known as the Your Vision | Your Future 2028. Council's response is documented in the three year Delivery Program 2018-21 which includes the annual Operational Plan for 2018/19 and contains the Budget and financial detail.

Council's Resourcing Strategy documents the approach Council will take to augment and maximise the use of resources available to the organisation. More detail on each of these documents is provided below.

The Draft Community Strategic Plan 2018-2028

Your Vision | Your Future 2028 outlines the aspirations for the future and represents a strategy to achieve those aspirations. It is a community driven plan that becomes the highest level Councillor plan on behalf of the community when endorsed. It sets the direction for where the people of the Shire want to be in the coming decade.

Essentially, the people of Hornsby Shire value the characteristics of the area and describe their quality of life as very positive, feeling a strong sense of living in a community. Protecting the natural environment and having access to bushland areas, parks and green spaces are very important. Issues of importance to the community and where they want Council to focus effort are:

- general management of the environment and environmental protection
- more opportunities to create a sense of community through community events and recreation activities
- improving infrastructure associated with development and transport, particularly parking, roads and green spaces
- providing greater levels of involvement in long term planning and decision making
- providing open and honest communication.

Your Community Plan 2018-2028 also includes performance measures, which, over the longer term, should show progress towards achieving the community's preferred future.

Draft Delivery Program 2018-21 including the Draft Operational Plan 2018/19

The draft Delivery Program 2018-21 is Council's response to the aspirations in Your Vision | Your Future 2028. The Delivery Program describes Council's commitment to the community during its term of office and contains the principal activities to be undertaken. Those principal activities are aligned to the services that Council carries out, the funding required, and the service delivery indicators to measure the success of those activities.

The Operational Plan for 2018/19 is encapsulated within the Delivery Program. It spells out the individual Key Initiatives, Ongoing Activities and capital works that will be undertaken and includes Council's detailed annual budget and Statement of Council's Revenue Policy which includes the proposed rates, fees and charges.

Research undertaken in the development of Your Vision | Your Future 2028 demonstrated that *"living in the Hornsby Shire area gives you a sense of living in a community"* as being the strongest driver in determining how residents perceive their quality of life, with 99% of residents believing they have a good to excellent quality of life. In essence, Hornsby Shire is a community that has high expectations for the quality of life and services enjoyed by residents, businesses and visitors. These expectations can best be met by Council if it continues to provide services at the levels provided in the past, hence much of Your Vision | Your Future 2028 is focused on maintaining current services at current levels. This includes a strong focus on capital works.

Capital works items which are detailed in the Operational Plan 2018/19 total over \$27 million and include:

- \$4.6 million for redevelopment of Storey Park community facility
- \$4.4 million to improve open space assets

- \$3.1 million worth of improvements to local roads
- \$2.0 million for a playground at Waitara Park
- major and minor drainage projects of \$1.4 million
- \$840,000 allocated to catchments remediation rate capital projects.

The key initiatives identified by Councillors at a weekend planning workshop in February 2018 are included in the draft Delivery Program 2018-21 and draft Operational Plan for 2018/19 as detailed below:

- 1B.3 Complete economic development research and report to Council
- 1B.4 Explore innovative ways volunteers might contribute to Council
- 1C.2 Simplify the fees and charges and online booking system
- 1C.3 Review support of Volunteer Management Committees
- 1C.4 Investigate Public Private Partnerships to generate income for state of the art community facilities
- 1H.1 Develop active transport/bicycle path strategy for commuter and general recreation activities and report to Council
- 2D.1 Prepare Climate Change Adaptation Plan
- 2D.2 Investigate business case for community nursery operations
- 2F.1 Investigate options to re-establish tree canopy on streets and within parks across the Shire and report to Council
- 2F.2 Commence tree planting around playgrounds to enhance shade cover
- 3A.2 Review Council's property holdings for income-generating opportunities
- 3C.8 Hornsby Town Centre East Side Review
- 3C.10 Confirm a vision for rural lands
- 3D.2 Investigate options to manage car parking across the Shire and report to Council
- 3D.3 Investigate options for smart transport, eg. car sharing, alternative fuel and report to Council
- 4D.2 Implement webcasting of formal Council meetings
- 4D.3 Undertake a review of Council Committees and Working Parties
- 4i.1 Develop a 5 year plan to update Council's signage in the Shire
- 4i.2 Implement community forums to be held in each Ward annually.

The Resourcing Strategy

Council's Resourcing Strategy addresses long term financial planning, workforce management and asset management. It is one of the more challenging documents to prepare because the three components cannot be completed in isolation and must be developed after the Delivery Program and Operational Plan have been developed. Work is underway on reviewing and updating each of the three components that make up Council's Resourcing Strategy.

The Budget 2018/19

Council staff commenced preparation of the 2018/19 Budget in December 2017. To minimise some of the financial constraints and considerations impacting on local government generally and Council specifically, and to avoid excessive bids for funding which could not be met, the 2018/19 Budget parameters included:

- A general rate increase of 2.3% for 2018/19 – i.e. the percentage increase approved by IPART and advised to Council in November 2017.
- Zero external loan borrowing and the continuation of prudent financial management.
- A nil increase to Divisional expenditure (net of direct labour) for material and contract expenditure - this is despite substantial price increases, particularly for construction materials. Any increase has been required to be offset by productivity improvements, service reductions or increased fees.
- Direct salaries and wages to include provision for the Local Government (State) Award increase. A labour increase of 2.5% for 2018/19 has been allowed and calculated on 50 pay weeks. The two week reduction from a full year represents organisational savings which occur as a result of the average delay in replacing staff members who retire/resign/etc and/or productivity improvements that are required.
- The use of Council staff where possible to undertake SRV projects; Section 94 Development Contributions projects; and other funded projects.
- Continuation of increased budget allocations approved in previous financial years. This included \$200K for tree inspections and removal; asset management of community facilities in accordance with asset management plans; and \$650K towards maintaining Council's sealed road pavement network at an acceptable standard.
- In line with commitments made in previous years, an allocation of \$1.2 million to fund the Section 94 gap

(N.B. The September Quarterly Budget Review 2017 was used as the starting point for 2018/19 budget estimates)

There were a number of additional items included in the 2018/19 Budget that were above the parameters stated. They are listed below:

- \$600K Beecroft Station Gardens – refer to Deputy General Manager's Report No. IR2/17 reported to Council on 13 December 2017.
- \$1.7M Storey Park Community Centre Project – refer to Group Manager's Report No. EH3/18 reported to Council on 14 February 2018.
- \$200K Draft Amendments to Hornsby Development Control Plan 2013 – Tree and Vegetation Preservation – refer to Deputy General Manager's Report No. IR2/18 reported to Council on 14 February 2018.
- \$50K Urban Design Review – Council Notice of Motion NOM14/17 at Council Meeting held on 8 November 2017.
- \$300K Hornsby Eastside Planning Proposal - refer to Group Manager's Report No. PL7/17 reported to Council on 13 December 2017.

- \$110K Independent Hearing Assessment Panels (IHAPS) - refer to Group Manager's Report No. PL14/18 reported to Council on 14 February 2018.
- \$30K towards community forums and livestreaming of Council meetings – refer to Group Manager's Report No. CS10/18 reported to Council on 14 March 2018.
- \$300K Reduced Development Application fees as a result of reduced development activity.
- \$220K Bushland Reserve maintenance expenditure increase due to reduced grant income available in 18/19. This increase will maintain existing 2017/18 service levels – refer to Deputy General Manager's Report No. CS10/8 reported to Council on the 14 March 2018.

These additional items were either due to a change in business, Councillor or NSW Government requirements. The additional expenditure items have partially been offset by positive budget adjustments identified through the 2018/19 budget process.

In addition to the above, improvements for Waitara Park are included in Council's Section 7.11 (formerly s94) Development Contributions Plan. The works were required in response to Council's Housing Strategy, which proposes an increase of 7,000 people to the area surrounding Waitara Park. The amount identified for this project as part of 2014-24 Development Contributions Plan was \$10.6 million, an interest and CPI funding adjustment of \$399K and a grant of \$40K from Tennis NSW brought the total project budget to \$11.039 million. Many of the works envisaged by the Plan are either underway or completed. The original works were identified in 2014 and over the past four years the scope and budget requirements for the total package of works has increased.

At its 12 April 2017 General Meeting, Council agreed to the delivery of a significant playground adjacent to the new tennis courts and clubhouse at the northern end of Waitara Park. Detailed designs for the new playground have been prepared and a tender package has been completed. It is proposed to allocate \$2,000,000 for the construction of this playground in the draft 2018/19 Operational Plan. The project can be funded from the current s7.11 Development Contributions Plan from projects in the open space category. This approach will in effect push out the timeframe for delivery of the other projects. It is understood that further costs for additional works for this project may be required for on street car parking and improved streetscape. These additional works are currently being evaluated and if required will be reported at the 2018/19 September Quarterly Budget Review.

After allowing for all of the above, a deficit balance of \$1.951 million remained at the end of the 2018/19 budget development exercise. As Council is in a position to meet this deficit from restricted asset funds, it is prudent that \$1.951 million be released from the restricted assets which are currently set aside in cash and investment balances to fund the capital shortfall. This release will ensure that the 2018/19 budget is balanced.

It is noted that Council's cash-funding surplus has declined by approximately \$10 million compared to prior year results due to the boundary adjustment with the City of Parramatta which was proclaimed by the Minister for Local Government on 12 May 2016. The proclamation transferred the Hornsby Shire Council area south of the M2 Motorway to the new City of Parramatta Council. This included assets identified to be realised to fund significant capital projects over the next 10 years and substantial net recurrent revenue and future rate growth income from development concentrated in the area south of the M2 Motorway. The financial effect of this transfer was previously reported to Council (refer Deputy General Manager's Report CS43/16).

