



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 10 NOVEMBER 2009 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A
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NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address
will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 20 October 2009

Minutes numbered 216 to 237

MINUTES FROM THE MAYOR

PETITIONS

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation allowing for minor changes without debate.*

GB.1 Council Meeting Cycle for 2010 1

File: S02355

To consider the proposed Council Meeting Cycle for 2010 which takes account of school holidays, public holidays, the Local Government Association Conference and the Christmas Recess.

Recommendation:

That Council's Meeting Cycle for 2010 be adopted.

GB.2 Policy for the Payment of Expenses and Provision of Facilities to Councillors 5

Files: S03779, CY00053

To recommend the exhibition of a revised Policy for the Payment of Expenses and Provisions of Facilities to Councillors.

Recommendation:

That the revised Policy for the Payment of Expenses and Provision of Facilities to Councillors be endorsed for placing on public exhibition.

GB.3 Council Sponsorship for Carols in the Park & the Ku-ring-gai Philharmonic Orchestra 40

File: S05650

To advise Council of sponsorship proposals from Carols in the Park and Ku-ring-gai Philharmonic Orchestra.

Recommendation:

That Council provide sponsorship for Carols in the Park and Ku-ring-gai Philharmonic Orchestra for \$10,000 each for the 2009-2010 financial year, as per the details of the report.

GB.4 Gordon and North Turramurra Golf Courses - Leases and Professional Services 75

.
File: S02140

To advise Council of the current status of the operational management of the Gordon and North Turramurra Golf Courses.

Recommendation:

That Council extend the current contractual services with Tee Tops Pty Ltd to allow for an independent review of the operations at Gordon and Turramurra Golf Courses.

GB.5 Policy for the Management of Community and Recreation Land and Facilities 93

.
File: S07308

To provide Council with the draft Policy for Management of Community and Recreation Land and Facilities.

Recommendation:

That Council place the draft Policy on public exhibition for a period of 28 days, and after this exhibition time a report come back to Council for final adoption of the Policy.

GB.6 1 Elegans Avenue St Ives - Supplementary Report 165

.
File: REV0015/09

Ward: St Ives

To address matters raised at the site inspection of 17 October 2009 and for Council to determine a review of DA1326/08 proposing dual occupancy development.

Recommendation:

That the additional information be noted, and that the application be refused.

GB.7 **Division of Local Government Integrated Planning and Reporting Framework** 212

.
File: FY00019

For Council to nominate for Group 1 to commence under the new Division of Local Government Integrated Planning and Reporting framework.

Recommendation:

That Council approve the nomination for Group 1 to commence under the new Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009).

GB.8 **Water Street Park** 216

.
File: S06476

To seek Council approval of the draft landscape design plan for the newly acquired park at Lot 1 Water Street, Wahroonga.

Recommendation:

That Council adopt the draft concept design plans and commence embellishment of the park as soon as practicable; that Council apply to the Australian Government to have the \$151,000 recently allocated to Council as part of the Australian Government's Regional and Local Community Infrastructure Program allocated to this project; that the Parks Generic Plan of Management be amended to include the park; and that Council applies to the Geographical Names Board to call the new park Badu Park.

GB.9 **St Ives Village Green Masterplan** 289

.
File: S07533

To seek Council's approval to place a draft St Ives Village Green Landscape Masterplan on public exhibition.

Recommendation:

That Council place the draft St Ives Village Green Landscape Masterplan on public exhibition until the end of January 2010 for public comment and report back to Council in February 2010 for further consideration.

GB.10 Federal Government Regional & Local Community Infrastructure Program - Stage 2 305

File: S06957

To advise Council of the funding from the Federal Government Regional and Local Community Infrastructure Program for the Stage 2 grant and for Council to determine which project or projects that it wishes to nominate for this grant.

Recommendation:

That Council advises which project or projects it wishes to nominate for the grant by 20 November 2009.

GB.11 New Ku-ring-gai SES and RFS Headquarters 317

File: S02543

Ward: Wahroonga

To advise Council of the status with the design of the new SES and RFS Headquarters and to make a determination on the preferred footprint option.

Recommendation:

That Council advises the SES and RFS that the preferred option for the new Ku-ring-gai Headquarters is Option 9i and that Council's designers be requested to prepare detailed designs for the construction of the new headquarters.

GB.12 1 Hampden Avenue, Wahroonga - Relocation of Council Pipe & Easement 330

File: DA 566/08

Ward: Wahroonga

To consider a request by the applicant of 1 Hampden Avenue Wahroonga, to relocate a Council stormwater pipeline and easement traversing the property.

Recommendation:

That the proposal be approved subject to Conditions A. to E. noted in the recommendation.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Tulkiyan Plan of Management

336

File: S07525

Notice of Motion from Councillor Elise Keays and Councillor Cheryl Szatow dated 21 October 2009

We move:

“That the General Manager undertakes an investigation of the budgetary and auxiliary requirements for the operation of Tulkiyan in order for it to be a showcase for heritage in Ku-ring-gai as its only Museum. Following these results, the General Manager is to undertake in a timely manner, the new Plan of Management for Tulkiyan.

The current Plan of Management (2001) does not address the issues listed in a to g and we believe for Tulkiyan to contribute significantly to the heritage landscape of Ku-ring-gai, it needs a more professional approach to its management.

These investigations and a new plan of management will assist the wonderful volunteers who currently work so hard to keep Tulkiyan a working museum.

- A. Assessment of Budgetary and auxiliary requirements for
 - 1. Marketing.
 - 2. Staffing – especially a Permanent Part Time Person to assist The Friends in the overall running of the Museum.
 - 3. Exploration of Grants.
 - 4. Event management.
 - 5. Incorporation of “The Friends of Tulkiyan”.
 - 6. Expanding the volunteer base of “The Friends”.
 - 7. A new committee structure.
- B. Clear Guidelines as to what events are allowed in Museums of this type
- C. New Plan of Management.

