



ATTACHMENTS

GENERAL MEETING

**Wednesday 13 December 2017
at 6:30PM**



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ATTACHMENT/S

REPORT NO. CS44/17

ITEM 3

**1. APPLICATION TO THE MINISTER FOR THE
ENVIRONMENT, LOCAL GOVERNMENT AND HERITAGE
EXCLUDING ENCLOSURES.**



OFFICE OF THE GENERAL MANAGER

31 October 2017

The Hon Gabrielle Upton, MP
 Minister for the Environment, Local Government and Heritage
 GPO Box 5341
 SYDNEY NSW 2001

Dear Minister

Section 47(5)(b) of the Local Government Act:

Application: For Ministerial consent to a 30 year lease.
Property: 1 Park Lane, Waitara within Waitara Park
Lessee: Police Citizens Youth Clubs NSW Limited.
Purpose: Multi-purpose Indoor Recreation Centre.

Hornsby Shire Council hereby makes application under section 47(5)(b) of the Local Government Act 1993 for Ministerial consent to the grant of a 30 year lease to Police Citizens Youth Clubs NSW Limited (PCYC). The lease is over land situated at 1 Park Lane, Waitara being Part Lots 300 and 301 DP 832745 which is "Community Land" within "Waitara Park".

Background

1. In consultation with PCYC and interested members of the local community, Council has developed a joint vision to redevelop Waitara Park, Waitara.
2. The vision is to create a stronger community focal point by increasing the recreation facilities available for use by the public and thereby providing a greater diversity of recreation activities in Waitara. It identified an opportunity to expand the Council owned "Community Land" to include Crown Reserve (R1036828) which was occupied and managed by PCYC.
3. Waitara Park now comprises the following properties:
 - a) **Lot 1020 DP 752053 - 22 Waitara Avenue, Waitara:** – Crown Reserve R1036828 being the former Waitara Bowling Club. Waitara Park Reserve Trust (R1036828) for public recreation and community purposes was notified on 23 November 2012 and Hornsby Shire Council has been appointed as Reserve Trust Manager. In considering this application, it is important to note that PCYC relinquished its appointment as Reserve Trust Manager in favour of Council.
 - b) **Lot 300 DP 832745 - 20X Waitara Avenue, Waitara:** – Council owned "Community Land" being "Waitara Park – Mark Taylor Oval".
 - c) **Lot 301 DP 832745 - 1 Park Lane, Waitara:** - adjoining Council owned "Community Land" being "Waitara Park – PCYC Multi-purpose Indoor Recreation Centre".

Note: *The Indoor Recreation Centre has encroached beyond the boundary of Lot 301 DP 832745. A survey plan is therefore being prepared to record the exact boundaries for the Lease. After finalisation, this plan will be registered at NSW Land & Property Information*

Hornsby Shire Council

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The Hon Gabrielle Upton, MP

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4. The PCYC proposal was to build a Multi-purpose Indoor Recreation Centre within Waitara and the most suitable site was identified as being Council owned "Community Land" at 1 Park Lane, Waitara.
5. However, this Council owned land was, at that time, leased to a commercial tennis court operator. Council subsequently negotiated surrender of the tennis court lease.
6. In this respect, Council agreed to construct six (6) new tennis courts, a clubhouse and kiosk for lease to the operator for the balance of the existing lease term. It also provided an opportunity undertake flood mitigation works and provide a pedestrian plaza and substantial playground for community use.
7. These facilities are now all located on the adjoining Crown Reserve R1036828 which is also within Waitara Park and where PCYC had previously been appointed as the Reserve Trust Manager.
8. PCYC only agreed to relinquish its role as Trust Manager of R1036828 on the understanding that Council would support a 30 year lease over the former tennis court site within Waitara Park.
9. On 10 June 2016 Council was appointed Trust Manager of Waitara Park Reserve Trust (R1036828).
10. On 4 November 2015 Council approved PCYC's DA/849/2015 for demolition of the existing tennis court complex and the construction of a new Multi-purpose Indoor Recreation Centre with basement car parking and a floor space of approximately 7,645m².
11. Design and Construction costs for this new Centre were approximately \$15 million and Council agreed to make a capital contribution of \$2.85 million towards the works.
12. In return for this contribution, an additional indoor court was provided, the basement car parking spaces were increased and public use of these facilities was secured.
13. Construction of the centre was completed in August 2017.
14. The primary reasons for Council seeking the Minister's consent to a 30 year lease are that:

Firstly, Council was not in a financial position to fund the development of this community facility.

Secondly, PCYC, as the tenant, has incurred costs estimated at \$15 million and requires sufficient time to amortise this expenditure. This will require the longest permissible lease term and PCYC has therefore requested a 30 year lease.

Thirdly, PCYC has negotiated and ultimately secured funding for what is essentially a community facility based on the expectation of a 30 year lease. In this respect, from the outset, PCYC has also been made aware that this increased term requires Ministerial consent.

Fourthly, over the term of the lease, in addition to its normal operations for members, PCYC will be required to deliver the substantial benefits that this facility will offer to the broader community.

Finally, on expiry of the Lease, should a new lease not be granted, the agreement requires either purchase of the centre by Council or demolition by PCYC. Council would prefer to delay a decision on these options for the longest possible period of time.

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Public Notice:

On 7 April 2016 Council and PCYC entered into a "Deed of Agreement to Lease" that annexed, among other things, the proposed 30 year lease of the building to be constructed by PCYC. There have been a number of modifications to the proposed Lease since that exchange due to conditions within the development consent.

Following negotiations on the respective responsibilities for maintenance and repair of drainage and electricity infrastructure, the final draft of the proposed Lease has recently been completed by Council's Solicitors. Although the Asset Management Plan is to be completed, Council believes that this document now reflects final terms and conditions of the tenancy and is suitable for consideration by the Minister.

As the lease term is greater than five (5) years, pursuant to section 47(1) of the Local Government Act 1993, Council consulted with the public from 3 May 2017 to 2 June 2017 inclusive by:

- a) *Written notices to 42 residents as persons who own or occupy land adjoining, or in the vicinity of the subject land.*
- b) *Public notice of the proposal through advertisements in the local newspaper, The Hornsby Advocate, on the 4th, 11th and 18th May 2017.*
- c) *Erecting three signs on the land to which the proposal relates.*
- d) *Including the proposal as "On Exhibition" on Council's website.*

While Council has complied with Section 47(1) of the Local Government Act by giving specific public notice of the proposed lease, it is also pointed out that there had been extensive public consultation conducted by Council to independently gauge the opinions of members of the public prior to:

- *Adoption of the "Waitara Park Plan of Management" which envisages both construction of the new multi-purpose indoor recreation centre by PCYC and granting of a long term year lease.*
- *Approval of a development application for demolition of the existing tennis centre and construction of the new centre.*

Public Interest:

Council is of the opinion that it is in the public interest for PCYC to be granted a 30 years lease because:

1. It provides long-term tenure to PCYC recognising substantial private expenditure incurred to construct the Multi-purpose Indoor Recreation Centre which is a key element of a vision to redevelop Waitara Park to better serve a new and growing community immediately surrounding the Park.
2. An independently prepared financial, economic and social assessment found that PCYC's offer to build the centre in return for a 30 year lease is a way of delivering expanded recreation facilities in the Waitara local area while at the same time presenting a cost saving to Council.
3. The centre will provide significant public benefits in making existing open space resources more accessible and attractive to both local residents and other residents from across the Hornsby Shire.
4. The centre provides additional facilities that Council has recognised are needed.
5. Without the involvement of PCYC, the centre would not have been constructed.
6. PCYC has relinquished appointment as Reserve Trust Manager of Crown Reserve R1036828

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Application for Ministerial consent under section 47(5)(b) of the Local Government Act 1993:

As required under section 47(6) of the Local Government Act, Council forwards to the Minister with this application the following supporting documents:

- a) A copy of the Plan of Management for Waitara Park;
- b) Details of all objections received and a statement setting out, for each objection, the Council's decision and the reasons for its decision;
- c) A statement setting out all the facts concerning the proposal to grant the lease;
- d) A copy of the newspaper notice of the proposal;
- e) A statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease;
- f) A statement outlining the special circumstances that justify the period of the lease or licence exceeding 21 years;
- g) A statement setting out the manner in which and the extent to which the public interest would, in the Council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the Council's opinion, be adversely affected by the granting of the proposed lease.

To facilitate the distribution of copies, this document is submitted in triplicate and Council requests that the Minister favourably consider the application and grant consent to a 30 year lease.

Should you require additional information please contact Property Asset Manager, Stewart Bates by phone on 9847-6725 or e-mail to sbates@hornsby.nsw.gov.au

Otherwise, I look forward to your response in due course.

Yours faithfully



Stephen Fedorow
Acting General Manager

HPRM Ref: F2015/00238

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SCHEDULE OF ATTACHMENTS

PROPOSED 30 YEAR LEASE

POLICE CITIZENS YOUTH CLUBS

“COMMUNITY LAND”

1 PARK LANE, WAITARA

- | | |
|--------------------------|--------------------------------------------------|
| 1. PLAN OF WAITARA PARK | AERIAL PHOTO & SURVEY OF PROPOSED LEASE AREA |
| 2. FINAL DRAFT LEASE | INCLUDES CLAUSE 26 SUBJECT TO MINISTER'S CONSENT |
| 3. SECTION 47(1) & 47(6) | NOTICE TO RESIDENTS & NEWSPAPER NOTICES |
| 4. SECTIONS 47(1) | PHOTOGRAPHS OF SIGNAGE & WEBSITE SCREEN SHOT |
| 5. SECTION 47(6) | WAITARA PARK PLAN OF MANAGEMENT |
| 6. SECTION 47(6) | OBJECTION, DECISION AND REASONS |
| 7. SECTION 47(6) | STATEMENT OF FACTS CONCERNING THE PROPOSAL |
| 8. SECTION 47(6) | STATEMENT OF LEASE TERMS & CONDITIONS |
| 9. SECTION 47(6) | STATEMENT OF SPECIAL CIRCUMSTANCES |
| 10. SECTION 47(6) | STATEMENT OF PUBLIC INTEREST IMPACTS |
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ATTACHMENT/S

REPORT NO. CS45/17

ITEM 4

- 1. HSC BORROWINGS SCHEDULE - OCTOBER 2017**
- 2. HSC INVESTMENTS HOLDINGS REPORT - OCTOBER 2017**

HORNSBY SHIRE COUNCIL BORROWINGS SCHEDULE AS AT 31 OCTOBER 2017

1. LOANS			\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Lender	Date Drawn	Maturity Date	Amount Borrowed	01/07/2017 Opening Balance	New Loan	2017/18 YTD Repayments Principal	Closing Balance	Fixed Interest Rate %
National Australia(47)	26-Jun-08	26-Jun-18	2,000	284		69	216	8.56
National Australia(48)	30-Jun-09	30-Jun-19	2,000	538		63	475	8.16
National Australia(49)	22-Jun-10	23-Jun-20	2,000	768		57	711	7.77
National Australia(50)	27-Jun-11	28-Jun-21	1,000	493		27	466	7.68
Westpac(51)	26-Jun-13	25-Jun-23	2,000	1337		47	1290	5.89
*TOTAL			9,000	3420		262	3158	7.10%

* Average weighted interest rate based on principal balances outstanding is 7.10%

2. OPERATING LEASES			\$'000	\$'000	\$'000	\$'000	\$'000
Lessor	Date Executed	Expiry date	Total Lease Payments	01/07/2017 Opening Balance	New Leases	2017/18YTD Repayments	Closing Balance
Macquarie Equipment Finance(96 to 97)	15-Nov-13	15-Aug-17	196	12		12	0
Macquarie Equipment Finance(98)	15-May-14	15-May-18	24	5		2	3
Macquarie Equipment Finance(99)	15-Nov-14	15-Nov-18	59	23		5	18
Macquarie Equipment Finance (100)	21-Apr-15	15-Nov-17	22	2		2	0
Macquarie Equipment Finance (101)	15-Nov-15	17-Aug-20	545	352		27	325
Macquarie Equipment Finance (102)	15-Feb-16	15-Aug-19	11	6		1	6
Macquarie Equipment Finance (103)	25-Aug-16	15-Aug-20	83	63		5	58
Macquarie Equipment Finance (104)	18-Aug-16	15-Aug-19	13	9		1	8
TOTAL			952	472	0	54	418

3. DEBT SERVICE RATIO	Ratio %
Year ending Jun 17	1.73

Debt Service Ratio =	Debt Service Cost
	Revenue from Continuing Operations excluding Capital Items & Specific Purpose Grants/Contributions



**Investment Summary Report
October 2017**

ATTACHMENT 2 - ITEM 4

Hornsby Shire Council Executive Summary - October 2017



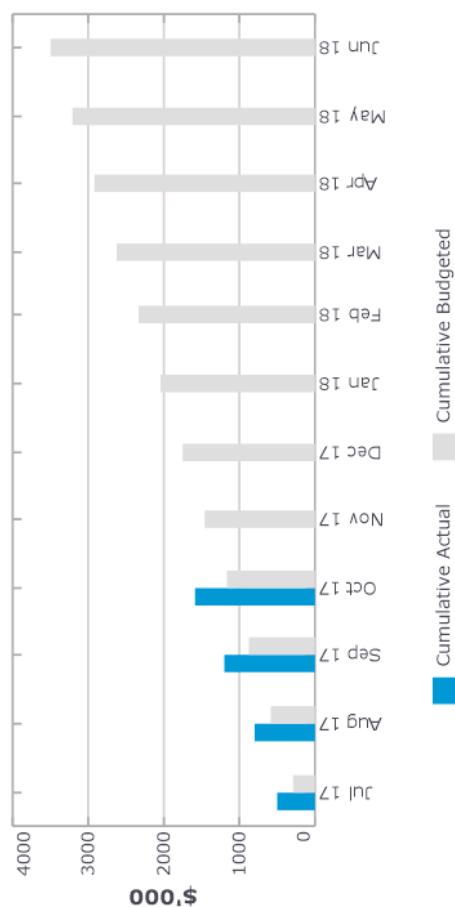
Investment Holdings

	Face Value (\$'000)	Current Yield (%)	FYTD Yield (%)
Cash	64,740	2.41	2.32
Term Deposit	125,618	2.74	2.74
	190,358	2.63	2.61

Investment Maturity Profile

	Face Value (\$'000)	Holding %	Policy Max
01. Cash to 1 year	170,858	90%	100%
02. 1 year to 2 years	19,500	10%	70%
03. 2 years to 5 years	0	0%	50%
04. 5 years to 10 years	0	0%	25%
	190,358		

Budget vs Actual Returns



Investment Performance

	Performance	RBA Cash Rate Outperformance
October 2017	2.63%	1.50%
Last 3 Months	2.59%	1.50%
Last 6 Months	2.63%	1.50%
Financial Year to Date	2.61%	1.50%
Last 12 Months	2.67%	1.50%
		1.17%

Hornsby Shire Council**Investment Holdings Report - October 2017**

Investment Type	Bank	Face Value \$'000	Net Return %pa * Month	Net Return %pa * YTD	Benchmark	YTD	Net Return %pa * Benchmark	LT	Credit Rating ** ST	Holding Allocation	Start Date	Maturity Date	Term Days
Cash	Westpac Group	32,070	2.50	2.50	1.50	2.50	1.50	AA-	A-1+	17%			31
	AMP Bank	2,522	2.05	2.05	1.50	2.05	1.50	A	A-1	1%			
	NSW T-Corp Cash Fund	30,148	2.35	2.19	1.50	2.19	1.50	***	***	16%			
Cash		64,740	2.41	2.32	1.50	2.32	1.50			34%			
Term Deposits	Bank of Queensland	2,000	2.68	2.68	1.50	2.68	1.50	BBB+	A-2	1%	12-Apr-17	1-Nov-17	203
	National Australia Bank	3,000	2.75	2.75	1.50	2.75	1.50	AA-	A-1+	2%	7-Dec-16	1-Nov-17	329
	Bank of Queensland	2,500	2.68	2.68	1.50	2.68	1.50	BBB+	A-2	1%	5-Apr-17	8-Nov-17	217
	Bank of Queensland	3,000	2.70	2.70	1.50	2.70	1.50	BBB+	A-2	2%	15-Mar-17	15-Nov-17	245
	Westpac Group	50	2.25	2.25	1.50	2.25	1.50	AA-	A-1+	0%	18-Aug-17	18-Nov-17	92
	ING Bank (Australia)	3,000	2.70	2.70	1.50	2.70	1.50	A	A-1	2%	24-May-17	21-Nov-17	181
	ME Bank	3,000	2.70	2.70	1.50	2.70	1.50	BBB	A-2	2%	1-Mar-17	22-Nov-17	266
	Bank of Queensland	2,000	2.65	2.65	1.50	2.65	1.50	BBB+	A-2	1%	24-May-17	22-Nov-17	182
	ME Bank	3,000	2.70	2.70	1.50	2.70	1.50	BBB	A-2	2%	1-Mar-17	29-Nov-17	273
	ING Bank (Australia)	2,000	2.70	2.70	1.50	2.70	1.50	A	A-1	1%	30-May-17	29-Nov-17	183
	Suncorp Bank	2,000	2.61	2.61	1.50	2.61	1.50	A+	A-1	1%	3-May-17	6-Dec-17	217
	Bank of Queensland	2,500	2.65	2.65	1.50	2.65	1.50	BBB+	A-2	1%	3-May-17	6-Dec-17	217
	Commonwealth Bank	3,000	2.74	2.74	1.50	2.74	1.50	AA-	A-1+	2%	4-Jan-17	13-Dec-17	343
	ING Bank (Australia)	3,000	2.70	2.70	1.50	2.70	1.50	A	A-1	2%	30-May-17	13-Dec-17	197
	ME Bank	2,000	2.70	2.70	1.50	2.70	1.50	BBB	A-2	1%	14-Jun-17	15-Dec-17	184
	Bank of Queensland	3,000	2.70	2.70	1.50	2.70	1.50	BBB+	A-2	2%	8-Mar-17	20-Dec-17	287
	Suncorp Bank	3,000	2.60	2.60	1.50	2.60	1.50	A+	A-1	2%	16-May-17	27-Dec-17	225
	Bank of Queensland	3,000	2.65	2.65	1.50	2.65	1.50	BBB+	A-2	2%	17-May-17	10-Jan-18	238
	Suncorp Bank	3,000	2.60	2.60	1.50	2.60	1.50	A+	A-1	2%	31-May-17	17-Jan-18	231
	Suncorp Bank	2,000	2.60	2.60	1.50	2.60	1.50	A+	A-1	1%	6-Jun-17	24-Jan-18	232

ATTACHMENT 2 - ITEM 4

Hornsby Shire Council**Investment Holdings Report - October 2017**

Investment Type	Bank	Face Value \$'000	Net Return %pa * Month	Net Return %pa * YTD	Benchmark	Credit Rating ** LT	ST	Holding Allocation	Start Date	Maturity Date	Term Days
	Suncorp Bank	3,000	2.60	2.60	1.50	A+	A-1	2%	7-Jun-17	31-Jan-18	238
	Bendigo and Adelaide Bank	3,000	2.85	2.85	1.50	BBB+	A-2	2%	1-Feb-17	7-Feb-18	371
	Bank of Queensland	3,000	2.65	2.65	1.50	BBB+	A-2	2%	2-Aug-17	7-Feb-18	189
	Westpac Group	68	1.85	1.85	1.50	AA-	A-1+	0%	7-Oct-17	8-Feb-18	124
	Bank of Queensland	2,000	2.70	2.70	1.50	BBB+	A-2	1%	1-Mar-17	14-Feb-18	350
	ME Bank	2,000	3.15	3.15	1.50	BBB	A-2	1%	22-Feb-16	21-Feb-18	730
	Bank of Queensland	2,000	2.70	2.70	1.50	BBB+	A-2	1%	1-Mar-17	22-Feb-18	358
	ME Bank	2,000	3.15	3.15	1.50	BBB	A-2	1%	22-Feb-16	28-Feb-18	737
	Defence Bank	3,000	2.80	2.80	1.50	BBB	A-2	2%	1-Mar-17	28-Feb-18	364
	ME Bank	2,000	2.70	2.70	1.50	BBB	A-2	1%	1-Mar-17	28-Feb-18	364
	Commonwealth Bank	2,500	2.73	2.73	1.50	AA-	A-1+	1%	7-Mar-17	7-Mar-18	365
	Commonwealth Bank	3,000	2.72	2.72	1.50	AA-	A-1+	2%	13-Mar-17	12-Mar-18	364
	Commonwealth Bank	3,000	2.72	2.72	1.50	AA-	A-1+	2%	13-Mar-17	13-Mar-18	365
	Commonwealth Bank	3,000	2.72	2.72	1.50	AA-	A-1+	2%	13-Mar-17	14-Mar-18	366
	Bank of Queensland	2,500	2.65	2.65	1.50	BBB+	A-2	1%	7-Jun-17	21-Mar-18	287
	Bank of Queensland	2,000	2.65	2.65	1.50	BBB+	A-2	1%	16-Aug-17	28-Mar-18	224
	Bank of Queensland	2,500	2.60	2.60	1.50	BBB+	A-2	1%	25-Oct-17	4-Apr-18	161
	AMP Bank	2,500	2.60	2.60	1.50	A	A-1	1%	16-Oct-17	16-Apr-18	182
	Bank of Queensland	2,000	2.65	2.65	1.50	BBB+	A-2	1%	9-Aug-17	9-May-18	273
	ME Bank	2,000	2.65	2.65	1.50	BBB	A-2	1%	22-Aug-17	23-May-18	274
	Bendigo and Adelaide Bank	3,000	2.70	2.70	1.50	BBB+	A-2	2%	9-Aug-17	8-Aug-18	364
	Defence Bank	2,000	2.75	2.75	1.50	BBB	A-2	1%	18-Oct-17	18-Sep-18	335
	National Australia Bank	2,000	2.62	2.62	1.50	AA-	A-1+	1%	27-Sep-17	27-Sep-18	365

ATTACHMENT 2 - ITEM 4

Hornsby Shire Council**Investment Holdings Report - October 2017**

Investment Type	Bank	Face Value \$'000	Net Return %pa* Month	Net Return %pa* Benchmark	YTD	Benchmark	Net Return %pa* YTD	Credit Rating** LT	ST	Holding Allocation	Start Date	Maturity Date	Term Days
	Defence Bank	2,000	2.75	1.50	2.75	1.50	2.75	BBB	A-2	1%	18-Oct-17	17-Oct-18	364
	Defence Bank	2,000	2.75	1.50	2.75	1.50	2.75	BBB	A-2	1%	25-Oct-17	31-Oct-18	371
	Westpac Group	3,000	3.00	1.50	3.00	1.50	3.00	AA-	A-1+	2%	11-Jan-17	11-Jan-19	730
	Westpac Group	3,000	3.00	1.50	3.00	1.50	3.00	AA-	A-1+	2%	18-Jan-17	23-Jan-19	735
	Westpac Group	2,500	3.00	1.50	3.00	1.50	3.00	AA-	A-1+	1%	18-Jan-17	30-Jan-19	742
	Westpac Group	2,500	3.00	1.50	3.00	1.50	3.00	AA-	A-1+	1%	25-Jan-17	6-Feb-19	742
	Defence Bank	2,000	3.00	1.50	3.00	1.50	3.00	BBB	A-2	1%	1-Mar-17	27-Feb-19	728
	ING Bank (Australia)	2,500	2.95	1.50	2.95	1.50	2.95	A	A-1	1%	11-Oct-17	9-Oct-19	728
	ING Bank (Australia)	2,000	2.98	1.50	2.98	1.50	2.98	A	A-1	1%	17-Oct-17	17-Oct-19	730
Term Deposits		125,618	2.74	1.50	2.74	1.50				66%			
Total		190,358	2.63	1.50	2.61	1.50				100%			

* Benchmark is the RBA Cash Rate

YTD Return is the average of monthly returns during the financial year

** Short Term (ST) credit rating applies for investments with less than 12 months to maturity. Long Term (LT) credit ratings apply for investments with more than 12 months to maturity.

*** NSW T-Corp Cash Fund is an approved investment by the Ministerial Investment Order

ATTACHMENT 2 - ITEM 4

ATTACHMENT/S

REPORT NO. CS42/17

ITEM 6

**1. OUTSTANDING COUNCIL RESOLUTIONS FOR PERIOD
ENDING 31 AUGUST 2017**

OUTSTANDING COUNCIL RESOLUTIONS – for period ending 31 August 2017

CORPORATE SERVICES DIVISION

No.	Report No.	Outstanding Resolution	Latest Status	Comment
1.	CS22/17 General Meeting 12/7/2017 Proposal to Extinguish a Drainage Easement and Acquire a New Drainage Easement	<p>THAT:</p> <p>1. Council agree to the extinguishment of the drainage easement within the subject land subject to the receipt of compensation and reimbursement of all costs as outlined in confidential Deputy General Manager's Report No. CS22/17.</p> <p>2. Council agree to the acquisition of the beneficial interest of a new easement to replace the existing easement to be extinguished, within the subject land, at no cost to Council.</p> <p>3. The Acting General Manager be authorised to negotiate detailed terms and conditions of the agreement generally as outlined in confidential Deputy General Manager's Report No. CS22/17 and to execute documents in relation to the extinguishment of the drainage easement as deemed appropriate by</p>	Draft Deed, Section 88B Instrument and Survey Plan have been received and are being assessed.	Expect to finalise documents for execution and registration on title by 28 February 2018.

ATTACHMENT 1 - ITEM 6

OUTSTANDING COUNCIL RESOLUTIONS – for period ending 31 August 2017

		<p>Council's legal advisors.</p> <p>4. Council authorise the use of Council's seal on any legal or other documents directly related to the extinguishment of the drainage easement as deemed appropriate by Council's legal advisors.</p>		
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ATTACHMENT 1 - ITEM 6

ATTACHMENT/S
REPORT NO. EH9/17

ITEM 7

- 1. CRR PANEL REPORT**
- 2. CRR BALANCE**
- 3. CRR SUMMARY**

**HORNSBY SHIRE COUNCIL
CATCHMENTS REMEDIATION RATE
EXPENDITURE REVIEW COMMITTEE MEETING MINUTES
25 October 2016**

The October 2016 CRR committee meeting at Council chambers was attended by members John Croker, Rod McInnes, Brian Pearson, David Wilkins and Chris Taylor together with Natural Operations Manager David Beharrell, Environment and Human Services Group Manager Stephen Fedorow and Councillor Robert Browne. Apologies were received from Jerome Cox, who is away.

The balance of the CRR funds account has fallen from \$1.029 million at 1 July 2015 to \$0.366 million as at 30 June 2016. Dave Beharrell, in the second half of the financial year, following feedback from the Committee on the high level of retained funds, had successfully planned and implemented a larger number than normal of capital works projects that had reduced what would otherwise would have been a \$1.6 million closing balance of funds.

Dave Beharrell presented the following information on capital items of CRR 2015-16 expenditure:

- Items 197, 198, 199 and 200, all of which were commenced within 2014/15 have now been 100% completed, as reported in the mid-year report at the previous meeting.
- Items 202 and 203 at Dural and Cheltenham have been 100% completed.
- 204 is at Larool Crescent, Thornleigh.
- 205 at Bellamy St Pennant Hills and 206 at Braidwood Road North Epping are upgrades to past sites, with a Gross Pollutant Trap being added. 205 ran 50% over budget.
- Item 207 is a shared job with Ryde City Council on Terrys Creek, Vimiera Park, Epping. Soil Conservation Services were engaged to stabilise the creek bank to protect large blue gums growing along the creek line. The creek is susceptible to erosion from floodwaters coming from Eastwood CBD. The project was completed prior to transfer to City of Parramamtta.
- Item 208 is multiple street rain gardens at Berowra Waters Road, Berowra Heights, which is part of a street upgrade.
- Item 209 is the retrofit of a sediment basin to a biofilter at Morrison Place, West Pennant Hills.
- Item 210 is a small rain garden development at Hornsby Park.
- Items 211 to 214 are Gross Pollution Devices at Cheltenham and Hornsby which we contracted under one tender won by Optimal Stormwater Pty Ltd. The committee were presented with tender statistics, and was satisfied that the project represented good value for money.
- Item 215 is the reticulation component of the stormwater harvesting system installed at Pennant Hills Park Oval #3 as part of the upgrade of the oval to a synthetic surface.. An underground 0.5mL storage tank has been installed beneath the playing surface for stormwater harvesting and reuse and funding was incorporated into the oval renewal project. The saved water will be reused in playing fields in summer as water is needed

and will slowly be drained away to receiving local creeks in winter when oval watering is not required.

- Item 216 is two raingardens fitted in both carparks as part of the Pennant Hills Park Oval #3 renewal project. A larger biofilter is scheduled to be constructed downstream of the playing fields. This project is 50% complete.
- Item 217 is a proposed large biofilter at Berowra Waters Road, Berowra, which has been declared free from Aboriginal heritage issues after consultation with the local Aboriginal Land Council. This project is 20% complete.
- Item 218 as notified in the previous meeting, the West Epping Park Bioretention project, had been deferred due to uncertainties following the loss of Epping to City of Parramatta City Council. Since the meeting, the planned \$380,000 project has been closed and will handed over to Parramatta Council. The project had been awarded for tender, but this project will no longer be undertaken by Hornsby Shire Council, so no expense to the CRR funds.

(Note that Item numbers do not necessarily correspond to those in the April report).

Overall the performance of the capital program was excellent, with only two ongoing projects not being complete. Only one project was more than 10% over budget. Taken at the portfolio level, variances were low. The significant increase in capital expenditure, successfully reducing the unutilised funds, was achieved while not increasing per project cost, suggested that the expenditure in the year had been managed efficiently.

Item 215 prompted some debate about what other facilities on the Pennant Hills Park site were doing to reuse water and reduce stormwater erosion downstream. In particular, the fact that the two hockey fields at Pennant Hills had not been designed to reuse water, despite being both a large source of erosive runoff and users of water. It was felt that the CRR funds are intended to be used for backlog projects where past stormwater design standards were inadequate, and should always be complemented by new facilities meeting current best practice design for stormwater.

A motion was proposed by Wilkins and seconded by Pearson:

Stormwater quantity and quality should always be considered in planning of future sports facilities. For example, existing stormwater problems at Pennant Hills Hockey Park should be addressed in any future development of this site.

The motion was passed unanimously by the committee.

John Croker noted that he'd seen examples of damaged trees trunks in the rain gardens because kerbing did not suit longer wheel base vehicles. David said the council was aware of the issue and better guarding of the trees was being developed.

David said that strategically water reuse is being targeted at smaller catchments where storage can make a difference in removing peak flows. In larger catchments, typically storage sizes have little to no impact on peak flows.

Discussions continued over non-capital CRR 2015-16 expenditure:

- Errors were noted in budgeting. There were coding errors for budget Items 224 Asset Maintenance and Monitoring and 239 Asset Renewal and Repair so that actual asset expenditure was significantly over and significantly under budget, respectively. This

will be rectified next year when the line item coding will be corrected. The committee was satisfied by comparison with the past actuals, that there were no over or under expenditure issues.

- The committee again noted the change in reporting where Items 224 and 238 now include the salary for two officers who are part funded by CRR – the Assets Officer and the Education Officer. In the past, these salaries appeared in a separate report, and these items were for materials and contracts only. These salaries have been netted out of Item 229 (Salaries, Wages and Overheads) so that there is no net impact on the budget, but a clearer allocation of overhead costs to the functions that are utilising these.
- Street sweeping: A presentation was made on the trial of more intensive street sweeping. This showed that in some areas there had been a quadrupling of sweeper effort. The bottom line was that from a base cost of \$160/tonne for 1,500 tonnes of leaves collected (only partially funded by CRR) there was an incremental cost for the extra effort of \$270/tonne for 350 tonnes of leaves collected. There was discussion about whether this was saving maintenance cost for CRR (eg. Reduced litter yields from nets), but the data did not allow comparison of the leaf yield collected by device (devices are GPS coded) with the sweeper effort. Future development of GPS recording of sweeper effort might allow this (eg. Tagging when brooms are in action, not just sweeper route). The committee commented that though the results are encouraging, it's not clear how this extra sweeping will reduce CRR waterway pollution risk such as as phosphorous and nitrogen. Organic matter is clearly a contributor, but other actions may be more direct. Further work needed.

More strategic discussion ensued on the impact on the CRR of council boundary changes with Parramatta Council. It appeared at this stage that overall revenue would fall by 15%. Some assets and their future maintenance and renewal obligations had also been transferred. It's not clear at this stage what the cost reductions from this would be, but the number of assets affected suggest that it will be small. The overall net impact is therefore likely to be a fall in revenue, with little reduction in future cost obligations.

There will need to be some consideration therefore of which parts of the program would offer the least value and may be removed with the minimum impact. The review of CRR will allow objective input into these considerations. For example, hotspots such as Cherbourg Road have been identified where better value for money may be achieved. The committee commented that it may in fact be more cost effective to focus on lowly impacted sites (eg. Cowan Creek), where high water quality can be maintained at little cost.

The impact from the merger with Ku-Ring-Gai Council, should it occur, are less clear, but the delay till this occurs will allow consideration at future meetings, and certainly there should be no impact in this financial year on CRR.

There was discussion of the progress with Hornsby Quarry, including the works by NorthConnex to prepare the quarry to receive fill. Overall, stormwater quality in the quarry catchment will need a bit of work, but the quarry itself should be pristine due to clean fill and quality control.

The meeting concluded at 8:30 pm.