The financial impact of the boundary adjustment on Hornsby Shire Council is evident in the substantial reduction in the projected cash-funding surplus in 2017/18 and 2018/19 when compared to prior years. This substantial reduction in the projected cash-funding surplus most likely will become the norm for Hornsby Shire Council with its current boundaries. This will severely weaken the financial position of Hornsby Shire Council over the medium to long term and will necessitate a re-evaluation of many longer term capital projects and service levels. The revised long term financial plan has been reviewed by the NSW Treasury Corporation which has validated the significant loss of operating capacity over the next 10 years. A briefing to Councillors on the implications of the revised long term financial plan has been provided.

Fees and Charges

The proposed Fees and Charges for 2018/19 have been reviewed and increased by the CPI or by an amount which has regard to market conditions and the appropriate cost recovery level. Opportunities to recover administrative and overhead costs in respect of business activities have also been investigated and implemented where appropriate. Where applicable, the final price includes GST which does not contribute revenue to Council but is forwarded to the Federal Government.

For 2018/19, most fees have been increased by the recommended 2.3% CPI; the Domestic Waste Management charge increasing by 5%.

Rating Structure

Council reviewed its rating structure at the April 2006 Ordinary Meeting when it considered Executive Manager's Report No. CC20/06. That structure has applied in respect of the calculation of the rates since that time and it is recommended that the same rating structure continue in 2018/19. Details of the rates types and yields, rating categories, base amounts, minimum rates for business properties, ad valorem amounts and other statutory rating information are set out in the draft Operational Plan document.

The Valuer General supplied Council with new land values for properties across the Shire as at 1 July 2016. These values have been used for the 2017/18 financial year and will continue to be used for the 2018/19 and 2019/20 financial years. The rating information is in line with the 2.3% increase approved by IPART for 2018/19. The base amount for ordinary, residential and farmland rates will increase from \$527 in 2017/18 to \$540 in 2018/19.

CONSULTATION

Page 24 of Your Vision | Your Future 2028 outlines the consultations undertaken in the preparation of the Community Strategic Plan. The formal exhibition period for Council's planning documents is scheduled from Thursday 12 April to Monday 14 May 2018. Comments received during the formal exhibition period will be considered and reported to Council prior to adoption of the final documents in June 2018.

BUDGET

Any budget implications have been included in the Discussion section of this Report.

POLICY

Hornsby Shire's Community Strategic Plan 2018-2028 describes community aspirations. The Delivery Program 2018-21 including the Operational Plan 2018/19 is Council's principal instruction to the organisation and describes Council's commitment to the community during its term of office.

CONCLUSION

The ten-year Community Strategic Plan, the three-year Delivery Program and the associated Operational Plan 2018/19 (including the Budget, Fees and Charges and Rating Structure) encompass Council's prudent and financially viable response to the priorities and expected levels of service voiced by the community. Public exhibition of these documents provides an opportunity for the community to give feedback on any proposed initiative or activity for 2018/19. That feedback will be considered by Council prior to final adoption of the suite of documents in June 2018.

It is noted that Council is fighting to reclaim its lost territory, which had existed since the creation of Hornsby Shire more than a century ago, and is still awaiting a State Government decision in respect of Council's proposal. If the area is not returned, Council's financial position as highlighted above has been severely weakened when compared to prior years' budget results and will necessitate a re-evaluation of many longer term capital projects and service levels.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Chief Financial Officer – Glen Magus and the Manager, Strategy and Communications – Julie Williams, who can be contacted on 9847 6635 and 9847 6790 respectively.

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STEVEN HEAD
General Manager
General Manager Division

Attachments:

- 1.⇒ Draft Community Strategic Plan 2018-2028
- 2.⇒ Draft Delivery Program 2018-21, including the Operational Plan 2018/19
- 3.⇒ Draft Fees and Charges 2018/19

File Reference: F2017/00322
Document Number: D07405510

3 LIGHTING THE WAY - STREET LIGHTING REPLACEMENT

EXECUTIVE SUMMARY

- Street lighting services in the Shire are predominantly provided by Ausgrid.
- Council incurs an annual cost of approximately \$2.5 million on street lighting for the maintenance, energy costs and legacy costs for old technology lights.
- To reduce maintenance and energy costs, Ausgrid proposes to accelerate the replacement 4,326 street lights on residential roads within Hornsby Shire Council Local Government Area with energy efficient LEDs over the next three years.
- To support this proposal a capital investment of \$2.245 million from Council is required.
- Funding to support this initiative is to be sourced from money allocated this financial year from street lighting grants and other street lighting cost savings (\$500K), leaving a remaining balance of \$1.745 million to be funded from the Debt Retirement and Capital Projects Restricted Asset.
- The anticipated annual reduction in street lighting costs of \$448K resulting from this initiative would enable a recoupment back to the Debt Retirement and Capital Project Restricted Asset within four years.

RECOMMENDATION

THAT:

1. Council accept Ausgrid's proposal for the accelerated replacement of 4,326 street lights on residential roads over the next three years.
2. Funding for the proposal be allocated from the Debt Retirement and Capital Projects Restricted Asset.
3. Maintenance and energy cost savings resulting from the initiative be returned to the Debt Retirement and Capital Projects Restricted Asset over the next four years to enable the recoupment of funds to this Restricted Asset.

PURPOSE

The purpose of this Report is to enable Council to consider a funding proposal for the accelerated roll out of LED technology for residential street lighting within Hornsby Shire over the next three years.

BACKGROUND

Hornsby Shire Council has been a partner in the Southern Sydney Regional Organisations of Councils (SSROC) Street Lighting Improvement Program for the past 10 years. There are currently 30 councils participating in the Program, ranging from southern Sydney through to the Central Coast and the Hunter. Collectively, there are 240,000+ street lights within the participating councils' jurisdictions which constitute over 95% of Ausgrid's street lights and councils pay Ausgrid more than \$67 million per year for street lighting services and energy. Councils and SSROC have been working with Ausgrid to improve its street lighting services so that it is modern, robust, and effective and more energy efficient.

DISCUSSION

Ausgrid owns and maintains 9,748 street lights within Hornsby Shire for which Council pays for the maintenance, energy costs and legacy costs for old lighting technology. These lights include the 4,326 pre-2009 legacy lights on residential streets that can be cost-effectively replaced by newer, more efficient and more reliable LEDs.

Ausgrid is proposing to replace all of these lights as part of a larger 'Lighting the Way' program and aims to deploy up to 102,000 LEDs on residential roads across 33 councils. The LEDs will replace all fifteen remaining types of pre-2009 roadway luminaires (excluding decorative and main road lights at this stage). A few post-2009 luminaires that are considered obsolete are also included in the proposed replacement program.

At the completion of this program it is anticipated that there will be two types of standard street lighting present on residential roads. These will be compact fluorescent lights (considered reasonably energy efficient and installed from 2009-13) and LEDs (considered highly energy efficient and installed from 2013 onwards).

Ausgrid and the SSROC Street Lighting Improvement Program have worked jointly for over six months on a detailed business case for each council and for the project as a whole. As detailed in Attachment 1, the business case for Hornsby Council is strongly positive with a net present value of at least \$824,675 over the next ten years, if Council funds are used to fund the initial investment required of \$2,245,457.

Based on current costs, the resulting annual energy savings will be \$155,482 per year and the resulting annual maintenance cost savings will be \$67,317 per year. In addition to these savings Council will no longer be paying the legacy cost of the pre-2009 lamps of \$231,908 resulting in a total saving of \$454,707 per year. In summary, the overall project for Council pays for itself in 4.94 years.

The new LED lighting will provide the following benefits:

- More effective lighting that is better distributed in the road reserve, is a high quality white light and, in many cases, will substantially improve compliance outcomes. Importantly, since 2013 Ausgrid has successfully deployed more than 33,000 of these types of LED lights. Ausgrid's LED deployments to date have had widespread acceptance and very low numbers of public complaints. Ausgrid has also recently introduced lighting options for narrow roads and shielding options to better address any resident complaints that do arise

- The high quality white light makes people feel safer using the roads at night and has road safety benefits
- Deliver environmental benefits including a 77% reduction in greenhouse gas emissions from street lighting (a total greenhouse gas saving of 1135.8t/CO₂-e/yr for Council)
- Deliver cost savings for Council over the next ten years, from a combination of a 77% reduction in energy consumption compared to the lights being replaced (a total energy saving of almost 1196.1MWhr/yr for Council), lower maintenance costs and a lower cost of capital, and
- Significantly reduce light pollution to the night sky (by more than 90%)
- Eliminate and ensure safe recycling of mercury-containing lamps, and
- Reduce Council's exposure to higher energy prices in the future.

Energy Savings Scheme Benefits

NSW Energy Savings Scheme credits can be created from street lighting upgrades and, at current prices, could fund up to 10% of the project. Ausgrid and SSROC have worked over the past year to facilitate an IPART accreditation for the 'Lighting the Way' project. Council has already signed up to the scheme and has been receiving credits for individual lights being upgraded by Ausgrid at present.