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING - PRESS & PUBLIC EXCLUDED

The Item listed hereunder is recommended for consideration in Closed Meeting, Press & Public excluded for the reason stated below:

C.1 Internal Audit Committee - Selection of Independent Community Members 1

File: S06954

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(a) of the Act, and should be dealt with in a part of the meeting closed to the press and public.

Section 10A(2)(a) of the Act permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than Councillors).

Report by General Manager & Internal Ombudsman dated 2 November 2009.

John McKee
GENERAL MANAGER

**** ** ***

Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a. The provisions of:

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. any matters prescribed by the regulations,*

that apply to the land to which the development application relates,

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

COUNCIL MEETING CYCLE FOR 2010

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider the proposed Council Meeting Cycle for 2010 which takes account of school holidays, public holidays, the Local Government Association Conference and the Christmas Recess.
BACKGROUND:	Council has in the past resolved to amend its meeting cycle to take into account the school holiday breaks, the Local Government Association Conference and the Christmas Recess.
COMMENTS:	Options for Council's consideration.
RECOMMENDATION:	That Council's Meeting Cycle for 2010 be adopted.

PURPOSE OF REPORT

To consider the proposed Council Meeting Cycle for 2010 which takes account of school holidays, public holidays, the Local Government Association Conference and the Christmas Recess.

BACKGROUND

The scheduled meeting cycle for 2010 would be:

February:	2 February 2010 23 February 2010	Ordinary Meeting of Council Ordinary Meeting of Council
March:	9 March 2010 23 March 2010	Ordinary Meeting of Council Ordinary Meeting of Council
April:	13 April 2010 27 April 2010	Ordinary Meeting of Council Ordinary Meeting of Council
May:	11 May 2010 25 May 2010	Ordinary Meeting of Council Ordinary Meeting of Council
June:	8 June 2010 22 June 2010	Ordinary Meeting of Council Ordinary Meeting of Council
July:	13 July 2010 27 July 2010	Ordinary Meeting of Council Ordinary Meeting of Council
August:	10 August 2010 24 August 2010	Ordinary Meeting of Council Ordinary Meeting of Council
September:	14 September 2010 28 September 2010	Ordinary Meeting of Council Ordinary Meeting of Council
October:	12 October 2010 26 October 2010	Ordinary Meeting of Council Ordinary Meeting of Council
November:	9 November 2010 23 November 2010	Ordinary Meeting of Council Ordinary Meeting of Council
December:	14 December 2010 28 December 2010	Ordinary Meeting of Council Ordinary Meeting of Council

COMMENTS

The school holiday periods for 2010 are:

Autumn:	Friday, 2 April 2010 to Friday, 16 April 2010 (including Easter)
Winter:	Monday, 5 July 2010 to Friday, 16 July 2010
Spring:	Monday, 27 September 2010 to Friday, 8 October 2010
Summer:	Monday, 20 December 2010 to Tuesday, 27 January 2011

Item 1

S02355
24 September 2009

There are scheduled Council Meetings that fall within some of these periods. Council has in the past resolved to re-scheduled meetings during school holidays.

It is recommended to amend the Meeting Cycle for 2010, as follows:

School Holidays: 2 April to 16 April 2010

20 April 2010	Ordinary Meeting of Council	(transferred from 13 April 2010)
27 April 2010	Ordinary Meeting of Council	

School Holidays: 5 July to 16 July 2010

20 July 2010	Ordinary Meeting of Council	(transferred to 13 July 2010)
27 July 2010	Ordinary Meeting of Council	

Local Government Association Conference

The Local Government Association Conference is to be held from 23 October 2010 to 27 October 2010. It is recommended to amend the cycle for October as follows:

12 October 2010	Ordinary Meeting of Council	
19 October 2010	Ordinary Meeting of Council	(transferred from 26 October 2010)

Christmas Recess 2010

Council has traditionally held the last Council meeting for the year on the second Tuesday in December and resumed meetings in February, the next year.

It is recommended that the second meeting be brought forward to the first Tuesday - 7 December 2010 with the last Ordinary Meeting of Council being held on Tuesday, 14 December 2010. Following the recess, it is further recommended that the first meeting for 2011 be held on Tuesday, 1 February 2011 with the normal meeting cycle to resume on 22 February 2011.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

A. That the Council meeting cycle for 2010 be as follows:

February:	2 February 2010	Ordinary Meeting of Council
	23 February 2010	Ordinary Meeting of Council
March:	9 March 2010	Ordinary Meeting of Council
	23 March 2010	Ordinary Meeting of Council
April:	20 April 2010	Ordinary Meeting of Council
	27 April 2010	Ordinary Meeting of Council
May:	11 May 2010	Ordinary Meeting of Council
	25 May 2010	Ordinary Meeting of Council
June:	8 June 2010	Ordinary Meeting of Council
	22 June 2010	Ordinary Meeting of Council
July:	20 July 2010	Ordinary Meeting of Council
	27 July 2010	Ordinary Meeting of Council
August:	10 August 2010	Ordinary Meeting of Council
	24 August 2010	Ordinary Meeting of Council
September:	14 September 2010	Ordinary Meeting of Council
	21 September 2010	Ordinary Meeting of Council
October:	12 October 2010	Ordinary Meeting of Council
	19 October 2010	Ordinary Meeting of Council
November:	9 November 2010	Ordinary Meeting of Council
	23 November 2010	Ordinary Meeting of Council
December:	7 December 2010	Ordinary Meeting of Council
	14 December 2010	Ordinary Meeting of Council

B. That the first meeting for 2011 be held on 1 February 2011 and the normal meeting cycle resume on 22 February 2011.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To recommend the exhibition of a revised Policy for the Payment of Expenses and Provisions of Facilities to Councillors.
BACKGROUND:	On 13 October 2009 Council adopted an updated Policy for the Payment of Expenses and Provision of Facilities to Councillors.
COMMENTS:	The Division of Local Government, Department of Premier and Cabinet (DLG) have now released revised Guidelines for the Payment of Expenses and Provision of Facilities for Mayors and Councillors in NSW (Circular 09-36).
RECOMMENDATION:	That the revised Policy for the Payment of Expenses and Provision of Facilities to Councillors be endorsed for placing on public exhibition.