BALANCE OF CRR FUNDS - 30 June 2016**PREVIOUS YEARS (1994/95 to 2014/15)**

	\$'000
Total Income	44,689
Total Expenditure	43,660
Balance at 30/6/2015	1,029

2015/16 FINANCIAL YEAR

	\$'000
Balance b/f	1,029
Total Income	3,233
Total Expenditure	3,896
Balance at 30/06/2016	366

(includes interest income of \$87k)

CRR Expenditure Summary 2015-16

Line Nos	Account/ Project No. (work orders)	LOCATION	WARD	DEVICE (Key Below)	Previous Years Actual Exp	2014/15 Actual Exp	2015/16 Original Budget	2015/16 Revised Budget	2015/16 Actual YTD	2015/16 % Completed (Key Below)	7=4-5 2015/16 Balance	8=1+2+5 TOTAL Actual Exp. \$'000
1	8697/403	WEST PENNANT HILLS 152 F15 Off Boundary Rd	C	W1	283						-	283
2	8698/199	ARCADIA TIP REHAB.	A	Leachate	270						-	270
3	8698/302	THORNLEIGH 153 A8 Laroo Cres (Larood Ck)	B	GPT	143						-	143
4	8698/306	EPHING 173 B12 Opp. Kandy Ave	C	ST1/GPT	120						-	120
5	8698/307	BEROWRA HTS 94 L13 The Gully Rd	A	2x GPT	60						-	60
6	8698/308	WESTLEIGH 152 L6 Off Elouera Ave	B	SR2	43						-	43
7	8698/309	SEDIMENTARY CONTROL (Wages & Vehicles)	n/a		61						-	61
8	8698/311	BEROWRA HTS 94 E8 Off Berowra Waters Rd	A	GPT	18						-	18
9	8698/312	THORNLEIGH 152 O12 Janet Ave	B	GPT	60						-	60
10	8698/313	BROOKLYN 56 D11 Opp. Ross St	A	WM	46						-	46
11	8698/314	HORNSBY 133 K15 End Water St	B	GPT	83						-	83
12	8698/315	HORNSBY 133 D11 End Stewart Ave	B	ST1/SR2	19						-	19
13	8698/316	WEST PENNANT HILLS 152 E15 John Savage Cres	C	SR2	39						-	39
14	8698/317	HORNSBY 133 K17 Burdett St	B	GPT	102						-	102
15	8698/318	ASQUITH 133 J7 Opp. Taro Cl	A	GPT	64						-	64
16	8698/319	GLENORIE 91 C4 Off Tecoma Dr	A	GPT	82						-	82
17	8698/320	HORNSBY 133 F16 Pacific Hwy (Hornsby Park)	B	GPT	39						-	39
18	8698/321	WISEMANS FERRY 30 N6 End Old Northern Rd	A	GPT	16						-	16
19	8698/322	HORNSBY 153 D5 End Clovelly Rd	B	W1	159						-	159
20	8698/323	MT COLAH 133 N1 39-41 Parklands Rd	A	ST1/SR2	53						-	53
21	8698/324	CHERRYBROOK 152 B13 Casuarina Dr	B	SR2	1						-	1
22	8698/325	PENNANT HILLS 152 P16 Warne Ave	C	GPT	1						-	1
23	8698/324	CHERRYBROOK 152 C14 Casuarina Dr	B	GPT/SR2	-						-	-
24	8698/325	PENNANT HILLS Warne Ave	B	GPT	-						-	-
25	8698/326	ASQUITH 133 K10 & L9 Wall Ave / Wallie St	A	GPT's	47						-	47
26	8698/327	PENNANT HILLS 153 A16 End Albion/Orchard St	C	ST1/WM	29						-	29
27	8698/328	BEECROFT 172 H12 Off Plympton Rd	C	W2	305						-	305
28	8698/329	WEST HORNSBY 133 A16 Off Valley Rd	B	ST1	41						-	41
29	8698/330	BEECROFT 172 L6 Sutherland Rd	C	GPT	81						-	81
30	8698/331	MT. KURINGAI 114 E5 End Hamley Rd	A	WM/GPT	36						-	36
31	8698/332	DURAL 151 L3 End Millstream Gr	B	WM/GPT	24						-	24
32	8698/333	NORMANHURST 153 G8 Davidson Park	B	SR2	69						-	69
33	8698/334	GALSTON 111 L7 Sallaway Rd	A	WM	36						-	36
34	8698/335	BROOKLYN Parsley Bay	A	GPT	58						-	58
35	8698/336	GALSTON 112 B11 Galston Rd	A	GPT	1						-	1
36	8698/337	CHERRYBROOK 151 N11 Woodgrove Ave	B	WM/GPT	77						-	77
37	8698/338	THORNLEIGH 152 M12 End Bellamy St	C	GPT	25						-	25
38	8698/339	BEECROFT 172 H5 Hull Rd	C	ST2	36						-	36
39	8698/340	BEROWRA 94 M9 End The Gully Rd	A	W2	-						-	-
40	8698/341	BEROWRA 94 D9 End Berkley Cl	A	ST1	37						-	37
41	8698/342	NORMANHURST 153 K12 End Nanowie Ave	B	ST2	1						-	1
42	8698/343	WESTLEIGH 152 K7 Opp. Lisa Cl	B	ST1	-						-	-
43	8698/344	CASTLE HILL 151 L9 End Baydon St	B	WM	32						-	32
44	8698/344	CHERRYBROOK 151 N9 Bouldwood Pl	B	GPT	16						-	16
45	8698/346	WEST HORNSBY 153 A2 60 Valley Rd	B	SR	-						-	-
46	8698/346	WEST PENNANT HILLS 172 E3 Boyd Park	C	GPT	40						-	40
47	463/601	BEECROFT 172 K12 Ray Park	C	W2	93						-	93
48	463/602	BEROWRA 114 J1 Bambi Rd	A	GPT	75						-	75
49	463/603	BROOKLYN 56 B12 Old Tip Site	A	SR2	-						-	-
50	463/604	EPHING Blaxland Rd Wetland GPD	C	W2/GPD	1						-	1
51	463/605	EPHING Stanley Rd GPD	C	GPD	83						-	83
52	463/606	HORNSBY 153 G6 End Warandoo St	B	GPT	38						-	38

ATTACHMENT 3 - ITEM 7

CRR Expenditure Summary 2015-16

Line Nos	Account/ Project No. (work orders)	LOCATION	WARD	DEVICE (Key Below)	Previous Years Actual Exp	2014/15 Actual Exp	2015/16 Original Budget	2015/16 Revised Budget Detailed estimate	2015/16 Actual YTD	2015/16 % Completed (Key Below)	7=4-5 2015/16 Balance	8=1+2+5 TOTAL Actual Exp. \$'000
53	463607	HORNSBY HTS 113 E14 Heights Pl	A	GPT	40						-	40
54	463608	CHELTHAM 172 Q6 End Mallon Rd	C	ST2	54						-	54
55	463610	DURAL 151 K5 Hastings Rd	B	WM/ST2	455						-	455
56	463611	THORNLEIGH End Bellamy St	B	GPD	12						-	12
57	463612	HORNSBY 153 E4 Clovelly Rd	B	GPT	81						-	81
58	463613	HORNSBY 133 D10 Clarinda Street	A	W2	241						-	241
59	463614	Dangar Road, Brooklyn		GPD	-						-	-
60	463615	Berowra Waters 94A3, Berowra Waters Rd	A	GPD	29						-	29
61	463616	Berowra 94G11, Joaleh Cr	A	GPD/ST2	30						-	30
62	463617	Londsdale Ave, Berowra		GPD	-						-	-
63	463618	Evanda Rd, Berowra		GPD	-						-	-
64	463619	Gully Rd, Berowra		GPD	-						-	-
65	463620	Greenvale St, Hornsby		GPD	-						-	-
66	463621	Avery St, Hornsby		GPD	-						-	-
67	463622	Hornsby, 133P15, Gleneagles Cres	B	GPD/ST2	13						-	13
68	463623	Capella Cl, Normanhurst		GPD	-						-	-
69	463624	Osborn Rd, Normanhurst		GPD	-						-	-
70	463625	Kooning Ave, Thornleigh		GPD	-						-	-
71	463626	Thornleigh, 152Q11, Headon Park	B	GPD	3						-	3
72	463627	Pennant Hills, 152J15, Lawrence St (High school)	B	GPD	-						-	-
73	463628	Beecroft, 172L11, Midson Rd	C	W1/ST1	252						-	252
74	463629	Hornsby CBD		GPD	-						-	-
75	463630	Berowra 94J9, Warrina St	A	GPD	63						-	63
76	463631	Berowra Waters 94A2, Kirkpatrick Way	A	ST2	-						-	-
77	463632	Berowra CBD		GPD	2						-	2
78	10089	Mt Colah, 113P15, Jessica Place	A	GPD	25						-	25
79	10090	Asquith, 133P10/11, Baldwin Rd & Stratford Pl	A	GPD/SR	67						-	67
80	463635	Asquith CBD	A	GPD	5						-	5
81	10092	Hornsby, 153E3, Pretoria Pde (Reddy Park)	B	GPD	11						-	11
82	10093	Thornleigh, 153D14, The Comerarra Pky	B	GPD	56						-	56
83	10094	Wesleigh, 152J7 B.9, Dunbar/Eiouera Dr	B	GPD/ST2	135						-	135
84	10095	West P Hills, 152E15, New Farm Rd	C	W1	203						-	203
85	463640	West P Hills, 172E1, Wilga St	C	GPD/SR	51						-	51
86	10096	Cherrybrook, 152F9 Pecan Pl	B	GPD/ST2	38						-	38
87	463642	Beecroft, 172K3, Sutherland Rd	C	GPD	-						-	-
88	10098	Epping, 172P14, Kent St	C	ST2/SR	126						-	126
89	10099	Epping, 173H11, Bedford St	C	ST2	4						-	4
90	10199	Hornsby, 133H15, Linda St	B	GPD	-						-	-
91	10212	Beecroft, 172L11, Midson Rd	C	SR2	17						-	17
92	10265	Mt Kuring-gai, 114G12, High & Church St	A	ST1	118						-	118
93	10266	Mt Colah, 133M1, Parklands Rd	A	GPD	11						-	11
94	10267	Asquith, 133K8, Gardenia St	A	GPD	94						-	94
95	10268	Waitara, 153J5, Unwin Rd	B	GPD	58						-	58
96	10269	Thornleigh, 153C12, Blantyre Cl	B	ST1, GPD	68						-	68
97	10270	Beecroft, 172G6, Hannat St (Fernley Park)	C	SR1	26						-	26
98	10271	Carlingford, 172G16, Anthony St	C	SR2, GPD	217						-	217
99	10272	Beecroft, 172E10, Lamona Ave	C	SR1	159						-	159
100	10273	Casile Hill, 151K5, Bellisee Close	B	GPD	51						-	51
101	10274	Cherrybrook, 151L9, Childery Pl	B	GPD	25						-	25
102	10275	Shopping Centres (Norm, Thorn, Westlie, Pernoo)	B/C	GPD's	10						-	10
103	10276	Hornsby, 133K15, Water St	B	GPD	2						-	2
104	10279	Brooklyn, 56612, Salpan Reserve Investigation	A	Leachate	-						-	-
105	10311	Thornleigh, 153D10, Darford Rd (CDS)	B	GPD/DWM	109						-	109

ATTACHMENT 3 - ITEM 7

CRR Expenditure Summary 2015-16

Line Nos	Account/ Project No. (work orders)	LOCATION	WARD	DEVICE (Key Below)	Previous Years Actual Exp	1	2	3	4	5	6	7=4-5	8=1+2-5
						2014/15 Actual Exp	2015/16 Original Budget	Detailed estimate	2015/16 Revised Budget	2015/16 Actual YTD (Key Below)	2015/16 % Completed (Key Below)	2015/16 Balance	TOTAL Actual Exp. \$'000
106	10344	Berowra 94N9, The Gully Rd	A	W2	-							-	-
107	10345	MT Kuring-gai, 114H10, Merrilong Rd	A	GPD/ST2	9							-	9
108	10346	Hornsby, 153K1, Burdett St	A	GPD	70							-	70
109	10347	Hornsby, 133B15, Rosemead Rd	A	GPD/ST1	58							-	58
110	10348	Normanhurst, 153J11, Hinemoa Ave	B	GPD/ST2	59							-	59
111	10349	Westleigh, 152P2, Russell Cres & Higgins Pl	B	GPD	15							-	15
112	10350	Cherrybrook, 152C13, Flannetree Cres	B	ST1	95							-	95
113	10351	Cherrybrook, 152B10, Kenburn Rd	B	GPD/ST2	67							-	67
114	10352	Epping, 172J13, Ridge St	C	GPD/ST1	173							-	173
115	10353	Epping, 173E15, Epping Rd	C	SR/ST	58							-	58
116	10354	Epping, Carlingford, Beecroft, Cherrybrook CBDs	B/C	GPD	33							-	33
117	10352	0708 CRR Kirrkham Street, BEECROFT (172, K9)	C	SR/ST	79							-	79
118	10353	0708 CRR Rosemead Rd, HORNSBY (133, B16)	B	WM	7							-	7
119	10760	CRR 220 Boundary Rd SR	B	SR	10							-	10
120	10487	CRR Raphael Dr, Hornsby Heights (133, F3)	A	GPD	24							-	24
121	10488	CRR Binyar/Oakwood Pl Hornsby Heights (113, L8)	A	ST	26							-	26
122	10514	0607 CRR Fern Tree Ct HOR	A	SR/GPT	1							-	1
123	10528	0607 CRR Britannia St PH (172, Q2)	B	ST/GPD	77							-	77
124	10529	0607 CRR Morrison Pl PH (152, H13)	B	ST	47							-	47
125	10591	Aquath Park Mills Ave, DEFERRED			4							-	4
126	10595	CRR Millstream Grove, DELETED			5							-	5
127	10599	0708 CRR Nicholas Ave, NORMANHURST (133, J12)	B	SR/ST	36							-	36
128	10674	0708 CRR Sherbrook Rd HOR (133, K14)	A	GPT	8							-	8
129	10673	0708 CRR Stewart Ave HOR 0708 (133, 11E)	A	SR	15							-	15
130	10530	0607 CRR Stanley St Epping (163, E1)	C	GPD	33							-	33
131	10676	CRR Foxglove Oval MT COL 0708 (114, A13)	A	REUSE	1							-	1
132	10486	CRR Acadia Pl, Berowra (94, H15)	A	SR/ST	62							-	62
133	10531	0607 CRR Lyne Rd Cheltenham (172, Q11)	C	ST	73							-	73
134	10598	0708 CRR Dunbea Dr, WEST LEIGH (152, K7)	B	SR/ST	93							-	93
135	10588	0708 CRR Weaine Avenue, PENNANT HILLS (152, K14)	C	SR	57							-	57
136	10671	0708 CRR Dunbea Drive Opposite Eloura (152, K9)	B	SR	2							-	2
137	10758	0809 CRR Gwandalan Cres BEROWRA (94, F16)	A	SR	32							-	32
138	10761	0809 CRR New Line Rd (113X) CHERRYBROOK (152, B15)	B	GPT	46							-	46
139	10825	0809 CRR Thornleigh Street, THORNLEIGH (153, B15)	B	SR	15							-	15
140	10860	0708 CRR Chb Lakes CHERRYBROOK (152, B9)	B	ALR	76							-	76
141	10982	0809 CRR Chb Lakes CHERRYBROOK (152, B9)	B	SR	71							-	71
142	10903	0809 Currawong Rd, BEROWRA, (94, D8)	A	BR	46							-	46
143	10994	0809 CRR Wymah Cr (rear of #31), BEROWRA (94, C8)	A	SR	13							-	13
144	11102	0809 CRR Coronation Street HORNSBY (133, G16)	A	TP	6							-	6
145	10343	Cowan, 75B13, Alberta Ave	A	GPD/ST2	98							-	98
146	10596	0708 CRR Castle Howard Rd (#89), CHELTENHAM (172, N11)	C	SR/ST	-							-	-
147	10596	0708 CRR Castle Howard Rd (#32A), CHELTENHAM (172, N11)	C	BR	-							-	-
148	10631	0708 CRR Lyne Rd, CHELTENHAM (172, Q11)	C	BR	199							-	199
149	10678	0809 CRR Greenway Park CHERRYBROOK (152, B8)	B	REUSE	148							-	148
150	10597	0708 CRR Boundary St, BEROWRA (94, K12)	A	BR	100							-	100
151	10759	CRR Gurdah Rd MT KURING-GAI (114, E5)	A	BR	112							-	112
152	10762	CRR Owin Rd, HORNSBY HEIGHTS (133, H4)	A	BR/ST2	156							-	156
153	11074	CRR Margaret Ave, HORNSBY HEIGHTS (133, E2)	A	BR	178							-	178
154	11269	CRR Ray Rd EPPING (172, Q13)	C	RG	10							-	10
155	11234	CRR Berowra Oval, BEROWRA (94, L13)	A	REUSE	44							-	44
156	462270	CRR Nursery Stormwater Reuse Project		REUSE	173							-	173
157	10925	CRR Belinda Cr NTH EPPING (173, C9)	C	BR/ST2	219							-	219
158	10086	Foxglove Oval, MT COLAH (114, A13)	A	LC/REUSE	1,235							-	1,235
159	11197	CRR Salt Pan Reserve BROOKLYN	A	LOH	69							-	69

CRR Expenditure Summary 2015-16

Line Nos	Account/ Project No. (work orders)	LOCATION	WARD	DEVICE (Key Below)	Previous Years Actual Exp	1	2	3	4	5	6	7=4-5	8=1+2-5
						2014/15 Actual Exp	2015/16 Original Budget	Detailed estimate	2015/16 Revised Budget	2015/16 Actual YTD (Key Below)	2015/16 % Completed (Key Below)	2015/16 Balance	TOTAL Actual Exp. \$'000
160	11381	CRR Waitara Oval SW Harvesting	A	REUSE	25							-	25
161	10902	CRR Malton Rd NTH EPPING (173 H8)	C	BR	129							-	129
162	10901	CRR Blackburn Ave. PENNANT HILLS	C	BR	95							-	95
163	11103	CRR Alexandria Pde WAITARA (153, K4)	A	RG	63							-	63
164	11113	CRR Teona Dr. GLENORIE (9T C2)	A	BR	161							-	161
165	11198	CRR Oxford Street EPPING (173 B15)	C	TP	45							-	45
166	11239	CRR Coolamundra HORNSBY HGTS 1011 (113 J7)	A	BR	6							-	6
167	11320	CRR Sutherland Rd. CHELTENHAM, 1011 (173 A9)	C	BR	1							-	1
168	11319	CRR Hampden Rd. PENNANT HILLS, 1011 (172 P3)	C	BR	1							-	1
169	11283	CRR Church St. MT KURINGAI 1011 (114 G12)	A	BR	108							-	108
170	11238	CRR Parsley Bay, BROOKLYN 1011	A	RG	208							-	208
171	11140	CRR View St COWAN 0910 (75 B13)	A	RG	70							-	70
172	11280	CRR Albion St. PENNANT HILLS 1011 (152 Q16)	C	BR	88							-	88
173	11279	CRR Lawson Rd CHERRYBROOK 1011 (152 G12)	B	BR	103							-	103
174	11404	CRR Eastcoate/Boundary Rd NTH EPPING	C	BR	88							-	88
175	11405	CRR Peter Ct HORNSBY HEIGHTS	A	BR	133							-	133
176	11544	CRR Stewart Ave HORNSBY	A	BR	201							-	201
177	11525	CRR Vineria Park EPPING	C	SR2	10							-	10
178	11141	CRR Flamefree Cr. CHB 0910	B	GF/D	22							-	22
179	11661	CRR Fagan Park Camper DURAL	A	RG	25							-	25
180	11545	CRR Flamefree Cr. CHERRYBROOK	B	GF/D	237							-	237
181	11742	CRR Northgate Rd HORNSBY	A	SR	34							-	34
182	11277	CRR Parish Pl, MT KURINGAI (133 N15)	A	BR	121					0		-	121
183	10465	0708 CRR Murrumbidgee Rd. MT COLAH (113, M5)	A	SR/ST	62							-	62
184	10515	0607 CRR Gavin McKinley Pl CHB (151 D9)	B	GF/D/ST	104							-	104
185	10596	0708 CRR Castle Howard Rd (#30D), CHELTENHAM (172, N11)	C	SR/ST	396							-	396
186	10594	0708 CRR James Henry (Rear of Oval), DURAL (151, M5)	B	ST	43							-	43
187	11543	CRR Apanie Rd WESTLEIGH	B	BR	195							-	195
188	11403	CRR Dawson Ave THORNLEIGH	C	BR/REUSE	242							-	242
189	11667	CRR Speeding Rd HORNSBY HGTS	A	BR	258							-	258
190	11776	CRR Odneys Pl CHERRYBROOK	B	GF/D	99							-	99
191	11819	CRR Dartford Rd. THORNLEIGH	C	BR	3							-	3
192	11666	CRR Appletree Dr. CHERRYBROOK	B	BR	260							-	260

CRR Expenditure Summary 2015-16

Line Nos	Account/ Project No. (work orders)	LOCATION	WARD	DEVICE (Key Below)	Previous Years Actual Exp	2014/15 Actual Exp	2015/16 Original Budget	Detailed estimate	2015/16 Revised Budget	2015/16 Actual YTD (Key Below)	% Completed (Key Below)	2015/16 Balance	7=4-5	8=1+2-5 TOTAL Actual Exp. \$'000
193	11774	CRR Patricia Pl, CHERRYBROOK	B	BR	47	330								377
194	11927	CRR Nimba Av NORTH EPPING	C	SR2	10	-								10
195	11973	CRR PH Sports (Netball Carpark Bioswale) PENNANT HILLS	C	RG	48	15								33
196	11929	CRR PH Sports (Netball Biofilter) PENNANT HILLS	C	BR	4	126								130
197	11595	CRR Larool Cr, THORNLEIGH (Instream upflow wetland)	C	WM	77	6				0	100	0		83
198	11775	CRR Pecan Pl, CHERRYBROOK	B	BR	242	11			5	4	100	1		257
199	11930	CRR Abuklea Rd, EPPING	C	BR	2	184				5	100	0		191
200	12192	CRR North St MT COLAH	A	GPD	-	66			4	4	100	0		70
201														
202	11777	CRR James Henry Dr, DURAL	A	BR/REUSE	19	145				114	100	-	4	278
203	12183	CRR Castle Howard Rd, CHELTENHAM	C	BR			100	150	140	134	100	-	6	134
204	12233	CRR Larool Cr, THORNLEIGH	C	GPT			100	100	100	106	100	-	6	106
205	11668	CRR Bellamy St, PENNANT HILLS	C	BR/GPT	202	9		90	95	90	135	100	-	45
206	11542	CRR Braidwood Rd, NTH EPPING	C	BR/GPT	234	9		80	60	80	100	-	2	341
207	11928	CRR Viniera Park, EPPING	C	SR2	1	7		120	123	120	129	100	-	9
208	12077	CRR Berowra Water Rd (Street landscaping) BEROWRA HGTS	A	RG		-		50	50	50	100	-	5	45
209	12230	CRR Morrison Pl, WEST PENNANT HILLS	C	BR			200	240	200	215	100	-	15	215
210	12290	CRR Hornsby Park, HORNSBY	A	RG			59	20	20	20	100	-	0	20
211	12272	CRR Pike Rd., HORNSBY	A	GPD			-	90	99	99	100	0		99
212	12312	CRR Lyne Rd, CHELTENHAM	C	GPD			-	147	160	160	100	0		160
213	12313	CRR Sherbrook Rd, HORNSBY	A	GPD			-	177	204	204	100	-	0	204
214	12314	CRR Salisbury Rd, HORNSBY	A	GPD			-	79	83	83	100	-	0	83
215	12274	CRR PH Park (#3) SW Harvesting, PENNANT HILLS	C	REUSE			-	90	100	95	100	-	5	95
216	12078	CRR PH Sports (#3) PENNANT HILLS (Biofilters x3)	C	BR			200		200	70	50	130		70
217	12232	CRR Berowra Waters Rd, BEROWRA	A	BR			-		200	10	20	180		10
218	12231	CRR West Epping Park, EPPING	C	BR			-	380	380	-	-	380		-
219														
220		Estuary Boat & Facilities			75									75
221		Other Projects - previous years			628									628
222		TOTAL CAPITAL WORKS			15,592	878	1,109		2,350	1,709		641		18,179

ATTACHMENT 3 - ITEM 7

ATTACHMENT 3 - ITEM 7

CRR Expenditure Summary 2015-16

Line Nos	Account/ Project No. (work orders)	LOCATION	WARD	DEVICE (Key Below)	1 Previous Years Actual Exp	2 2014/15 Actual Exp	3 2015/16 Original Budget	4 2015/16 Revised Budget estimate	5 2015/16 Actual YTD	6 2015/16 % Completed (Key Below)	7=4-5 2015/16 Balance	8=1+2-5 TOTAL Actual Exp. \$'000
223												
224	6520&6526	Asset Maintenance & Monitoring			5,759	687	447		483		174	7,143
225	6520	Kangaroo Pt Pump Out Facilities			375	32						407
226	6520/10134	Catchment Riparian Remediation			572	65	65	65	58			695
227	6520/10135	Estuary Boat & Facilities			124	12	10	10	6		4	142
228	6526	CRR Asset Officer			730	76	88	88	88			894
229		Non-Capital Expenditure (Salaries, wages and overheads)			8,976	580	580	580	580			10,136
230	5932	Street Sweeping - contribution by CRR			3,925	240	247	247	347		100	4,512
231					1,444							1,444
232	6521, 6522, 6524	Water Quality Data, Combing Data, Aquatic Survey			680	160	111	161	153		8	1,003
233	6521	Water Quality Data			85	10	11	11	10		1	105
234	6522	Combing Data			663	36	41	41	34		7	733
235	6523	Project Management			464	35	80	70	69		1	568
236	6524	Aquatic Survey			98	-	12	12	12		12	98
237	6525	Emergency Spills			215	22	135	136	134		2	371
238	6527	Education and Promotion			266	53	100	50	45		5	364
239	6528	Asset Renewal & Repair			84							84
240	6510	Geographic Information System (GIS)			10							10
241	6520	Internal Corporate Costs - Finance			498							498
242	6541/10132	Water Quality Monitoring			11							11
243	463000	Office Renovation			10							10
244	4411/95	Hornsby Creek Stormwater Education			35							35
245	4411/283	Streamwatch			2							2
246	8698/790	Digital Camera			17							17
247	6430/10589	Bushland Restoration (s94)			48							48
248	6450/10122	Bush Weed Management							6			6
249	6520/12344	PCC Boundary Change - CRR			41							41
250		Other Projects - previous years										
251		TOTAL NON - CAPITAL			25,182	2,008	1,927	1,954	2,187		234	29,377
252												
253		GRAND TOTAL			40,774	2,886	3,036	4,304	3,896		407	47,556
254												
255		Class 1 Wetland (>100 Ha catchment)	W1									
256		Class 2 Wetland (>50 Ha catchment)	W2									
257		Mini-wetland (<50 Ha catchment)	WM									
258		Gross Pollutant Device	GPD									
259		Sediment Trap 1	ST1									
260		Sediment Trap 2	ST2									
261		Class 1 Stream Remediation (approx. 100m)	SR1									
262		Class 2 Stream Remediation (approx. <50m)	SR2									
263		Treatment of Leachate from old Landfill	LCH									
264		Bioretenition	BR									
265		Streetscape bioretention (raingarden)	RG									
266		Tree Pit (bioretention)	TP									
267		Aerators	AER									
268												
269												

NOTE: The costs provided per device are generic only.

Prices will vary depending site specific conditions at the time of detailed survey

& investigation

All actual figures represent historical \$ and exclude GST

ool 3: Original Budget is derived from the original CRR Capital Works Strategy (2002-2007)

ool 4: Revised Budget - detailed estimates at the beginning of year & at the end of every quarter

ool 8: Total \$ column represents previous years actual and current year year-to-date actual

From 97/98 increased CRR to 5%

PERCENTAGE COMPLETED

5% Survey

20% Survey, Design

90% Survey, Design, Civil Works

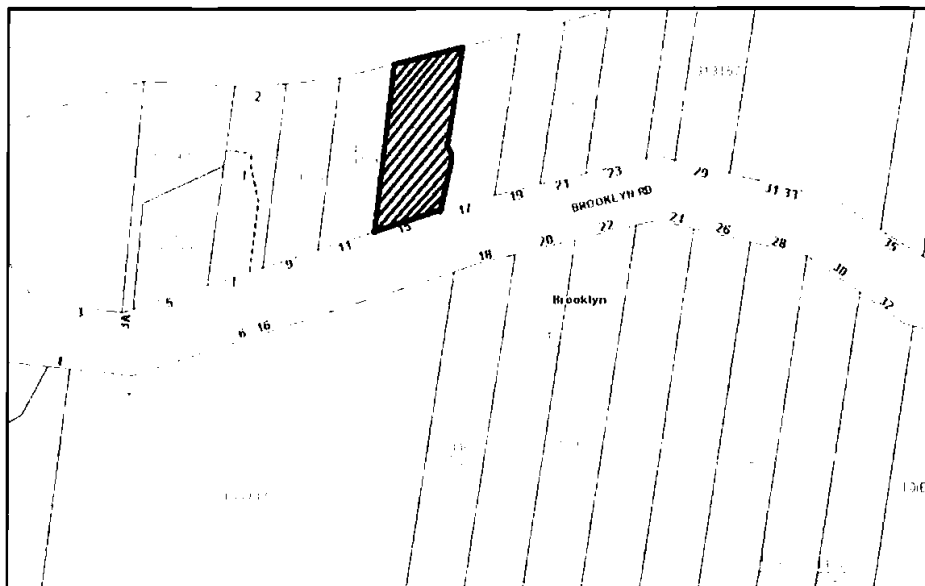
100% Survey, Design, Civil Works, Landscaping

ATTACHMENT/S

REPORT NO. PL61/17

ITEM 8

- 1. LOCALITY PLAN**
- 2. SUBDIVISION PLAN**
- 3. SITE PLAN**
- 4. FLOOR PLANS**
- 5. ELEVATIONS AND SECTIONS**
- 6. SHADOW PLANS**
- 7. DRIVEWAY PLANS**
- 8. LANDSCAPE PLAN**
- 9. TREE LOCATION PLAN**