Funding Options for Council

Two funding options have been modelled for Council:

- 1. The First Option (Not Recommended) is to have Ausgrid fund the replacement program** using the tariff approach adopted in early 2017 for LEDs. Ausgrid would fund the replacement lights with Council paying on-going capital charges for the replacement lights for ten years and no capital charges thereafter (commonly called 'Rate 1' tariffs). Other key aspects of this option are that:
 - a. As with all other Ausgrid street lights, Council would pay on-going maintenance tariffs to Ausgrid and electricity costs to its electricity retailer
 - b. Capital cost tariffs are subject to resetting at each five-year regulatory pricing review by the Australian Energy Regulator so are not locked in beyond 30 June 2019
 - c. Council would have to pay residual costs associated with old luminaries in the year of removal of \$382,430, and
 - d. A capital cost discount mechanism does not apply to this option.
- 2. The Second Option (Recommended) is for Council to fund the cost of the program** from its reserves (commonly called 'Rate 2' tariffs). Other key aspects of this option are that:
 - a. As with all other Ausgrid street lights, Council would pay on-going maintenance tariffs to Ausgrid and electricity costs to its electricity retailer
 - b. The estimated additional benefit for Council using its own funds is \$448,316
 - c. A capital cost discount mechanism applies to this option but has not been assumed in modelling as a potential benefit

- d. This option is considered to provide best value for money for Council as Council's own cost of funds are lower than the cost of capital embedded in Ausgrid's Australian Energy Regulator approved tariff described in the first option above
- e. There may be other longer-term strategic benefits for Council in separating the Ausgrid financing of street lighting from the on-going provision of maintenance by Ausgrid. In particular, Council financing of street lighting:
 - i. Is highly likely to be less costly than Ausgrid financing because of the way in which the Australian Energy Regulator sets the rate of return allowed by Ausgrid
 - ii. Can offer greater certainty to Council about our future financial liabilities
 - iii. Can eliminate the risk these liabilities changing at regulatory pricing reviews, and
 - iv. Should a current Commonwealth review of the regulatory framework for street lighting free up the market, this may help facilitate Council choosing a service provider on a competitive basis in the future.

Financial Modelling

The model provided to Council compares the cost of the current portfolio of legacy lights to be replaced against Ausgrid funding, external funding and Council using its own funds. Street lighting pricing under the Australian Energy Regulator's determinations is complex with the modelling containing many inputs and underlying assumptions. While there are risks and uncertainties with any financial model, Ausgrid and SSROC have stated the assumptions made in the joint modelling are conservative in several important respects:

- The model is based on typical current Council electricity costs with any price increases in the future only adding to the positive commercial case for energy efficiency improvements, and
- The model is based on current Ausgrid maintenance pricing approved by the Australian Energy Regulator (AER) in 2014/15. However, the maintenance benefits of LEDs as compared to legacy lighting types are likely to be more clearly recognised at the next AER pricing review, further adding to the commercial case for more reliable LEDs to be deployed.

CONSULTATION

In the preparation of this Report consultation was undertaken with the SSROC Street Lighting Improvement Program team and Ausgrid. Financial calculations were developed by Ausgrid in consultation with Next Energy. Council's Sustainability Officers and Chief Financial Officer have reviewed the calculations and assumptions and confirm the figures match our current expenditure. An independent review of the briefing paper was also conducted by a local government finance expert, John Comrie.

BUDGET

This initiative will reduce Council's recurrent long-term costs for street lighting and mitigate against higher energy prices in the future due to the replacement of old lighting technology.

The capital investment required for this initiative is \$2.245 million. An amount of \$500K is able to be allocated this financial year from street lighting grants and other street lighting cost savings, leaving a remaining balance of \$1.745 million to be funded.

The amount of \$1.745 million will be required to be allocated from Council's Debt Retirement and Capital Project Restricted Asset. The anticipated annual reduction in street lighting costs of \$448K resulting from this initiative would enable a recoupment back to the Debt Retirement and Capital Project Restricted Asset within four years.

The allocation of restricted funds for this purpose is an efficient use of Council funds generating a return greater than current invested funds. Deputy General Manager's Report No. CS14/18 – February Investment and Borrowing for 2017/18 - has the annualised return on invested funds at 2.54%. In comparison the allocation of \$1.745 million for this initiative will generate cost reductions of \$448K enabling full recoupment of funds allocated over a four year period. In simple terms this would equate to an annual return of 25%.

POLICY

There are no policy implications associated with this Report. Implementation of this project will assist Council in working towards its 30% CO₂ reduction target based on 1995/96 levels.

CONCLUSION

During 2016/17 Council spent \$2,503,668 on street lighting for the maintenance, energy costs and legacy costs for old technology lights. It is expected that this cost will only increase in the future if new lighting technologies are not deployed and electricity prices continue to increase.

A one off capital investment of \$2.245 million from Council would be required to accelerate the transition from legacy lighting technologies to new, energy efficient LED lights. Although this is a large capital outlay, the business case proposed by Ausgrid in the confidential attachment shows a positive payback period of 4.94 years.

Over the 10 year financial planning cycle it is anticipated that this project could provide a \$2.2 million in total saving for Council. It is recommended that Council accept Ausgrid's proposal for the replacement of 4,326 Ausgrid lights on residential roads over the next three years.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Natural Resources – Dr Peter Coad - who can be contacted on 9847 6766.

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Attachments:

1. 'Lighting the Way' Business Case - *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: F2008/00466-02

Document Number: D07386346

ITEM 3

4 SOUTH DURAL PLANNING PROPOSAL

EXECUTIVE SUMMARY

- In 2013, a Planning Proposal was lodged for land known as 'South Dural' seeking a rezoning of rural land for urban release providing 2,900 dwellings. Council forwarded the Planning Proposal to the Department of Planning and Environment (DPE) for Gateway Determination.
- The DPE issued a Gateway approval conditional upon the proponent preparing a Business Case and Infrastructure Strategy to demonstrate that all necessary infrastructure could be delivered at "*no additional cost to Government*" along with the additional technical studies and master planning required to support urban land release.
- In 2016, Council engaged consultants to conduct a peer review of the Business Case, Infrastructure Strategy and other technical studies prepared in support of the proposal. This Report presents the Peer Review and feedback received from key stakeholders.
- The DPE has recently written to identify it no longer supports the Planning Proposal due to the identified cost to Government related to the provision of infrastructure. The Greater Sydney Commission has also finalised the North District Plan which clarifies its position in relation to urban release in the Metropolitan Rural Area.
- It is recommended that Council not support the progression of the South Dural Planning Proposal and related Dural Service Centre Planning Proposal and release the Bank Guarantee to the South Dural proponent.

RECOMMENDATION

THAT:

1. Council request the Greater Sydney Commission not proceed with the South Dural Planning Proposal and Dural Service Centre Planning Proposal for the reasons in Attachment 1 of Group Manager's Report No. PL11/18 pursuant to Section 3.35(4) of the *Environmental Planning and Assessment Act 1979*.
2. Council advise the South Dural Residents and Ratepayers Group that Council does not support its request for an extension of the Gateway deadline for the Planning Proposal.
3. Upon payment of all Council's outstanding invoices by Statewide Property Ventures Pty Ltd, Council release the Bank Guarantee dated 3 December 2015 for payment of the cost of the Peer Review and Council resources to progress evaluation of the Planning Proposal.
4. Council notify the proponent and submitters on the Planning Proposal of Council's resolution.

PURPOSE

The purpose of this Report is to summarise the findings of the Peer Review of technical studies, and review of the Government agency and community feedback received in relation to the South Dural Planning Proposal.

BACKGROUND

'South Dural' is the name of the area commonly applied to land bounded by Hastings Road, Old Northern Road and New Line Road and is zoned part RU2 (Rural Landscapes) and part E3 (Environmental Management) under the *Hornsby Local Environmental Plan 2013*. The precinct is 240 hectares in area and comprises 135 rural lots.

South Dural has been the subject of various proposals for its urban release for over 20 years. In more recent times, a submission was made under the Minister for Planning and Infrastructure's general invitation to owners of large landholdings to have their land considered by the NSW Government for housing development (Potential Home Sites Program). The then Department of Planning and Infrastructure (DP&I) advised that the purpose of the review was to identify sites, in appropriate locations, that will increase dwelling production in the short term at *"no additional cost to Government"*.

Council was invited by the then DP&I to comment on a land owner submission for 'South Dural' promoting approximately 3,000 dwellings in a mixture of housing types. In summary, Council advised that subject to being satisfied that all necessary public infrastructure and community services would be in place to accommodate the additional population, the NSW Government should progress investigations to release the precinct for urban purposes.

The then Minister for Planning and Infrastructure subsequently announced that 'South Dural' was not one of the sites supported for land release as it was determined not deliverable due to multiple landowners, high fragmentation, long lead times and potential cost to government. However, representatives from the then DP&I subsequently advised that whilst the State Government is not in a position to initiate the release of 'South Dural' as a State lead process, a planning proposal to rezone 'South Dural' could be considered subject to it being demonstrated that there would be *"no additional cost to Government"*.

A proponent initiated planning proposal was subsequently submitted in 2013 to rezone 'South Dural' for urban development. Council resolved to forward the Planning Proposal to the then DP&I for Gateway Determination conditional upon the proponent submitting a business plan to the Department's satisfaction confirming the feasibility of the project being delivered with all the necessary infrastructure *"at no additional cost to Government"* before the necessary technical studies were prepared to justify the proposal.

A Gateway Determination was subsequently issued by the Department of Planning and Environment (DPE) authorising the preparation of technical studies, precinct plan, infrastructure strategy and business plan to occur concurrently prior to undertaking exhibition. The Gateway Determination required that the planning proposal be completed within 24 months. Accordingly, the proponent embarked on preparing the necessary studies and plans and entered into a funding agreement with Council where it would cover all of Council's costs in reviewing the submitted documentation. The preparation of the required documentation for public exhibition required revision to the timeframe in the Gateway Determination.