PURPOSE OF REPORT

To recommend the exhibition of a revised Policy for the Payment of Expenses and Provisions of Facilities to Councillors.

BACKGROUND

On 13 October 2009 Council adopted an updated Policy for the Payment of Expenses and Provision of Facilities to Councillors.

COMMENTS

The Division of Local Government, Department of Premier and Cabinet (DLG) have now released revised Guidelines for the Payment of Expenses and Provision of Facilities for Mayors and Councillors in NSW (Circular 09-36). These guidelines are Attached (Attachment A).

On 13 October 2009 Council resolved that the revised Guidelines be the subject of a further report to Council.

Generally Council's existing Policy is in accordance with the revised Guidelines. However a number of amendments are proposed to clarify and enhance the Policy so as to ensure its full conformity with the revised Guidelines.

A revised Policy is attached (Attachment B).

The following amendments have been made:

Clause 1.2 - The purpose of the Policy has been reworded to accord with the purpose set out in Appendix 11 of the Guidelines.

Clause 1.3 - The dot point dealing with conduct now includes a reference back to the Code of Conduct.

Clause 1.7 - The list of reference documents now includes the revised Guidelines.

Clause 2.1 - This clause dealing with the Payment of Allowances and Expenses Generally now

- includes a explanation of "the functions of civic office"
- states that no general expense allowance is permitted
- clarifies that all travel must be by the most direct route and the most practical and economical mode of transport, subject to any personal medical considerations
- clarifies that the level of supporting documentation is to be commensurate with the nature of the expenditure.

Clause 2.2 - This clause now clarifies that annual monetary limits will be adjusted on a pro-rata basis where only part of a year of term applies.

Item 2

**S03779, CY00053
2 November 2009**

Clause 2.4 – This clause now includes a statement that an annual budget is provided for Councillor training and development.

Clause 2.10 – This clause deals with insurance cover for Councillors. It clarifies the existing cover for public liability, professional indemnity and personal accident. It also now includes cover for travel insurance for approved interstate and overseas travel on Council business.

Clause 2.11 – This clause dealing with Legal Expenses and Obligations has been rewritten with the wording taken from clause 2.3.6 of the Guidelines.

Clause 2.12 – This clause now includes a statement that should Council determine that an annual fee is to be paid to the Deputy Mayor then the fee shall be deducted from the Mayor's annual fee.

Clause 3.2 - This clause deals with the Private Use of Equipment and Facilities. The first paragraph has been clarified to include intellectual property as an item from which Councillors cannot obtain private benefit. It also includes a statement that Councillors must avoid any action or situation that could create the appearance that Council resources are being used inappropriately. The fourth paragraph now clarifies that Council resources cannot be used for political fundraising activities and events.

The monetary limits throughout the Policy have not changed. They were last adjusted in the review undertaken after the June CPI figure was released and are proposed to be adjusted similarly in 2010.

CONSULTATION

Section 253 of the Act requires that the updated Policy be placed on public exhibition inviting submissions for at least 28 days.

FINANCIAL CONSIDERATIONS

There are two areas where there is an increased potential for additional costs to Council. These are the addition of travel insurance (clause 2.10) and the rewording for legal costs (clause 2.11). Other than the cost of advertising, there are no other financial considerations for this review.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The General Manager has been involved in the preparation of the amended draft Policy.

SUMMARY

The Policy for the Payment of Expenses and Provision of Facilities to Councillors has been reviewed following the release of revised DLG Guidelines. The revised draft must be placed on public exhibition.

Item 2

S03779, CY00053
2 November 2009

RECOMMENDATION

That the revised Policy for the Payment of Expenses and Provision of Facilities to Councillors be endorsed for placing on public exhibition.

John Clark
Director Corporate

Attachments: A. Guidelines for the Payment of Expenses and Provision of Facilities for Mayors and Councillors in NSW, DLG Circular 09-36 - 2009/171223
 B. Policy for the Payment of Expenses and Provision of Facilities to Councillors Draft November 2009 - 2009/182653

Circular No. 09-36
Date 7 October 2009
Doc ID. A183934

Contact Wendy Forrester
02 4428 4172
wendy.forrester@dlg.nsw.gov.au

RELEASE OF REVISED COUNCILLOR EXPENSES AND FACILITIES GUIDELINES

The purpose of this circular is to advise councils of the release of revised *Guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW*.

The revised Guidelines are based on the findings of a review of council policies on councillor expenses and facilities conducted in 2007 (Circular 08-03 refers), as well as feedback from councils.

The Local Government and Shires Associations of NSW were consulted during the revision.

Revisions include:

1. Addition that councillor expenses may not be used to support attendance by councillors at political fund-raising functions
2. Addition to and consolidation of the legal expenses provisions, including reference to matters before a council's Conduct Review Committee/Reviewer.
3. Addition that councils should establish and document an appropriate process to resolve any disputes that arise about expenses and facilities
4. Addition that gifts and benefits given by councillors should be of token value and in accordance with a policy developed by the council.
5. Addition to training and development expenses provisions
6. Clarification on the need for limits for all expenses
7. Clarification that policies should disallow general expense allowances and private benefit from expenses and facilities (unless incidental or reimbursement mechanism in place)
8. Clarification of processes for approval, reconciliation and reimbursement of expenses
9. Clarification that councillor annual fees do not fall within the scope of councillor expenses and facilities policies
10. Clarification that adopted expenses and facilities policies apply to Administrators of councils
11. Updates to legislative provisions and references

12. Restructuring of information and format to make the Guidelines easier to follow

Councils are required to submit their expenses and facilities policies to the Division of Local Government, Department of Premier and Cabinet by 30 November each year.

Councils have until **30 November 2009** to submit 2009/2010 policies that comply with these Guidelines.

Councils may contact the Division to seek a short extension to submit their 2009/2010 policy after this due date in order to take the revised Guidelines into account. Councils must clearly justify why an extension is required and propose an alternative policy submission date. The Division will confirm if an extension has been granted.