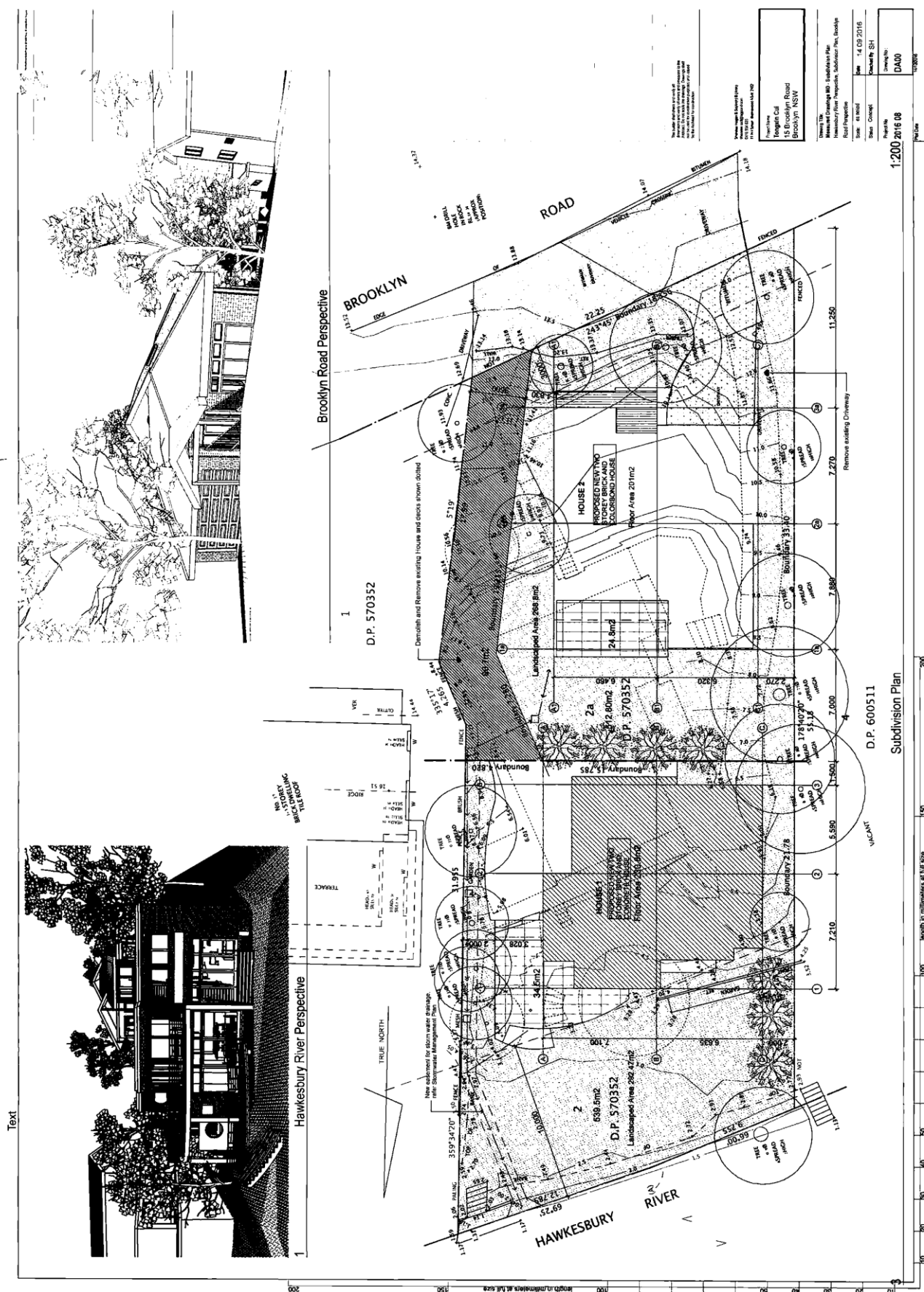


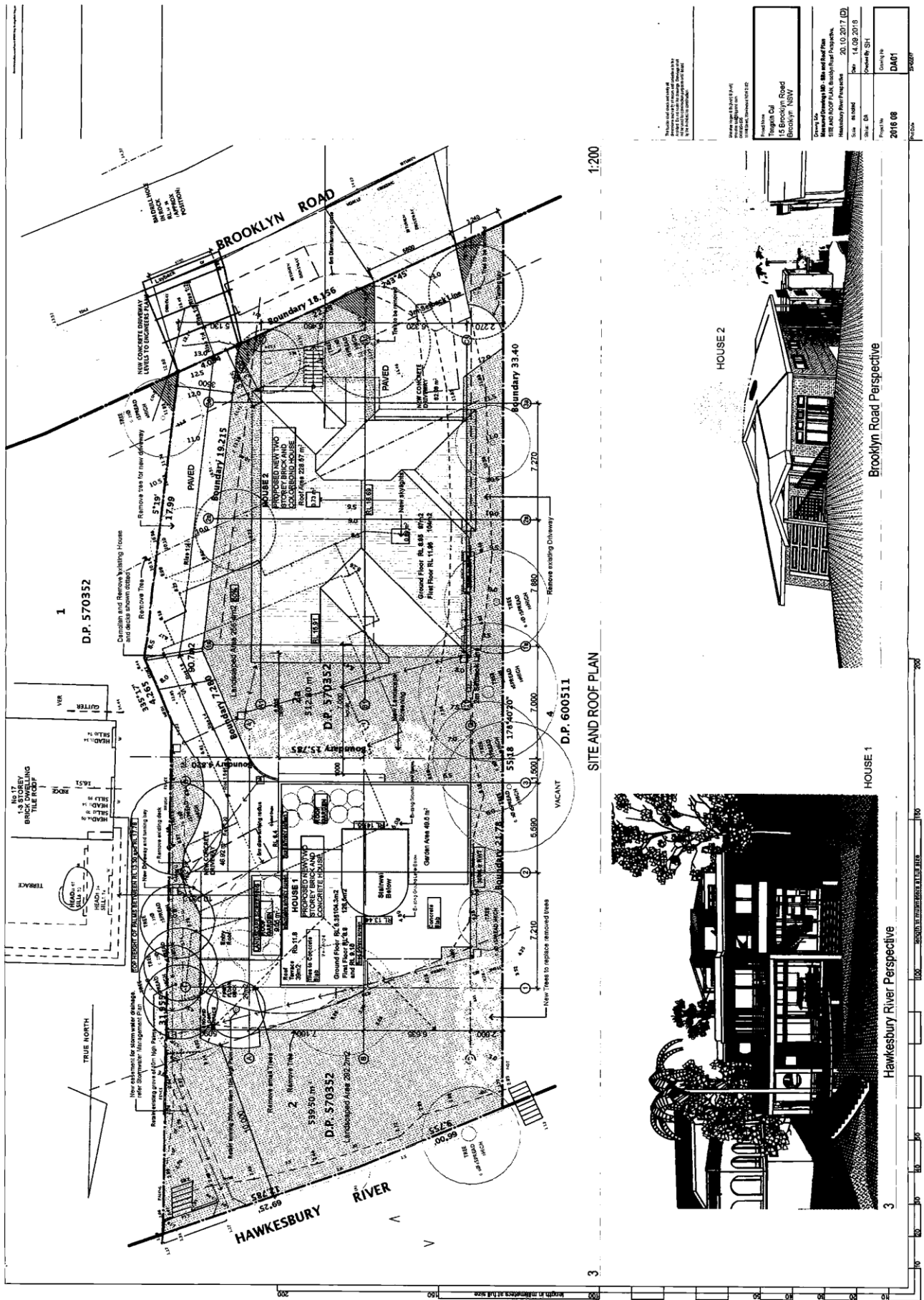
LOCALITY PLAN

DA/224/2017

No. 15 Brooklyn Road Brooklyn

ATTACHMENT 2 - ITEM 8





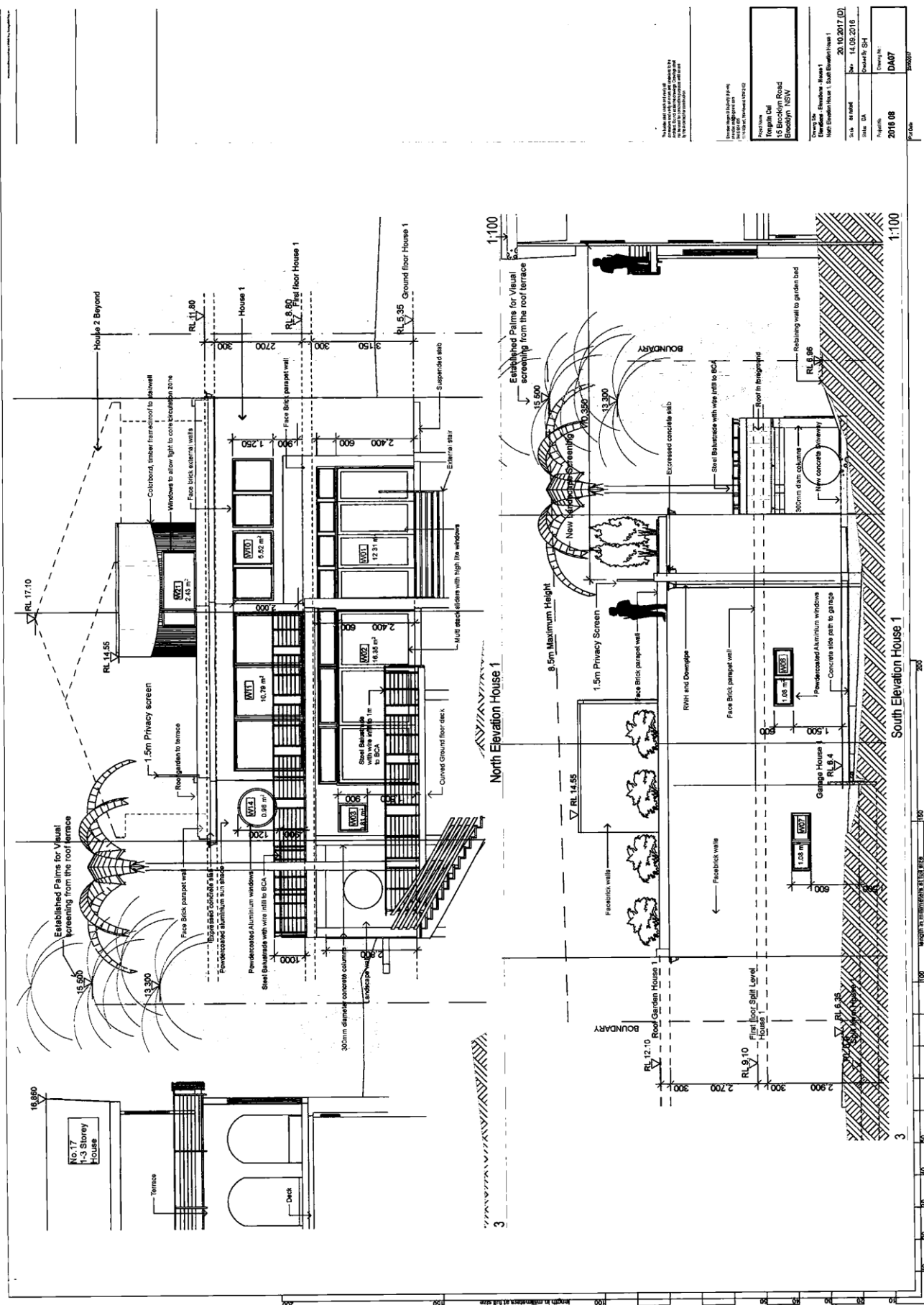






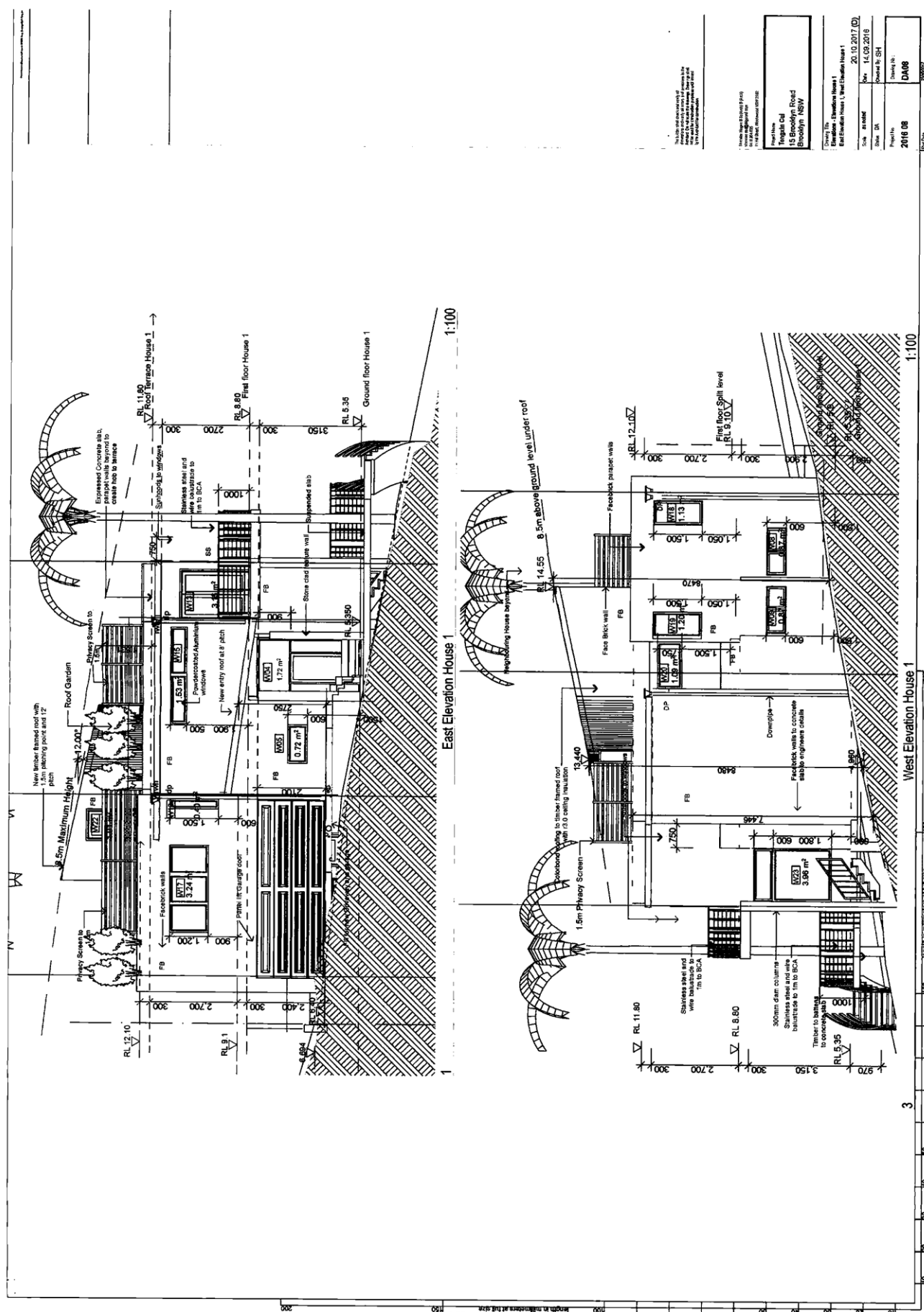




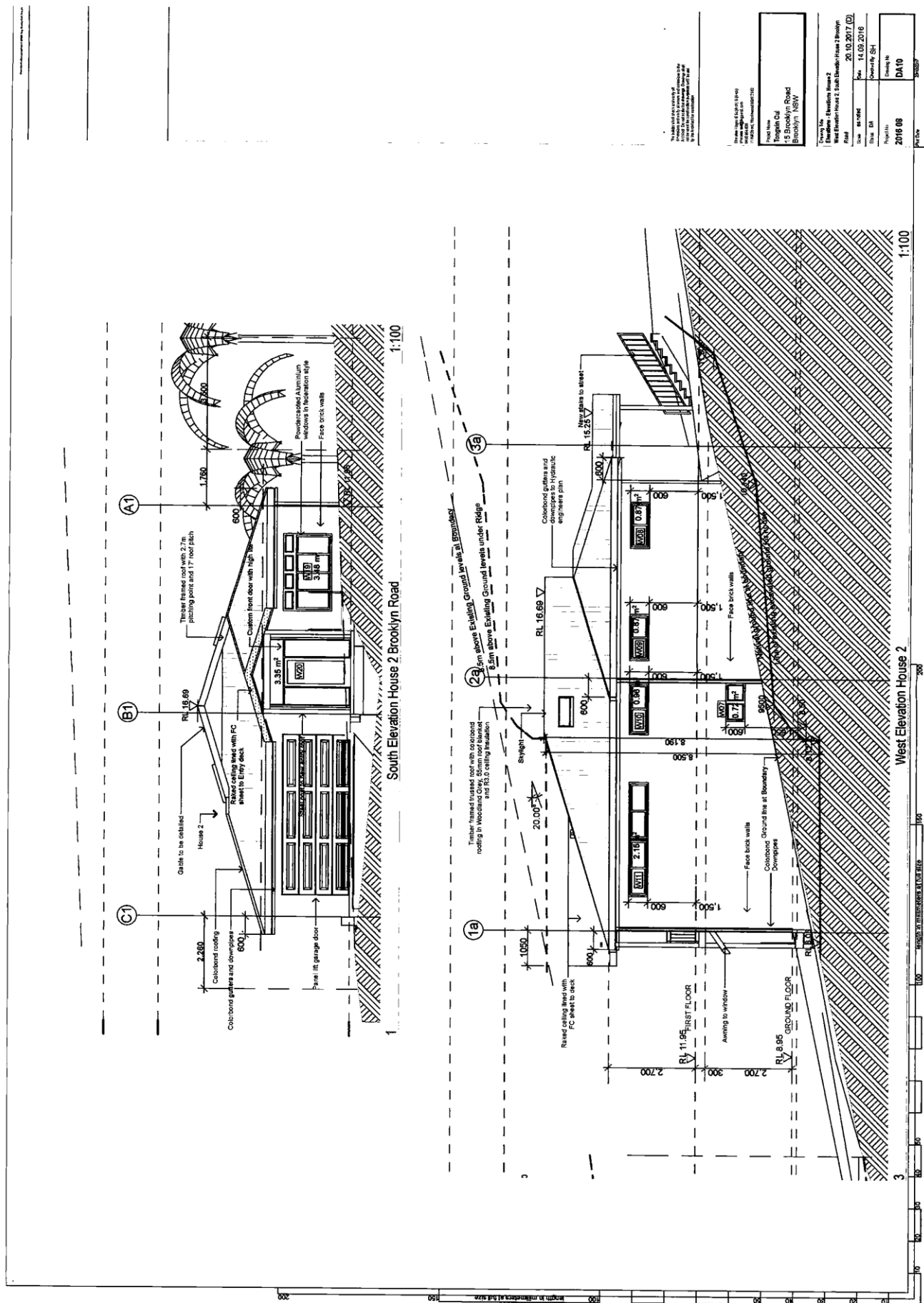


ATTACHMENT 5 - ITEM 8

ATTACHMENT 5 - ITEM 8

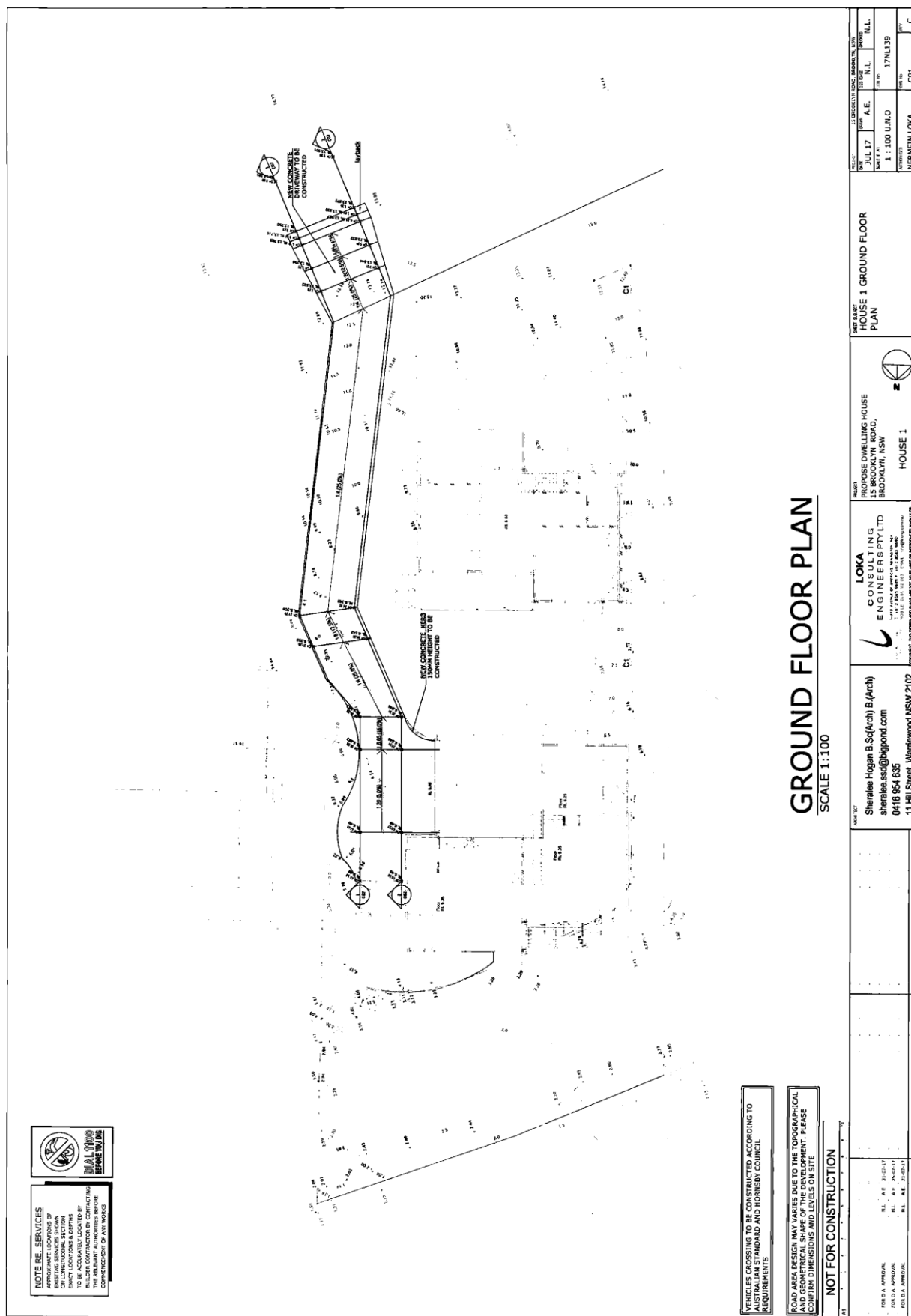




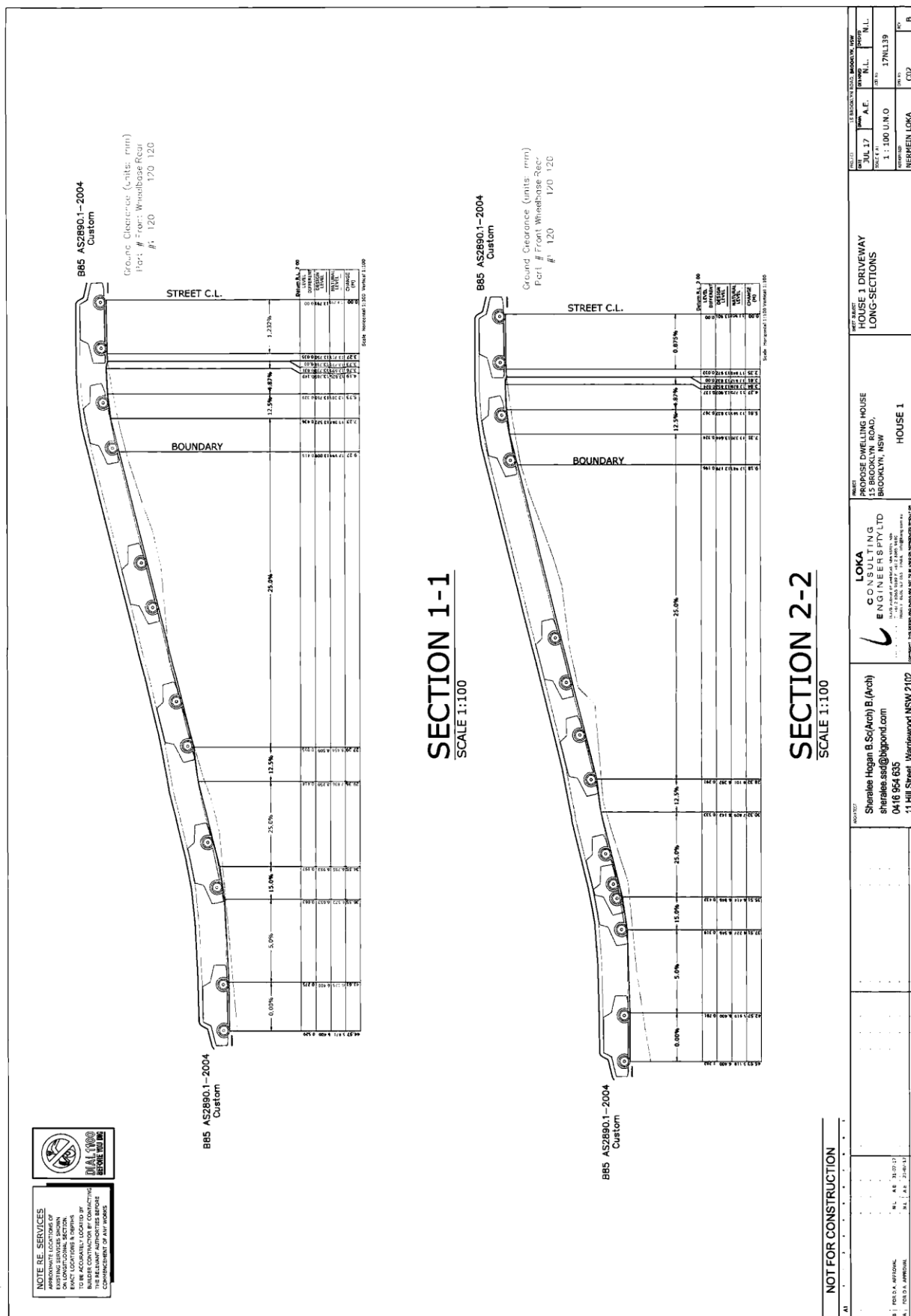




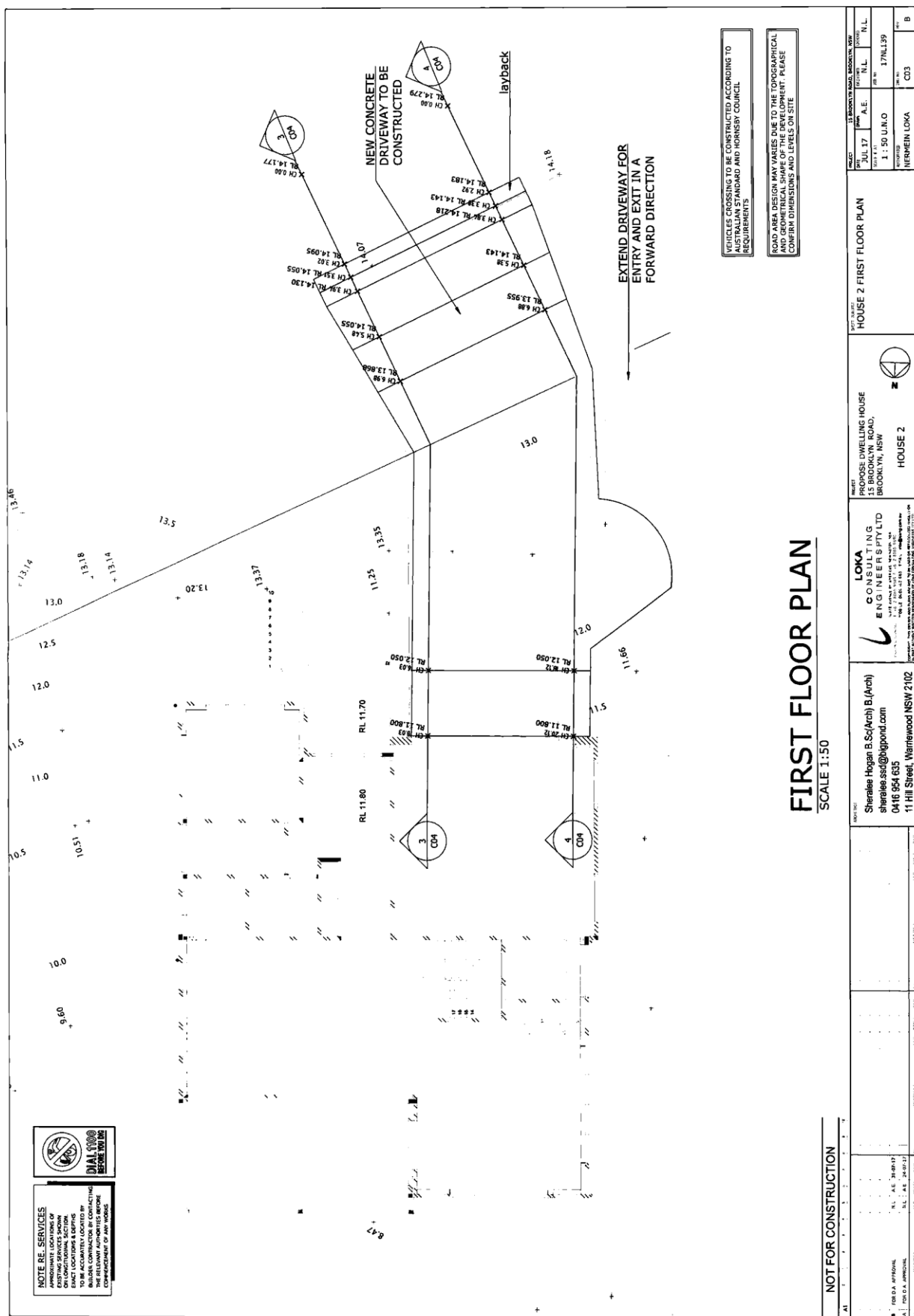
ATTACHMENT 7 - ITEM 8



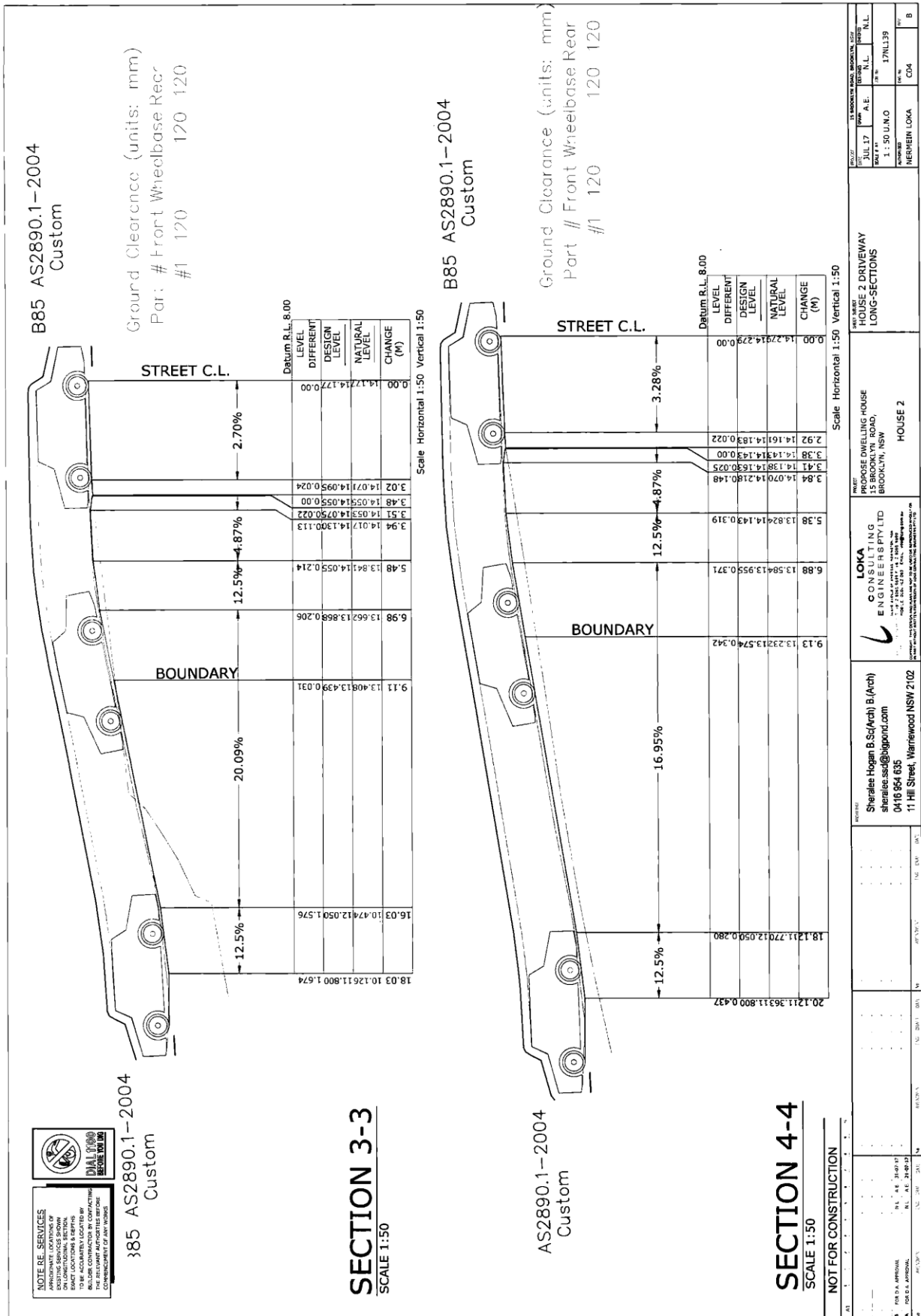
ATTACHMENT 7 - ITEM 8



ATTACHMENT 7 - ITEM 8



ATTACHMENT 7 - ITEM 8














ATTACHMENT 8 - ITEM 8

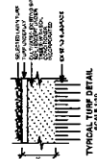
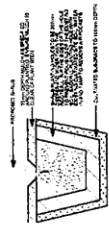
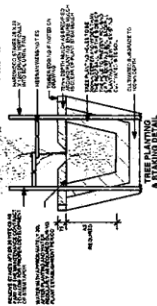
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PLANTING SCHEDULE

LEGEND

+97.20	PROPOSED LEVEL	PROPOSED TIMBER DECK AREA	EXISTING BILUWEN AREA	LAWN AREA	UNALTERED EXISTING GARDEN AREA	SITE BOUNDARY	PROPOSED 180 MM TIMBER FENCE	PROPOSED 1200 MM TIMBER FENCE	EXISTING TREE TO BE REMOVED	EXISTING TREE TO BE RETAINED
										

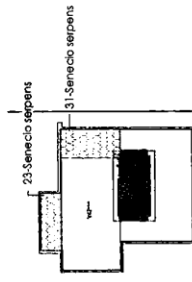
PLANTING DETAILS



OUTLINE LANDSCAPE SPECIFICATION

[illegible]

Conducting a survey of this type is not an easy task. In order to obtain a representative sample of the population, a large number of people must be contacted. This is often done by telephone, but this method is not always the best. In some cases, it is better to use a mail survey, or a survey conducted by door-to-door interviews. The choice of method depends on the nature of the study and the resources available. In this case, a mail survey was chosen because it was the most cost-effective method for reaching a large number of people. The survey was conducted over a period of six months, and the results were analyzed using statistical methods. The findings of the survey are discussed in the following sections.