The proponent prepared an updated infrastructure plan and business case in support of the proposal. The proponent's traffic modelling indicated that the existing State road network is currently underperforming and upgrades are required, including works to New Line Road and Old Northern

Road to a value of \$158 million. The proponent proposed to contribute \$73.3 million towards the upgrades. The balance of \$84.7 million was identified for funding by the State Government as this proportion of works is required to cater for existing and future development in the region separate to the 'South Dural' proposal.

On 14 December 2016, Council sought comment from the State Government to confirm its commitment to fund the balance of the works to the road network, and timing of delivery for any such funds, as this is a key consideration in ensuring the community benefits of the proposal justify its progression. The State Government subsequently advised on 16 January 2017, that the necessary road works required to upgrade New Line Road and Old Northern Road will cost in excess of \$300 million and that considering the relatively low number of dwellings proposed to be delivered, the project is unlikely to compare favourably on a cost benefit analysis to other areas such as the North West Priority Growth Area when prioritising Government expenditure.

At its meeting on 8 February 2017, Council considered Mayoral Minute No. MM1/17 concerning the South Dural Planning Proposal and resolved that:

1. *Council write to the Department of Planning and Environment to advise that Council has discontinued its evaluation of the South Dural Planning Proposal until an agreed infrastructure plan is prepared to service the precinct with the support of the State Government including costings and timeframes for upgrading New Line Road and Old Northern Road.*
2. *Council write to the Minister for Planning and Minister for Roads, Maritime and Freight requesting an urgent meeting with the Mayors of Hornsby and The Hills Shire Councils to discuss the opportunity for the State Government to work with the Councils to develop a clear vision for the rural areas in the region including an infrastructure and funding plan to cater for existing and future development.*
3. *Council write to the Minister for Planning to request that no planning proposals be progressed within The Hills Shire, Hawkesbury City or Blacktown City Council areas that generate further traffic on the existing road network around South Dural until a functional plan for upgrading the regional road network is prepared.*
4. *Council write to local State and Federal members advising of Council's resolution and seeking their support and assistance in the implementation of the above actions and facilitating discussions with the State Government.*
5. *Subject to the written agreement of the proponent and at the proponent's cost, the consultant team engaged to undertake an independent peer review of the Planning Proposal be requested to finalise a report on the proposal indicating the status of the evaluation and outstanding issues based on the current information and assessment undertaken to date.*
6. *All persons that have made submissions on the Planning Proposal be advised of Council's resolution.*

The Council resolutions were subsequently actioned. Of relevance to this report, Council is now in receipt of the independent Peer Review in accordance with Part 5 of Council's resolution. The findings of the Peer Review were presented to a Councillor Briefing on 21 March 2018. Council is also in receipt of advice from the DPE in relation to the required infrastructure and funding plan which is detailed further in the 'Discussion' section of this report.

DISCUSSION

This section of the report provides a summary of the key findings and recommendations of the independent peer review, Government agency advice, community feedback and request from the property owner's group regarding an extension to the Gateway deadline.

1. INDEPENDENT PEER REVIEW

On 5 August 2016, Council engaged GLN Planning to conduct a Peer Review of the technical studies and plans that accompany the South Dural Planning Proposal. The purpose of the Peer Review included the following scope:

- Determine whether the proposed rezoning is consistent with the requirements of the Gateway Determination and demonstrates best practice with respect to urban, environmental and infrastructure outcomes;
- Make amendments to the Planning Proposal, Indicative Layout Plan, draft development control plan and GIS mapping layers as a result of the review; and
- Prepare a local Section 94 [now 7.11] Development Contributions Plan for the area to levy development contributions for services and facilities which would be required by the new population.

Following Council's resolution on 8 February 2017, the scope of work for GLN Planning was modified to provide an interim progress report on the status of the evaluation and the outstanding issues for the Planning Proposal.

On 15 March 2018, the Peer Review was finalised by GLN Planning and submitted to Council (Attachment 2). The technical studies that were reviewed covered the following areas of expertise:

- Business Case and Infrastructure Strategy;
- Infrastructure Staging;
- Traffic and Transport;
- Housing Market Demand Analysis;
- Water Management;
- Flora and Fauna;
- Bushfire;
- Open Space and Community Facilities;
- European and Aboriginal Heritage;
- Urban Design and Planning.

A summary of the key outstanding technical matters identified in the Peer Review (on pages 16-21) is included below with additional commentary provided for the Business Case and Infrastructure Strategy.

1.1 Business Case and Infrastructure Strategy

The *South Dural Infrastructure Strategy and Business Case* prepared by APP - dated 16 September 2016 (Business Cases) and *Infrastructure Services Report* prepared by Cardno - dated August 2016

(Infrastructure Strategy) were submitted to satisfy condition 1(e) of the Gateway Determination. Condition 1(e) expressly required any Business Case and Infrastructure Strategy to demonstrate “*that the development can be undertaken at no additional cost to government*”.

The Business Case and Infrastructure Strategy took the position that the cost of the road infrastructure upgrades should be apportioned between current traffic volumes and traffic generated as a result of the proposal. The Planning Proposal was accompanied by a Planning Agreement which comprised the following as summarised in GLN Planning’s Peer Review:

“\$125 million of local infrastructure (Section 94 [now 7.11] costs);
\$73 million of non-government funded state road infrastructure;
\$10 million of non-government funded lead in utility infrastructure; and
\$2.5 million of non-government funded planning costs.*

**Estimated s94 [now 7.11] land values are subject to valuation advice.”*

The Peer Review notes that feedback from the RMS and DPE was required to confirm their satisfaction “*with the proposed costs and apportionment applied relating to the upgrade of regional roads*” given that the Planning Agreement identified an \$84.7 million cost to Government. Council has since received written advice from the DPE addressing this matter which states “*in the absence of guaranteed cost recovery from the development, the proposal cannot be supported by the Department at this time*”. The DPE correspondence is detailed in Section 2 ‘State Agency and Department feedback’ of this report. A formal response is yet to be received from the RMS.

1.2 Other infrastructure and staging

- A whole-of-precinct servicing approach is preferred.
- Justification should be provided for sub-precinct releases as opposed to rezoning the precinct altogether.

1.3 Traffic and transport

- The Traffic Report should be updated to justify the trip rates, future mode splits and anticipated percentage of heavy vehicles.
- Additional detailed assessment is required of the impact of the development on the performance of Boundary Road and whether this may require reclassification of the road.
- Further evidence of works costs and fair apportionment of costs should be undertaken.
- Any planning controls should limit density to ensure the traffic impacts would not have an adverse impact on the road network.
- Feedback should be provided as to whether RMS is satisfied with the proposed costs and apportionment applied relating to the upgrade of regional roads.

1.4 Urban Design and Planning

- The proposed development concept could result in significantly higher housing densities than the 2,900 dwellings envisaged.
- There is a dominance of apartment dwellings over lower density dwellings and apartment dwellers are located too close to areas of high bushfire hazard.

- Most residents are located further from regular public transport, and local shops, services and amenities than is desirable.
- The structure plan should therefore be revised to account for the following:
 - Locate higher housing densities away from areas of high bushfire hazard;
 - Locate higher housing densities closer to surrounding services, amenities and bus-based public transport, instead of adjacent to the bushland corridor;
 - Location and extent of the public open space areas (both bushland and developed open spaces);
 - Pedestrian and cycle connections to, along and across the bushland corridor, and to nearby major destinations (e.g. Round Corner shops).
- Matters to be addressed in the LEP:
 - The central bushland corridor should be zoned in a manner that allows the significant vegetation to be conserved and for it to be available to the public for passive recreation purposes. The recommended zone is RE1 Public Recreation;
 - Consider the use of other residential zones in addition to R3 (e.g. R2 Low Density Residential) to achieve a range of housing densities;
 - Determine maximum residential density (or density range) controls to ensure that the development does not exceed the carrying capacity of the surrounding transport network;
 - Determine maximum building site cover controls for various parts of the site to ensure that the development maximises deep soil landscaping.

1.5 Housing Market Development Analysis

- Review the occupancy rate applied to consider whether a more appropriate rate for South Dural would be 3.1 persons/house and 2.0 persons/apartment.
- There is uncertainty around the likely density of development within South Dural. Based on developing the site at 75% efficiency with an FSR of 1.5:1, the proposal could generate up to 12,000 to 13,000 new dwellings (if uncapped). This is significantly more than the 2,900 dwellings anticipated within the Planning Proposal.

1.6 Flora and Fauna

- An updated review of the site should be undertaken based on the recently introduced *Biodiversity Act 2016* to confirm areas for conservation, bio-banking and potential offsets.
- Deferred areas should be avoided in future LEP. Further investigation should be undertaken to lock in the zoning of the ecological corridors throughout the site.

1.7 Water Management

- The number and adequacy of the stormwater and flood detention basins needs to be clarified in relation to sub-catchment boundaries.

- A review of the high hazard flood area within the south-east of the site to identify impacts on the design and planning controls and proposed flood management measures.
- Hydrological models should be calibrated and validated.
- Revision of the Stream Erosion Index Assessment.

1.8 Bushfire

- All required Asset Protection Zones should be included in the structure plan.
- Review the location of high density housing adjacent to bushfire sources and provide further justification on the suitability of this approach.

In summary, the Peer Review has identified a number of technical gaps that could be overcome and do not prejudice the consideration of a revised Planning Proposal. If the funding arrangements for the required infrastructure can be resolved to the satisfaction of the State Government then a revised Planning Proposal could proceed on the condition that the outstanding technical gaps identified above are addressed.