Councils that have already publicly exhibited a draft 2009/10 policy and/or adopted their 2009/10 policy based on the previous version of the Guidelines are not required to reconsider their 2009/10 policies in light of the revised Guidelines.

Councils that were awaiting the revised Guidelines to prepare their policies for 2008/2009 are not required to retrospectively revise and submit those policies to the Division of Local Government.

The revised Guidelines, which replace any previous versions of the Guidelines issued, is available from the 'Publications' page of the Division's website at www.dlg.nsw.gov.au.



Ross Woodward
Deputy Director General (Local Government)
Department of Premier and Cabinet



Ku-ring-gai Council

Policy for the Payment of Expenses and Provision of Facilities to Councillors

Draft November 2009

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1.0	08/03/05	Original			
2.0	27/02/07	Major revision following DLG Circular 06-57			
2.1	30/07/08	Annual revision following DLG Circulars 07-22 and 08-03			
2.2	13/10/09	Annual revision			
3.0		Revision following DLG Circular 09-36			

POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Part 1 - INTRODUCTION

Title and Commencement of the Policy

- 1.1 This is the Policy for the Payment of Expenses and Provision of Facilities to Councillors of Ku-ring-gai Council.

In this Policy, unless otherwise stated, the expression “Councillor” refers to all Councillors of Ku-ring-gai Council including the Mayor and Deputy Mayor.

In this Policy the expression “year of term” means the twelve (12) month period commencing on the date of election to Council of a Councillor and every subsequent twelve (12) month period of the term of office.

Purpose of the Policy

- 1.2 The purpose of this Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties and that these expenses and facilities are provided in an accountable and transparent manner.

Objectives and Scope of the Policy

- 1.3 The objective of this Policy is to describe those expenses incurred or to be incurred by, and the facilities provided to, the Councillors the cost of which shall be met by Council.

This Policy also aims to uphold and demonstrate the following key principles:

- **Conduct.** Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the *Local Government Act 1993* (“the Act”) or any other Act. This is reinforced in Council’s *Code of Conduct*.

- **Participation, equity and access.** The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic functions and business of Council.

- **Accountability and transparency.** The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
- **Reasonable expenses.** Councillors shall only be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor.

Only those entitlements specifically described in this Policy shall be provided by Council.

Making and Adoption of the Policy

- 1.4** This Policy is made pursuant to Sections 252 - 254 of the Local Government Act 1993. These sections are set out in clause 1.6.

The Policy is to be adopted by Council annually, within 5 months after the end of each financial year.

Prior to adoption public notice must be given and public submissions invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the Policy.

Public notice is not necessary if the proposed changes are insubstantial, i.e. if there are only minor changes to the wording of the Policy, changes to monetary provisions or rates that are less than 5% or minor changes to the standard of equipment and facilities to be provided. Public notice, however, is required prior to each annual adoption process even if there is no proposed change to the Policy.

Reporting Requirements

- 1.5 Section 428 of the Act and clause 217 of the *Local Government (General) Regulation 2005* ("the Regulation") require Council to include in each Annual Report a copy of this Policy and details of the cost of implementing the Policy. Copies of this legislation are set out in clause 1.6.

Legislative Provisions

- 1.6 The relevant legislative provisions are set out below. In this legislation the expression "year" means the period from 1 July to the following 30 June.

Local Government Act 1993

252 Payment of expenses and provision of facilities

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) A council may from time to time amend a policy under this section.*
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*

- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) a copy of the notice given under subsection (1).**
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

428(pt) Annual reports

- (1) Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.*
- (2) A report must contain the following:
 - (f) the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,**

Local Government (General) Regulation 2005

217(pt) Additional information for inclusion in annual reports

- (1) *For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:*
- (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*
 - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
 - (iii) the attendance of councillors at conferences and seminars,*
 - (iv) the training of councillors and the provision of skill development for councillors,*
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
 - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,*

403 Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

Also, under Section 248A of the Act Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from civic office or the right to be paid any fee is suspended.

Under Section 254A of the Act Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Under clause 404 of the Regulation a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

Other Government Policy Provisions

- 1.7 This Policy has been prepared with reference to other Government and Council Policy provisions as follows:
- Department of Premier and Cabinet, Division of Local Government Circular No. 09-36, 7 October 2009, *Release of Revised Councillor Expenses and Facilities Guidelines*
 - Department of Local Government Circular No. 08-03, 18 January 2008, *Findings from Review of Councillor Expenses and Facilities Policies*
 - Department of Local Government Circular No. 07-22, 28 May 2007 *Updated Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors*
 - Department of Local Government Circular No. 05/08, 9 March 2005 *Legal Assistance for Councillors and Council Employees*
 - ICAC Publication *No Excuse for Misuse*, November 2002
 - Ku-ring-gai Council *Code of Conduct*.

Part 2 - PAYMENT OF EXPENSES

GENERAL PROVISIONS

Payment of Allowances and Expenses Generally

- 2.1 An annual fee is paid to each Councillor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fee paid to each Councillor is generally not intended to offset those costs.

The payment of allowances and reimbursement of expenses under this Policy shall only be in respect of costs directly associated with discharging the functions of civic office, i.e. civic functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or the Ku-ring-gai local government area.

No allowance shall be paid to a Councillor in the form of a general expense allowance, i.e. a sum of money to expend on an item or service that is not required to be receipted and/or otherwise reconciled.

All travel by Councillors shall be by the most direct route and the most practical and economical mode of transport, subject to any personal medical considerations.

Reimbursement and reconciliation of expenses

Claims for reimbursement of expenses shall be submitted no later than 12 months after the expenses were incurred. Claims shall be submitted to the General Manager or delegate in a form and manner acceptable to the General Manager in the circumstances to enable full assessment of the claim. Tax invoices and receipts are to be supplied when available to support claims. The level of the supporting documentation is to be commensurate with the nature of the expenditure.

Claims for travelling expenses under this Policy shall include details of:

- Date and place of departure
- Date and place of arrival

- Distance travelled
- Fares and parking fees paid
- Amount claimed as travelling allowances
- Total amount of claim

The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff in the Local Government (State) Award.