TOP FLOOR PLANTING PLAN @1:200



PROPOSED LANDSCAPE PLAN HOUSE 1










2803/1177 1:100 @ A1 L/O1A'	NO. 15 BROOKLYN RD BROOKLYN	2803/1177 1:100 @ A1 L/O1A'
MR. CIU	discount landscape plans 1. quick - guaranteed - affordable	SITE SPECIFIC DESIGNS

ATTACHMENT 8 - ITEM 8

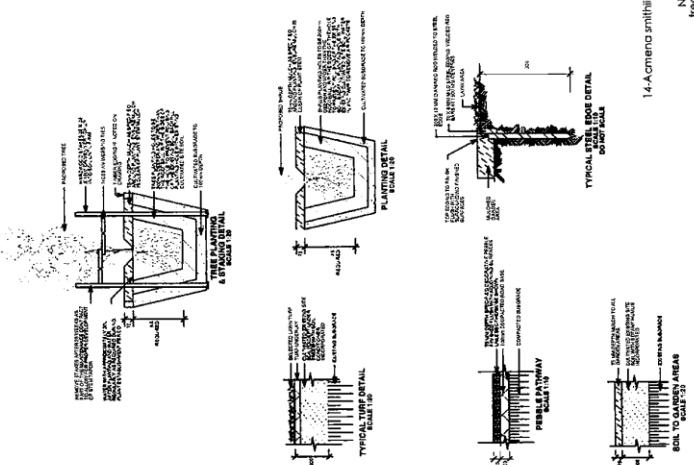
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PLANTING SCHEDULE

LEGEND


- | | | |
|--------|-----------------------------------------------------------------------------------|--------------------------------|
| 497.20 |  | PROPOSED LEVEL |
| 497.10 |  | EXISTING LEVEL |
| |  | PROPOSED PAVED AREA |
| |  | FERTILIZER MIXTURE |
| |  | PROPOSED TIMBER DECK AREA |
| |  | EXISTING BIOLUMINESCENCE |
| |  | PROPOSED CONCRETE DRIVEWAY |
| |  | LAWN AREA |
| |  | UNALTERED EXISTING GARDEN AREA |
| | | SITE BOUNDARY |
| | | PROPOSED 180 MM TIMBER FENCE |
| | | PROPOSED 120 MM TIMBER FENCE |
| | | EXISTING TREE TO BE REMOVED |
| | | EXISTING TREE TO BE RETAINED |

PLANTING DETAILS

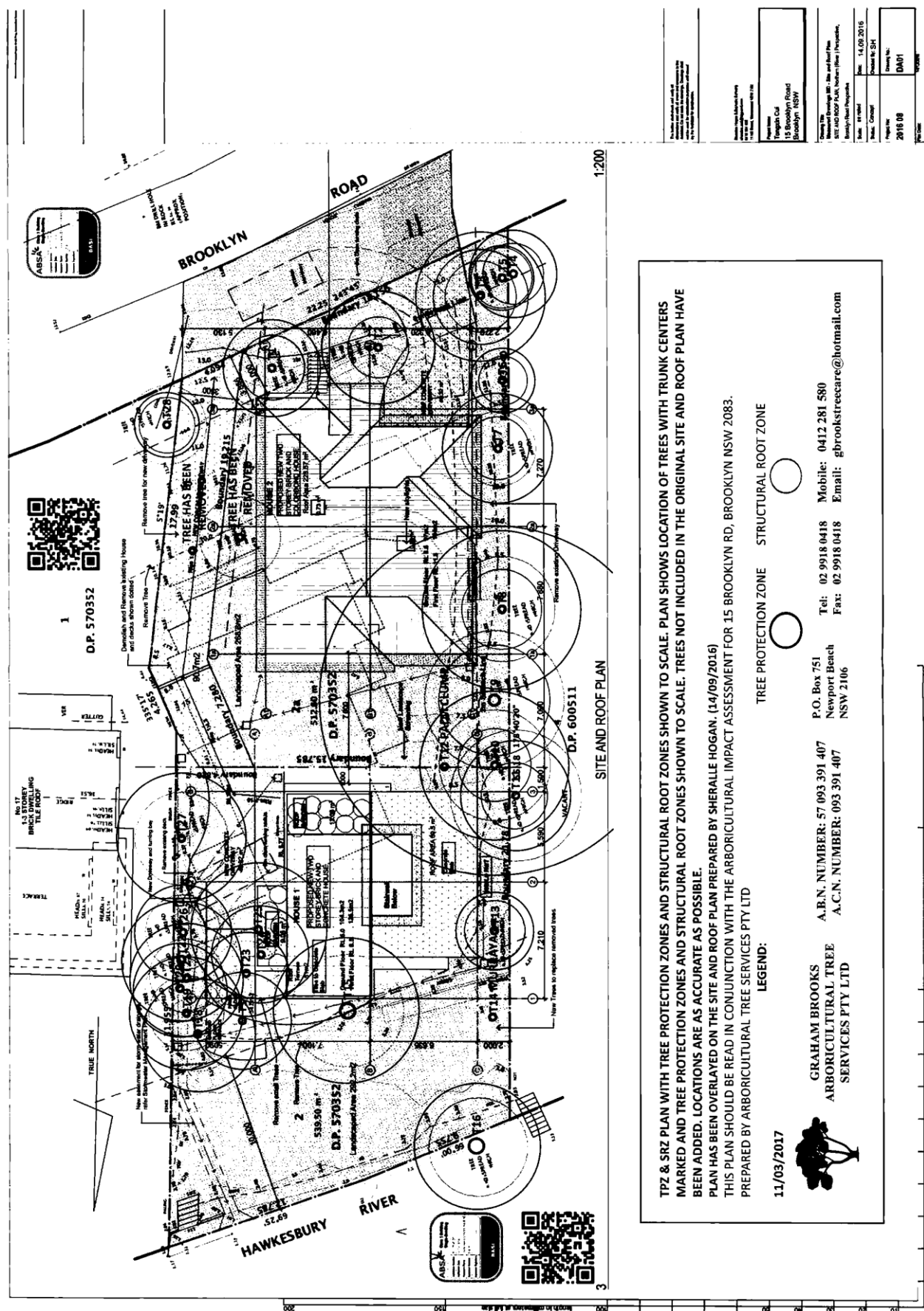


OUTLINE LANDSCAPE SPECIFICATION

[illegible]

 discount landscape plans 1. quick - guaranteed - affordable	MR. CIU	NO. 15 BROOKLYN RD BROOKLYN 2801117 1100 @ 41 L01	SITE SPECIFIC DESIGNS
	PROPOSED LANDSCAPE PLAN HOUSE 2		

ATTACHMENT 9 - ITEM 8



ATTACHMENT/S
REPORT NO. PL63/17

ITEM 9

- 1. LOCALITY PLAN**
- 2. FLOOR PLANS**
- 3. ELEVATIONS**

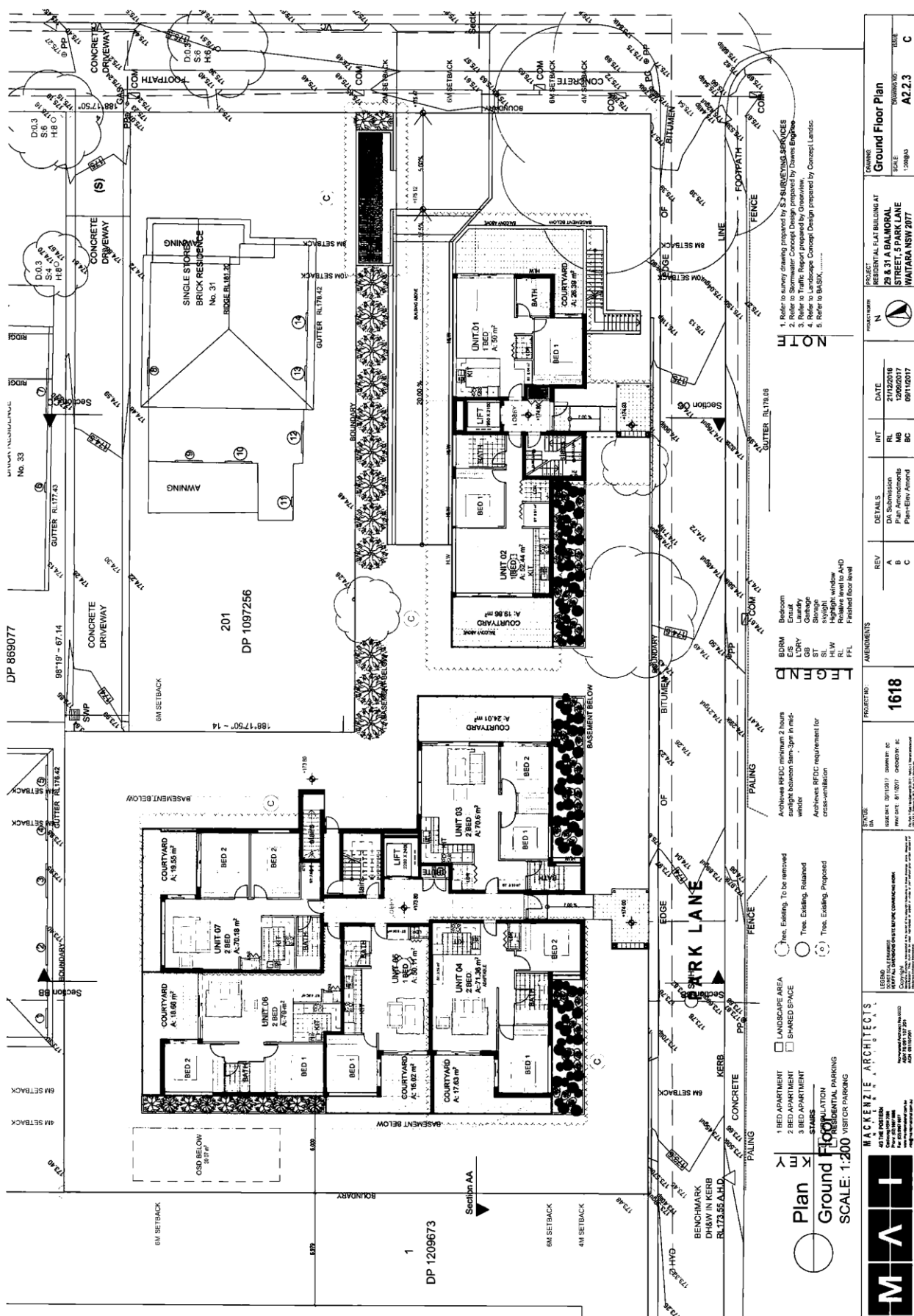
ATTACHMENT 1 - ITEM 9



LOCALITY PLAN

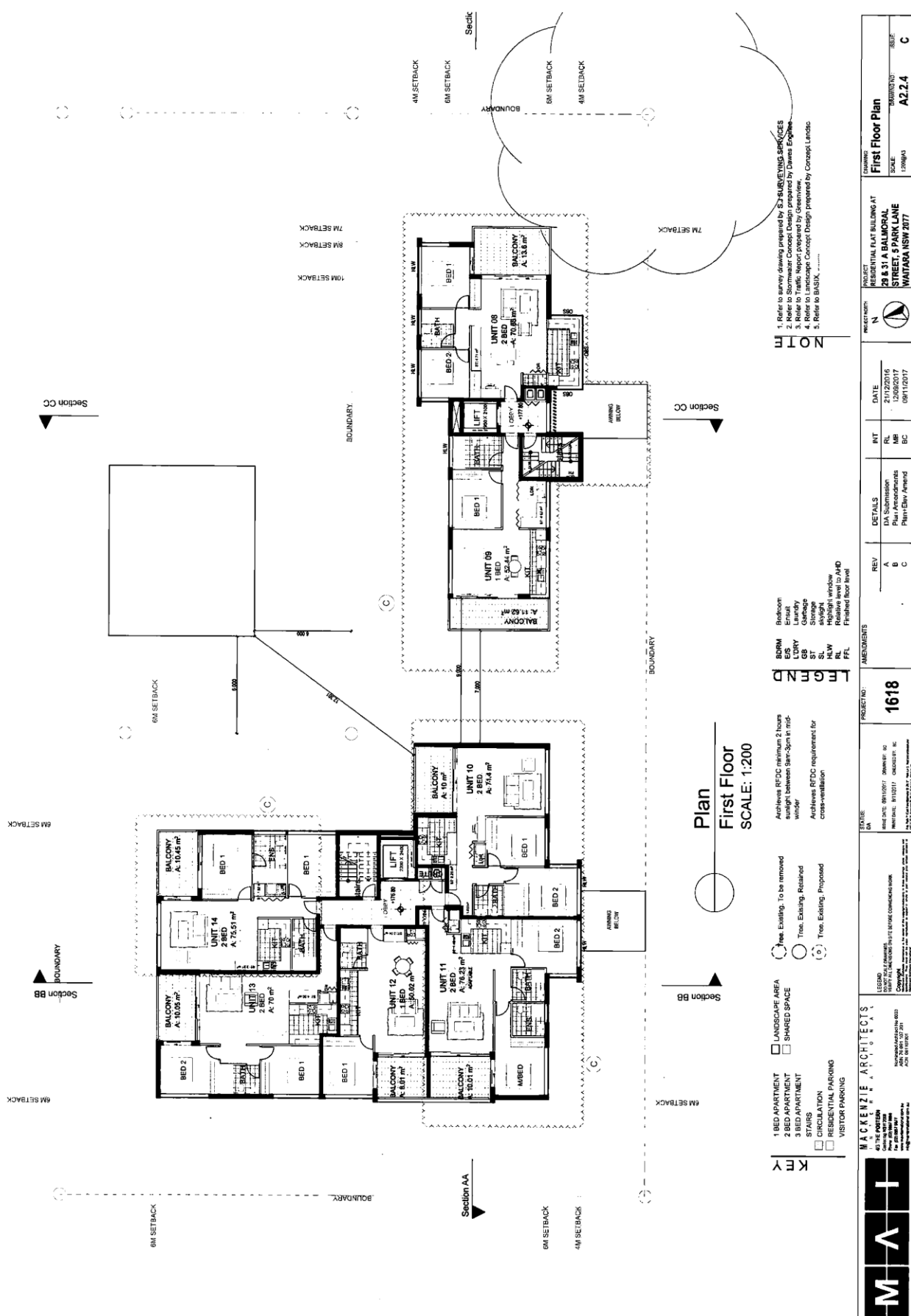
DA/1549/2016

Nos. 29 & 31A Balmoral Street and No. 5 Park Lane, Waitara



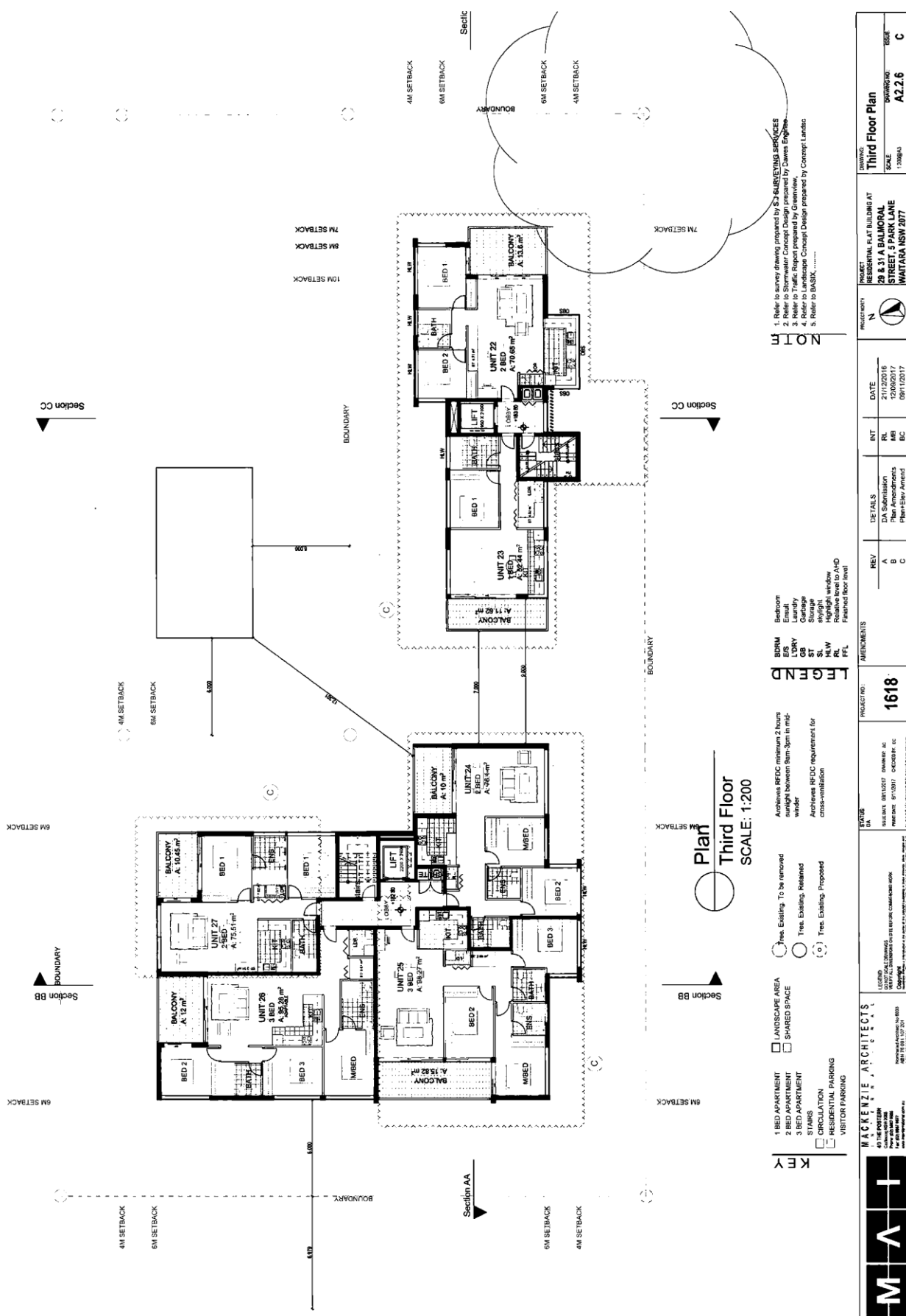
ATTACHMENT 2 - ITEM 9

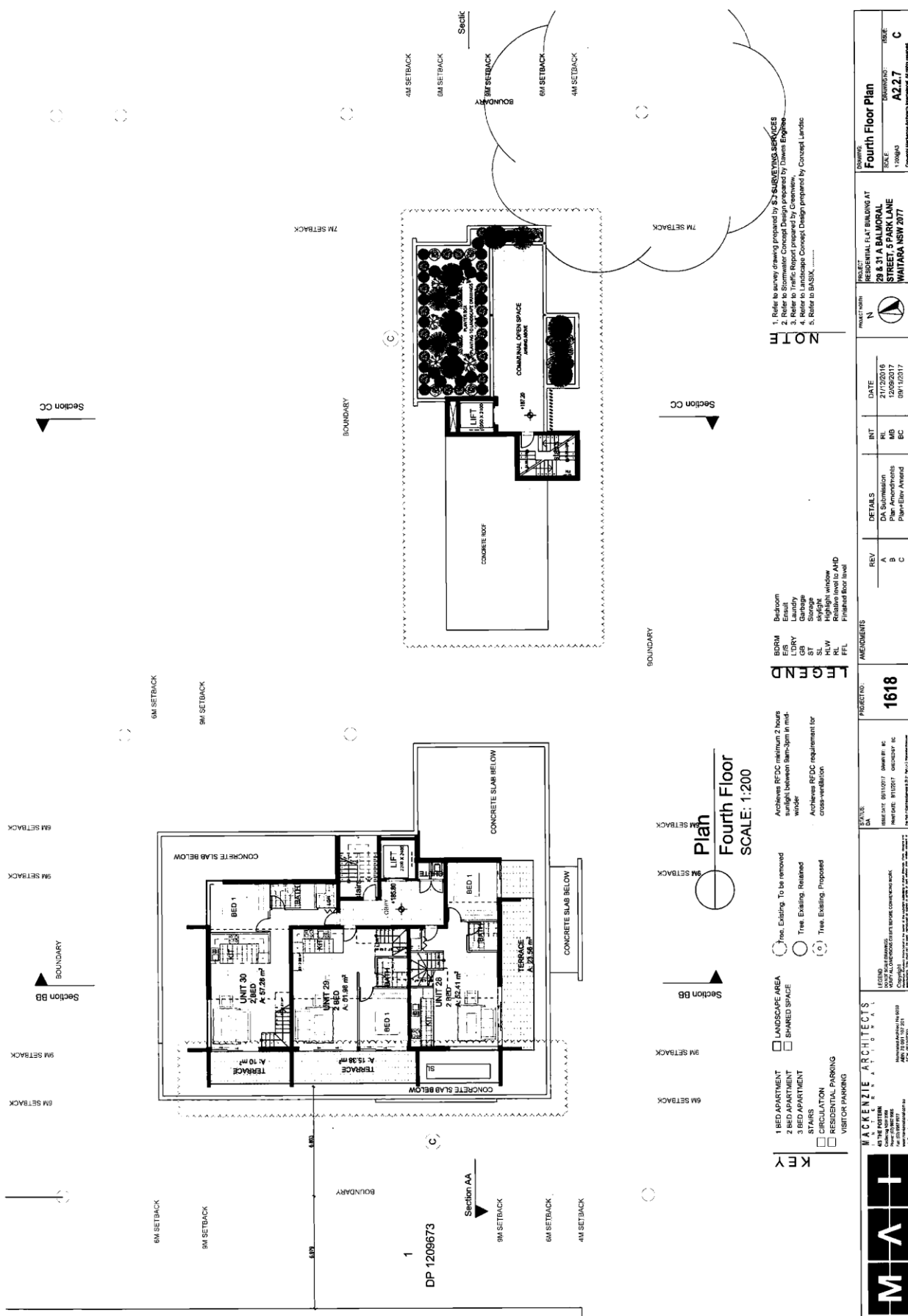
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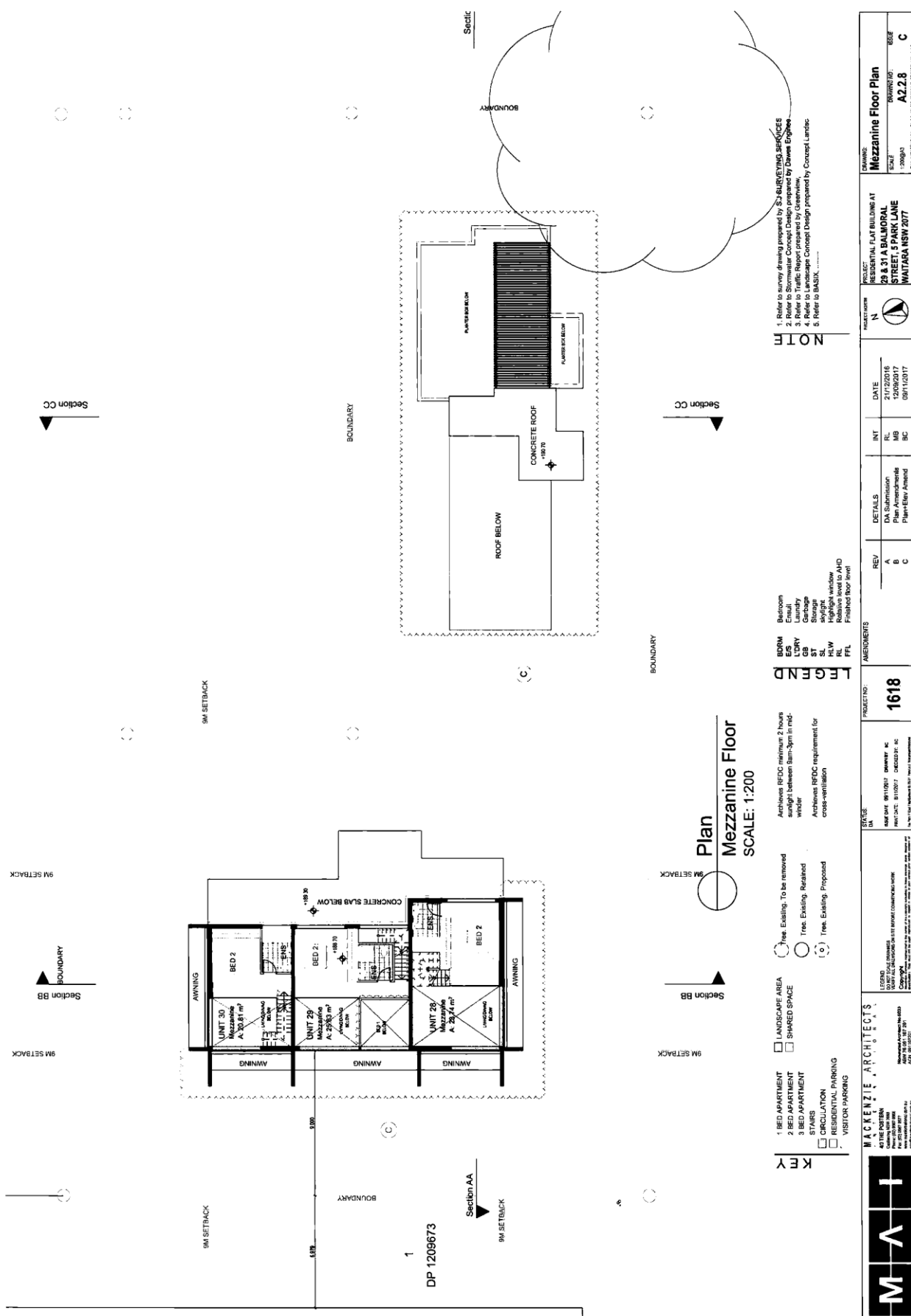


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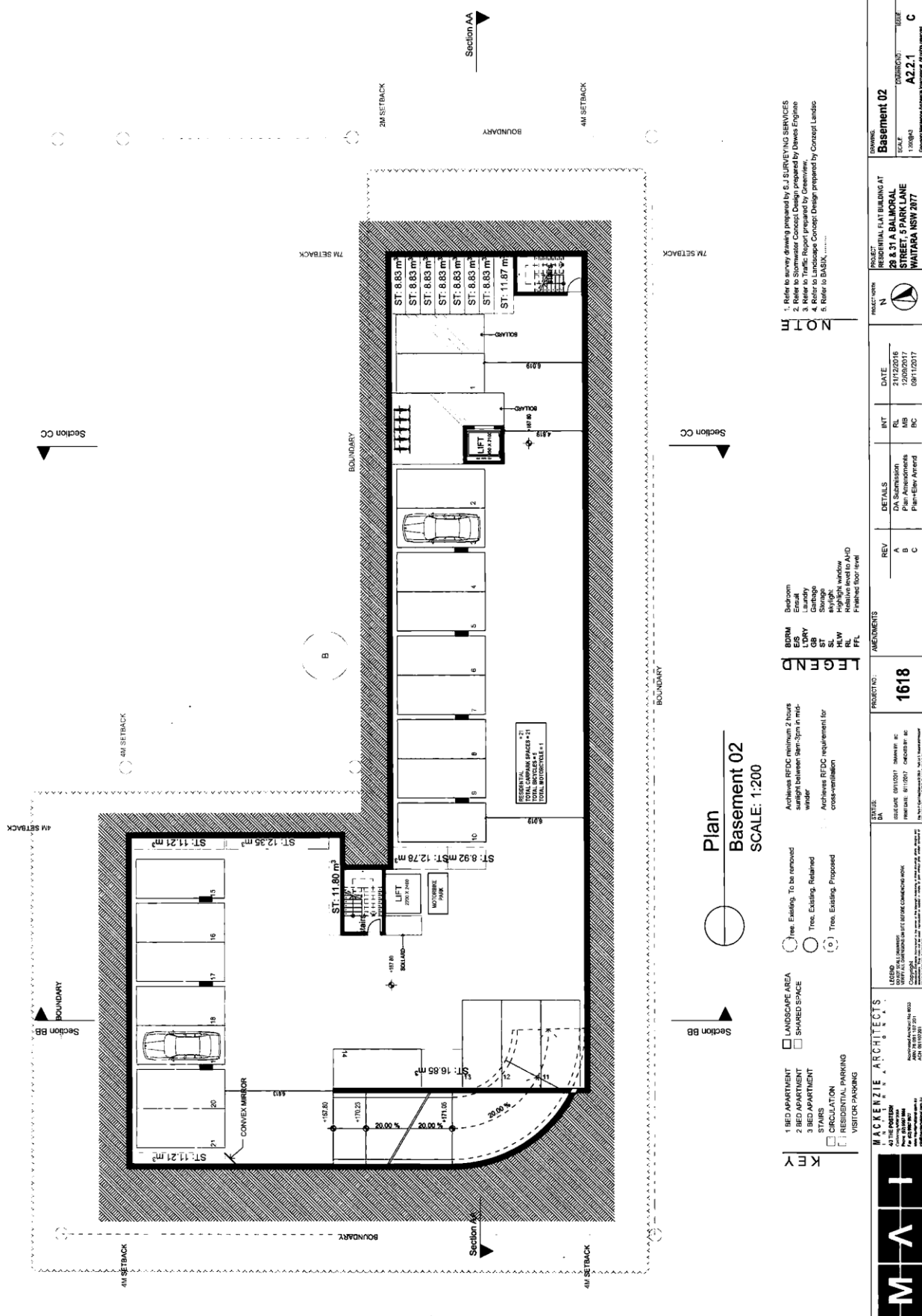


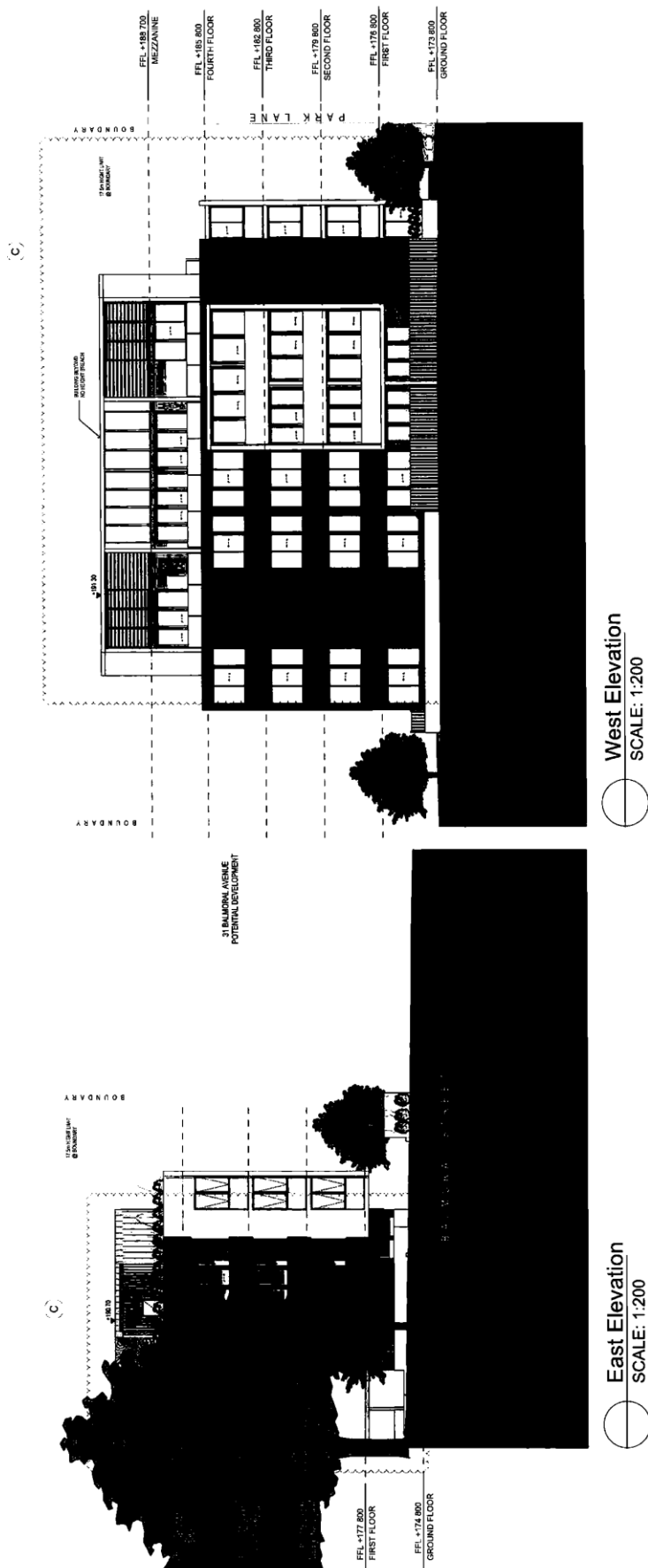


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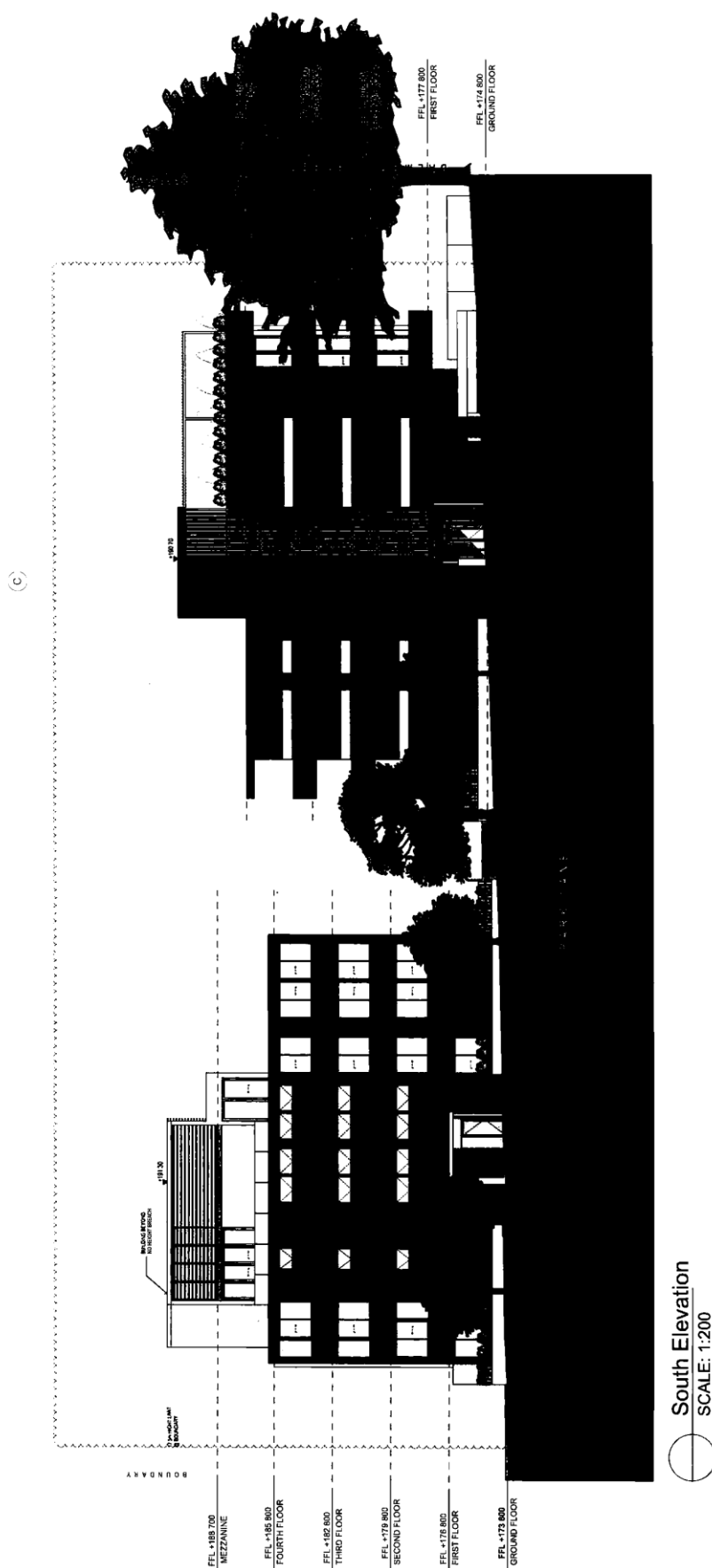
ATTACHMENT 2 - ITEM 9



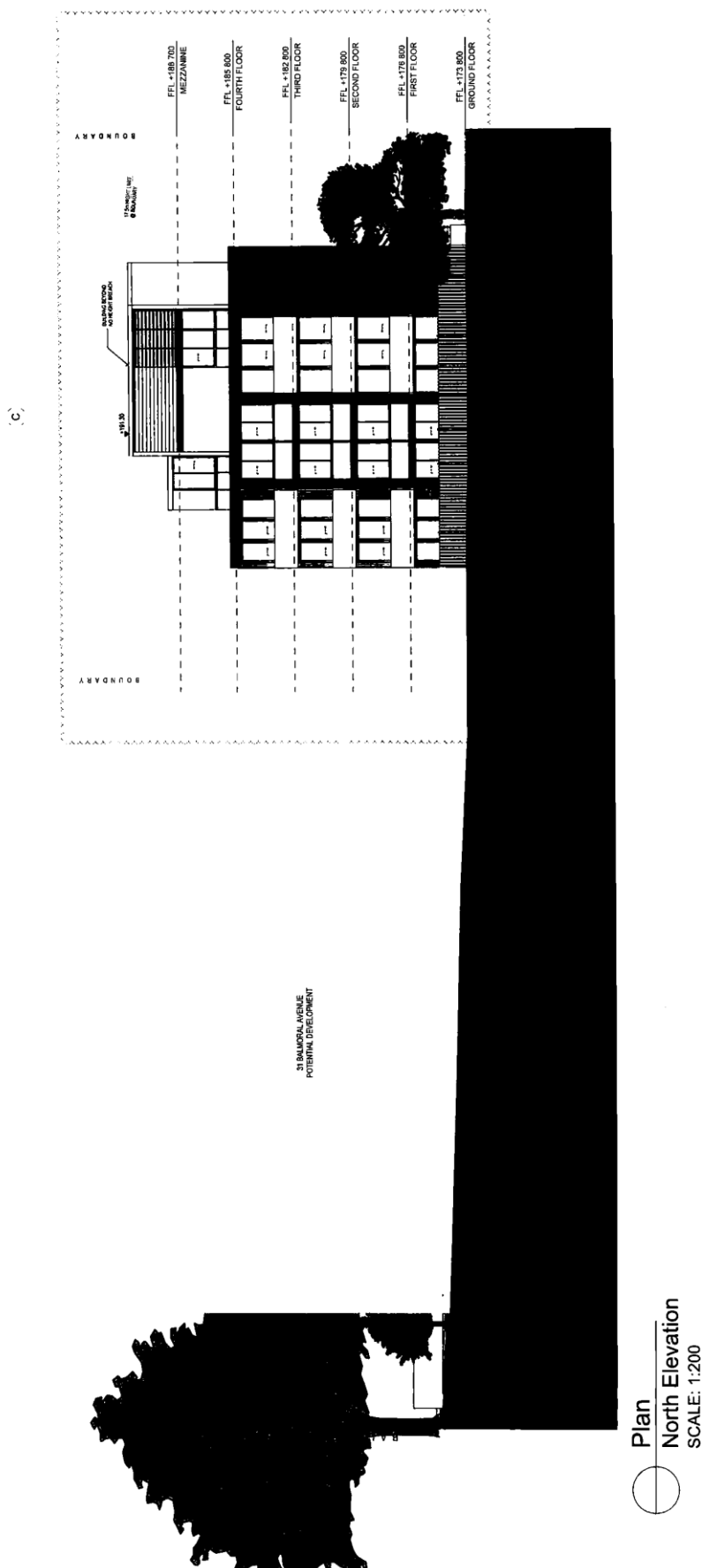


ATTACHMENT 3 - ITEM 9

<div><div>M+A</div><div>HACKENZIE ARCHITECTS</div><div>445 THE FOREST MELBOURNE VIC 3007 Phone 03 9581 8887 Fax 03 9581 8887 Email info@hac.com.au</div></div> <div><div>(L) EXISTING (A) ALTERATION (N) NEW (C) COMBINATION (R) REPAIR (D) DEMOLITION (P) PROPOSED (S) SURVEY (O) OTHER</div><div>STATE: SA</div><div>PROJECT NO: 1618</div><div>AMENDMENTS</div><table><thead><tr><th>REV</th><th>DETAILS</th><th>INT</th><th>DATE</th></tr></thead><tbody><tr><td>A</td><td>DA Submission</td><td>RL</td><td>21/12/2016</td></tr><tr><td>B</td><td>Plan Amendments</td><td>MB</td><td>12/05/2017</td></tr><tr><td>C</td><td>Plan/Elev Amend</td><td>NC</td><td>09/11/2017</td></tr></tbody></table></div>	REV	DETAILS	INT	DATE	A	DA Submission	RL	21/12/2016	B	Plan Amendments	MB	12/05/2017	C	Plan/Elev Amend	NC	09/11/2017	<div><div>PROJECT NAME:</div><div>RESIDENTIAL FLAT BUILDING AT 29 & 31 A BALMORAL STREET, 5 PARK LANE WAITARA NSW 2077</div></div> <div><div>PROJECT:</div><div>East & West Elevation</div></div> <div><div>DRAWING:</div><div>1618-01</div></div>
	REV	DETAILS	INT	DATE													
A	DA Submission	RL	21/12/2016														
B	Plan Amendments	MB	12/05/2017														
C	Plan/Elev Amend	NC	09/11/2017														
<div><div>DATE:</div><div>21/12/2016</div></div> <div><div>SCALE:</div><div>1:1000</div></div> <div><div>REVISIONS:</div><div>A3.03</div></div> <div><div>DATE:</div><div>09/11/2017</div></div> <div><div>PROJECT NO:</div><div>1618</div></div> <div><div>PROJECT NAME:</div><div>RESIDENTIAL FLAT BUILDING AT 29 & 31 A BALMORAL STREET, 5 PARK LANE WAITARA NSW 2077</div></div> <div><div>PROJECT:</div><div>East & West Elevation</div></div> <div><div>DRAWING:</div><div>1618-01</div></div>																	

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ATTACHMENT 3 - ITEM 9

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ATTACHMENT 3 - ITEM 9

ATTACHMENT/S

REPORT NO. PL58/17

ITEM 10

- 1. REVISED PLANNING PROPOSAL - HORNSBY EAST
SIDE - DECEMBER 2017**
- 2. DRAFT MEMORANDUM OF UNDERSTANDING**

PLANNING PROPOSAL

Hornsby Town Centre
East Precinct Review

December 2017



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BACKGROUND

The Hornsby Town Centre is the major commercial centre within the Shire. Council recently implemented new planning controls for the West Side of the Centre to increase the range of housing, business and entertainment opportunities. Council has now resolved to progress a strategic review of the planning controls for the East Side of the Town Centre.