2. STATE AGENCY AND DEPARTMENT FEEDBACK

In October 2016, relevant State Agencies and Departments were notified of the public exhibition. Some of the key issues raised by Agencies and Departments are summarised below:

2.1 Department of Education (DoE)

- Additional education infrastructure is likely to be required to service the population increase anticipated by the development. This is anticipated to include around 270 primary school students and 120 secondary students by 2031.
- NSW DoE requests to be further consulted in the preparation of any Special Infrastructure Contribution for the Precinct.

2.2 Office of Environment and Heritage (OEH)

- The Precinct contains significant vegetation with high ecological value including endangered and critically endangered ecological communities. OEH considers that the Planning Proposal fails to adequately protect the significant vegetation on the site given that the majority of the land containing this vegetation is not shown to be zoned. Based on this, the Planning Proposal does not demonstrate consistency with the requirements of Section 117 Direction, Section 2.1 Environmental Protection Zones.
- South Dural contains locally significant heritage items and other items of local significance within the surrounding area. Additionally, the Third Government Farm (former) is a State Heritage listed item and is located approximately 150m to the south on the opposite side of Old Northern Road. Consideration should be given to any potential adverse impact on both the State and locally listed items on the site and in the surrounding area.

2.3 Department of Primary Industries – Water (DPI)

- The rezoning should improve environmental protection that is currently afforded to the riparian corridors by the existing zoning. DPI recommends rezoning the riparian corridors to E2 - Environmental Conservation.

- Further information is required relating to the hydrogeological evaluation, zoning, riparian corridor widths, areas of conservation significance and location of perimeter roads.

2.4 Department of Health (Northern Sydney Local Health District)

- Supporting social infrastructure is required to address the needs for community facilities and human services generated by the development.

2.5 The Hills Shire Council

- Council recognises that South Dural would be a logical extension of the urban fringe. However, the potential impacts of the Planning Proposal as exhibited are significant. These impacts relate to infrastructure including arterial and local roads, open space, schools, and libraries and servicing. In addition, the planning controls provide no certainty of the development outcome and density.
- Council advocates for a government led infrastructure strategy for the wider Round Corner / Dural area as part of the master planning process to ensure that infrastructure delivery is as efficient as possible and provides the widest community benefit possible.

2.6 Department of Planning and Environment Advice

On 5 February 2018, Council received correspondence from the DPE (Attachment 3) confirming its position in relation to the infrastructure issues facing South Dural. The letter notes that *“the catchment has significant infrastructure issues that cannot be easily addressed without a net cost to the Government”* and that the RMS has estimated road upgrades in excess of \$300 million. The letter also notes that the Department has been liaising with the RMS and developers to resolve the funding gap for the past 12 months without an adequate outcome.

Council has maintained the position that a Business Case and Infrastructure Strategy were required to demonstrate the feasibility of any Planning Proposal as a critical first step for South Dural. Given that *“the proposal cannot be supported by the Department at this time”* due to the identified cost to Government in the Business Case and Infrastructure Strategy, the current Planning Proposal should not proceed.

In summary, the Government agencies identify that there are a number of deficiencies concerning the information and technical studies submitted in support of the Planning Proposal and infrastructure provision and funding details required to service the proposal which would have to be supplied to enable further evaluation of a revised Planning Proposal. However, given the Department’s position that it does not support the Business Case and Infrastructure Strategy, it is appropriate that Council not undertake further consideration of the Planning Proposal.

STATUTORY CONSIDERATIONS

There are a number of statutory considerations that Council has to consider in its evaluation of the Planning Proposal, including the conditions of Gateway Determination and the relevant Regional Plans for the area.

Letter Requesting Extension of Gateway Approval

On 2 February 2018, Council received correspondence from the South Dural Residents and Ratepayers’ Group (SDRRG) requesting an extension of the Gateway deadline of 14 March 2018 and challenging the RMS estimates for the infrastructure costs for the road upgrades (Attachment 4).

Despite the deadline passing, the DPE has been notified of the request and a Mayoral response was provided to the SDRRG indicating that the matter was to be considered at this meeting.

The letter asserted that the responsibility for demonstrating “*no additional cost to Government*” rested with Council and that the public exhibition of the Planning Proposal should not have been conducted without this matter being resolved. This position was taken from an interpretation of condition 1(e) of the Gateway Determination read in isolation, which states:

*“1. Prior to undertaking public exhibition, Council is to undertake the following work: ...
(e) Infrastructure strategy and business plan including assessment of all infrastructure requirements, demonstrating that the development can be undertaken at no additional cost to government and identify responsibility for the delivery of infrastructure”*

The role of Council as the Planning Proposal Authority is clarified by Section 3.33 of the *Environmental Planning and Assessment Act 1979* (Act) which inter alia prescribes that every Planning Proposal – whether Council initiated or lodged by an external proponent – is to be prepared by the Planning Proposal Authority. In other words, by supporting a Planning Proposal for the purposes of seeking a Gateway Determination and proceeding to public exhibition, Council has the responsibility of managing the process of satisfying conditions of the Gateway, conducting the public exhibition, forwarding a recommendation back to the Minister for Planning and Environment and liaising with Parliamentary Counsel prior to any potential gazettal.

However, at its meeting on 9 December 2015 Council considered Group Manager’s Report No. PL97/15 concerning a proposal by the proponent to prepare the updated Business Plan concurrently with the preparation of the Precinct Plan and associated technical studies. Council resolved (in part):

- To endorse the proponent to prepare and submit to Council the necessary technical studies, precinct plan, business plan and infrastructure strategy for review by Council; and
- Support for the Planning Proposal would be conditional upon the proponent securing the commitment of the NSW Government to funding its share of costs associated with the upgrade of the State Road Network and other supporting infrastructure.

By requesting the proponent to prepare a Business Case and Infrastructure Strategy Council was exercising its authority under 3.32(3) of the Act to “*require the owner to carry out studies or provide other information concerning the proposal*” as a condition of exercising its plan making functions noted in the previous paragraph.

Notwithstanding the above, the SDRRG has requested an extension of the Gateway deadline and that Council “*source the necessary information from Roads & Maritime Services*” regarding their cost estimates for the road infrastructure upgrades. Given the findings of the Peer Review and advice from the DPE, it is not recommended that Council seek an extension to the Gateway deadline.

Greater Sydney Region Plan and North District Plan

On 19 March 2018, the Greater Sydney Commission (GSC) finalised the ‘Greater Sydney Region Plan’ and ‘North District Plan’. The finalisation of the North District Plan clarifies the recommended Metropolitan regional strategy for urban land release for South Dural since the Planning Proposal was first lodged. Planning Priority N18 ‘Better managing rural areas’ states the position of the GSC in relation to new land release areas in rural areas, included:

“The District’s rural areas provide opportunities for people to live in a pastoral or bushland setting. Urban development is not consistent with the values of the Metropolitan Rural Area. A Metropolis of Three Cities takes a strategic approach to delivering Greater Sydney’s future

housing needs within the current boundary of the Urban Area, including existing growth areas. Therefore, urban development in the Metropolitan Rural Area will only be considered in the investigation areas identified in the draft Greater Sydney Region Plan. There are no investigation areas in the North District.”

Planning Priority N18 is subsequently supported by Actions 69 and 70 which state:

69. *Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes, including rural residential development.*
70. *Limit urban development to within the Urban Area.*

Notwithstanding inconsistencies with the above Priority and Actions of the North District Plan, the Planning Proposal is subject to a Gateway Determination from the DPE indicating that there is identified strategic merit. Furthermore, the inconsistencies do not prevent the Planning Proposal from progressing as the Gateway Determination was issued when both plans were in draft form.

Any future Planning Proposal seeking similar rezoning within the North District would be required to demonstrate consistency with the Priorities and Actions of the North District Plan identified above or until such time as the GSC identifies new investigation areas within the North District.

Implications for Dural Service Centre Planning Proposal

On 25 June 2015, a Planning Proposal was lodged for Nos. 268-278 New Line Road, Dural known as the 'Dural Service Centre'. The Planning Proposal sought to rezone the subject properties within the Dural Service Centre from IN2 Light Industrial to B2 Local Centre for commercial / retailing purposes. The Planning Proposal was lodged in anticipation of the future commercial demand generated by the additional dwellings delivered by an approval of the South Dural Planning Proposal.

A Gateway Determination was granted noting that the *“proposal may not proceed until matters in the South Dural proposal are resolved”*. Also, Council has received correspondence on 8 March 2018 from the proponent stating that the property owners *“have now sold the site and will not be proceeding with the application any further”*. Accordingly, the Dural Service Centre Planning Proposal should also not proceed on the basis that this Report recommends not proceeding with the South Dural Planning Proposal.

CONSULTATION

Consultation with the community and Government agencies was conducted through the public exhibition as required by the Gateway Determination. The South Dural Planning Proposal was exhibited between 20 October and 23 December 2016. A total of 5,077 submissions were received, including 4,771 pro forma objection letters (over 93%) and 306 individual letters. The key matters raised by objectors during the public exhibition period include the following:

- Inconsistency with the Draft Greater Sydney Region Plan and Draft North District Plan;
- Potential impact of the Planning Proposal upon threatened and endangered flora and fauna;
- Inconsistency with Hornsby's Housing Strategy which locates multi-storey apartments next to transport hubs;
- Proposed density and smaller lot sizes are out of character with the area;
- Riparian corridor at risk of becoming a recreational area with six storey apartments directly adjoining the area;

- Inadequate infrastructure to service the subdivision in relation to roads and schools;
- Loss of agricultural potential.