Where travel out of the Sydney metropolitan area can be undertaken by air, the amount payable for travel in a Councillor's own car shall be no more than the corresponding air fare and taxi fares to and from the airport.

Council shall, where possible pay expenses directly by account or through the corporate credit card. However it shall be necessary for Councillors to pay unexpected expenses and then seek reimbursement.

Once expenses of attending a conference, seminar or training course have been finalised, accounts shall be forwarded to Councillors for any expenses payable by them. Such accounts are to be repaid in full within Council's normal terms, i.e. 30 days. Any arrangements to finalise an account by periodic payment may only be approved by Council.

An employee delegated by the General Manager shall assess all claims made under this Policy. The employee shall review a claim against the provisions of this Policy and make a recommendation to the General Manager. The General Manager shall then determine the claim. Approved claims, in part or in whole, shall be paid within seven (7) days.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this Policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this Policy, the Act and any other relevant law. The decision of Council shall be binding on all of the parties.

Payment in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training courses. Councillors may also request an advance payment for the cost of any other

service or facility covered by the policy, where the service or facility is not ordinarily acquired by Council. However, Councillors must fully reconcile all expenses against the cost of the advance. Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The level of the supporting documentation is to be commensurate with the nature of the expenditure. The maximum value of a cash advance is \$519.

Establishment of Monetary Limits and Standards

- 2.2 Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are **exclusive of GST**.

Unless otherwise stated, any annual limits will be adjusted on a pro-rata basis where only part of a year of term applies.

Where applicable the standard of any equipment, facility or service to be provided shall be to the maximum standard prescribed in this Policy.

Spouse and Partner Expenses

- 2.3 In this clause *accompanying person* means *a person who has a close personal relationship with a Councillor and/or provides carer support to the Councillor*.

In limited circumstances Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor, such as costs associated with attendance at functions that are of a formal or ceremonial nature when accompanying Councillors within metropolitan Sydney. Examples include, but are not limited to, Australia Day award ceremonies, citizenship ceremonies, civic receptions and functions for charities, community service and sporting groups supported by Council.

Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function. Each Councillor is entitled to a maximum of \$415 per year of term for external payments in respect of these types of expenses.

In addition Council shall meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences. These expenses are limited to the cost of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.

Costs associated with spouses, partners or accompanying persons attending other conferences, seminars and training courses shall not be met by Council.

Also, Council shall meet limited expenses of spouses, partners or accompanying persons of the Mayor, or a Councillor representing the Mayor, when attending an official function of Council or carrying out an official ceremonial duty while accompanying the Mayor or the Mayor's representative outside Council's area, but within New South Wales. Such circumstances could include charitable functions or award ceremonies to which the Mayor has been invited to attend. These expenses are limited to the ticket, meal and/or direct cost of attending the function.

In all cases under this clause peripheral expenses of spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

EXPENSES FOR COUNCILLORS

Attendance at Conferences, Seminars and other Training Expenses

- 2.4 Council shall provide an annual budget for Councillor training and development based on a skills analysis and assessment of professional development needs of Councillors.

Council shall meet expenses incurred by Councillors attending conferences, seminars and training courses in any of the following circumstances:

- Attendance authorised by resolution of Council
- Attendance at conferences which are included in Council's Annual Program of Conferences and funds are provided in the adopted Management Plan and where the prior authority of the Mayor and General Manager has been obtained
- Attendance on a study tour involving domestic travel where the study forms part of a Task Force project plan and funds are available in the Task Force budget to be established and where the prior authority of the Mayor and General Manager has been obtained
- Attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved and where the prior authority of the Mayor and General Manager has been obtained.

Where the Mayor is seeking approval to attend a conference, seminar or training course the authority of the Deputy Mayor and the General Manager is required where applicable.

Requests from individual Councillors for attendance at conferences, seminars and training courses shall be in writing outlining the benefits for Council and the community.

After return from a conference, the Councillor/s or an accompanying staff member shall provide a written report to Council on the aspects of the conference relevant to Council business and/or the community. Such a report is not required for the Annual Conferences of the Local Government and Shires Associations.

If requested Council shall make all necessary arrangements for the attendance of Councillors at the conference, seminar or training course. Where the Councillor is being accompanied by another person, Council shall also make all of the necessary arrangements for that person. Council shall meet only those costs relating to the attendance of that person as set out in clause 2.3.

Council shall meet the following costs for attendance at approved conferences, seminars and training courses:

Registration fees

Council shall meet the cost of the registration fee set by the organiser, including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of Council.

Accommodation

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

Transportation

Councillors attending a conference, seminar or training course shall travel by the most direct route and the most practical and economical mode of transport, subject to any personal medical considerations. Any time and costs incurred in undertaking activities not related to attendance at the conference, seminar or training course shall not be included in any expenses paid by Council.

For conferences, seminars and training courses out of the Sydney metropolitan area Council shall meet the cost of an economy class air ticket or Council shall reimburse transportation expenses as detailed below whichever is the lesser amount.

Council shall reimburse transportation expenses by a Councillor with the Councillor's own vehicle. For travel within a Council-owned vehicle, actual costs incurred shall be reimbursed.

Council shall meet the cost of transferring Councillors from their place of residence to the airport and return or meet the cost of taxi fares, whichever is the lesser amount.

Council shall meet the cost of transferring Councillors from the airport to the hotel and return at the conclusion of the conference, seminar or training course, such costs not to exceed the cost of taxi fares.

Should a Councillor be accommodated in a hotel not being the site of the conference, seminar or training course, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of the Councillor travelling from the hotel to the site of the conference, seminar or training course and return each day, such costs not to exceed the cost of taxi fares.

Where in conjunction with attendance at a conference, seminar or training course a Councillor visits another Council in the course of discharging the functions of civic office or to further knowledge of local government, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of transfer of the Councillor from the hotel to the Council premises visited and return, such costs not to exceed the cost of taxi fares.

Meals

Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course. Council shall also meet the reasonable cost of drinks accompanying the meals.