In 2015, Council commissioned a feasibility investigation of its existing controls for the east side of the Town Centre which confirmed that the current limit on residential development is impacting on the economic viability of any redevelopment and therefore, it is unlikely any meaningful redevelopment will occur unless Council's controls are reviewed.

In 2016, the NSW Government announced its plans for construction of a multi-level commuter car park adjacent to Hornsby Station, within the East Side of the Town Centre, as part of its Hornsby Junction Remodelling project. Council provided feedback to the Government concerning the strategic importance and development potential of the car park site within the context of revitalisation of both the East and West sides of Hornsby Town Centre. In response, TfNSW indicated its willingness to work with Council to explore its vision for the Town Centre and the role of the Government's land in contributing to the realisation of that vision. Construction of the commuter car park was put on hold by TfNSW to work with Council to investigate how it could be incorporated into the broader planning for the precinct.

The Gateway Determination for this Planning Proposal was issued on 10 October 2017. In accordance with the Gateway Determination, the Planning Proposal has been amended to rezone land within the study area currently zoned B3 Commercial Core to B4 Mixed Use rather than introducing residential development and a new objective into the B3 Commercial Core zone.

The study area for this Planning Proposal has also been amended, to include all of Transport for NSW's land holdings along the railway up to Bridge Road, as it will:

- Assist with funding planned infrastructure and transport upgrades;
- Facilitate more housing close to jobs, services, existing infrastructure;
- Take advantage of the single ownership of the land and capacity for it to be a catalyst for renewal;
- Take advantage of a location that provides excellent access to surrounding retail, commercial and civic activities; and
- Accord with the (previous) *draft North District Plan* 'Action L3' for Council to investigate local opportunities to address demand and diversity in the short to medium term with a particular focus on rail

corridors. (Note: the revised *draft North District Plan* includes investigation of urban renewal in key nodes along transit corridors).

Along with the inclusion of railway land up to Bridge Road, the amended study area also extends up to Bridge Road to include the B5 zoned land adjacent to the rail corridor bounded by Bridge Road, Hunter Street and George Street. The inclusion of this land will:

- Form a logical boundary in line with the extent of railway land included in the study area;
- Accord with the revised *draft North District Plan* 'Action 44' to review and manage industrial and urban services land to confirm their protection or transition to higher order uses;
- Facilitate and balance the retention of industrial and urban services activities with emerging technologies; and
- Take advantage of the opportunity to reconsider the structure of the town centre and its relationship to the transport interchange and railway corridor.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To change the planning controls within the East Side of Hornsby Town Centre to stimulate economic activity and innovation, provide jobs closer to home, provide additional housing, promote healthier lifestyles and community cohesion, and provide for the upgrading of both the public domain and community and cultural facilities.

PART 2 - EXPLANATION OF THE PROVISIONS

Amendment of the *Hornsby Local Environmental Plan (HLEP) 2013* as follows:

1. Rezone land currently zoned B3 Commercial Core to B4 Mixed Use;
2. Increase building height and floor space ratio controls within the study area to permit mixed use residential and commercial development;
3. Introduce compatible or remove incompatible land uses from zones within the study area as necessary;
4. Reduce the minimum non-residential floor space control to 2:1 in the B4 Mixed Use zone within the study area; and
5. Rezone railway land from SP2 Railway to B4 Mixed Use to support airspace development above the George Street commuter car park and in other appropriate locations along the rail corridor within the study area.

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

No. However the current planning strategy for the Hornsby Town Centre East Side is based on the former draft *North Subregional Plan (2007)* and recommendations of the *Ku-ring-gai and Hornsby Subregional Employment Study (2008)*.

In 2015, Council commissioned a feasibility investigation which confirmed that the current limit on residential development within the commercial core on the west side is impacting on the economic viability of any redevelopment.

The Greater Sydney Commission recently exhibited a revised *Draft North District Plan*. Although Hornsby is nominated as a Strategic Centre, the *draft Plan* acknowledges that strategic centres differ in size and scale of economic activity and should offer flexibility and the co-location of a wide mix of activities, including residential accommodation.

This, combined with other priorities outlined in the *draft North District Plan*, presents an opportunity to revise Council's planning strategy to achieve the objective of revitalisation of Hornsby as a retail and service centre.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The Planning Proposal is the best means of achieving the intended outcome of investigating and enabling employment development opportunities and introducing residential development within the Hornsby Town Centre East Side. The *HLEP 2013* specifies permissible land uses, maximum heights and floor space ratios which can only be amended by means of progression of a planning proposal.

3. *Is there a net community benefit?*

Yes. The Planning Proposal will deliver a net community benefit by:

- Stimulating economic activity and innovation within an established commercial centre close to a major transport hub;

- Providing additional employment opportunities;
- Providing additional housing opportunities;
- Providing for the upgrade of the public domain and cultural facilities;
- Reintegration of Hornsby Mall to promote greater utilisation, activation and connectivity; and
- Providing the opportunity for the integrated delivery of transport infrastructure, including consideration of the relocation of the bus interchange to promote greater utilisation, activation and connectivity.

Section B - Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Planning Proposal is considered to be consistent with the relevant objectives and actions outlined in regional and subregional strategies.

Direction 1.7 of *A Plan for Growing Sydney* relates to concentrating office development in Strategic Centres to provide more jobs closer to home. The Hornsby Town Centre is classified as a "Strategic Centre" by the Strategy and identifies the following priorities:

- Work with council to retain a commercial core in Hornsby, as required, for long-term employment growth;
- Work with council to provide capacity for additional mixed-use development in Hornsby including offices, retail, services and housing;
- Support health-related land uses and infrastructure around Hornsby Ku-ring-gai Hospital; and
- Work with council to improve walking and cycling connections between Hornsby train station and Hornsby Ku-ring-gai Hospital.

The Greater Sydney Commission has recently released the *draft Greater Sydney Region Plan*. It continues to identify Hornsby as a "Strategic Centre" with a mix of activities, size and location that enables

the community to access a wide range of goods, services and jobs. The draft Region Plan acknowledges that each strategic centre across Greater Sydney differs in scale and opportunities to provide jobs and services and that only a few have major commercial centres. The Greater Sydney Commission has also recently released a revised *draft North District Plan* for comment. The *Plan* identifies (in part), the following priorities for the Hornsby Town Centre are to:

- encourage revitalisation of the commercial core;
- better integrate Westfield Hornsby into the centre and make the area more attractive;
- attract mixed-use development west of the railway line, encourage stronger integration within the centre, and encourage the development of a lively 'eat-street' or restaurant strip;
- improve walking and cycling connections between Hornsby Station and the Hospital;
- reduce the impact of traffic movements on pedestrians;
- promote walking, cycling and public transport to the centre and within it; and
- prioritise public domain upgrades, place making initiatives and a new civic space.

In addition to the above priorities, the revised *draft Plan* identifies a baseline job target for the Hornsby Town Centre of 18,000 jobs by 2036 (and a higher target of 22,000 by 2036). This presents an opportunity to revise Council's planning strategy to achieve the priority of revitalisation. Council's supply and demand analysis identifies that future provision of commercial floorspace would only be feasible as part of mixed use developments with residential uses on upper levels.

Based on the *draft Plans* released by the Greater Sydney Commission, the future role for the Hornsby Town Centre would change from the current strategy of reserving land for knowledge economy jobs to providing jobs that service the local population. This change in strategy is relevant to the zoning of the commercial core which is currently predicated on supporting the delivery of large floorplate office development. However, the provision of jobs to service the growing local population requires either ground floor shop fronts or first floor tenancies.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes. The Planning Proposal is consistent with Council's *Community Strategic Plan 2013 – 2023*, which seeks a trusted, sustainable and innovative council dedicated to improving the quality of life of the community.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes. The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. See Appendix B for details.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The Planning Proposal is consistent with the majority of applicable s117 Ministerial Directions. See Appendix C for details. However, the Planning Proposal will evolve as technical studies are prepared to justify the rezoning of B3 zoned land and proposed reduction in required floor space area for employment uses in the B4 zone to be consistent with Direction 1.1 Business and Industrial zones. The objectives of this direction are to encourage employment growth, protect employment land and support the viability of identified strategic centres.

The existing strategy of preserving land within the commercial core for large format offices is not likely to promote the feasible redevelopment of land. The studies to be prepared in support of this planning proposal will give consideration to the objectives of this Direction and will justify the inconsistency. Council will seek to satisfy the Secretary of the Department of Planning and Environment in this regard.

Section C - Environmental, social and economic impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

It is unlikely that critical habitat or threatened species or ecological communities or their habitats will be adversely affected by the proposal. The majority of the Hornsby Town Centre East Side has been developed and existing commercial buildings and car parks cover entire sites.

9. Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?

As discussed above, the Hornsby Town Centre East Side is almost fully developed with commercial buildings. Part of the railway land within the precinct is within a Heritage Conservation Area and also contains a number of heritage items. The heritage items will be considered and protected where necessary as part of any future development.

The Gateway Determination requires a comprehensive investigation of the following issues:

- Heritage;
- Economic;
- Social;
- Traffic and Parking;
- Public Domain; and
- Urban Design.

Tender documents are currently being prepared for consultant engagement to assist with the above.

10. Has the planning proposal adequately addressed any social and economic effects?

Social and Economic effects will be addressed with the preparation of an economic feasibility study, public domain strategy and community facility requirement plan.

The exhibited and adopted *Community and Cultural Facilities Strategic Plan 2015* reviews the provision of social and community facilities and recommends centrally locating facilities that are financially sustainable, multipurpose and flexible, accessible and near public space. The revision of planning controls would consider the strategic vision for the community and cultural facilities in the area and provide opportunity for their integrated delivery.

The future re-development of the commercial core has the potential to impact on the amenity of the Hornsby Mall which attracts over 15,000 visitors daily. The revision of planning controls would have regard to existing public spaces and also consider the opportunity to re-imagine the organisation of this space to promote greater utilisation, activation and connectivity.

Section D - State and Commonwealth interests

11. *Is there adequate public infrastructure for the planning proposal?*

Yes.

Council will liaise with service providers during the review process in terms of augmentation of infrastructure and will work closely with Transport for NSW concerning the railway land within the precinct.

In 2016, the NSW Government announced its plans to progress works for construction of a multi-level commuter car park adjacent to Hornsby Station. Council's submission suggested the proposal does not take advantage of the strategic importance and development potential of the site nor the opportunity to reconsider the structure of the town centre and location of important services such as the bus interchange. The current location of the bus interchange creates a barrier between the east and west sides of the Town Centre. The expansion of the commuter car park provides the unique opportunity to create a new covered bus interchange on George Street, significant housing and employment opportunities and public domain improvements on the western side of the Town Centre.

Transport for NSW has confirmed that it has considered the comments by Hornsby Council on the commuter car park project and is willing to work with Council to explore its vision for the Town Centre and the role of the Government's land in contributing to the realisation of that vision.

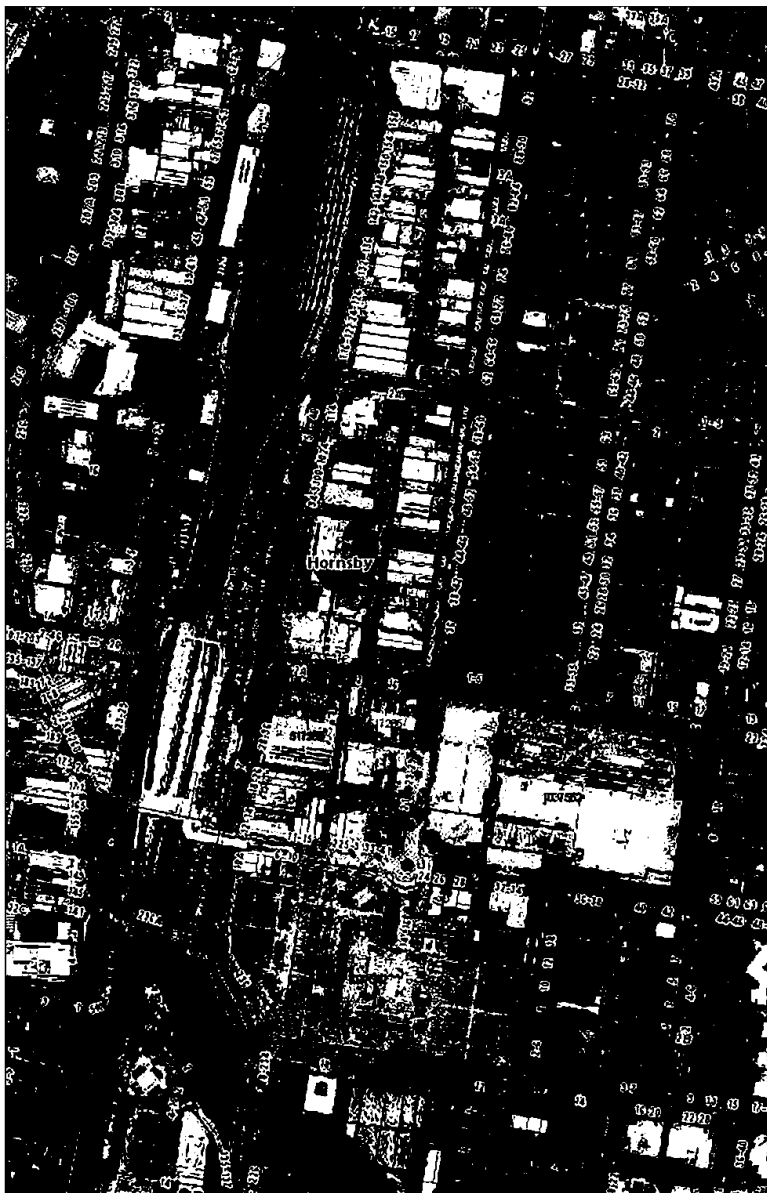
12. *What are the views of State and Commonwealth public authorities consulted in accordance within this gateway determination?*

Consultation will occur with the following public authorities identified in the Gateway Determination:

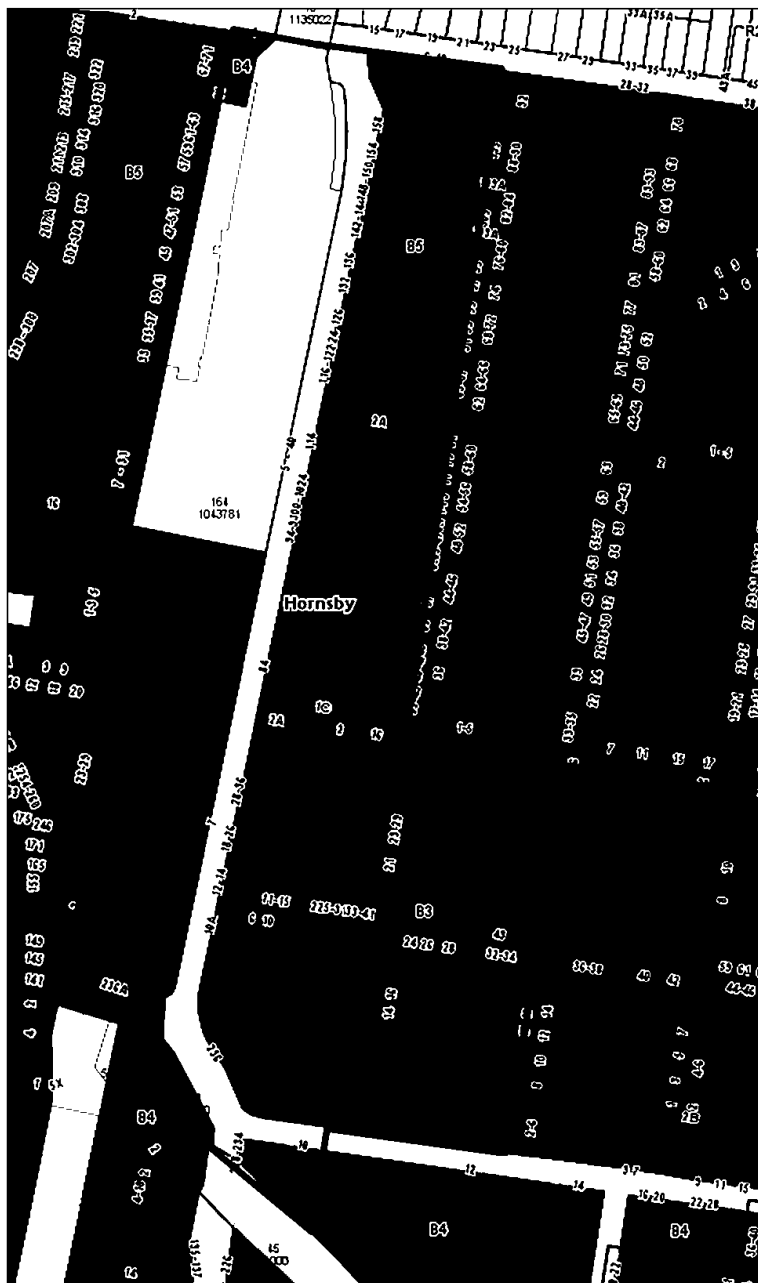
Transport for NSW;
 Transport for NSW – Sydney Trains;
 Transport for NSW – Roads and Maritime Services;
 Office of Environment and Heritage;
 Telstra;
 Sydney Water; and
 Endeavour Energy.

PART 4 - MAPS

Study Area



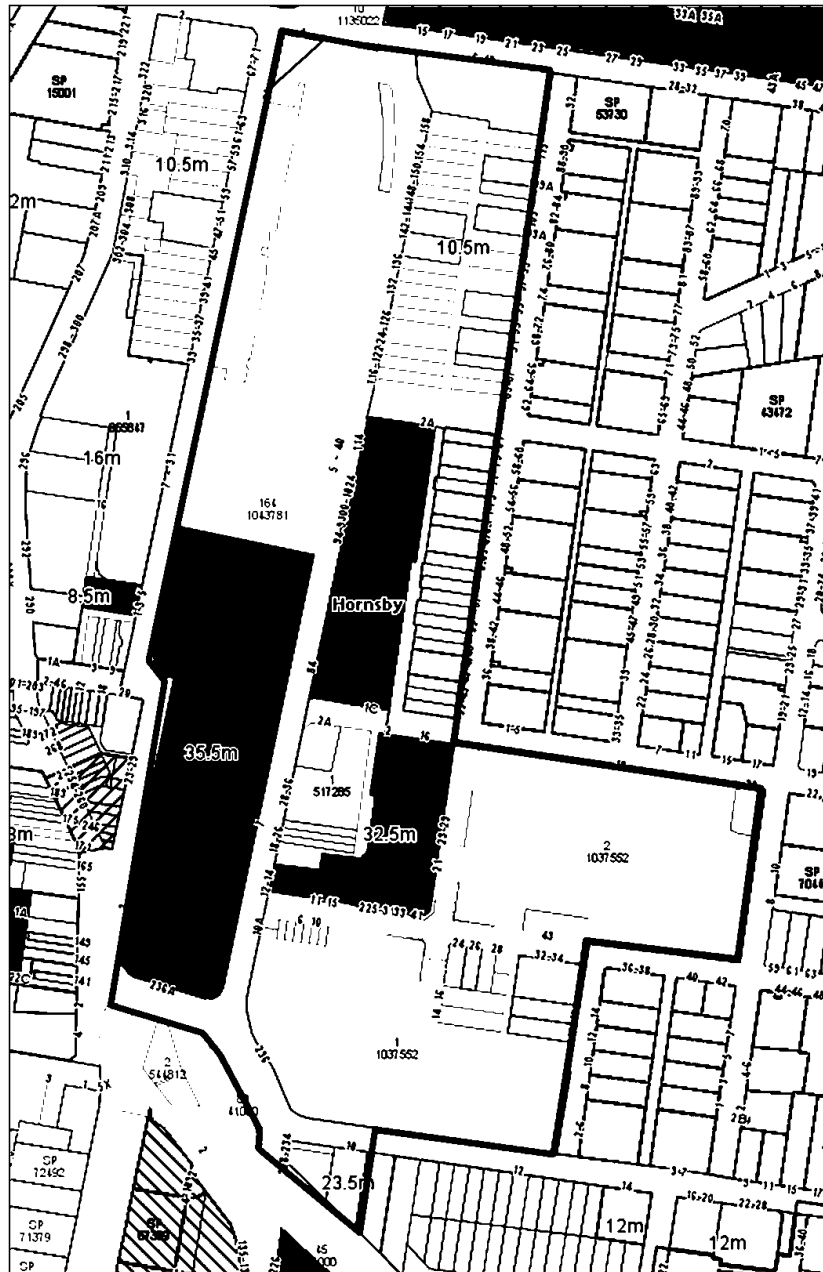
Current Zoning Map



Planning Proposal – Hornsby East Side – Version 2

13

Current Height of Building Map



Planning Proposal – Hornsby East Side – Version 2

14

Current Floor Space Ratio Map



Planning Proposal – Hornsby East Side – Version 2

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Current Heritage Map



Planning Proposal – Hornsby East Side – Version 2

PART 5 - COMMUNITY CONSULTATION

In accordance with "A guide to preparing local environmental plans" prepared by the Department of Planning and Environment (2009) and the Gateway Determination issued by the DP&E, the Planning Proposal would be on exhibition for a minimum of 28 days. The exhibition would include:

Public Authorities

Notification letters and a copy of the Planning Proposal will be sent to relevant public authorities.

Advertisement in local newspapers

An advertisement will be placed in the newspapers listed below. The advertisement will identify the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

Hills News
Northern District Times
Hornsby Advocate

Advertisement on the Council website

The Planning Proposal will be exhibited on the Council website (www.hornsby.nsw.gov.au/onexhibition). Council's libraries have access to the website.

Letters to affected and adjoining property owners

A letter will be sent to affected and adjoining property owners advising of the exhibition of the Proposal and inviting submissions.

Letters to community and industry groups

A letter will be sent to the following community and industry groups advising of the exhibition of the Proposal and inviting submissions:

- Hornsby Shire Historical Society Inc
- Hornsby Shire Residents' and Ratepayers' Association Inc
- Hornsby and District Chamber of Commerce
- Housing Industry Association
- Urban Development Institute of Australia
- Real Estate Institute of Australia

Displays at the Council Administration Building and local libraries

The Planning Proposal will be displayed at the Council Administration Centre, 296 Peats Ferry, Hornsby and the following libraries:

Hornsby Library
Berowra Library
Galston Library
Pennant Hills Library

Review of Consultation Strategy

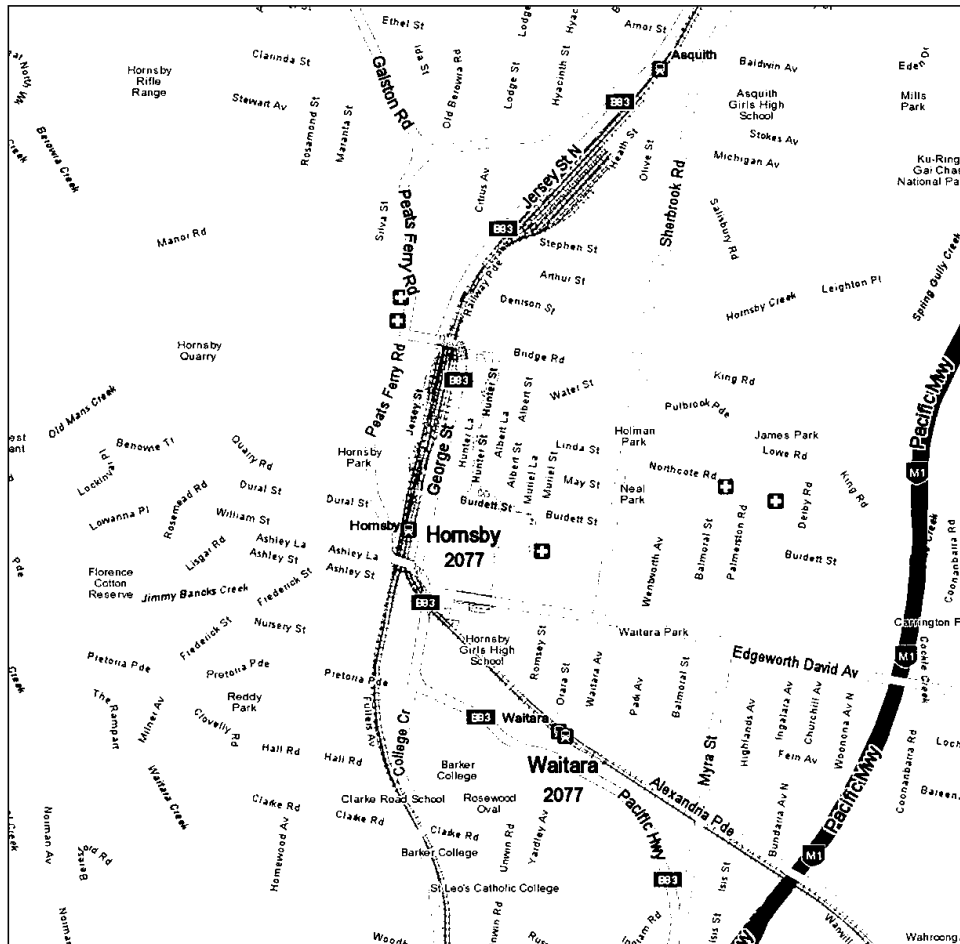
Where submissions warrant, the consultation strategy may be reviewed to extend the exhibition period and/or the methods of consultation. This may occur where a submission provides reasonable justification for a request for an extension to the exhibition period or where Council is of the opinion an amendment to the consultation strategy would facilitate greater feedback on the draft Plan.

Following the exhibition period, a report on submissions will be presented to Council for its consideration

PART 6 – PROJECT TIMELINE

Date	Item
Oct 17	Gateway Determination
Dec 17	Amended Planning Proposal adopted by Council
Mar – May 2018	Technical Studies
June 2018	Resubmit Planning Proposal for endorsement for exhibition
July 2018	Public Exhibition start
Sept 2018	Public Exhibition end
Oct 2018	Consideration of submissions from exhibition
Nov 2018	Report to Council on submissions
Feb 2019	Request draft instrument be prepared

Appendix A – Location Map



Appendix B – State Environmental Planning Policy Checklist

SEPP Title	Comment
SEPP 1. Development Standards	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP 14. Coastal Wetlands	Not applicable
SEPP 19. Bushland in Urban Areas	Not applicable
SEPP 21. Caravan Parks	Not applicable
SEPP 26. Littoral Rainforests	Not applicable
SEPP 30. Intensive Agriculture	Not applicable
SEPP 33. Hazardous and Offensive Development	Not applicable
SEPP 36. Manufactured Home Estates	Not applicable
SEPP 44. Koala Habitat Protection	Not applicable
SEPP 47. Moore Park Showground	Not applicable
SEPP 50. Canal Estates	Not applicable
SEPP 52. Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP 55. Remediation of Land	Consistent. Dwelling houses and shop top housing have been previously permitted on B3 zoned land under the Business F zoning of the (repealed) <i>Hornsby Shire Local Environmental Plan 1994</i> .
SEPP 62. Sustainable Aquaculture	Not applicable
SEPP 64. Advertising and Signage	Not applicable
SEPP 65. Design Quality of Residential Apartment Development	Not applicable
SEPP 70. Affordable Housing (Revised Schemes)	Not applicable
SEPP 71. Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Infrastructure) 2007	Not applicable
SEPP (Integration and Repeals) 2016	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable

SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Plans (deemed SEPPs)	Comment
Bathurst Regional Local Environmental Plan 2014	Not applicable
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Not applicable
Mid-Western Regional Local Environmental Plan 2012	Not applicable
Murray Regional Environmental Plan No 2 – Riverine Land	Not applicable
SREP 8 - Central Coast Plateau Areas	Not applicable
SREP 9 - Extractive Industry (No. 2 - 1995)	Not applicable
SREP 16 - Walsh Bay	Not applicable
SREP 20 - Hawkesbury Nepean River (No. 2 – 1997)	Consistent. The Planning Proposal does not involve environmentally sensitive areas within the Hawkesbury-Nepean catchment.
SREP 24 – Homebush Bay Area	Not applicable
SREP 26 – City West	Not applicable
SREP 30 - St Marys	Not applicable
SREP 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	
Tamworth Regional Local Environmental Plan 2010	Not applicable
Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property	Not applicable

Appendix C – Section 117 Directions Checklist

No.	Section 117 Direction	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	<p>Inconsistency to be justified.</p> <p>This proposal will affect land within an existing business zone. Consultant studies will be undertaken to investigate a reduction in the minimum floor space area required in the current B3 and B4 zones, and the potential for additional residential development within the zones. The studies will also review the B5 zone to confirm and/or manage industrial land and urban services in accordance with requirements from the Greater Sydney Commission.</p> <p>The objectives of this direction are to encourage employment growth, protect employment land and support the viability of identified strategic centres. However, the existing strategy of preserving land within the commercial core for large format offices is not likely to promote the feasible redevelopment of land. The consultant studies to be prepared in support of this planning proposal will give consideration to the objectives of this Direction and will justify the inconsistency.</p> <p>Council will seek to satisfy the Secretary of the Department of Planning and Environment in this regard.</p>
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environmental Protection Zones	Consistent. This direction requires planning proposals to include provisions that facilitate the protection and conservation of environmentally sensitive areas. However, the planning proposal does not apply to land within an environment protection zone.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. The <i>Hornsby Local Environmental Plan 2013</i> contains provisions which facilitate the

		conservation of heritage items and conservation areas. Part of the railway land within the precinct is within a Heritage Conservation Area, and also contains a number of heritage items. These provisions will remain in place and be considered as part of any future development.
2.4	Recreation Vehicle Areas	Consistent. This planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.
2.5	Application of E2 and E3 zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Consistent. Consultant studies will be undertaken to consider the introduction of significant residential development within the B3 and/or B4 zones. The provision of such housing would broaden the choice of building types and locations, make efficient use of existing infrastructure and services, reduce the consumption of land for housing on the urban fringe and be of good design.
3.2	Caravan Parks and Manufactured Home Estates	Consistent. This planning proposal does not identify zones, locations or provisions for caravan parks or manufactured home estates.
3.3	Home Occupations	Consistent. This planning proposal does not seek to change the <i>Hornsby Local Environmental Plan 2013</i> in relation to the permissibility of home occupations.
3.4	Integrated Land Use and Transport	Consistent. This planning proposal will be prepared to be consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> and <i>The Right Place for Business and Services</i> .
3.5	Development near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable.
4.4	Planning for Bushfire Protection	Not applicable. The study area is not mapped, or in close proximity to land mapped as bushfire prone land.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional	Not applicable

	Significance on the NSW Far North Coast	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Sydney Second Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Not applicable
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. The planning proposal does not include provisions requiring concurrence, consultation or referral of a Minister or public authority and does not identify development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. The study area contains land which is identified on the Land Reservation Acquisition Map for the purpose of roads, with the relevant acquisition authority nominated as Council for local roads and Roads and Maritime Services for classified roads. Any proposed change to this will be identified throughout the study process and approval will be sought from the relevant public authority and the Director-General of the Department of Planning should a change be necessary.
6.3	Site Specific Provisions	Consistent. The planning proposal does not seek to allow a particular development proposal to be carried out.
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	<p>Consistent. A Plan for Growing Sydney identifies the following priorities which the planning proposal is seeking to achieve:</p> <ul style="list-style-type: none"> • Work with council to retain a commercial core in Hornsby, as required, for long-term employment growth. • Work with council to provide capacity for additional mixed-use development in Hornsby including offices, retail, services and housing. <p>The Planning Proposal is also consistent with the recently released draft Greater Sydney Region Plan and revised draft North District Plan in that it seeks to:</p> <ul style="list-style-type: none"> • encourage revitalisation of the commercial core;

		<ul style="list-style-type: none"> • better integrate Westfield Hornsby into the centre and make the area more attractive; • attract mixed-use development west of the railway line, encourage stronger integration within the centre, and encourage the development of a lively 'eat-street' or restaurant strip • improve walking and cycling connections between Hornsby Station and the Hospital; • reduce the impact of traffic movements on pedestrians; • promote walking, cycling and public transport to the centre and within it; and • prioritise public domain upgrades, place making initiatives and a new civic space.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	

Appendix D – Evaluation criteria for the delegation of plan making functions

Not Applicable.