Key matters raised by supportive submissions include the following:

- Additional affordable housing in this location would be beneficial;
- The development would facilitate the upgrade to infrastructure and revitalise the area;
- The site represents the natural progression of residential housing infill between Glenhaven, Castle Hill and Dural;
- Additional employment opportunities would be created and local businesses will benefit from increased trade;
- Improved access to additional parks and open space.

An analysis of the comments received in response to the public exhibition is further detailed in the attached Peer Review.

In summary, there is substantial community objection to the Planning Proposal with a number of matters raised aligning with the technical gaps identified in the Peer Review.

BUDGET

Council and the proponent of the South Dural Planning Proposal are parties to a funding agreement which requires that the post Gateway Determination studies, Council's administrative on-costs and independent consultant review are either prepared by or covered by Statewide Property Ventures Pty Ltd.

Council is also in receipt of a Bank Guarantee which has been provided for the purposes of guaranteeing payment of Council's costs in preparation of the South Dural Planning Proposal. The bank guarantee can be released upon payment of all outstanding invoices subject of the funding agreement.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The findings of the Peer Review identify technical gaps in a number of supporting studies lodged by the proponent for the South Dural Planning Proposal. Of particular importance are the Business Case and Infrastructure Strategy which have not demonstrated "no additional cost to Government" in relation to the required road infrastructure upgrades associated with the Planning Proposal. The recent letter from the DPE confirms the State Government position and affirms Council's long held position that in the absence of this information the Planning Proposal should not be supported.

Furthermore, the finalisation of the Greater Sydney Region Plan and North District Plan by the GSC now provide clarity with respect to urban land release by stating there are no investigation areas anywhere in the North District and including specific actions to protect the Metropolitan Rural Area. Accordingly, Council should request that the GSC not progress both the South Dural Planning Proposal and the Dural Service Centre Planning Proposal.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Acting Manager Strategic Planning – Jason Rawlin - who can be contacted on 9847 6744.

JASON RAWLIN
Acting Manager, Strategic Planning
Planning Division

JAMES FARRINGTON
Group Manager Planning
Planning Division

Attachments:

- 1.⇒ Reasons not to proceed with South Dural Planning Proposal
- 2.⇒ Peer Review Progress Report by GLN Planning - March 2018
- 3.⇒ Letter from Department of Planning and Environment - February 2018
- 4.⇒ Letter from South Dural Residents and Ratepayers Group - February 2018

File Reference: PP/1/2013
Document Number: D07401393

5 PROPOSED UPGRADE TO WISEMANS FERRY BOAT RAMP - JOINT FUNDING WITH HILLS SHIRE

EXECUTIVE SUMMARY

- Hornsby Shire Council is the owner of a single lane boat ramp at Wisemans Ferry. It is in poor condition and provides a poor level of service to recreational boating users.
- Up until 2017, Council was working on the assumption that it was going to rebuild a modest boat ramp facility with limited car parking for about \$850,000. This was less than what most community groups expected, but the best that could be provided with the available funding.
- In January 2017, The Hills Council approached Council with an offer to fund a larger facility, in line with the Roads and Maritime Services (RMS) guidelines and community expectations.
- Hornsby and The Hills Shire Councils and the RMS have now developed a concept plan for a three-lane boat ramp with adequate car and trailer parking. The preferred location for the boat ramp is in the vicinity of the former Lady Hawkesbury mooring facility. The total budget now available for the project is \$3,850,000. The Hills Shire Council will contribute \$1,500,000 and the RMS \$2,140,000.
- To enable the concept to progress to final design and construction it is necessary for Hornsby and The Hills Shire Councils and RMS to enter into a formal Deed of Agreement with RMS.
- It is recommended Council provide in-principle support to the provision of a new boat ramp.

RECOMMENDATION

THAT Council:

1. Provide in-principle support to the provision of a three-lane boat ramp facility in the vicinity of the Lady Hawkesbury mooring facility, subject to:
 - a) Obtaining all necessary planning and development approvals and consents.
 - b) Capping Hornsby Shire Council's capital expenditure at \$210,000 and the total expenditure at \$3,850,000 unless increased funds are received from the Roads and Maritime Services (RMS) and/or The Hills Shire Council.
2. Authorise the General Manager to accept the funding offer from The Hills Shire Council and RMS on the basis of the limitations identified in point 1 and prepare a suitable document to formalise the funding arrangement between The Hills and Hornsby Shire Councils.
3. Notify The Hills Shire Council and RMS in terms of points 1 and 2.
4. Note the RMS's expectation that subject to Recommendation 1 the new boat ramp is expected to be provided by 31 December 2019.

PURPOSE

The purpose of this Report is to present to Council information on an offer from The Hills Shire Council to construct a new boat ramp facility at Wisemans Ferry. Acceptance of this offer would allow the replacement of the existing inadequate facility with one that comes closer to what the community and RMS see as desirable.

The information provided to Council in this report covers both the history of this project and the reasons for The Hills Shire's desire for involvement in the project.

BACKGROUND

Ownership of Existing Facility

Figure 1 shows the location of the existing boat ramp. It is at a sweeping bend on Old Northern Road near the car ferry crossing on the Hawkesbury River. The origins of the ramp are not known but prior to 2012 Council considered it was owned by Crown Lands. It was subsequently confirmed that facility was the responsibility of Hornsby Shire Council. Consequently, little or no maintenance was done to the boat ramp and it is now in a poor condition and only provides very limited boating access to the river. Car parking is limited to about three car trailer users. The majority of car trailer users park on Old Northern Road or in a car park near the ferry.

Figure 1: Location of existing boat ramp



The Existing Ramp

As stated the existing ramp is a single lane facility which is in poor condition. The parking and manoeuvring area is unsealed and limited to about three cars and trailers. Access off Old Northern Road is at a bend making it dangerous and potentially a traffic hazard. The location of the ramp means that it is prone to sediment build up which increases maintenance costs and limits it

usefulness. This facility does not comply with current *NSW Boat Ramp Facility Guidelines*. These include:

- Lack of a minimum 35 car and trailer spaces per boat lane
- The boat lane isn't long enough to function between the two tidal ranges
- Lack of a suitable manoeuvring area
- Non-compliant access requirements to and from the boat ramp.
- Lack of an access pontoon to enable efficient on and off loading of passengers using the ramp.

DISCUSSION

Need for Upgraded Facility

A number of studies have been undertaken that have indicated that an improved facility at Wisemans Ferry is warranted. These studies include:

- Sustainable Water Based Recreation Facilities Plan, 2012 Hornsby Shire Council
- Wisemans Ferry Boat Ramp – Concept Design, 2012 Hornsby Shire Council
- Regional Boating Plan – Hawkesbury River, Pittwater and Brisbane Water Region, February 2015.

The Sustainable Water Based Recreation Facilities Plan and the Wisemans Ferry Boat Ramp Concept Design mainly considered upgrading a boat ramp facility on the existing site. However, these studies were not undertaken by foreshore specialists and did not consider other upgrade options at this site or the desirability of the site for such a facility. What they did identify was that there was demand for a better boat ramp facility at Wisemans Ferry. Community and RMS feedback indicates that:

- The facility should be designed to allow for future expansion to a four lane facility
- While a four-lane ramp was desirable, it was recognised that this may have to be staged.

The above was reinforced with the preparation of the *Regional Boating Plan*, (February 2015).

Current investigations have concluded that an upgraded facility should not be built in the current location. A better location is further downstream in the vicinity of the former Lady Hawkesbury mooring facility.

Council currently has ownership/control of a large open space area in the vicinity of the Lady Hawkesbury mooring facility which is underused. This area is not used by any community groups except for low key activities such as exercising animals and informal ball games. This area has been used for overflow car parking when events have been staged at the adjacent golf course and picnic areas. Its use for car parking associated with a recreation facility such as a boat ramp is considered compatible with its recreational status. The small community population is not expected to increase significantly and all the parkland is flood prone and unsuitable for other uses.

The Hills Shire Council Funding Offer

Council now has an opportunity to build a facility that complies with *NSW Boat Ramp Facility Guidelines* and comes closer to meeting the community's and RMS' expectations. This option is available due to a letter of offer from the Hills Council (refer to attachment 1).

The Hills Shire Council approached Hornsby Shire Council in January 2017 indicating they were interested in improving access to the river. They had been approached by businesses in the area about providing such a boat ramp and pontoon facility on their land at Wisemans Ferry. It was seen as a positive tourist attraction.

Both Councils and the RMS agreed to investigate the feasibility of a joint venture to fund the construction of a single facility.

In November 2017, the three parties agreed on funding contributions and a tentative budget for a single boat ramp facility. The result is that \$3,850,000 is available to build a facility at Wisemans Ferry. Hornsby Shire Council would be expected to contribute \$210,000 to the project in return for looking after the maintenance of the facility for 50 years; the RMS would contribute \$2,140,000 and The Hills Shire Council would contribute \$1,500,000.

The increased budget could provide for the provision of a facility generally along the lines shown in attachment 2. The scheme is conceptual and will need to be further refined.

This increased funding has enabled a larger and operationally much more efficient layout for the ramp to be adopted. Advantages are:

- Provision of a three-lane ramp which more closely matches community expectations
- Reduced routine maintenance on ramp as silt load and abrasion of the ramp will be less
- Safer single exit/entrance location with good site distance along Old Northern Road
- Provision of adequate car parking in compliance with *NSW Boat Ramp Facility Guidelines* recommendations
- Existing engineering and environmental investigations can be used in designing the expanded facility.

If the offer is not accepted, Hornsby Shire Council would only be able to fund a much lesser facility that would provide little improvement over the existing boat ramp. This facility would fall significantly short of meeting *NSW Boat Ramp Guidelines* and would not match the need identified for the facility noted above.