Bar Service

Council shall meet the cost of any expenses incurred at a bar located within the conference hotel or the accommodation hotel only when special guests have been invited for drinks at the request of the Mayor or the leader of Council's delegation.

Other costs

Council shall meet other reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, such as telephone or facsimile calls, refreshments, other meals, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees up to a maximum amount of \$52 per day.

Local Travel Arrangements, Attendance at Dinners and Other Non-Council Functions

- 2.5** Travelling expenses shall be paid for travel on official business of Council in the Sydney metropolitan area. Transport to and from the Council administration building or other sites for meetings when the Councillor's own mode of transport is not available may be provided. Councillors may, where necessary, be provided with a taxi voucher for transportation purposes on Council business.

Council shall meet the cost of parking fees and road tolls but not the cost of traffic or parking fines. Claims for reimbursement under this provision shall be supported with an explanation of the need for the travel in relation to official Council business.

Council shall meet the cost of Councillors' attendance at functions that are of a formal or ceremonial nature within the Sydney metropolitan area, including functions for charities, community service and sporting groups supported by Council or of which Council is a financial member. Council shall also meet the cost of Councillors' attendance at dinners and other non-council functions which provide briefings to Councillors from key members of the community, politicians and business where the function is relevant to Council's interest. Council shall meet the cost of any component of the ticket to the function that is a donation to a registered charity but shall not meet the cost of any component of the ticket that is a donation to a political party, candidate's electoral fund or other private benefit. Each Councillor is entitled to a maximum of \$415 per year of term for external payments in respect of the types of expenses described in this paragraph.

Council will also meet the cost of the Mayor or a Councillor representing the Mayor attending a function or carrying out a ceremonial duty when undertaking the role of the Mayor within New South Wales. This includes functions or award ceremonies for charities, community service and sporting groups to which the Mayor has been invited to attend. These expenses are limited to the ticket, meal and/or direct cost of attending the function.

Travel Outside the Sydney Metropolitan Area including Interstate and Overseas Travel

- 2.6 For any proposed travel by a Councillor on Council related business not otherwise addressed in clauses 2.4 and 2.5 the approval of Council in non-confidential session of a Council meeting is required. Approval shall be granted subject to any conditions Council so determines. Council shall meet only those expenses that Council so determines.

Telephone Costs and Expenses

2.7 Telephone/Facsimile

Council shall meet the cost of providing a telephone landline for any telephone/facsimile machine provided under this Policy. Council shall meet the cost of landline rental and all Council business outgoing calls, to a maximum cost of \$103 per month.

Mobile telephone

Council shall meet the cost of a mobile telephone either:

- a Council provided mobile telephone (including vehicle kit) and mobile telephone service to the value of \$1037, for which Council shall pay rental and calls charged against that service, to a limit of \$208 per month for Council business calls and \$20 per month for incidental personal calls, provided that the number is available to be given out for general public information; or
- if the Councillor provides their own mobile telephone and mobile telephone service, Council shall reimburse the cost of rental plus the cost of those calls certified by the Councillor as being Council business calls charged against that service, to a limit of \$208 per month for calls.

In addition Council shall meet data costs in respect of mobile telephones up to a limit of 100 megabytes per month. For Councillor-owned mobile telephones the amount payable by Council under this provision shall not exceed the amount paid under contracts entered into by Council for Council-owned mobile telephones.

Internet

- 2.8 Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor as well as a wireless broadband connection.

Care and Other Related Expenses

2.9 Care of relatives

In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Act;

Relative, in relation to a person, means any of the following:

- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) *the spouse or de facto partner of the person or of a person referred to in paragraph (a).*

Where a Councillor has responsibilities for the care and support of any relative, Council shall reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.

The total amount paid to a Councillor under this provision shall not exceed \$2,075 per year of term.

Special requirements of Councillors

Council shall meet reasonable expenses associated with any special requirements of a Councillor, such as disability and access needs, in order to discharge the functions of civic office.

The total amount paid to a Councillor under this provision shall not exceed \$2,075 per year of term.

Insurance Expenses and Obligations

2.10 Council shall meet the cost of providing the following insurance cover for Councillors on a 24 hour basis while discharging the functions of civic office including attendance at meetings of external bodies as Council's representative:

- Public Liability insurance (for matters arising out of a Councillor's performance of their civic duties and/or exercise of their Council functions)
- Professional Indemnity insurance (for matters arising out of a Councillor's performance of their civic duties and/or exercise of their functions)
- Personal Accident insurance (while on Council business)
- Travel insurance (for approved interstate and overseas travel on Council business)

Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

Legal Expenses and Obligations

2.11 Council shall, if requested, indemnify or reimburse the reasonable legal expenses properly incurred of:

- a Councillor defending an action arising from the performance in good faith of a function under the Act, or

- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act and provided that the outcome of the legal proceedings is favourable to the Councillor.

Council shall, if requested, indemnify or reimburse the reasonable legal expenses properly incurred in respect of any inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative review body including:

1. Local Government Pecuniary Interest and Disciplinary Tribunal
2. Independent Commission Against Corruption
3. Office of the Ombudsman
4. Division of Local Government, Department of Premier and Cabinet
5. NSW Police Force
6. Director of Public Prosecutions
7. Council's Conduct Review Committee/Reviewer

provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a Councillor, legal costs shall only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the *Code of Conduct*. In the case of a pecuniary interest or misbehaviour matter legal costs shall only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs shall only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

Council shall not meet the legal costs of legal proceedings initiated by a Councillor in any circumstance.

Council shall not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council shall not meet any legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor.

The maximum amount payable by Council under this clause in respect of any one action is \$207,462. Council may obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that the Council is authorised to meet.

Any Councillor seeking to obtain any entitlement under this clause shall make written application to the General Manager and make this application prior to the legal expenses being incurred where possible. The General Manager shall refer the application to a Council Meeting with any advice and recommendations for determination by Council.