Council does not wish to exercise its Authorisation for the delegation of plan making functions in this instance, as the planning proposal relates to a review of, and change to, the current strategy for the Hornsby Town Centre East Side and the study area includes Council owned land.

The Gateway Determination does not issue authorisation for Council to exercise the plan making function in this instance given the policy implications involved with this Planning Proposal.

Draft
HORNSBY TOWN CENTRE
EAST SIDE REVIEW

Memorandum of Understanding

between

Hornsby Shire Council (“Council”)



and

Transport for NSW (“TfNSW”)



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1. Introduction

The Hornsby Town Centre is the major commercial centre within the Shire. The Main Northern Railway Line splits the centre to form two distinct east and west sides. A new set of planning controls has been recently implemented for the west side of the Centre to increase the range of housing, business and entertainment opportunities.

In 2015, **Hornsby Shire Council** ("Council") commissioned a feasibility investigation of its existing planning controls for the east side of the Town Centre which confirmed that the current limit on residential development is impacting on the economic viability of any redevelopment and therefore, it is unlikely any meaningful redevelopment will occur unless Council's controls are reviewed. Council has subsequently resolved to progress a strategic review of the planning controls for the east side of the Town Centre to achieve the objective of revitalisation.

In 2016, the NSW Government announced its plans to progress works for construction of a multi-level commuter car park adjacent to Hornsby Station, within the east precinct of the Town Centre. Council provided feedback to the Government concerning the strategic importance and development potential of the site within the context of revitalisation of both the east and west sides of the Town Centre.

TfNSW and Council have agreed to work together to explore the vision for the Town Centre and the role of the Government's land in contributing to the realisation of that vision. Construction of the commuter car park was put on hold to investigate how it could be incorporated into the broader planning for the precinct.

Both Council and TfNSW recognise that the 'Hornsby Junction Re-modelling and Commuter Car Park' project (which is now on hold) on TfNSW owned land along George Street is not the best use of land for a future Hornsby Town Centre. Re-evaluation of the use of this land may provide a unique opportunity for the creation of a new covered bus interchange, facilitated by potential transit oriented development opportunities within the rail corridor.

2. Purpose

This Memorandum of Understanding (MOU) aims to define how **Hornsby Shire Council** ("Council") and **Transport for NSW** ("TfNSW"), together "the parties" will work together to ensure that the TfNSW 'Hornsby Junction Re-modelling and Commuter Car Park' project and potential development along the rail corridor is incorporated into Council's broader precinct plan for the east side of Hornsby Town Centre.

This MOU:

- Outlines the policy setting under which the precinct planning is being undertaken;
- Defines the governance framework, management roles and responsibilities to promote collaboration and maintain probity and transparency;
- Recognises that the Gateway Determination includes a condition identifying the timeframe for completing a Local Environmental Plan is to be 18 months from the date of the Gateway Determination (i.e. 6 October 2017);
- Recognises that the parties have their own legislative obligations and institutional objectives and does not seek to override these; and
- Outlines the scope of works, budget costs, financial input and program timing.



Figure 1 – Planning Proposal Study Area

3. Policy Setting

The current planning strategy for the Hornsby East Side is set out in the *Hornsby Local Environmental Plan (HLEP) 2013* and *Hornsby Development Control Plan (DCP) 2013*. These documents outline the zoning, permissible land uses, height and floor space ratio restrictions for land within the east precinct, including privately owned land, Council owned land and Government owned railway land.

The strategy is based on the former *draft North Subregional Plan (2007)* and recommendations of the *Ku-ring-gai and Hornsby Subregional Employment Study (2008)*. The Greater Sydney Commission recently exhibited an amended *Draft North District Plan*. Although Hornsby is nominated as a Strategic Centre, the *draft Plan* acknowledges that strategic centres differ in size and scale of economic activity and should offer flexibility and the co-location of a wide mix of activities, including residential.

This, combined with other priorities outlined in the *draft North District Plan*, presents an opportunity to revise Council's planning strategy to achieve the objective of revitalisation of Hornsby as a retail and service centre.

The first step in changing the planning strategy and planning controls for an area is a resolution to prepare a planning proposal. At its meeting on 10 May 2017, Council resolved to forward a Planning Proposal to the Department of Planning and Environment (DP&E) for Gateway Determination that proposed to permit residential uses within the existing B3 Commercial Core zone, extension of the B4 Mixed Use zone over railway land to support airspace development above the George Street commuter car park and to review the floor space and building height controls for all land within the East Side Precinct. Council also resolved that upon issuing of a Gateway Determination, consultants be engaged to undertake a comprehensive review of the planning strategy for the Hornsby East Side determined in consultation with Councillors.

A Gateway Determination was issued by the DP&E on 6 October 2017, authorising that the Hornsby East Side Planning Proposal can proceed, subject to conditions. In accordance with the Gateway Determination, the Hornsby East Side Planning Proposal has been amended so that land within the study area currently zoned B3 Commercial Core is rezoned B4 Mixed Use. The study area for the Planning Proposal has been expanded to include railway and town centre land up to Bridge Road, in acknowledgement that the future development of the railway corridor which bisects Hornsby Town Centre provides a unique opportunity to reconsider the structure of the Centre in collaboration with TfNSW.

This MOU relates to the technical studies, agency consultation and public exhibition requirements which are set out as conditions in the Gateway Determination (see Appendix A) and defines how the parties will collaborate to satisfy the conditions of the Gateway Determination and the financial contributions towards same.

4. Objectives, Outcomes and Outputs

4.1 Objectives

The objective of the Hornsby Town Centre East Side Review is to change the planning controls within the east side to:

- stimulate economic activity and innovation;
- provide jobs closer to home;
- provide additional housing;
- promote healthier lifestyles and community cohesion;
- provide for the upgrading of the public domain; and
- provide for the upgrading of community and cultural facilities (including improvements to station access).

The objective of this MOU is to formalise how the TfNSW 'Hornsby Junction Re-modelling and Commuter Car Park' project can be incorporated into Council's above vision for the East Side of the Hornsby Town Centre to:

- take advantage of the strategic importance and location of the commuter car park site and its potential relocation;
- consider and explore options within Council's broader future precinct plan for redevelopment of TfNSW land along the rail corridor;
- consider and explore options within Council's broader future precinct plan for relocation of the bus interchange to George Street;
- provide a better outcome for the community and TfNSW customers, while encouraging the most efficient and sustainable modes of access; and
- continue to ensure the station infrastructure supports a sustainable future (ecologically and ergonomically in a practical and economically viable way) for both the community and TfNSW by promoting commercial redevelopment of government assets.

4.2 Outcomes and Outputs

Planning Strategy: A planning strategy and precinct plan that identifies opportunities for additional housing, economic activity, public domain improvements, upgrading of community and cultural facilities and State Government infrastructure to achieve the objective of revitalisation for the east side of Hornsby. Council will also prepare a Public Domain Strategy and Community Facility Strategy.

Amendments to Planning Controls: Amendments to the *Hornsby Local Environmental Plan (HLEP) 2013* and *Hornsby Development Control Plan (DCP) 2013* to implement the Planning Strategy.

Implementation Plan: A plan identifying how Council will address any funding planning, including consideration of contributions and/or planning agreements. The Plan will also identify how Council will lead and encourage the implementation of the Public Domain Strategy and Community Facility Strategy.

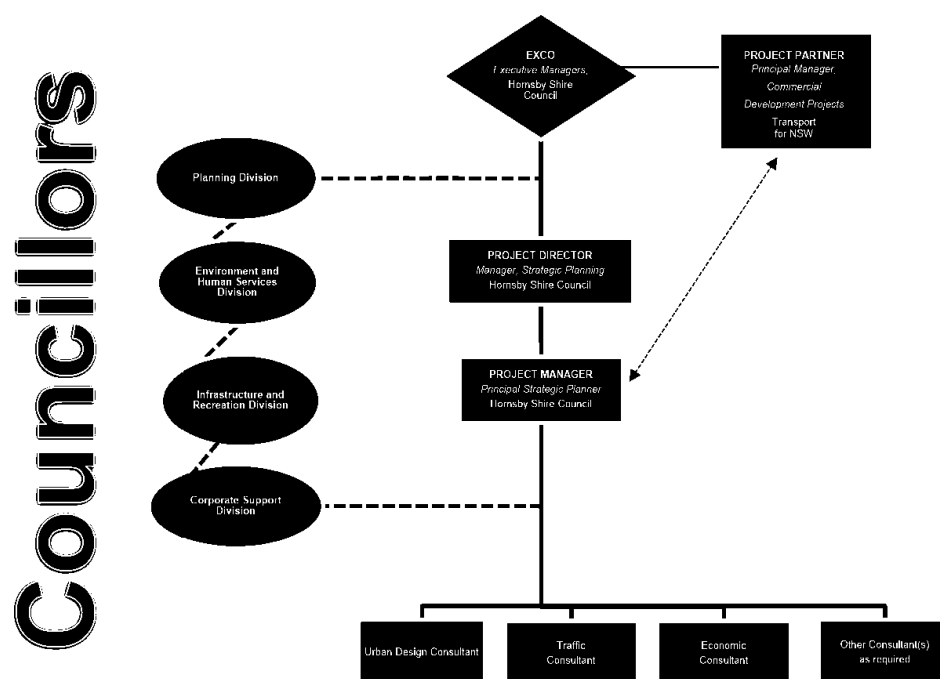
5. Governance

The Manager, Strategic Planning, Hornsby Shire Council will be the *Project Director*, responsible for overseeing the project and ensuring the key milestones are achieved and expected outputs delivered.

The Principal Strategic Planner, Hornsby Shire Council will be the *Project Manager*, responsible for the daily management aspects of the project, the management of consultants and will ensure that the various tasks are achieved.

The Principal Manager, Commercial Development Projects, Transport for NSW will be a *Project Partner*.

The *Project Manager* and *Project Partner* will liaise regularly with each other to keep up to date with how various tasks and milestones are progressing. The *Project Partner* will be consulted for input and approval of the *Project Manager's* preparation of consultant briefs and input on reviews of consultant reports, draft precinct plans and draft planning control amendments. The *Project Partner* and TfNSW will be involved when key outputs are presented for consideration at staff milestone meetings. Staff milestone meetings will also include relevant Divisional and Branch representatives to ensure a whole of Council approach to the project.



Outside of the above framework, all Hornsby Shire Councillors will be involved in the critical decision making for the project on a regular, ongoing basis by representation on a working group and reports to Council (when required). TfNSW will be requested to attend the working group meetings on an as needs basis (should input or presentation from TfNSW be warranted, or TfNSW so require). The working group will be an advisory group and will meet to discuss the progression of key tasks on the project.

6. Assumptions and Risks

It is assumed that the State Government's *Revised Draft North District Plan* will be adopted in its current form or similar, implementing the following priorities for the Hornsby Town Centre:

- *encourage revitalisation of the commercial core;*
- *better integrate Westfield Hornsby into the centre and make the area more attractive*
- *attract mixed-use development west of the railway line, encourage a stronger integration within the centre, and encourage the development of a lively 'eat-street' or restaurant precinct;*
- *unlock development potential of strata-constrained areas east of the centre;*
- *support health related land uses and infrastructure around Hornsby-Ku-ring-gai Hospital;*
- *improve walking and cycling connections between Hornsby Station and the Hospital;*
- *reduce the impact of traffic movements on pedestrians;*
- *promote walking, cycling and public transport to and within the centre; and*
- *prioritise public domain upgrades, place making initiatives and a new civic space.*

Council's resolution on 10 May 2017 included a requirement that the consultants be engaged to undertake the east side review in consultation with Councillors. All Councillors will therefore be involved in the critical decision making for the project on a regular, ongoing basis to discuss the progression of key tasks on the project.

The period identified for completion of the project and each individual task is proposed on the basis of progressing the project expeditiously. One of the possible risks that the project faces is delays outside of the control of the parties such as liaison and consultation with the DP&E and other statutory authorities, results of public exhibition and Council resolutions.

7. Finance and Resources

Council has allocated \$300,000 from its Operational Plan to the Hornsby Town Centre East Side Review for the 2017/18 financial year.

TfNSW will provide a financial contribution towards the estimated cost of consultant studies where they may assist implementation of the relocation of the bus interchange and integration with the commuter car park or relocated car park, facilitated by potential transit oriented development opportunities within the rail corridor. The estimated costs for relevant studies below have been split between Council and TfNSW to reflect the proportion of land owned by TfNSW within the study area.

7.1 Budget Summary

Item	Council Funding Est. Cost (ex GST)	TfNSW Funding Est Cost (ex GST)	TOTAL
Urban Design Analysis	\$71,500	\$58,500	\$130,000
Traffic and Car Parking Assessment	\$71,500	\$58,500	\$130,000
Economic Feasibility Assessment	\$49,500	\$38,700	\$90,000
Public Domain Strategy	\$27,500	\$21,500	\$50,000
Community Facility Strategy	\$40,000	\$0	\$40,000
Heritage Review	\$10,000	\$8,000	\$18,000
Implementation Plan	\$15,000	\$0	\$15,000
Community Consultation	\$15,000	\$0	\$15,000
TOTAL	\$300,000	\$188,000	\$488,000

7.2 Staff Resources

Staff Member / Position	Project Role	Time Required	Source of Funds
Manager, Strategic Planning	Project Director	20%	Council
Principal Strategic Planner	Project Manager	60%	Council
Principal Manager, Commercial Development Projects, Transport for NSW (or nominee)	Project Partner	20%	Transport for NSW

Note: The time required for each staff member has been estimated as a percentage of the time required to complete the project. Each party is to bear its own "Staff costs" and ensure they provide appropriate resources to fulfil this minimum contribution. Staff costs will not be chargeable under Section 7.1.

8. Project Stakeholders

The key stakeholders for the project will be Council, TfNSW, affected property owners, the community, the development industry and State Government agencies.

8.1 Internal consultation

Throughout the project, TfNSW representatives and all relevant Council Divisional and Branch managers/staff will be involved in regular staff milestone meetings to ensure a whole of Council approach to the project.

As per Council's resolution on 10 May 2017, consultants will be engaged to undertake the east side review in consultation with Councillors. All Councillors will therefore be involved in the critical decision making for the project on a regular, ongoing basis to discuss the progression of key tasks on the project.

8.2 External consultation

The Planning Proposal and supporting documentation would be anticipated to be on exhibition for a minimum of 8 weeks after authorisation for exhibition is issued by the Department of Planning and Environment. The exhibition would include:

Public Authorities

Notification letters and a copy of the Planning Proposal will be sent to relevant public authorities.

Advertisement in local newspapers

An advertisement will be placed in the following newspapers:

Hills News
Northern District Times
Hornsby Advocate

Advertisement on the Council website

The Planning Proposal will be exhibited on the Council website (www.hornsby.nsw.gov.au/onexhibition). Council's libraries have access to the website.

Letters to affected and adjoining property owners

A letter will be sent to affected and adjoining property owners advising of the exhibition and inviting submissions.

Letters to community and industry groups

A letter will be sent to the following community and industry groups advising of the exhibition of the Proposal and inviting submissions:

- Hornsby Shire Historical Society Inc
- Hornsby Shire Residents' and Ratepayers' Association Inc
- Hornsby and District Chamber of Commerce
- Housing Industry Association
- Urban Development Institute of Australia
- Real Estate Institute of Australia

Displays at the Council Administration Building and local libraries

The Planning Proposal will be displayed at the Council Administration Centre, 296 Pacific Highway, Hornsby and the following libraries:

Hornsby Library
Berowra Library
Galston Library
Pennant Hills Library

Review of Consultation Strategy

Other consultation options will be considered having regard to available resources.

Where submissions warrant, the consultation strategy may be reviewed to extend the exhibition period and/or the methods of consultation. This may occur where a submission provides reasonable justification for a request for an extension to the exhibition period or where Council is of the opinion an amendment to the consultation strategy would facilitate greater feedback on the draft Plan.

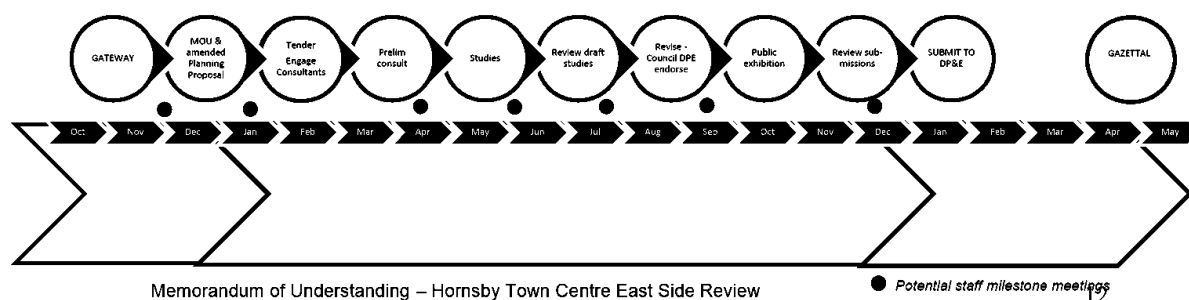
9. Workplan and Timeframe

This section provides a general overview of the East Precinct Review workplan and timeframe. The *Hornsby Town Centre East Precinct Review Project Plan* should be reviewed in conjunction with this. The timeframes identified in the project workplan are proposed on the basis of progressing the project expeditiously. The parties acknowledge there may be delays outside of the control of either parties such as liaison and consultation with the DP&E and other statutory authorities, results of public exhibition and Council resolutions.

8.1 Project Workplan

Description of Tasks	Timeframe for task completion	Responsibility
Finalise Planning Proposal and submit to DP&E for Gateway Determination	May 2017	Hornsby Shire Council
Prepare consultant briefs for consultant involvement in the project	June - August 2017	Hornsby Shire Council with input from Transport for NSW
Gateway Determination issued	October 2017	Department of Planning and Environment
Prepare and release tender documents	Oct 2017 – Jan 2018	Hornsby Shire Council with input from Transport for NSW
Engage consultants and Inception meeting	March 2018	Hornsby Shire Council with input from Transport for NSW
Preliminary consultation	March 2018	Hornsby Shire Council
Review draft studies	June 2018	Hornsby Shire Council with input from Transport for NSW
Revise Planning Proposal for Council endorsement	June 2018	Hornsby Shire Council with input from Transport for NSW
DP&E endorsement for exhibition	July 2018	Department of Planning and Environment
Exhibition of draft studies and plans	Aug - Oct 2018	Hornsby Shire Council
Review submissions	Nov 2018	Hornsby Shire Council with input from Transport for NSW
Finalise planning strategy, precinct plan, statutory and policy controls	Nov-Dec 2018	Hornsby Shire Council with input from Transport for NSW
Submit to DP&E for finalisation/implementation	Feb-Mar 2019	Hornsby Shire Council
Finalisation/gazettal	April 2019	Department of Planning and Environment

8.2 Project Timeframe



10. Statutory Requirements and Disputes

This MOU is not a binding contract. Nothing in this MOU in any way restricts or otherwise affects the unfettered discretion of each party in the exercise of their statutory powers. In the event of any conflict between the unfettered discretion of the parties in the exercise of their statutory powers and this MOU, the former will prevail.

Where the one party disputes any actions taken by the other party under this MOU, the parties agree to mediate such a dispute informally in a manner agreed between the parties. If a party has given the other party notice of a dispute in connection with this MOU, and the parties in good faith are unable to settle the dispute within 14 days after that notice has been received by the other party, then the dispute must be referred to the TfNSW Chief Executive and General Manager of Council, who must meet and use reasonable endeavours to resolve the matter by consensus between themselves.

11. Procurement

Where joint funding is required for studies or services, Council will engage and manage all studies and/or services as required. Procurement will occur through Council and Council's procurement requirements will be adhered to by Council, including Council's Tenders and Sustainable Procurement Determinations and Procurement Procedures.

Progress payments based on fee proposals from engaged consultants will be requested in **four instalments**. Council will raise a tax invoice for TfNSW for monthly progress payments as a proportion of total agreed amounts outlined in section 7.1 of this MOU as follows:

Description of Tasks	Timeframe for task completion	Instalment due from TfNSW
Finalise Planning Proposal and submit to DP&E for Gateway Determination	May 2017	
Prepare consultant briefs for consultant involvement in the project	June - August 2017	
Gateway Determination issued	October 2017	
Prepare and release tender documents	Oct 2017 – Jan 2018	
Engage consultants and Inception meeting	March 2018	Progress payment 25% at inception
Preliminary consultation	March 2018	
Review draft studies	June 2018	Progress payment 25% on receipt of draft studies
Revise Planning Proposal for Council endorsement	June 2018	
DP&E endorsement for exhibition	July 2018	
Exhibition of draft studies and plans	Aug - Oct 2018	Progress payment 25% at beginning of public exhibition
Review submissions	Nov 2018	
Finalise planning strategy, precinct plan, statutory and policy controls	Nov-Dec 2018	
Submit to DP&E for finalisation/implementation	Feb-Mar 2019	Progress payment 25% at submission to DP&E for finalisation
Finalisation/gazettal	April 2019	

Council's request for payment will be accompanied by evidence that Council paid prior amounts subject of the progress claim / tax invoice under section 7.1 of this MOU.

The reference date and payment terms for all payment claims are as follows:

- ~~payment claims / tax invoices to be issued to TfNSW Project Partner by the 20th day of the month; and~~
- payment by TfNSW within 30 business days from receipt of the payment claim.

12. Confidentiality

Each party agrees not to disclose or permit to be disclosed any material, knowledge or any other information provided or obtained by a party in relation to any aspect of this agreement and/or the Hornsby Town Centre East Side Review that is not generally available to the public or is not required to be disclosed by law.

All information disclosed by TfNSW to Council relating to TfNSW customers, business and/or operations is confidential and Council must take all steps to ensure it is kept confidential unless required to be disclosed by law.

Neither party is entitled to use the other's branding, images or logos without the other party's prior written permission.

13. Conflicts of Interest

The parties agree to declare any real or perceived conflict of interest and to resolve such conflicts through appropriate means. The standards will be those set out in the relevant Codes of Conduct for each party.

14. Work Health and Safety

Council will ensure that reasonable care is taken at all times to avoid any accidents or injuries to anyone.

15. Insurance

Council will ensure that any and all suppliers whose services are procured by Council as part of the Hornsby Town Centre East Side Review, provide evidence of the following insurances with an Australian APRA registered insurer:

- a. Public risk insurance \$20 million for each single occurrence
- b. Product Liability \$20 million for each single occurrence
- c. Professional Indemnity: \$5 million per occurrence

16. Cost

Each party will pay its own legal costs in relation to the preparation or administration of this document.

17. Signatories

We agree to the terms of this Memorandum of Understanding.
Executed as an agreement.

Executed on behalf of Hornsby Council by its duly authorised representative:

.....
Steve Fedorow
Acting General Manager
for and on behalf of
Hornsby Shire Council

.....
date

Executed on behalf of Transport for NSW by its duly authorised representative:

.....
Peter Regan
Deputy Secretary
for and on behalf of
Transport for NSW

.....
date

Witnessed by(sign)

.....(print name)

18. Appendix

Appendix A – Gateway Determination



**Planning &
Environment**

PP_2017_HORNS_002_00 (17/07957)

Mr Stephen Fedorow
Acting General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

RECEIVED
14 OCT 2017
RECORDS

Dear Mr Fedorow

**Planning Proposal (PP_2017_HORNS_002_00) to amend Hornsby Local
Environmental Plan 2013 – Hornsby Town Centre East Precinct**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 7 August 2017 in respect of the planning proposal to facilitate the redevelopment of land within the Hornsby Town Centre East Precinct.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In making this determination, I require Council to amend the planning proposal so that it is proposed to rezone the B3 Commercial Core to a B4 Mixed Use zone. I gave careful consideration to all the relevant planning issues and the views of Council officers in making this decision. This approach is considered to be more appropriate and will ensure there is a continued separation between the objectives of the two zones, as well as, ensuring transparency and consistency with the Standard Instrument.

I note Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of the relevant Section 117 Direction 1.1 Business and Industrial zones following its preparation and consideration of supporting studies. Council is to ensure this occurs prior to community consultation.

I would also ask that Council continues to liaise with Transport for NSW over the possible inclusion of additional land within the planning proposal. In view of the studies Council has indicated it will undertake to identify appropriate planning controls, I would anticipate that Council may need to seek an alteration to the Gateway determination and I have conditioned the determination accordingly. At that time Council may care to advise of its discussions with Transport for NSW.

I have also decided not to issue an authorisation for Council to exercise the plan-making function in this instance given the policy implications involved with the planning proposal.

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on (02) 9860 1548.

Yours sincerely

 6 October 2017
Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Encl: Gateway determination

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au



Planning & Environment

Gateway Determination

Planning Proposal (Department Ref: PP_2017_HORNS_002_00): to amend the planning controls for the Hornsby Town Centre East Precinct.

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Hornsby Local Environmental Plan (LEP) 2013 to apply a B4 Mixed Use zone; increase the building height and floor space ratio (FSR) controls; reduce the minimum non-residential floor space ratio; and rezone the George Street commuter carpark to B4 Mixed Use should proceed subject to the following conditions:

1. Prior to community consultation, Council is to:
 - (a) undertake studies addressing heritage, economic, social, traffic and parking, public domain and urban design issues, to inform the appropriate proposed planning controls for the Hornsby Town Centre East Precinct;
 - (b) amend the planning proposal in accordance with the outcomes of the additional studies and submit a copy of the revised proposal to the Department of Planning and Environment for endorsement and to determine if an altered Gateway determination is required;
 - (c) include appropriate shadow diagrams in the planning proposal to illustrate potential overshadowing, particularly over the existing dwellings to the east of the precinct;
 - (d) amend the planning proposal to rezone the subject B3 Commercial Core zoned land to B4 Mixed Use and amend the planning proposal accordingly;
 - (e) amend the planning proposal to identify the number of additional dwellings and jobs facilitated by the planning proposal;
 - (f) amend the planning proposal to identify the maximum building height and floor space ratio planning controls proposed by the planning proposal;
 - (g) amend the planning proposal to address the inconsistency with section 117 Direction 1.1 Business and Industrial Zones once the supporting economic study is completed;
 - (h) amend the planning proposal to identify a community consultation period of 28 days; and
 - (i) amend the planning proposal to include the proposed maps associated with the planning proposal and provide a legend for each map to provide clarity on the planning controls.
2. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Transport for NSW;
 - Transport for NSW – Sydney Trains;
 - Transport for NSW – Roads and Maritime Services;
 - Office of Environment and Heritage;
 - Telstra;
 - Sydney Water; and
 - Endeavour Energy.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).
5. The timeframe for completing the LEP is to be 18 months from the date of the Gateway determination.

Dated 6th day of October 2017.


 Stephen Murray
 Executive Director, Regions
 Planning Services

Delegate of the Greater Sydney Commission

Hornsby PP_2017_HORNS_002_00 (17/07957)

ATTACHMENT/S

REPORT NO. IR15/17

ITEM 14

- 1. ATTACHMENT 1 TO IR15_17 - HAVE YOUR SAY 2016 -
BEECROFT VILLAGE GARDENS AND CARPARK FLYER**
- 2. ATTACHMENT 2 TO IR15_17 - BEECROFT REF
EXHIBITION PLAN**
- 3. ATTACHMENT 3 TO IR15_17 - SUMMARY OF
SUBMISSIONS TO REF**

HAVE YOUR SAY ON THE PLANS FOR BEECROFT VILLAGE GARDENS + COMMUNITY CENTRE CARPARK

BEECROFT COMMUNITY CENTRE CARPARK

Hornsby Shire Council is planning to improve the accessibility to the community centre at Beecroft by creating a new carpark for five car spaces (one accessible). In addition, a new entry plaza is proposed with a community gathering space / seating areas within the park; landscaping and retention of existing significant trees and planting of new trees.

Council acknowledges lack of parking and access to the centre as a deterrent for users and community members, particularly the elderly and mobility impaired. There is also a need to provide a safe area for 'kiss and drop' and unloading of equipment as part of a greater vision to make the centre more attractive to the community and its users and maximise the future potential of the centre.

HISTORY

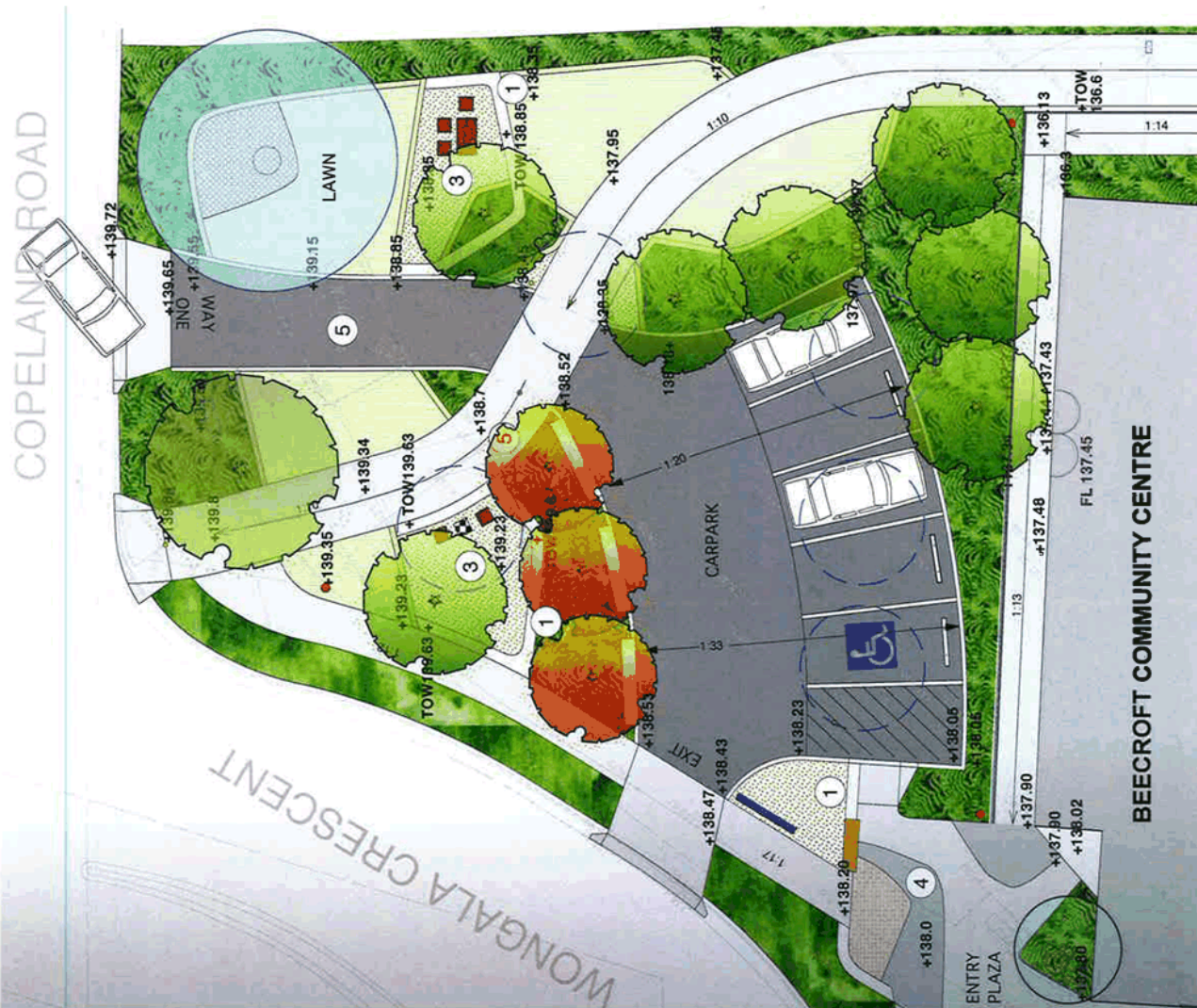
- Since the early 2000s Beecroft Community Centre's volunteer management committee (VMC) worked towards their vision of a carpark for hirers of the centre. Complex site restrictions and proximity to Beecroft Road pose a strong challenge, with numerous design approaches and proposals developed but unable to be progressed.
- 2014 – Beecroft VMC hands over management of centre to Council, including \$240,000 to fund the building of a carpark for hirers of the centre.
- 2016 – 15 years in the making, this current draft concept overcomes site and design challenges, meets Roads and Maritime Services guidelines, and also creates greater public space amenity.