Environmental Constraints

The movement of the facility to a location adjacent to the Lady Hawkesbury site provides some challenges that need to be considered in the detailed design phase.

Vegetation on part of the site is mapped as containing Floodplain Reedland which forms part of the Swamp Sclerophyll Forest on the coastal floodplains vegetation community. Council has been conducting bush regeneration works in the area over the past 10 years. The vegetation community is listed as an endangered ecological community (EEC) under the NSW Biodiversity Conservation Act 2016. In Hornsby Shire the community is often dominated by the common reed - *Phragmites australis* - on waterlogged land with other trees and shrubs occurring on the slightly higher land.

The impact on this vegetation is yet to be fully assessed and would need to be conducted in accordance with the Biodiversity Conservation Act, Hornsby LEP and Hornsby DCP, with offsets as appropriate. Opportunities exist to significantly minimise the impact on this vegetation community and offset any loss of the vegetation, both at the existing boat ramp and other areas along the river, downstream of the site for the new boat ramp.

A final design will be based on a detailed study of these plant communities and its recommendations. Water sensitive design principles will be adopted for all stormwater affecting the area. In addition possible effects on commercial and recreational fishing and shore bank erosion will also be examined.

Long Term Council Commitments to the Facility

Under the funding offer put forward by The Hills Shire Council, Hornsby Shire Council would assume ownership of the facility and the maintenance and operating costs of such a facility.

A well-constructed facility should require little structural remediation over the expected minimum life cycle of 50 years.

The estimated maintenance costs for the facility are noted below.

Estimated Annual Boat Ramp Maintenance Costs

Item	Cost
Lighting	\$ 1,000
Line Marking	\$ 1,000
Ramp Lane Lines	\$ 500
Gangway and Pontoon	\$ 1,000
Car Park Pavement	\$ 2,000
Total Amount	\$ 5,500

There may also be some additional garbage and toilet cleaning costs

The final decision on the actual scope of the facility has not been made as yet because the results of the additional studies need to be available and the recommendations included in the design process. However, it is also necessary to formalise an agreement on funding between Hornsby and The Hills Shire Councils. In this respect the following is required:

1. Hornsby Shire Council to accept the \$1,500,000 Round 2 *Boating Now Funding* grant on offer from the RMS
2. A suitable arrangement be formulated and executed by The Hills and Hornsby Shire Councils to enable The Hills Shire Council's \$1,500,000 contribution to flow to the project budget. This naturally needs to be in place prior to the construction of the project.

An agreement between Hornsby and The Hills Shire Councils will allow the further development of the concept design and the preferred option. A project design brief will be developed to address environmental studies to ensure impacts on both land and river plant and animal communities are minimised and any environmental offsets required are determined.

CONSULTATION

Relevant community groups, the RMS and The Hills Shire Council have been consulted.

BUDGET

Council is required to commit \$210,000 toward the proposed \$3,850,000 budget. In addition, as Hornsby Shire Council will assume ownership of the asset, a further estimated annual maintenance

cost of \$5,500 will be required over the minimum estimated life of the boat ramp of 50 years and there may be a minor increased operational spend.

Council is working on the basis that the total project spend is capped at \$3,850,000. The scope of the project can be altered to ensure this amount is not exceeded. The provision of a new toilet block and optional car park shown on attachment 2 are expected to be deleted. There are existing toilet facilities nearby.

POLICY

The Lower Hawkesbury Estuary Management Plan is relevant. It adopts three core goals:

1. Preserve and enhance the unique and diverse scenic and natural environment of the estuary through the integrated and holistic management of human and environmental interests.
2. Conserve, protect and enhance sustainable economic, recreational and social issues without compromising the high quality and functional estuarine ecosystems upon which they rely.
3. Preserve and foster the sense of belonging, culture and respect for the estuary amongst users and managers.

The Plan acknowledges that there is a range of recreational activities that currently take place in the estuary includes boating, fishing, water-skiing, swimming, bushwalking, picnicking, bird-watching, scenic appreciation, and relaxation.

Studies supporting the new facility would be required to address the above goals and other relevant information in the Lower Hawkesbury Estuary Management Plan.

CONCLUSION

There is a significant demand from the community and users from adjacent areas for an improved boat ramp facility at Wisemans Ferry. An offer from The Hills Shire Council provides an opportunity to build a larger facility for a budget of \$3,850,000.

Investigations have concluded that the existing location of the single lane boat ramp is inappropriate and that a better and safer location is in the vicinity of the former Lady Hawkesbury mooring facility.

The move of the facility to a location adjacent to the former Lady Hawkesbury site provides some challenges that need to be considered in the detailed design phase, but these are not considered insurmountable.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Senior Asset Engineer, Alan Boyd who can be contacted on 9847 6672.

ROBERT STEPHENS

Deputy General Manager - Infrastructure and
Recreation

Infrastructure and Recreation Division

Attachments:

1. [↔](#) Letter of offer from Hills Shire Council
2. [↔](#) Layout - Alternate Roadworks - RMS Option

File Reference: F2010/00008

Document Number: D07413028

6 MAYOR'S NOTES FROM 1 TO 31 MARCH 2018

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

Saturday 3 March 2018 – On behalf of the Mayor, Councillor Waddell attended the Brooklyn Community Association Meeting at Brooklyn.

Saturday 3 March 2018 – The Mayor attended the Special Anniversary Service to mark the 140th anniversary of The Great Synagogue in Sydney.

Saturday 3 March 2018 – The Mayor attended the Opening of an Exhibition of HSC 2017 Visual Arts from Schools in the Hornsby and Ku-ring-gai district at Abbotsleigh School in Wahroonga.

Saturday 3 March 2018 – On behalf of the Mayor, Councillor Browne attended 1st Cherrybrook Scout Group's 'Movies under the Stars' at John Purchase Oval in Cherrybrook.

Sunday 4 March 2018 – The Mayor attended the Lisgar Live musical afternoon at Lisgar Gardens in Hornsby.

Tuesday 6 March 2018 – On behalf of the Mayor, Councillor Waddell attended the Hornsby Kuringgai Women's Shelter's Magnificent Men Breakfast at the Event Cinema Complex, Westfield Hornsby.

Wednesday 7 March 2018 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers.

Friday 9 March 2018 – On behalf of the Mayor, Councillor Waddell attended the International Women's Day Breakfast at Asquith Girls High School in Asquith.

Saturday 10 March 2018 – The Mayor attended the Hawkesbury Kuringai Sailing Club Stronger Communities Grant Celebration at Parsley Bay in Brooklyn.

Sunday 11 March 2018 – The Mayor attended the Native Plant Giveaway at the Community Nursery in Pennant Hills.

Tuesday 13 March 2018 – The Mayor attended the Hornsby Ku-ring-gai International Women's Day Festival Thank You Event at the Event Cinema Complex in Westfield Hornsby.

Tuesday 13 March 2018 – The Mayor attended the Hornsby Lions Club Dinner Meeting and Presentation of Hornsby Lions Hearing Dog to Maria Devlin at the Event Cinema Complex in Westfield Hornsby.

Saturday 17 March 2018 – On behalf of the Mayor, Councillor Waddell attended the Hornsby North Autumn Fair at Hornsby North Public School.

Saturday 17 March 2018 – The Mayor attended the Toss of the A Grade at Pennant Hills No. 1 Field in Pennant Hills.

Saturday 17 March 2018 – On behalf of the Mayor, Councillor Waddell attended St Patrick's Catholic Primary School's 60th Anniversary Dinner at the School in Asquith.

Saturday 17 March 2018 – The Mayor attended The Galston Club's 50th Anniversary Dinner Celebration at the Club in Galston.

Tuesday 20 March 2018 – On behalf of the Mayor, Deputy Mayor Councillor del Gallego attended the Kuring gai Local Area Command Awards Ceremony at Asquith Golf Club.

Saturday 24 March 2018 – The Mayor attended the official opening of West Epping Park at the park in West Epping.

Saturday 24 March 2018 – The Mayor attended the Sinhalese Cultural Forum Jana Sevana Fundraising Dinner at Roselea Community Centre in Carlingford.

Sunday 25 March 2018 – The Mayor attended a Harmony Day event organised by Rabia Rasual, a year 10 student from Mount St Benedict College, at the Careflight Base at Westmead Hospital.

Monday 26 March 2018 – On behalf of the Mayor, Councillor McIntosh attended The Queen's Guide Award Presentation to Madeleine Skinner and Lauren Hartley at the Leisure and Learning Centre in Pennant Hills.

Tuesday 27 March 2018 – On behalf of the Mayor, Councillor Tilbury attended the Launch by the Minister for Local Government of the NSROC Sportsground Management Strategy at Northbridge Oval.

Tuesday 27 March 2018 – The Mayor attended the Beecroft Cheltenham Civic Trust AGM at Beecroft Bowling Club in Beecroft.

File Reference: F2004/07053

Document Number: D07417223

7 SMOKING IN HORNSBY MALL

COUNCILLOR TILBURY TO MOVE

THAT:

1. Council implement an awareness campaign to notify users that Hornsby Mall is a smoke free space.
2. Council review the “No Smoking” signage in Hornsby Mall with a view to making it more prominent and informative.
3. An informal briefing be provided to Councillors regarding Council’s Smoke Free Environment Policy, including options for enforcement and associated resource implications.

Note from Councillor:

Council’s Smoke Free Environment Policy bans smoking on Council land across a range of areas including sports fields, children’s playgrounds and in Hornsby Mall.