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ADDITIONAL EXPENSES FOR THE MAYOR

Allowances and expenses

- 2.12** An additional annual fee is paid to the Mayor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

In accordance with section 249 of the Act, should Council determine that an annual fee is to be paid to the Deputy Mayor, the Deputy Mayor's annual fee shall be deducted from the Mayor's annual fee.

This Policy is intended to cover most situations where the Mayor reasonably incurs additional expenses in discharging the functions of Mayoral office. The annual fee paid to the Mayor is generally not intended to offset those costs.

There are no other Mayoral allowances and expenses in this Part.

Part 3 - PROVISION OF FACILITIES

GENERAL PROVISIONS

Provision of Facilities Generally

- 3.1 Unless otherwise stated, where a facility may be provided by Council in accordance with this Policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted Management Plan.

All facilities provided shall be of adequate capacity and functionality to allow the role of Councillor to be fully undertaken.

Private Use of Equipment and Facilities

- 3.2 Councillors shall not generally obtain private benefit from the provision of equipment and facilities, including intellectual property. This includes receipt of a travel bonus or other benefit arising from a loyalty scheme. Councillors must avoid any action or situation that could create the appearance that Council resources are being used inappropriately.

However, incidental personal use of Council equipment and facilities may occur from time to time without requiring reimbursement of the cost by a Councillor. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

Unless otherwise authorised in this Policy, if a Councillor does obtain a private benefit for the use of a facility provided by Council the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the private benefit shall be determined by Council in non-confidential session of a Council meeting.

Equipment, facilities, materials, funds and services provided under this Policy shall not be used to produce election material or for any other political purposes, including political fundraising activities and events.

EQUIPMENT AND FACILITIES FOR COUNCILLORS

Equipment and Facilities at the Council Administration Building

3.3 Councillors shall be provided with equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Councillors' Room and resources

A room furnished for use by all Councillors shall be provided by Council. Included in the Councillors' Room shall be:

- A computer, printer and peripherals for use by all Councillors
- A website directory of relevant local government internet sites
- A technical library
- Councillors' robes for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided to support all Councillors. The Executive Assistant shall be responsible to the General Manager.

Correspondence Processing

Council shall post all correspondence for Councillors relative to the discharge of the functions of civic office. Council shall provide letterhead for use by Councillors in replying to correspondence.

Council shall provide follow up procedures for correspondence by Councillors. Such follow-up for correspondence is to be carried out by the General Manager or delegate.

Copies of all correspondence by Councillors including facsimile transmission sheets shall be placed in folders in the Councillors' Room for reference by all Councillors.

Correspondence by Councillors relative to the discharge of the functions of civic office is considered official correspondence of Council where the matter is referred to the General Manager for attention. The correspondence shall be attached to the appropriate Council file for registration, attention and reply.

Meals and Refreshments

Prior to, during or after Council, Forum and Committee meetings the Councillors shall be provided with a suitable meal including refreshments. The standard of the meal provided shall be determined by the Mayor in consultation with the General Manager.

Car Parking

Three (3) car parking spaces shall be provided for Councillors in the Council car park at the Council administration building except on Committee meeting nights, public meetings and Council meeting nights when a further six (6) car parking spaces shall be allotted in the same car park.

Equipment and Other Items Required to be Returned

3.4 Upon election to office Councillors shall be provided with certain equipment and other items that shall be returned when the Councillor ceases to hold office. The following equipment and other items shall be provided under this clause:

- Facsimile/telephone machine to the maximum cost of \$519
- Personal computer, peripherals and software to the maximum cost of \$4149
- Security card to enable entry to Council's administration building
- Car parking stickers to enable the Councillor to park in any Council car park at any time for an unlimited period when discharging the functions of civic office. A list of Council's car parks shall be supplied also. No time restriction shall be imposed on an identified Councillor's private vehicle whilst parked in a parking space located at the Council administration building and the adjacent car parking area.

Other Items Not Required to be Returned

3.5 Upon election to office and where applicable throughout the term of office Councillors shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Councillor ceases to hold office. The following items shall be provided under this clause:

- Name badge
- Minor items of stationery to the maximum cost of \$103 each year of term
- 100 Christmas cards each year of term

- A copy of clippings (weekly) from the newspapers relating to matters affecting local government in general and Ku-ring-gai in particular
- 500 business cards each year of term
- Corporate attire and presentation gifts for use in connection with civic functions, e.g. tie, scarf, spoon etc.
- Street Directory
- Refreshments/meals when undertaking official Council business (satisfactory explanation of official Council business required to support claims)
- Facsimile transmission sheets
- A raincoat and one pair of protective footwear for site inspections during inclement weather
- Replacement consumables, such as tapes, inks, and toner (not including paper) for the continued operation of the equipment provided in clause 3.4.
- 5,000 sheets of plain white paper per year of term.
- Printed copy of the current relevant Local Government and Planning Legislation
- Briefcase to the maximum cost of \$208
- Dictaphone (either hand held or desk variety) and cassettes to the maximum cost of \$208
- Filing cabinet for Council Business Papers and other Council correspondence to the maximum cost of \$311
- Bookcase to the maximum cost of \$208

ADDITIONAL EQUIPMENT AND FACILITIES FOR THE MAYOR

Equipment and Facilities at the Council Administration Building

- 3.6** The Mayor shall be provided with additional equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Mayoral Office and resources

Council shall provide:

- A furnished office
- A computer, printer and peripherals
- Mayoral letterhead
- Mayoral robes for official, civic and ceremonial use
- Mayoral Chain of Office for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided with equivalent experience, responsibilities and skills to that of the General Manager's Executive Assistant. The Executive Assistant shall provide support to the Deputy Mayor in the absence of the Mayor.

Car parking

An allocated parking space shall be provided at the Council administration building.

Equipment and Other Items Required to be Returned

- 3.7** Upon election to office the Mayor may be provided with certain equipment and other items that shall be returned when the Mayor ceases to hold office. The following equipment and facilities shall be provided under this clause:

- Mayoral vehicle up to the standard of a Holden Statesman Caprice. The Mayoral vehicle shall be fully maintained by Council for the use by the Mayor for official, civic and ceremonial functions and appropriate use arising out of or in the course of the Mayor's official, civic and ceremonial functions. A petrol card shall be supplied to fuel the Mayoral vehicle at Council's cost for official use only.