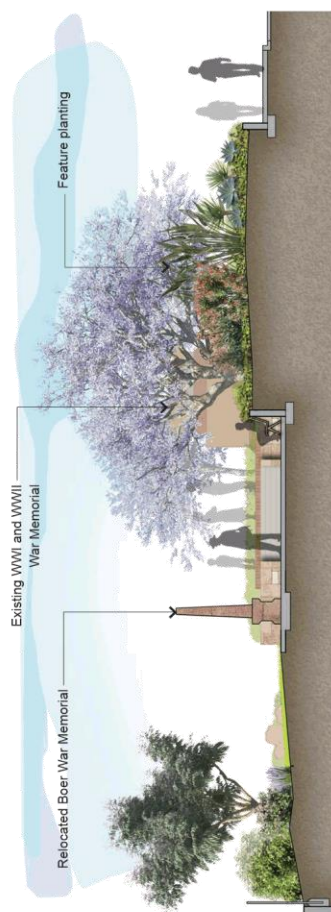
To view full plans, and dates of in person consultations visit:

hornsby.nsw.gov.au/haveyoursaybeecroft

For further information please contact

Julia Morton on 9847 6052 or jmorton@hornsby.nsw.gov.au





Section AA



PUBLIC EXHIBITION - REVIEW OF ENVIRONMENTAL FACTORS (REF) AND LANDSCAPE DESIGN

As illustrated here, Hornsby Shire Council are going to upgrade the Beecroft Village Gardens on Wongala Crescent and develop a new carpark and wheelchair accessible paths to the relocated David John Willis Boer War Memorial. The Environmental Factors guiding construction and assessing potential impacts of the proposed works has been prepared and is available for viewing on the Council website.

BEECROFT VILLAGE GARDENS AND COMMUNITY CENTRE CAR PARK

VIEW DOCUMENTS: To view the REF and Plan, go to the 'On Exhibition' link on the Council webpage at www.hornsby.nsw.gov

TO MAKE A SUBMISSION: After viewing the documentation at 'On Exhibition', follow the email link in the 'On Exhibition' link to make a submission or for further enquiries, email Council Landscape Architect / Project Manager lan@hornsby.nsw.gov.au

CLOSE DATE FOR SUBMISSIONS: Please make Submissions to 'BEECROFT VILLAGE UPGRADE' by ccb Friday 21 July, 2017

ATTACHMENT 3 - SUMMARY OF 2017 REF SUBMISSIONS

Exhibition of the Review of Environmental Factors (REF) - Beecroft Village Gardens and Community Centre Carpark

SUBMISSION	ISSUE	RESPONSE
OPPOSED TO THE CARPARK Four (4) submissions from the Byles Creek Valley Union (BCVU) Seven (7) individual submissions	The carpark is a waste of money, it will create traffic congestion, is dangerous to pedestrians, will be used as a school drop-off zone, too much hard paving, and will impact the character and significance of the Community Centre building.	RMS has provided Approval for the carpark as proposed, which has been designed in accordance with RMS Guidelines and relevant Australian Standards. Low levels of use by Community Centre hirers will generally not coincide with road network peaks. Safety will be addressed by signage, no right turn in, authorised use provisions, lockable and collapsible bollards, pavement differentiation, monitoring and enforcement of proposer use. Cars will no longer be permitted to drive through Beecroft Village Green, removing damaging impacts and the danger to park and playground areas. The carpark will improve safety for park and Centre users, for loading and unloading, for users with impairment and for emergency vehicles. This site provides the best opportunity for parking close to the Community Centre.
SOME CONCERNS ABOUT THE CARPARK Three (3) individual submissions	Understanding of a need for a carpark for the use of the Community Centre but queries if there may be a better alternative arrangement or location and whether signage about 'authorised use' will be effective.	NB: The Lapidary Club and Golden Kangaroos musical group will have authorised use of the carpark facility.
IN SUPPORT OF THE CARPARK Two (2) submissions: Northern Districts Lapidary Club and the Golden Kangaroos musical band (Centre hirers) One (1) submission on behalf of the Beecroft Cheltenham Civic Trust (Centre hirer)	Very grateful. The carpark is necessary for ease of access for elderly and disabled members, for loading and unloading, catering for events etc and as an access for emergency vehicles. Concerns about the safety of the carpark being used as a drop-off/pick-up for the school but understand its importance for the Community Centre and that driving through the park (as currently occurs) is not acceptable.	Safety will be addressed by signage, no right turn in, authorised use provisions, lockable and collapsible bollards, pavement differentiation, monitoring and enforcement of proposer use. NB: The Beecroft Cheltenham Civic Trust will have authorised use of the carpark facility.
One (1) individual submission	Fully supportive of the carpark proposal and improvements to community infrastructure.	Noted.
IN SUPPORT OF THE BEECROFT VILLAGE GARDENS UPGRADE Eleven (11) individual submissions Six (6) individual submissions	Fully supportive of the proposed recreation and park upgrade proposals. These 6 submissions referred only to the carpark proposal and did not raise any issue with park upgrade proposals.	Noted.
OPPOSED TO THE BEECROFT VILLAGE GARDENS UPGRADE One (1) individual submission	Unnecessary changes and questionable use of money. Put the ping pong table and a basketball court in Beecroft Village Green instead.	For Council not to make some investment in restoration of the parkland would be irresponsible, where impacts of the ETTT works and delapidation should be addressed. The design will also improve the park to a wheelchair accessible standard, with graded paths replacing the central staircase and improving connectivity.
OPPOSED TO THE PING PONG TABLE Three (3) individual submissions	Ping pong is a ridiculous idea, will disturb the peace and quiet.	Opinion noted.
UNCERTAIN/ SUPPORTIVE OF THE PING PONG TABLE Four (4) individual submissions	Okay but incorporate a heritage theme/ artworks to the ping pong table, colours to be befitting of the Beecroft Gardens character.	Noted. Artworks can be incorporated (as done with the table at James Park in Hornsby). Colours can be nominated at any stage prior to ordering of the item.

A total of 18 submissions were received.

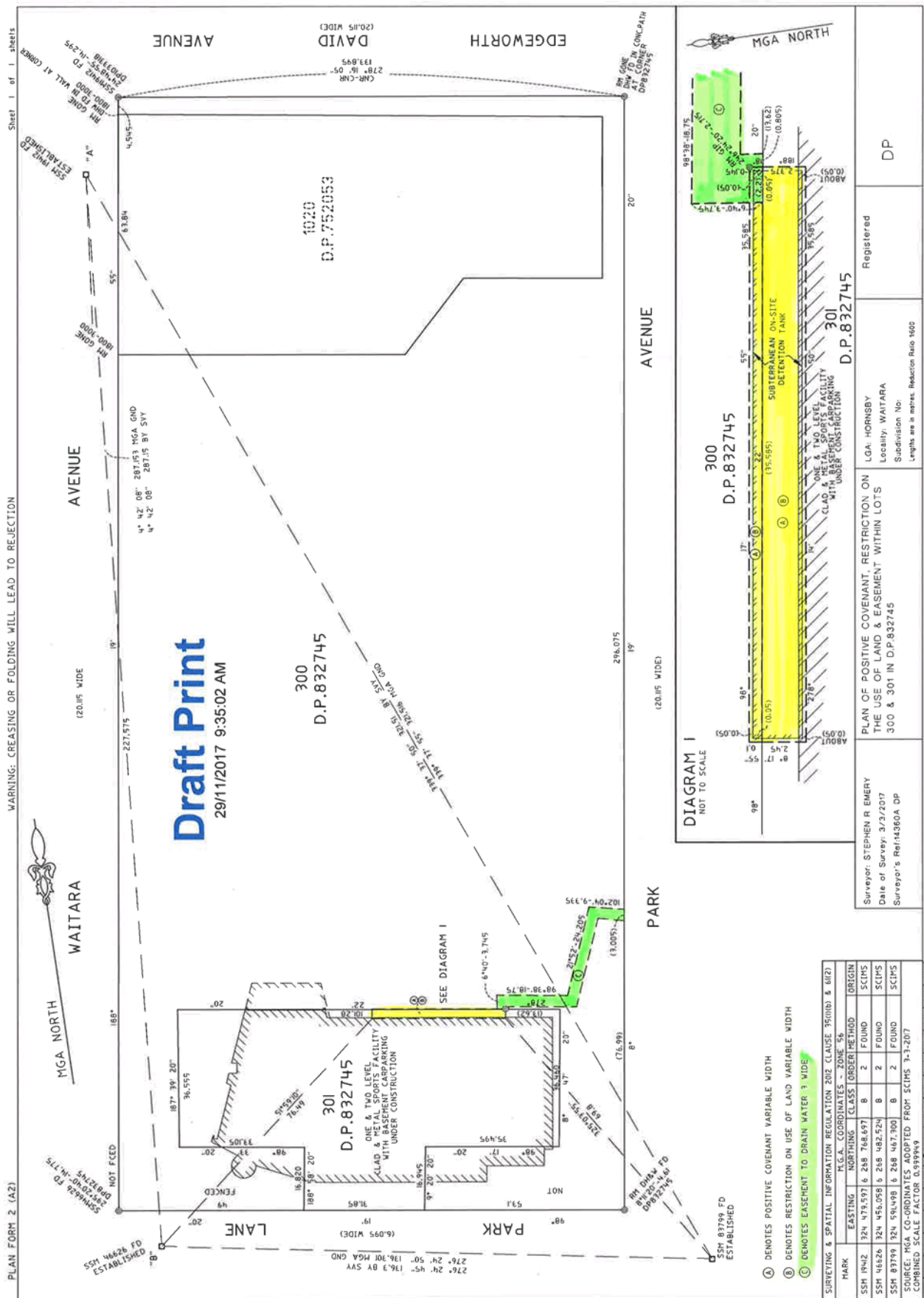
ATTACHMENT/S

REPORT NO. IR18/17

ITEM 15

1. DRAFT PLAN OF EASEMENT.

ATTACHMENT 1 - ITEM 15



ATTACHMENT/S

REPORT NO. IR19/17

ITEM 16

- 1. ATTACHMENT TO REPORT IR19_17 - DRAFT - DCP
AMENDMENTS**

1B.6 Tree and Vegetation Preservation

This section is made in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) and prescribes the trees and vegetation to which the Vegetation SEPP and/or Clause 5.10 of the HLEP applies and the applicable approval process.

1B.6.1 Tree Preservation

Prescribed Trees

- a. The prescribed trees that are protected by the Vegetation SEPP and/or Clause 5.10 of the HLEP and this Section of the DCP includes:
 - all tree species except exempt tree species in Hornsby Shire, as listed in Table 1B.6 (b) or subject to the Biodiversity Offset Scheme,
 - trees on land within a heritage conservation area described within the *HLEP*, and
 - trees on land comprising heritage items listed within the *HLEP*.
- b. To damage or remove any tree protected under this DCP is prohibited without the written consent of Council, except in accordance with the exemptions prescribed in this part (under the heading 'Exempt Tree Work').
- c. For the purposes of this section:
 - **A tree** is defined as a long lived woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than 3 metres.
 - **Biodiversity Offset Scheme (BOS)** means a scheme enacted by the *Biodiversity Conservation Act 2016*, *Biodiversity Conservation Regulation 2017* and *Local Land Services Amendment Act 2016*. The BOS includes a Sensitive Biodiversity Values (SBV) Map and Area Threshold, either which trigger an alternative approval framework for the clearing of native vegetation. The SBV Map can be viewed on the OEH website and the SBV Area Thresholds are included as notes at the end of this section.
 - **Native vegetation** has the same meaning as in Part 5A of the *Local Land Services Act 2013*, with the exclusion of 60B(4) for the purposes of including marine vegetation in the definition of native vegetation.
 - **Damage** means to impair the value or usefulness, or weaken the health or the normal function of a tree or vegetation.
 - **Remove** means to cut down, knock down, kill, lop or destroy.
 - **Prune** means to selectively remove branches.

- **Indigenous tree** means species which are native to the Hornsby Shire LGA (planted or self-sown) and not introduced (exotic).
- **Tree Protection Zone** means the area above or below ground.

Exempt Tree Work

- d. The following exemptions to this part apply as set out below:
 - The removal of or pruning to a tree where Council is satisfied the tree is dying or dead and is not required as the habitat of native fauna.
 - The removal of species listed under the NSW *Biosecurity Act 2015* for Hornsby Shire.
 - Pruning of a tree by less than 10% of the foliage area in accordance with Australian Standard *Australian Standard AS 4373 Pruning of Amenity Trees AS 4373-2007* not more than once annually.
 - The removal of or pruning of a tree where the base of the trunk of the tree at ground level is located within 3 metres of the foundation of an approved building (excluding detached garages, carports and other buildings ancillary to a dwelling house).
 - The removal of a tree less than 3 metres in height not located within native vegetation.
 - Trees deemed by Council in writing and shown by recorded photographic evidence or written evidence provided by a qualified Arborist (AQF5) as an imminent risk to human life or is causing or likely to cause substantial damage to property.
 - The removal of or pruning to a tree located on Council owned or managed land provided the works are undertaken by Council or Council authorized agents.
- e. The exemptions at (d) above do not apply to:
 - all lands mapped as Biodiversity on the *HLEP Terrestrial Biodiversity Map*, or
 - threatened species or land that contains native vegetation which is habitat for threatened species, populations or ecological communities listed in Schedule 1 and 2 of the *Biodiversity Conservation Act 2016*, or
 - work that is contrary to a development consent that requires trees to be retained, or
 - Any work to a tree that is or forms part of a heritage item or heritage conservation area, requires approval from the Council pursuant to the provisions of Clause 5.10 of the *HLEP*.

Lodging an Application for Tree Work

- f. An application is required to be completed and forwarded to Council for all work to protected trees where an exemption does not apply. Table 1B.6(a) below identifies what type of application is required to be completed for work to trees.
- g. Where works to trees is required as part of other works for which development consent is required, the works will be assessed as part of the Development Application.

Notes:

Pursuant to 5.10.3 of the *HLEP*, Council has the ability to determine the type of application required in relation to trees on heritage properties.

AQF is the Australian Qualification Framework, a national framework for all educational and training purposes in Australia.

Table 1B.6(a) Type of Tree Application Required

Location	Extent of Works	Form of Application
Heritage Item	Council is satisfied that the works to a tree are minor as described by Clause 5.10(3) of the HLEP	Tree Permit
	Major work to any tree	Development Application
Land within a Heritage Conservation Area	Council is satisfied that the works to a tree are minor as described by Clause 5.10(3) of the HLEP	Tree Permit
	Major work to any tree	Development Application
Other land - tree removal or pruning	Removal or pruning of trees not subject to BOS	Tree Permit
Other land - work within a Tree Protection Zone of a protected tree and/or a tree located on other land <i>Work includes Construction (driveways, concrete slabs, retaining walls) and earthworks (changes in soil levels, embankments, trenching)</i>	Work within the Tree Protection Zone not subject to BOS	Tree Permit
Work that is contrary to a development consent that requires trees to be retained	Work to any prescribed tree	Section 96 Application

h. For the purpose of Table 1B.6(a), a *Tree Protection Zone* is defined as the area within:

- 9 metres of a tree with a diameter at breast height of 800mm or greater,
- 7 metres of a tree with a diameter at breast height of between 400mm and 800mm, and
- 4 metres of a tree with a diameter at breast height of 400mm or less.

Consideration of an Application for Tree Work

- i. The removal of, or work to, trees should be consistent with the applicable provisions of the HLEP and HDCP.
- j. The impact of development upon trees will be assessed using arboricultural, ecological and/or occupational health and safety based evaluation to determine the significance of the trees. Accordingly, any application for removal should demonstrate that the removal of the tree is appropriate based on an assessment of the:
 - significance/health/longevity of the tree; and
 - risk to human life or property.
- k. Where such trees are deemed by Council to be significant, the provisions of *Australian Standard AS 4970 Protection of Trees on Development Sites* should be applied.
- l. All tree pruning work should be carried out in accordance with *Australian Standard AS 4373 Pruning of Amenity Trees*.
- m. Any tree approved to be removed from a site should be replaced with a tree of like habit and indigenous to Hornsby Shire, planted as near as practicable to the location of the removed tree, grown to maturity and replaced if the planting fails to survive and thrive in accordance with Council's Green Offsets Code.

Notes:

Works on land identified as "Biodiversity" on the HLEP Terrestrial Biodiversity Map should have regard to Section 1C.1.1 Biodiversity of this DCP.

Works involving heritage items and heritage conservation areas should also have regard to Part 9 Heritage of this DCP.

Section 12 of the Vegetation SEPP provides that the applicant for a permit may appeal to the Land and Environment Court against refusal by a Council to grant a permit. Any such appeal is to be made within 3 months of the date on which the applicant is notified of the decision or within 3 months after the Council is taken to have refused the application (whichever is later).

The Biodiversity Offset Scheme (BOS) includes a Sensitive Biodiversity Values (SBV) Map and Area Threshold. If either criteria is met then the offsets scheme must be applied unless it is subject to a listed exemption.

The SBV Map has been prepared as part of the BOS and may be viewed on the OEH website www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap

The Biodiversity Conservation Regulation 2017 sets out the following SBV Area Thresholds:

Minimum lot size	Proposed area of clearing
Less than 1 hectare	0.25 hectares
Less than 2 hectares	0.5 hectares
2 to 39 hectares	0.5 hectare
40 to 999 hectares	1 hectare
1000 hectares or more	2 hectares

1-14 HORNSBY DEVELOPMENT CONTROL PLAN 2013 | GENERAL
(REVISION 29 NOVEMBER 2017)

Table 1B.6(b) Exempt Tree Species in Hornsby Shire

Botanical name	Common Name
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia saligna</i>	Queensland Silver Wattle
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Arecastrum romanzoffianum</i>	Cocos Palm
<i>Celtis sinensis</i>	Hackberry
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Citrus spp, Olea spp, Prunus spp, Malus spp</i>	Fruit trees
<i>Cotoneaster spp.</i>	Cotoneaster
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina spp</i>	Coral tree
<i>Ficus elastica</i>	Rubber tree
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum spp</i>	Privet
<i>Populus spp</i>	Poplar
<i>Pyracantha augustifolia</i>	Firethorn
<i>Robinia pseudoscacia</i>	Golden Robinia
<i>Salix spp</i>	Willow
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Schinus spp</i>	Peppercorn Tree
<i>Toxicodendron spp</i>	Rhus

Notes:

Further information on exempt tree species in Hornsby Shire is available on Council's website hornsby.nsw.gov.au.

1B.6.2 Vegetation Preservation

Prescribed Vegetation

a. The prescribed vegetation that is protected by State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) and/or Clause 5.10 of the *HLEP* and this Section of the DCP includes:

- Native vegetation except subject to the Biodiversity Offset Scheme (BOS), and
- vegetation on heritage listed properties under the *HLEP*.

b. To damage or remove any vegetation protected under this DCP is prohibited without the written consent of Council, except in accordance with the exemptions prescribed in this part (under the heading 'Exempt Vegetation Work').

c. For the purposes of this part:

- **A tree** is defined as a long lived woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than 3 metres.
- **Biodiversity Offset Scheme (BOS)** means a scheme enacted by the *Biodiversity Conservation Act 2016*, *Biodiversity Conservation Regulation 2017* and *Local Land Services Amendment Act 2016*. The BOS includes a Sensitive Biodiversity Values (SBV) Map and Area Threshold, either which trigger an alternative approval framework for the clearing of native vegetation. The SBV Map can be viewed on the OEH website and the SBV Area Thresholds are included as notes at the end of this section
- **Native vegetation** has the same meaning as in Part 5A of the *Local Land Services Act 2013*, with the exclusion of 60B(4) for the purposes of including marine vegetation in the definition of native vegetation.
- **Damage** means to impair the value or usefulness, or weaken the health or the normal function of a tree or vegetation.
- **Remove** means to cut down, knock down, kill, lop or destroy.

Exempt Vegetation Work

d. An application is not required for the following work to vegetation protected under this DCP:

- The clearing of vegetation (excluding trees) on a property once every 5 years in accordance with the maximum cumulative area in Table 1B.6.2(a).

Table 1B.6.2(a) Exempt Vegetation Work

Land zone under HLEP	Maximum exempt vegetation removal
Prescribed rural areas (Zones RU1, RU2, RU4)	30m ²
Prescribed urban areas (Zones R2, R3, R4, RU5, SP2, SP3, B1, B2, B3, B4, B5, B6, IN1 & IN2)	10m ²

- The clearing of vegetation where Council is satisfied the vegetation is dying or dead and is not required as the habitat of native fauna.
- The clearing of vegetation where Council is satisfied the vegetation is a risk to human life or is causing or likely to cause substantial damage to property.

e. The exemptions in Table 1B.6.2(a) do not apply to:

- land with a gradient in excess of 20 percent,
- land containing marine vegetation,
- land located within 20 metres of and including a watercourse,
- land located within 50 metres of and including land identified as "Biodiversity" on the Terrestrial Biodiversity Map in *HLEP*,
- land located within 50 metres of and including land that contains native vegetation which is habitat or potential habitat for species, populations or ecological communities listed in Schedule 1 and 2 of the *Biodiversity Conservation Act 2016*
- work that is contrary to a development consent that requires vegetation to be retained,
- all vegetation on heritage listed properties,
- native vegetation within heritage conservation areas,
- land if it results in the fragmentation or isolation of native vegetation, or
- land if it reduces effective vegetation buffers to adjoining Community Open Space or Private Open Space lands.

f. Notwithstanding the exemptions at (d) above, minor work to vegetation that is or forms part of a heritage item or heritage conservation area, requires approval from the Council pursuant to the provisions of Clause 5.10 of the *HLEP*.

g. Any vegetation removed pursuant to the exempt provisions within this section should:

- occur in areas deemed to be ancillary to an approved existing dwelling or structure,
- be undertaken by hand (not heavy machinery), and
- require replacement planting to stabilise the soil (where necessary) that is indigenous to the adjoining vegetation community present and not include species recognised as invasive to native vegetation.

Lodging an Application for Vegetation Work

- h. An application is required to be completed and forwarded to Council for all work to protected vegetation where an exemption does not apply. Table 1B.6.2(b) below identifies what type of application is required to be completed for work to vegetation.
- i. Where vegetation work is required as part of other works for which development consent is required, the works will be assessed as part of the Development Application.

Table 1B.6.2(b) Type of Vegetation Application Required

Location	Extent of Works	Form of Application
Heritage Item	Minor work to any vegetation that is or forms part of a Heritage Item as described by Clause 5.10(3) of the HLEP	Vegetation Permit
	Major work to any vegetation that is or forms part of a Heritage Item (i.e. work that is not minor as described by Clause 5.10(3) of the HLEP)	Development Application
Other land	Removal of vegetation not subject to BOS	Vegetation Permit
Work that is contrary to a development consent that requires vegetation to be retained	Work to vegetation that is required to be retained or rehabilitated by the consent conditions	Section 96 Application

Consideration of an Application for Vegetation Work

- j. The removal of, or work to, vegetation should be consistent with the applicable provisions of the HLEP and HDCP.
- k. In determining if vegetation is significant, it will be assessed using an arboricultural, ecological and/or an Occupational Health and Safety based evaluation. Accordingly, any application for removal should demonstrate that the removal of vegetation is appropriate based on an assessment of the:
 - significance/health/longevity of the vegetation; and
 - risk to human life or property.

Notes:

The clearing of native vegetation that is exempt in Table 1B.6.2(a) is to facilitate minor development such as sheds ancillary to dwellings that may be otherwise permissible under SEPP (Exempt and Complying Development Codes) 2008. The intent is not to allow extensive bushland removal.

Works on land identified as "Biodiversity" on the HLEP Terrestrial Biodiversity Map should have regard to Section 1C.1.1 Biodiversity of this DCP.

Works involving heritage items and heritage conservation areas should also have regard to Part 9 Heritage of this DCP.

Environmental Protection works including bush regeneration work is permitted without development consent in the land use table for all zones under the HLEP.

Section 12 of the Vegetation SEPP provides that the applicant for a permit may appeal to the Land and Environment Court against refusal by a Council to grant a permit. Any such appeal is to be made within 3 months of the date on which the applicant is notified of the decision or within 3 months after the Council is taken to have refused the application (whichever is later).

The Biodiversity Offset Scheme (BOS) includes a Sensitive Biodiversity Values (SBV) Map and Area Threshold. If either criteria is met then the offsets scheme must be applied unless it is subject to a listed exemption.

The SBV Map has been prepared as part of the BOS and may be viewed on the OEH website www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap

The Biodiversity Conservation Regulation 2017 sets out the following SBV Area Thresholds:

Minimum lot size	Proposed area of clearing
Less than 1 hectare	0.25 hectares
Less than 2 hectares	0.5 hectares
2 to 39 hectares	0.5 hectare
40 to 999 hectares	1 hectare
1000 hectares or more	2 hectares

ATTACHMENT/S

REPORT NO. IR20/17

ITEM 17

- 1. ATTACHMENT 1 - DGM REPORT NO. 14/2017 -
REQUEST FOR TREET REMOVAL - 12A VICTORY
STREET, ASQUITH**
- 2. ATTACHMENT 2 - SUBMISSION FROM IAN CORNEY -
DANGEROUS TREE - NOV 2017 - VICTORY ST - BALDWIN
AVE - 171115**
- 3. ATTACHMENT 3 - ARBORISTS SITE NOTES - 26 OCT
2017**

Deputy General Manager's Report No. IR14/17
Infrastructure and Recreation Division
Date of Meeting: 9/08/2017

12 REQUEST FOR TREE REMOVAL - 12A VICTORY STREET, ASQUITH

EXECUTIVE SUMMARY

- The owners of 12A Victory Street and a neighbour at 17 Baldwin Avenue, Asquith have sought Council approval for the removal of one *Eucalyptus botryoides* (Bangalay) located at the rear of 12A Victory Street.
- An initial application in 2016 (TA/408/2016) requested the removal of a *Eucalyptus botryoides* (Bangalay) on the basis of tree roots being present inside their backyard, unbalanced trunk that leans towards the neighbour's property (17 Baldwin Avenue); lifting of the ground around the roots; the dropping branches which is a risk to property and a high risk for children and people using the yard.
- This application was inspected and refused on the basis the tree was observed to be in good condition and there was insufficient evidence to support its removal based on the grounds put forward by the applicant.
- In March 2017 an appeal was lodged (TA/820/2014/A) seeking review of Council's decision to allow for the tree's removal. The appeal was accompanied with a tree statement (Attachment 1). Council's arborist had concerns when the species was incorrectly identified within this assessment and was not satisfied the supporting document proved conclusively that the tree should be removed based on its potential for failure.
- The appeal was refused on the basis the reviewing Council arborist observed the tree to be in good condition and there was insufficient evidence to support the removal of the tree based on the grounds proposed by the applicant.
- In the preparation of this Council meeting the resident has supplied an additional information package which includes a second statement by a qualified arborist (Attachment 2), who has raised concerns also about stem lean and potential impacts to the tree associated with an approved new dwelling at 17 Baldwin Avenue.
- The owner has requested that the matter be considered at a General Meeting of Council.
- This Report concludes the *Eucalyptus botryoides* (Bangalay) is structurally sound, healthy and worthy of retention.

RECOMMENDATION

THAT Council refuse consent to remove one *Eucalyptus botryoides* (Bangalay) located at the front of the property at 12A Victory Street, Asquith.

General Meeting

9 August 2017

Hornsby Shire Council

Report No. IR14/17 Page 2

PURPOSE

The purpose of this Report is to provide Council with the information required to consider an application by the owner of 12A Victory Street, Asquith to remove one *Eucalyptus botryoides* (Bangalay), located in the rear yard of the property.

BACKGROUND

In 2016 Council received a tree application (TA/408/2016) seeking approval for the removal of a *Eucalyptus botryoides* (Bangalay) on the basis of tree roots being present inside the applicant's backyard, an unbalanced trunk that leans towards the neighbour's property (17 Baldwin Avenue); the lifting of ground around the roots; dropping branches which poses a risk to property and a high risk for children and people using the yard.

The resulting inspection undertaken by a Council arborist noted a Bangalay to be approximately 5 metres from the dwelling. The tree was assessed and observed to be in good health, condition, and there was evidence of previous pruning events on the property side of the tree canopy. The tree was refused to be removed on the grounds insufficient evidence had been provided. However, consent was granted to provide general crown maintenance by up to 10% to reduce deadwood and epicormic regrowth within the canopy.

In February 2017 an appeal (TA/408/2016/A) was submitted with a statement (Attachment 1). The statement made recommendations for the tree's removal based on assumptions relating to fungal activity, dysfunction due to a stem lean, the presence of termites and deadwood.

Council's arborist conducting the review was not satisfied that these assumptions could be supported. It was noted that the report incorrectly identified the tree species and as such raised questions to the potential for other errors contained in the statement. For example the applicant's report states the tree species to be *Eucalyptus microcorys* (Tallowood) which is not indigenous to Hornsby. If this was the case, Council consent for pruning or removal would not be required. The two tree species are very different in their appearance and growth habit.

A second inspection by a different Council arborist observed a tree with good basal stability, sound trunk tissue and good condition. The canopy alternating branch structure is considered typical for the *Eucalyptus* species and minor stem lean (est.10%) and there was no evidence of fungal pathogen activity or termites.

For this Council meeting another one page statement has been provided by an arborist with an AQF5 level qualification in arboriculture (Attachment 2). This statement suggests there are potential impacts to the tree associated with an approved new dwelling at 17 Baldwin Avenue, Asquith which is yet to be built. Council's arborists disagree with this assessment as the dwelling is not located within the structural root zone and the construction uses pier footings that are sensitive to the root zone.

All tree assessments made by Council arborists were made by visual external inspections. Internal, underground or aerial investigations were not undertaken.

Tree Details

Species	<i>Eucalyptus botryoides</i>
Common Name:	Bangalay
Height (Est.)	25 metres
Diameter at breast height (Dbh)	0.700m
Age:	Mature

General Meeting

9 August 2017

Hornsby Shire Council

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Concerns Regarding Safety

The Bangalay was initially requested to be inspected by the owner based on safety concerns and the potential for the tree to fail.

The two different Council arborists who have completed assessments observed well-formed buttress (indicator of good stability), with no evidence of soil heaving or subsidence consistent with trees which are experiencing soil failure in the root zone. Where a lateral limb was removed from the tree it was evident that occluding (closing) of the wound was occurring. Council's arborist also tested the exposed heartwood at the old pruning wound using a synthetic mallet. The tissue was hard and consistent with sound heartwood with no evidence of fungal affected tissue in this area; thus eliminating the issue of decaying woody tissue.

Council's arborists noted the presence of pinhole borer (Ambrosia beetle) damage in the outer layers of bark tissue and the presence of ants, however, was not satisfied there was termite activity present.

No trunk swelling was present or evidence of structural augmentation i.e. bottle butt which is typical of trees which have a subterranean termite nest in the tree base.

The second statement provided by the neighbour raises concerns with potential impacts to the tree associated with future development of 17 Baldwin Avenue, Asquith. Council arborists are satisfied the approved design of the dwelling which employs the use of piers reduces the impacts to the tree and accommodates its retention. It is also noted that Council arborists consider the incursions of the TPZ to be below 20 percent which is permissible on sites especially where sensitive methods of construction are being used which is the case.

Overall it was concluded the tree and its canopy to be consistent with a mature tree in good condition. The canopy branch structure is considered typical for *Eucalyptus botryoides* and minor stem lean (est.10%) and there was no evidence of fungal pathogen activity, decay or termites.

For trees in the urban environment arborists are able to undertake risk assessments by following industry accepted risk assessment criteria. Council's tree officers have applied these criteria in their assessments and determined the risk rating to be 'low' and 'acceptable'.

None of the statements submitted by the applicant or the neighbour quantify the proposed risk using an industry accepted risk criteria method i.e. Quantified Tree Risk Assessment (QTRA) or Tree Risk Assessment Qualification (by the International Society of Arboriculture).

Consideration of Retention of the Tree

The Hornsby Local Environmental Plan and Development Control Plan provide strategic planning instruments aimed at the preservation of Hornsby's trees. The request to remove this tree is measured against these instruments. *Eucalyptus botryoides* (Bangalay) is a species indigenous to Hornsby Shire and therefore requires an approval to prune or remove.

The tree has been assessed by arborists who have concluded it does not pose a risk to human life or is causing or likely to cause substantial damage to property.

There is no evidence of consistent (i.e. every 3 months) large diameter live tissue failures; or evidence of stem dysfunction. The habit of growth is consistent with a tree searching for light on the windward edge in a large grouping of trees.

The tree can be retained with minimal remedial works i.e. deadwood removal and there is currently sufficient setback from the residence.

BUDGET

There are no budgetary implications associated with this Report.

General Meeting

9 August 2017

Hornsby Shire Council

Report No. IR14/17 Page 4

POLICY

The recommendation contained within the Report is consistent with Council's Tree Preservation Measures (HDCP) that provides protection to trees that are indigenous to Hornsby Shire such as the remnant *Eucalyptus botryoides* (Bangalay) and only permits removal of a tree in the case of safety concerns if there are signs that the tree is diseased, dying or dangerous.

CONCLUSION

The Bangalay is a mature and healthy remnant specimen that contributes to the leafy character of the area.

The tree was determined to be in good condition and the risk posed by the tree was assessed in the field using the QTRA system which concluded the risk to be low and acceptable. There is no reason to believe that the tree is at imminent risk of failure or decline and, therefore, can be retained.

Council officers conclude that the tree is worthy of retention and therefore it is recommended that Council refuse the application for consent to the *Eucalyptus botryoides* (Bangalay) located in the rear yard of 12A Victory Street, Asquith.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Parks and Recreation – David Sheils - who can be contacted on x6792.