Despite the presence of some signage, many people continue to smoke in Hornsby Mall with some claiming that they were not aware of the smoking ban despite the current signage.

Council’s Policy notes that in implementing the smoking bans a program of community education and awareness programs will be undertaken, and that enforcement of the policy will be supported by persuasion and self-policing, rather than punitive enforcement.

Considering that smokers continue to smoke in Hornsby Mall impacting other users of the space, it is appropriate that Council run an awareness campaign to remind users that Hornsby Mall is a smoke free place. This should include reviewing the current signage to ensure that the Mall’s status is clearly understood.

Attachments:

There are no attachments for this report.

File Reference: F2004/06389-09

Document Number: D07418601

8 NATIONAL PARKS

COUNCILLOR HEYDE TO MOVE

THAT Council:

1. Acknowledges that National Parks are integral to the sustainability and viability of Hornsby Council's bushland reserves. Combined, National Parks and Council reserves provide residents and visitors with opportunities to experience interconnected walks and trails whilst providing important linkages and habitat for flora and fauna.
2. Notes that Hornsby LGA incorporates and is adjacent to large areas of National Parks, including Lane Cove National Park, Ku-ring-gai Chase National Park, Berowra Valley National Park, Marramarra National Park and Mougamarra Nature Reserve.
3. Notes that National Parks have a special significance for residents of the 'Bushland Shire' with approximately 70% of the Shire covered in bushland.
4. Notes with concern the budget, staff cuts and restructures currently taking place within the NSW National Parks and Wildlife Service (NPWS). The reduced resources places significant risk in maintaining NPWS service levels to ensure continued economic viability, visitor safety, public amenity and environmental conservation are provided to the community.
5. Calls on the NSW Government to ensure NPWS service levels are continued, with adequate staff resources, so that high recreational and environmental standards are maintained.
6. Writes to the NSW Premier, The Hon. Gladys Berejiklian MP, the NSW Minister for the Environment, The Hon. Gabrielle Upton MP, the Shadow Minister for the Environment, Penny Sharpe MLC and the Greens NSW Environment Spokesperson, Dr Mehreen Faruqi MLC, expressing the concerns raised in this resolution.

Note from Councillor:

The NSW National Parks and Wildlife Service (NPWS) was established in 1967 and now consists of over seven million hectares managed and protected for conservation across 870 parks.

There is a significant body of evidence that green and quiet open spaces are important for mental health and essential for eco-services. There is also a growing need for active leisure opportunities for residents as the population and urban density increases. NSW national parks are essential for tourism, for the wellbeing of its residents, and for the role they play in regulating temperature, fresh air, and fresh water.

In NSW, there is currently a restructure of the NPWS underway that is affecting hundreds of staff across NSW. The number of NPWS areas is also being reduced from 50 to 37. This is likely to negatively affect national parks including Lane Cove National Park, Ku-ring-gai Chase National Park,

Berowra Valley National Park Marramarra National Park , and Mougamarra Nature Reserve. Reduced resources places into question the NSW governments' ability to manage weed incursion, bushfire risk and provide adequate recreational opportunities within our highly valued Parks. Regionally, NPWS parks provide important functions to Councils reserves by connecting wildlife corridors, providing core habitat and important linkage routes for popular long range walks, such as the Great North Walk. These regional services threaten the environmental integrity and connectivity of Council's reserves.

Ultimately the lack of commitment to comprehensively resource the management of NSW National Parks will diminish recreational opportunities and regionally reduce opportunities to create an interconnected and viable reserve system, which provides benefits to both National Parks and Hornsby Councils' reserves.

Attachments:

There are no attachments for this report.

File Reference: F2004/06682

Document Number: D07420190

9 PLANNING PANELS – APPOINTMENT OF EXPERT AND COMMUNITY MEMBER

COUNCILLOR DEL GALLEGO TO MOVE

THAT Council:

Request that the Minister for Planning and Environment replace Mr Tony Jones with Mr Brian Scarsbrick AM as the community representative for A Ward on Council's Independent Hearing and Assessment Panel given his qualifications, experience and skills which make him an ideal candidate to represent the interests of our community.

Note from Councillor:

One of my fellow Councillors recently advised the Mayor and Councillors that, on reflection, he had a non-pecuniary interest that should have been declared in consideration of the appointment of members of Council's Independent Hearing and Assessment Panel (IHAP). I understand that my fellow Councillor intends to clarify the nature of his interest at the meeting at which this Notice of Motion will be considered.

As Councillors are aware, IHAPs were recently established under State Government planning legislation to determine development applications of high value, corruption risk and strategic importance. Therefore, in the interest of openness and transparency in the Panel process, I believe it would be appropriate for Council to reconsider the appointment of the nominees to Council's IHAP in light of the declaration.

In this regard, I have reviewed the expressions of interest for the community representative positions. I note that Mr Brian Scarsbrick AM made a submission and that he has previously held positions as the CEO of the National Trust of Australia, CEO of Landcare Australia Ltd, and Regional Director, NSW Agriculture and Fisheries.

I understand that in considering appropriate community members for the Panel, Council was conscious that the rural interests of the Shire should be appropriately represented. Mr Scarsbrick AM was awarded an Order of Australia for services to the Environment through Landcare and is a graduate of Richmond Agricultural High, Massey University, has a Bachelor of Applied Science, Biological Science degree from Macquarie University and Diploma in Agriculture from Hawkesbury Agricultural College.

Accordingly, I believe that Mr Scarsbrick's qualifications, experience and skills make him an ideal candidate to represent the interests of our community given his demonstrated understanding of the built, natural and cultural heritage and agricultural issues facing our Shire.

Attachments:

There are no attachments for this report.

File Reference: F2013/00295

Document Number: D07420416

10 OPEN IHAP DECISION MAKING TO THE PUBLIC**COUNCILLOR MCINTOSH TO MOVE**

THAT Council write to the Chair of the Hornsby Independent Hearing and Assessment Panel (IHAP), Mr Gary Fielding, requesting that consideration be given to opening the decision making section of the IHAP Meeting to the public and that the public be given the opportunity to witness the decision making process of the panel.

Note from Councillor:

As all Councillors are aware, from 1 March 2018 IHAPs are mandatory for all Sydney councils and Wollongong City Council. In the rationale of the NSW Department of Planning and Environment "Panels are to be put in place so the process of assessment and determination of development applications (DAs) with a high corruption risk, sensitivity or strategic importance are transparent and accountable."

Councillors would also be very well aware that all Council decision making regarding planning matters was undertaken in open Council meetings, where the public was free to witness the decision making process of the Council.

The new IHAP Process differs significantly from the Council process, as the operation of all panels are guided by the Department's "*Operational Directions for Local Planning Panels*" which is made available to the public on its website.

The Directions empower the Chair with responsibility for the "*management of the panel's functions and operations*" but also provides two overarching notes to guide the panels:

"Local planning panels are independent committees appointed by councils to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of the council, except on matters relating to panel procedures or to the time within which the panel is to deal with a matter that is not inconsistent with this direction.

Subject to these procedures, any direction by council and the requirements of the EP&A Act, the panel is to determine how to call meetings and conduct its business."

The Operational Directions also provide the opportunity for the Panel to hold its deliberations either in public or in closed session:

"The panel may:

- a. adjourn the public meeting to deliberate before reconvening for voting and determination, or*

- b. close the public meeting for deliberation and/or voting and determination.”
(section 5 of the Operational Directions)*

I have received considerable feedback - largely concern and dismay from our community regarding the Panel's decision at its first meeting on 28 March to close the decision making portion of the meeting to the public. The Panel retires into closed session to consider its decision, which is made known to the public the next day via the Council website.

While the ultimate decision lies with the Chair of the Panel, community sentiment from the first meeting and community mistrust of planning decisions in general suggests that “justice is not well served when delivered behind closed doors.” This motion respects that the decision lies with the Panel Chair, but submits that the community and the Council have the right to be able to witness, wherever possible, the decisions that are being made that will have the greatest impact on our community.

Attachments:

There are no attachments for this report.

File Reference: F2013/00295

Document Number: D07420562

11 ACCESS TO PLANNING INFORMATION

COUNCILLOR MCINTOSH TO MOVE

THAT:

A report be prepared for Council's consideration at the earliest opportunity outlining improvements to how our community can access on Development Applications submitted, including (but not limited to):

- Who the determining body will be (IHAP; the Sydney North Planning Panel or Council staff under delegation)
- How submissions can be made
- When are they due
- Value of the DA
- Link to the DA Plans and other publicly available information
- Link to relevant HSLEP / DCP / or Masterplan

and after processing has been completed – the final decision.

Note from Councillor:

I have received many complaints from residents about the difficulties associated with sourcing information about Development Applications lodged with Council. The application enquiry system requires knowledge of the exact address of the property in order for information to be made available.

Many residents and organisations of course rely upon the "Planning Alerts" service – which is an automated third party information provider, collecting and disseminating information on submitted DAs.

With the complexities of the new decision making processes, it is more important than ever that Council provide accurate and timely information in easy to navigate formats, which serves to streamline access to information not only for the public, but also for Councillors and staff.

I am aware that Council is at this moment preparing for the launch of Council's long-awaited new website. This, together with the new planning processes, presents an ideal opportunity for Council to create a transparent, easy to navigate system, where residents can access information from one central screen which can provide links to a variety of information.

As an example, other Councils in Sydney offer a DA tracking system which is map based – enabling the community to click on sites where DAs have been lodged, which then connects you to the DA submission documents, planning instruments and information on submissions.

Attachments:

There are no attachments for this report.

File Reference: F2009/00318

Document Number: D07420618