DAVID SHEILS
Manager - Parks and Recreation
Infrastructure and Recreation Division

ROBERT STEPHENS
Deputy General Manager - Infrastructure and
Recreation

Attachments:

1. Attachment 1 - 17 Baldwin Street, Asquith Tree Report
2. Attachment 2 - Tree Analysis

File Reference: TA/408/2016/A
Document Number: D07262685

General Meeting

9 August 2017

Dr Trevor J. Hawkeswood

[BSc (Hons)(NE), BAppSc (EnvSC)(CSU), BS & MS (AIM), MHsB & MHsM (IMHS), DipArch (CMS),
PhD (AIM, IMHS, BPI & CU)]

AQF 7 Arborist

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Fauna Reports, Land and Environment Court Cases, Reviews of Environmental Reports

TO WHOM IT MAY CONCERN

Re: One *Eucalyptus microcorys* (Myrtaceae) tree at back yard of 12A Victory Street,
Asquith, NSW (see Figs. 1-8).

During the morning of 14 February 2017 I made a detailed inspection of the tree at the
above property.

A SULE analysis was undertaken on the tree noted below. Trees (defined here as being
usually more than 15 cm d.b.h. = diameter at breast height) were assessed as per the
procedures outlined in my other tree reports (viz. Hawkeswood, 1998-2012). Trees marked
with an asterisk (*) in the list below are introduced species. The condition of trees are
assessed by arborists using terminology of "good", "medium" or "poor"; good = specimen
in good healthy condition, not suffering from high stress, without borer damage, without
major dead branches etc; poor = tree is in poor health, under high stress, sickly, with
numerous dead branches, losing leaves etc.; medium = condition of tree is somewhere
between the other two conditions. In addition, the SULE assessment was also applied to
these trees. This is the Safe Useful Life Expectancy which is a tree assessment procedure
which gives the length of time that the arborist believes that a particular tree can be
retained with an acceptable level of risk based on the information available at the time of
the inspection; SULE ratings are Long (i.e. the tree is retainable for 40 years or more with
an acceptable level of risk), Medium (i.e. the tree is retainable for 16-39 years), Short (i.e.
the tree is retainable for 5-15 years) and Removal (i.e. the tree requires immediate
removal due to imminent hazard or absolute unsuitability). Major branch is defined as
being 5cm or more in diameter, minor branch less than 5 cm in diameter.

Tree No. 1: *Eucalyptus microcorys* (Myrtaceae)(Figs. 1-8): 22 m high, 16 m crown
diameter, single-trunked, 105 cm d.b.h., mature, 45-55 years old; in medium condition,
with many dead minor branches and many dead major branches; borer damage present in
trunk and dead branches, hollows, scratch marks absent; SULE: Removal. [N.B. Tree is
dangerous due to dead branches and weak branching structure, lean into neighbouring
yard].

Comments and Conclusions

The tree is infested with borers and termites in both numerous dead and live branches all over the crown and subcrown. The trunk shows evidence of fungal cankers, gummosis in previously excised main branch (compare Fig. 9 with Figs 1, 2), termite entrance points at base of tree and cemented tunnels by termites, and exit bore holes and chambers by boring beetles such as weevils, ptnids and cerambycidae (Coleoptera)(Figs. 1-5). Undoubtedly the numerous dead branches (over 50 counted in the canopy and subcanopy)(see eg. Figs. 6,7) are as result of attack by these insects and possibly fungal infestation as well.

The tree leans over into a neighbouring property (17 Baldwin Street) and intersects a *Cupressus sempervirens* tree there (Fig. 1) which also appears to prop up a major branch from the tree.

The tree also overhangs with dead branches two other neighbouring properties as well as the subject property. In the upper canopy there is a major necrotic area probably caused by borers and termites about 15 cm in diameter and this branch will fall soon (Fig. 7). Hence the tree is very dangerous. Further necrotic areas could develop at the branch bases/trunk interface. Some borer infested branches have recently fallen (Fig. 8). Also previously the massive lower branch (Fig. 9) broke away from the tree. Such falling branches could cause death and injuries to persons and is likely to reoccur soon.

In my professional scientific opinion, the tree is dangerous because of the numerous dead branches, its weak branching structure and its lean into the neighbouring yard (17 Baldwin St). Branches could fall into the various properties at any time, the tree could fall into 17 Baldwin St) where it is presently leaning and any major branches could fail due to structural weakness in the centre and upper regions of the tree.

With all of the above considered, there should be no impediments for the tree to be removed.

I am, Yours faithfully,



(Dr Trevor J. Hawkeswood)
 [(BSc (Hons)(NE), MHSB & MHSM (IMHS), BS (AIM), BAppSc (EnvSc)(CSU), DipArch (CMS), PhD (AIM, IMHS, BPI & CU)] (AQF7-Arborist, Botanist, AQF 8- Entomologist and Environmental Scientist)
 (15 February 2017)



Fig. 1. The *Eucalyptus microcorys* tree in the backyard of 12A Victory St, Asquith. Note major branch extending over into 17 Baldwin St through a *Cupressus sempervirens* (Cupressaceae) tree, and gummosis from old cut stub - branch actually snapped off and break was sawn even. (Photo: T.J. Hawkeswood).



Fig. 2. Infection of fungus from where major branch broke away on the trunk displaying gummosis (fungal infection). (Photo: T.J. Hawkeswood).



Fig. 3. Numerous exit holes of emerged adult beetle borers from the bark. The same borer species would be present in the canopy branches. (Photo: T.J. Hawkeswood).



Fig. 4. Evidence of termite infestation- cemented chambers leading up to the lower canopy of the tree under the old bark. (Photo: T.J. Hawkeswood).



Fig. 5. Small canker surrounded by termite feeding damage to underneath bark. (Photo: T.J. Hawkeswood).



Fig. 6. View of upper canopy showing dead branches and weak branching pattern. (Photo: T.J. Hawkeswood).



Fig. 7. Photo of upper canopy showing necrotic region at base of large 15 cm diameter branch (in upper left hand corner of the photograph). (Photo: T.J. Hawkeswood).



Fig. 8. Two large borer infested branches recently fallen with other smaller branches. (Photo: I. Conry).



Fig. 9. Tree at an earlier age before the major branch (at the left) broke away from the tree. (See also Figs 1 and 2). (Photo: I. Conroy).

**DANGEROUS TREE AT
17 BALDWIN AVENUE / 12a VICTORY STREET, ASQUITH**
June 2017



17 Baldwin Avenue, Asquith



12a Victory Street, asquith



This submission is prepared in support of removal of a dangerous tree located at 12a Victory Street, Asquith that heavily leans into the property at 17 Baldwin Avenue, Asquith.

Council has refused both the initial application to remove and the appeal. The tree has been assessed as dangerous by two independent arborists.

A DA approval is in place to demolish and rebuild a new residence at 17 Baldwin Ave.

Contents

Summary

Overview

Aerial View

Photos

Before and After Analysis of Failed Limb

Appendix 1 - Arborist Report 1

Appendix 2 - Arborist Letter 2

Appendix 3 – AQF Rating Overview

Summary

Independent advice from two arborists is that the tree has a dangerous lean, is dangerously located and is a threat to safety. Should the trunk fail the tree would fall on the existing house which is asbestos clad. For the new residence, it would directly fall on the ground floor living area and upstairs children's bedrooms and sitting area.

It is also evident from analysis of before and after photos of the failed primary limb from the same position that the tree is moving, with the remaining primary limb appearing to have dropped.

Healthy gums fail and there are many recent instances of large eucalypt failures leading to extensive property damage, serious injury and death. In the last 3-4 years in Asquith, there have been at least six large gums that have toppled in large storm events that have crushed a car and fallen on roofs. Some of these trees have been straight and unencumbered.

We have serious concerns for our safety, particularly in high winds and storm events, and wish to live on our property free from threat.

In removing this tree, as part of the approved DA, a number of new, smaller native trees will be planted. These include a blueberry ash, old man banksia, lillypilly and callistemon as well as native shrubs and ground covers.

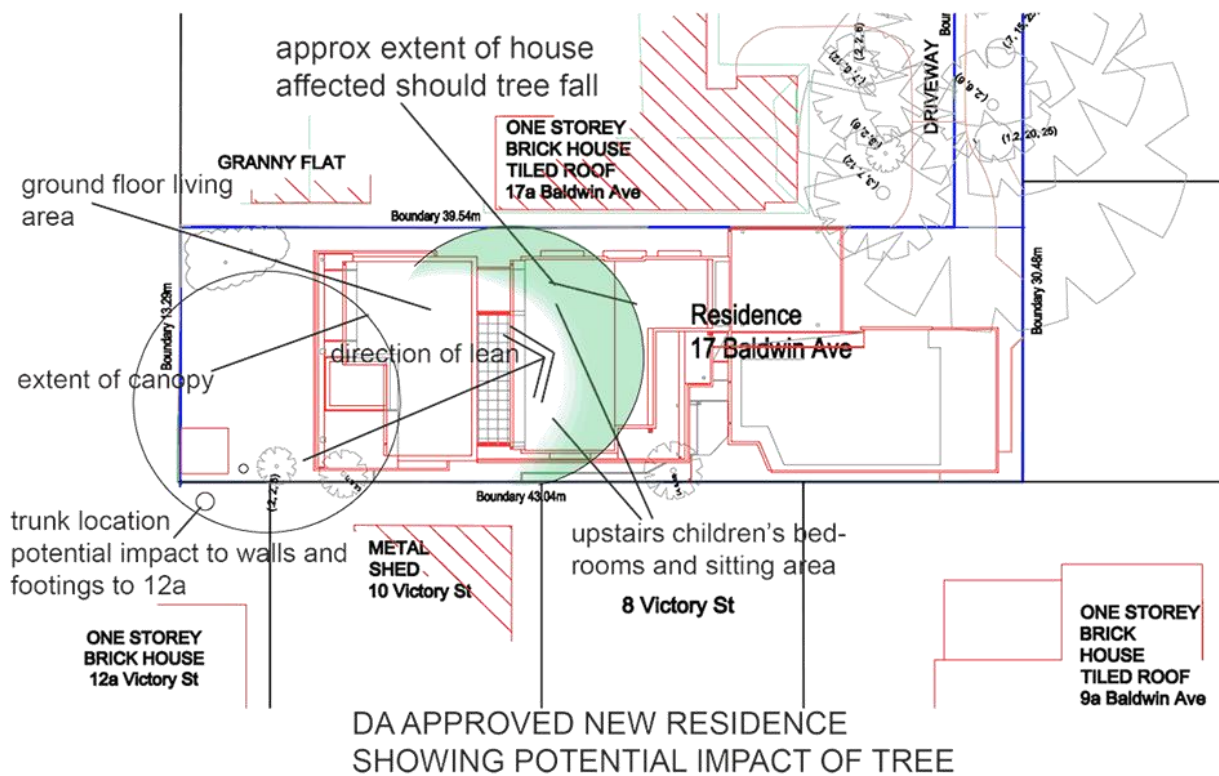
Overview

- Primary limb on 12a Victory Street side fails August 2011 damaging roof and fence and resulting in nearly all weight of tree on 17 Baldwin Avenue side.
- Independent arborist No.1 assesses tree July 2016. Deemed tree dangerous. Application lodged July 2016. No supporting arborist report lodged.
- Council refuses removal citing insufficient evidence and deeming tree healthy and stable. Council letter dated 8 August, 2016.
- Independent arborist No. 2 assesses tree 14 February, 2017. Identifies primary limb failure as gummosis – fungal infection. Identifies beetle borer and termite infestation to trunk and crown causing weak branching structure and extensive deadwood to canopy. Tree estimated to be 45-55 years old. Determines tree dangerous and should be removed. Arborist rated as AQF7 requiring university degree level qualifications. Understood that arborist had undertaken previous arboricultural work in Hornsby Shire recognised by council.
- Council rejects appeal, refuses removal citing evidence was not provided by an AQF5 arborist according to the DCP and that insufficient arboricultural evidence was provided. AQF5 rating requires diploma, eg, TAFE qualifications, ie a lower rating than AQF7. – see Appendix 6 for summary of AQF ratings. Council letter dated 12 April, 2017.
- First independent arborist provides letter supporting removal of tree stating tree is overbalanced with dangerous lean and is dangerously located.

DANGEROUS TREE AT 17 BALDWIN AVE / 12a VICTORY ST ASQUITH



EXISTING RESIDENCE SHOWING POTENTIAL IMPACT OF TREE Aerial view (taken from nearmaps)





DANGEROUS TREE AT
17 BALDWIN AVE /
12a VICTORY ST ASQUITH

Canopy of pine tree entwined around remaining primary limb and trunk. Trees are touching. Pine tree appears to be butressing gum. Extent is unclear.

existing residence at 17 Baldwin Ave in direct line of lean of tree.



Lean of gum is evident. tree is unbalanced with all weight on the 17 Baldwin Ave side.

Canopy of pine tree is distorted indicating weight of gum is pressing against it.

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ATTACHMENT 1 - ITEM 17



DANGEROUS TREE AT
17 BALDWIN AVE /
12a VICTORY ST ASQUITH

Lean and height of tree is
evident from this image.
Tree is estimated at 22m
high and 45-55 years old.



Weak branching structure and
deadwood to canopy as identified
by arborist T. Hawkeswood



Remaining primary limb appears to have dropped and lean of upper trunk increased - primary limb failed in August 2011, falling of its own accord, damaging the roof and fence.



Page 7

Before and After Analysis of Failed Limb

Image 2

Angle of fence used as
reference to align images



Image 2

Tree trunk and limbs
traced from Image 1
and superimposed onto
Image 2

Apparent drop of limbs
and lean in trunk

Appendix 1 - Arborist Report 1

Dr Trevor J. Hawkeswood

[BSc (Hons)(NE), BAppSc (EnvSC)(CSU), BS & MS (AIM), MHsB & MHsM (IMHS), DipArch (CMS),
PhD (AIM, IMHS, BPI & CU)]

AQF 7 Arborist

Director, *T.J. Hawkeswood Scientific Consulting*

PO Box 842

Richmond NSW 2753

Email: drthawkeswood@gmail.com

Consultant for Tree Reports, Vegetation Management Plans, Weed Management Plans, Flora and
Fauna Reports, Land and Environment Court Cases, Reviews of Environmental Reports

TO WHOM IT MAY CONCERN

Re: One *Eucalyptus microcorys* (Myrtaceae) tree at back yard of 12A Victory Street,
Asquith, NSW (see Figs. 1-8).

During the morning of 14 February 2017 I made a detailed inspection of the tree at the
above property.

A SULE analysis was undertaken on the tree noted below. Trees (defined here as being
usually more than 15 cm d.b.h. = diameter at breast height) were assessed as per the
procedures outlined in my other tree reports (viz. Hawkeswood, 1998-2012). Trees marked
with an asterisk (*) in the list below are introduced species. The condition of trees are
assessed by arborists using terminology of "good", "medium" or "poor"; good = specimen
in good healthy condition, not suffering from high stress, without borer damage, without
major dead branches etc; poor = tree is in poor health, under high stress, sickly, with
numerous dead branches, losing leaves etc.; medium = condition of tree is somewhere
between the other two conditions. In addition, the SULE assessment was also applied to
these trees. This is the Safe Useful Life Expectancy which is a tree assessment procedure
which gives the length of time that the arborist believes that a particular tree can be
retained with an acceptable level of risk based on the information available at the time of
the inspection; SULE ratings are Long (i.e. the tree is retainable for 40 years or more with
an acceptable level of risk), Medium (i.e. the tree is retainable for 16-39 years), Short (i.e.
the tree is retainable for 5-15 years) and Removal (i.e. the tree requires immediate
removal due to imminent hazard or absolute unsuitability). Major branch is defined as
being 5cm or more in diameter, minor branch less than 5 cm in diameter.

Tree No. 1: *Eucalyptus microcorys* (Myrtaceae)(Figs. 1-8): 22 m high, 16 m crown
diameter, single-trunked, 105 cm d.b.h., mature, 45-55 years old; in medium condition,
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trunk and dead branches, hollows, scratch marks absent; SULE: Removal. [N.B. Tree is
dangerous due to dead branches and weak branching structure, lean into neighbouring
yard].

Comments and Conclusions

The tree is infested with borers and termites in both numerous dead and live branches all over the crown and subcrown. The trunk shows evidence of fungal cankers, gummosis in previously excised main branch (compare Fig. 9 with Figs 1, 2), termite entrance points at base of tree and cemented tunnels by termites, and exit bore holes and chambers by boring beetles such as weevils, ptnids and cerambycidae (Coleoptera)(Figs. 1-5). Undoubtedly the numerous dead branches (over 50 counted in the canopy and subcanopy)(see eg. Figs. 6,7) are as result of attack by these insects and possibly fungal infestation as well.

The tree leans over into a neighbouring property (17 Baldwin Street) and intersects a *Cupressus sempervirens* tree there (Fig. 1) which also appears to prop up a major branch from the tree.

The tree also overhangs with dead branches two other neighbouring properties as well as the subject property. In the upper canopy there is a major necrotic area probably caused by borers and termites about 15 cm in diameter and this branch will fall soon (Fig. 7). Hence the tree is very dangerous. Further necrotic areas could develop at the branch bases/trunk interface. Some borer infested branches have recently fallen (Fig. 8). Also previously the massive lower branch (Fig. 9) broke away from the tree. Such falling branches could cause death and injuries to persons and is likely to reoccur soon.

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With all of the above considered, there should be no impediments for the tree to be removed.

I am, Yours faithfully,



(Dr Trevor J. Hawkeswood)
[(BSc (Hons)(NE), MHsB & MHsM (IMHS), BS (AIM), BAppSc (EnvSc)(CSU), DipArch (CMS), PhD (AIM, IMHS, BPI & CU)] (AQF7-Arborist, Botanist, AQF 8- Entomologist and Environmental Scientist)
(15 February 2017)



Fig. 1. The *Eucalyptus microcorys* tree in the backyard of 12A Victory St, Asquith. Note major branch extending over into 17 Baldwin St through a *Cupressus sempervirens* (Cupressaceae) tree, and gummosis from old cut stub - branch actually snapped off and break was sawn even. (Photo: T.J. Hawkeswood).



Fig. 2. Infection of fungus from where major branch broke away on the trunk displaying gummosis (fungal infection). (Photo: T.J. Hawkeswood).



Fig. 3. Numerous exit holes of emerged adult beetle borers from the bark. The same borer species would be present in the canopy branches. (Photo: T.J. Hawkeswood).



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Fig. 6. View of upper canopy showing dead branches and weak branching pattern. (Photo: T.J. Hawkeswood).



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Fig. 8. Two large borer infested branches recently fallen with other smaller branches. (Photo: I. Conry).



Fig. 9. Tree at an earlier age before the major branch (at the left) broke away from the tree. (See also Figs 1 and 2). (Photo: I. Conroy).

Appendix 2 - Arborist Letter 2



Ref: 2947. loc

14 June 2017

17a Baldwin Road
ASQUITH NSW 2077

Arboricultural Consultation – Tree stability; – 12a Victory Street, Asquith. NSW (the site)

Dear Mr & Mrs, Conry,

Redgum Horticultural writes further to our site consult in July 2016 and our recent site inspection on 9 June 2017 to further investigate stability issues with a large remnant *Eucalyptus sp* – Eucalypt to the rear of 12a Victory Street which seems to have a progressive lean over 17a Baldwin Road creating concern for life to residents or property.

As seen in your submissions photos and further to our revisit to the site, this specimen is approximately 20 to 25 metres in height with an asymmetrical canopy to the southeast with a large percentage of canopy overhanging your residence and rear yard of your property. Our concerns stem from the removal of the lateral limb (*previously removed*) which was opposing the lean creating balance in the upper canopy of this specimen. Also, the encroachment of the built structure within this battle-axe block (*approved by Council*) which is well within what would have been the tree protection and structural root zone/s, thus adding to the currently unbalance lean over your property and concerns due to constant limb drop into your passive recreation area. Additionally, there is a chook run within the structural root zone of this specimen which has also impacted the specimen's ability for water uptake as the chicken have made this area impervious to any water filtration due to their constant scratching of the ground for food.

Further to the photos and site plans within your submission showing the position of this specimen and the report submitted by the AQF L7 arborist, we concur with some of the issues raised will major concern for the unbalance crown over 17a Baldwin Rd. We believe due to the encroachment of the approved development impacts and additional impacts within the structural root zone of this specimen's, its stability is compromised and will only continue to progress (*with its lean*) the potential to cause damage to life & or property if not removed and replaced with a sense of urgency.

We recommend this specimen should be removed and replaced with a super advanced stock size in either 75 or 100 litre bag and to be planted in a more appropriate position within the property.

If any further assistance is required in this matter, please contact our office on 8847-3586.

Regards,

Neville Shields – MAIH5021

Principal Consultant (Director)

IACA-ACM0072003

neville@redgumhrt.com.au

Diploma of Horticulture – Arboriculture; (AQF5) 2001,

Work Place Assessment & Training Certificate; (AQF4) 2001,

Associate Diploma of Horticulture – Park Management; 1987

Horticulture Certificate; 1984

Urban Pest Control Certificate; 1983

Member of; Institute of Australia Consulting Arboriculturists (IACA), 2003

International Society of Arboriculture (ISA), 2005

Australian Institute of Horticulture (AIH) 2005

& Arboriculture Australia (AA) 2015



DISCLAIMER

The author and Redgum Horticultural take no responsibility for actions taken and their consequences, contrary to those expert and professional instructions given as recommendations pertaining to safety by way of exercising our responsibility to our client and the public as our duty of care commitment, to mitigate or prevent hazards from arising, from a failure moment in full or part, from a structurally deficient or unsound tree or a tree likely to be rendered thus by its retention and subsequent modification's to its growing environment either above or below ground contrary to our advice.

PH/FAX 8824 8314 PO Box 3687, Rouse Hill NSW 2155 ABN 28116465304 E info@redgumhrt.com.au

APPENDIX 3 AQF Rating System

The AQF is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualification framework. The AQF was first introduced in 1995 to underpin the national system of qualifications in Australia encompassing higher education, vocational education and training and schools.

Location of AQF qualification types in the levels structure

Level	Level 1	Level 2	Level 3	Level 4	Level 5
Summary	Graduates at this level will have knowledge and skills for initial work, community involvement and/or further learning	Graduates at this level will have knowledge and skills for work in a defined context and/or further learning	Graduates at this level will have theoretical and practical knowledge and skills for work and/or further learning	Graduates at this level will have theoretical and practical knowledge and skills for specialised and/or skilled work and/or further learning	Graduates at this level will have specialised knowledge and skills for skilled/paraprofessional work and/or further learning
Qualification Type	Certificate I	Certificate II	Certificate III	Certificate IV	Diploma
Level	Level 6	Level 7	Level 8	Level 9	Level 10
Summary	Graduates at this level will have broad knowledge and skills for paraprofessional/highly skilled work and/or further learning	Graduates at this level will have broad and coherent knowledge and skills for professional work and/or further learning	Graduates at this level will have advanced knowledge and skills for professional highly skilled work and/or further learning	Graduates at this level will have specialised knowledge and skills for research, and/or professional practice and/or further learning	Graduates at this level will have systematic and critical understanding of a complex field of learning and specialised research skills for the advancement of learning and/or for professional practice
Qualification Type	Advanced Diploma Associate Degree	Bachelor Degree	Bachelor Honours Degree Graduate Certificate Graduate Diploma	Masters Degree	Doctoral Degree

Australian Qualifications Framework Second Edition January 2013

**DANGEROUS TREE AT
17 BALDWIN AVENUE / 12a VICTORY STREET, ASQUITH
November 2017**



Lean of Tree and
distortion of Pine tree
canopy evident

Ian Conry

17 Baldwin Avenue, Asquith
Email: ianconry@yahoo.com.au

Mob: 0468 628 456

Yuxi Liu

12a Victory Street, asquith
Email: yuxi.liu@gmail.com

Mob: 0433 279 265

**This submission follows a previous a submission to council
for the August 2017 meeting.**

- Meeting on site Tuesday 17 October 2017. Mayor, councilors, council officers, owners and arborist present. Explanation of background and process. General discussion about tree and adjacent pine. Difference of opinion between council officer and arborist. Agree to meet again to test root system.

- Council officer and Manager of Parks, arborist and arborist's father – an experienced consultant arborist meet on site Thursday, October 26. Test root system. Agree to disagree. See account from Jim McArdle attached.

Summary

- We note that in the recommendation to council to refuse removal at the August 2017 meeting, the presence of the pine tree was not acknowledged. In previous arborists' reports and photographic documentation provided, we submitted that the gum is moving and leaning heavily on the tree, supported by the McArdle report. They are clearly touching. This important fact was omitted.
- In the opinion of three independent arborists and an experienced consultant arborist who contracted to council for many years in assessing storm damaged trees the tree is moving and a threat to safety. We note that the tree has already dropped a primary limb contributing to the overbalancing of the tree.
- We have provided a revised landscape plan from Paul Scrivener landscape architect to include more replacement native trees with greater canopy cover. These range from 10m to 15m in height located appropriately on site and include blueberry ashes, banksias, lillypillies and a watergum. Two new canopy trees are proposed for 12A Victory Street also ranging in height up to 20m.

We note that the trees removed were non-native or not indigenous to Hornsby Shire. The replacement trees will represent a far greater canopy of indigenous trees than previously once established. This can be implemented by way of a Section 96 modification for 17 Baldwin Avenue. See landscape plan and statement from the landscape architect.



Failed Limb and lean
of tree on Pine and toward
17 Baldwin Ave.

Appendix A - Summary of on-site meeting Thursday October 26, 2017

Appendix B – Revised landscape plan and landscape architect's statement

Appendix C = Analysis of tree; Before and After Failed Limb

APPENDIX A**SUMMARY OF ON SITE MEETING – JIM MCARDLE ARBORIST
THURSDAY, OCTOBER 26, 2017**

Re:12a Victory Street Asquith Soil Root Plate testing

1. I attended the site at 10.30 on Thursday 26th of October 2017.
2. Present were the officers from Hornsby Council Scott Wilke Tree manager and David Shields Manager, James Arthur McArdle(Senior).
3. Jim (Senior) stated he had been a prime contractor for hornsby council from the 1950s to 1988. Jim junior gave a description of the defects and the test to be used, Jim Senior commented that the tree had definitely moved and I (Jim jnr)stated that I was utilising a method that he instructed when we would do storm damaged trees at emergencies, to see if the tree had loosed or detached from the root plate. The drumming technique with either a hammer or impact with "stamping the ground". The resonance indicates a hollow sound adjacent and within the SRZ. But not at 6 metres.
4. I also stated it was a method that officers from council in the past had agreed with and wrote this in the arborist report.
5. Scott asked me why I hadn't used tilt sensors. My comment to Jim was that "photos had already shown from previous test that the tree had moved".
6. Scott said "the tree from the base was vertical and had not moved" positioned his hands to the lower stem, disregarding the comments.
7. Scott commented that "the ground had been used for a vegetable garden as commented from the owner". Scott also suggested "the mounded soil was from the turf and soil build up".
8. My comment was that "the turf was not that thick and quite sparse and the soil top profile was grey". Usually a vegetable garden would have rich black soil from being high percentage of decomposing organic material. This was not the case.
9. I stated I had not questioned the owner on the usage.
10. Scott presented his soil probe 'The Dig Stick' which he stated that it would penetrate to around 300mm and by my theory should drop away if it hit an air pocket.
11. Scott tested around four probed areas within the SRZ.
12. My response was that It we would do both types of tests including my soil profile with auger hole of 50mm to a depth of 650mm then check for cracks or fractures in the soil which may also include air pockets.
13. My question on the soil probe Scott was using was that I thought it might have been an electronic probe. Obviously it wasn't.
14. My other comment to Scott was that "it compacts the soil so that when you hammer it into the soil you will get a compressed core sample".
15. The type of soil was fine clay and powdery on both profile test holes one at 6 metres from the stem and one at 120mm.
16. I stated "I would not do any more than one excavation inside the SRZ-structural root zone as this would most likely compromise further the root system attachment".
17. On the profile at 120mm I stated to Scott Wilke on examination of the pilot hole that "a fracture was located at 120mm". The profile had shown clay lining the wall.
18. We both took photos.
19. A typical structured soil was presented with subsoil and topsoil. Topsoil was grey to clay being brownish red. The clay texture feel test indicated a high percentage of fine clay.
20. 15. Scott took a photo at the end of the testing we both agreed to disagree.

APPENDIX B**LANDSCAPE ARCHITECTS STATEMENT + REVISED LANDSCAPE PLAN****Landscape design response statement for 17 Baldwin Ave. Asquith NSW**

Date: 13 November, 2017

Our ref: 1882 - Issue E dated 6.11.2017

Please find attached to this statement revised landscape plans (ref: 1882 - issue E dated 6.11.2017). This statement has been prepared in conjunction with a proposed tree removal application for an existing tree located on the adjoining property boundary of #12A Victory Street Asquith. The proposed removal is supported by both the owner of 12A Victory Street and the owner of the affected property 17 Baldwin Avenue, Asquith.

The condition of the existing tree proposed to be removed and its suitability in its location is considered by means of a number of Arborist's assessments produced in support of the tree removal application.

The subject tree is located on the adjoining property at the north western corner of 17 Baldwin Ave. An existing conifer impacted by the Eucalypt is situated within the boundary of 17 Baldwin Avenue and has been approved for removal as part of the original Development Consent for 17 Baldwin Ave.

The purpose of this report is to put into context the overall tree replacement proposal for both 17 Baldwin Ave & 12A Victory Street. The proposal has and continues to thoroughly consider Council's landscape aims and objectives.

The proposal seeks to install an appropriate mix of indigenous replacement trees suitable for the location and residential setting. Within the Baldwin Ave property these include indigenous trees of an appropriate scale and height being 3 x *Acmena smithii* - Lilly Pilly (10 metres +), 1 x *Banksia integrifolia* - Coast Banksia (12-15 metres), 1 x *Tristanopsis laurina* - Water Gum (12 metres +), 1 x *Pittosporum undulatum* - Showy Pittosporum (10-12metres), 2 x *Banksia serrata* - Old Man Banksia (6 metres) and 2 x *Eleaocarpus reticulatus* - Blueberry Ash (5 metres +).

On 12A Victory Street there are proposed 1 x *Stenocarpus sinuatus* - Firewheel tree (15-20 metres) and 1 x *Pittosporum undulatum* - Showy Pittosporum (10-12metres).

The result will be a substantial, multi-layered indigenous and regional native tree canopy. The anticipated canopy coverage will be in excess of the existing indigenous canopy tree cover.

The selected species are commonly found species on the Hornsby Council region with all but one species listed on Council's native trees list with associated expected mature heights also listed. They are recognized as appropriate trees for use in such residential situations and exhibit hardiness and long term viability. They promote bio-diversity and provide habitat for local fauna.

In summary, the design solution is focused on the Council's landscape aims and objectives. The net result of the loss of the single Eucalypt in poor structural condition (as per Arborist's assessment) is more than compensated by the proposed plantings.

Yours sincerely,

Paul Scrivener Bach App. Sc (Env. Des) Bach. Land Arch. A.A.I.L.D.M



PAUL SCRIVENER
LANDSCAPE ARCHITECT

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ATTACHMENT 2 - ITEM 17

[illegible]

Appendix C - Before and After Analysis of Failed Limb

Image 1

Angle of fence used as
reference to align images



Image 2

Tree trunk and limbs
traced from Image 1
and superimposed onto
Image 2

Apparent drop of limbs
and lean in trunk



MEMO

ATTACHMENT 3 - ITEM 17

TO: TA/408/2016/A
FROM: Scott Wilkie
DATE: 27 October 2017
REFERENCE NO. TA/408/2016/A
SUBJECT: File Notes: Root plate inspection – 12A Victory Street, Asquith

1. Scott Wilkie (Tree Management Coordinator) and David Sheils (Manager Parks and Recreation) attended site 26 October 2017 at 10.30am.
2. At the time of our arrival Mr Jim McArdle (Jnr) was already on site in the rear yard auguring a hole approximately 6 metres from the base of the tree.
3. I enquired words to the effect "What is the purpose of this auger point as this was outside the area indicated at the previous site meeting; Mr Jim McArdle (Jnr) responded with words to the effect " a comparative sample" I had no objection to this and agreed.
4. I then used words to the effect " I have brought a 30 mm soil probe (trade name Dig Stick) which take can a complete core sample of the soil and suggested that based on Mr Jim McArdle (Jnr) previous claims regarding the root plate separation that would only need to go down a minimum 300mm (estimated) and the probe should sink or drop through loss of tension (the gap between the layers of soil created by the shifted root plate and I can take several samples at locations we both agreed upon". At this point I commenced testing firstly in the exact location which Mr Jim McArdle (Jnr) indicated at the previous site meeting.
5. I then tested three other locations and went deeper than 300mm up to 600mm at the request of Mr Jim McArdle (Jnr). All four samples indicated a continuous unseparated core (i.e. no indication of gaps consistent with what was described by Mr Jim McArdle (Jnr)) with moderate moisture level and were consistent in colour with the sample taken by Mr Jim McArdle (Jnr).
6. At the completion of these tests, I agreed to Mr Jim McArdle (Jnr) to undertake his sampling.
7. I did ask Mr Jim McArdle (Jnr) use words to the effect " Jim did you check the site history in that this area as it was garden bed until May 2016 after which the area was turfed; I noted this when check aerial imagery for the site for the last few years to see if there has been any changes to the site or tree canopy". (Please note I did not make reference to the use of the garden bed only that aerial images indicated that it was a garden bed)
8. Mr Jim McArdle (Jnr) made his first sample adjacent to my first sample approx. 600-700mm from the tree base and made the following observations:
 - a. I noted that at no time whilst taking the sample did it appear to be a sudden drop or really easy turn or soil failure
 - b. Mr Jim McArdle (Jnr) did not use a tape measure for his hole rather a stick and I was satisfied to consider that it was an estimation of depth like the samples taken by Council.
9. At the completion of the first hole by Mr Jim McArdle (Jnr), retrieved my flash light and used it to look down into the whole and made the following observations:
 - a. A smooth and continuous walled hole with no evidence of soil separation or weakness of the hole wall. (please see attached images)

- b. The profile taken was consistent in colour and texture to that of the initial sample taken to be used as a comparison.
- 10. Mr Jim McArdle (Jnr) indicated that he believed that there was a separation in the top 100mm in the wall which I did not agree to and we agreed to disagree.
- 11. At this point Mr Jim McArdle (Jnr) used words to the effect; *"I will not do any more samples unless the matter goes to Court"*.
- 12. I then used words to the effect *"if the owner of the tree wishes to have Council re-inspect the tree in the next 12 months, as they believe there have been changes in tree health or growth condition Council would be happy to wave the associated fees in good faith"*.

Scott Wilkie
Tree Management Coordinator