- Mobile telephone costs additional to that provided under clause 2.7. The call limits referred to in clause 2.7 shall be increased by \$103 per month, making a total of \$311 per month and the data allowance shall be increased by 100 megabytes per month, making a total of 200 megabytes per month.

Other Items Not Required to be Returned

3.8 Upon election to the office and where applicable throughout the term of office the Mayor shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Mayor ceases to hold office. The Mayor shall receive all of the items listed for Councillors under clause 3.5 and the following:

- Name badge
- Refreshments/meals when undertaking the role of Mayor (satisfactory explanation of official Mayoral business required to support claims)
- An additional 100 Christmas cards each year of mayoralty, making a total of 200 cards during each year of mayoralty.
- An additional 250 Business cards each year of mayoralty, making a total of 750 cards during each year of mayoralty.
- Additional corporate attire and presentation gifts e.g. Council ties, scarves, spoons, cuff links, etc for own use and presentations as appropriate and gifts suitable for younger persons.

Part 4 - OTHER MATTERS

Acquisition and Returning of Facilities and Equipment by Councillors

- 4.1 Upon ceasing to hold office a Councillor may purchase any Council equipment held by the Councillor at the depreciated value of the equipment as recorded in the Council's books of accounts at the time of ceasing to hold office if, in the opinion of the General Manager, the item is not required for Council purposes. This clause does not include a vehicle.

COUNCIL SPONSORSHIP FOR CAROLS IN THE PARK & THE KU-RING-GAI PHILHARMONIC ORCHESTRA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of sponsorship proposals from Carols in the Park and Ku-ring-gai Philharmonic Orchestra.

BACKGROUND:

Council has previously supported Carols in the Park and the Ku-ring-gai Philharmonic Orchestra through the Financial Assistance to Community Groups program. In 2008 Council decided to sponsor the events, which allowed a more structured approach and agreed upon mutual benefits.

COMMENTS:

Carols in the Park has requested sponsorship for their major event in December 2009 of \$15,000. The Ku-ring-gai Philharmonic Orchestra has requested sponsorship of \$15,000 for a series of programs and activities throughout 2010.

RECOMMENDATION:

That Council provide sponsorship for Carols in the Park and Ku-ring-gai Philharmonic Orchestra for \$10,000 each for the 2009-2010 financial year, as per the details of the report.

PURPOSE OF REPORT

To advise Council of sponsorship proposals from Carols in the Park and Ku-ring-gai Philharmonic Orchestra.

BACKGROUND

Council previously supported Carols in the Park and the Ku-ring-gai Philharmonic Orchestra through the Financial Assistance to Community Groups program. In 2008 Council decided to sponsor the events, which allowed a more structured approach and agreed upon mutual benefits

COMMENTS

Council's Financial Assistance to Community Groups program was recently reviewed and funding categories for small equipment grants, community development and arts cultural grants were developed. These categories have been generally capped at \$2,000 for small equipment and \$5,000 for community development and arts cultural grants.

Over the past 5-6 years however Council has been providing financial assistance in excess of \$5,000 to Carols in the Park and the Ku-ring-gai Philharmonic Orchestra. During this period, there have been no other community groups that have received amounts in excess of \$5,000, on a regular basis.

Council staff have consulted with representatives from Carols in the Park and the Ku-ring-gai Philharmonic Orchestra and they agree that their requests for financial support from Council would be more appropriately treated as sponsorship rather than financial assistance under the new categories.

Accordingly, both Carols in the Park and the Ku-ring-gai Philharmonic Orchestra have been invited to submit sponsorship proposals to Council for the 2009-2010 financial year. Carols in the Park has requested \$15,000 for their sponsorship of their major event in December 2009 (Attachment 1), and the Ku-ring-gai Philharmonic Orchestra has requested \$15,000 for a series of programs and events throughout 2010 (Attachment 2).

CONSULTATION

Representatives from both Carols in the Park and the Ku-ring-gai Philharmonic Orchestra have been consulted in the writing of this report.

FINANCIAL CONSIDERATIONS

The 2009-2010 budget for the Financial Assistance program is \$113,000. It is proposed that the total sponsorship amount of \$20,000 for Carols in the Park and the Ku-ring-gai Philharmonic Orchestra be taken from this budget for 2009-2010, and that suitable adjustments be made to the sponsorship budget for 2010-2011 financial year.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Corporate department has been consulted in the writing of this report.

SUMMARY

Following a review of the Financial Assistance program and the introduction of a Sponsorship Policy for Council, it has been proposed that two major community groups, Carols in the Park and the Ku-ring-gai Philharmonic Orchestra, that have previously received support under the Financial Assistance program, be provided with Council sponsorship under the Sponsorship Policy. Both groups have submitted sponsorship requests to Council of \$15,000 each. These events were sponsored by Council last financial year and the arrangement proved successful. It is proposed to renew the sponsorship arrangements for 2009-2010 financial year and that each group receive \$10,000, and that additional amounts be considered at the 2010-2011 budget discussions.

RECOMMENDATION

- A. That Council provide sponsorship to Carols in the Park for \$10,000 and to the Ku-ring-gai Philharmonic Orchestra for \$10,000 for the 2009-2010 financial year.
- B. That sponsorship agreements be developed with Carols in the Park and the Ku-ring-gai Philharmonic Orchestra, according to Council's Sponsorship Policy, reflecting the recommended sponsorship amounts.

Tiffany Kellar
Manager Communications

Janice Bevan
Director Community

Attachments:

- 1. Carols in the Park major event information - 2009/191528**
- 2A. Ku-ring-gai Philharmonic Orchestra letter - 2009/187340**
- 2B. President's Report 2008-2009 - 2009/187342**

9 October 2009

Mr John McKee
General Manager
Ku-ring-gai Council
GORDON NSW 2072



The Board of Church Representatives

Dear Mr McKee,

COUNCIL'S SPONSORSHIP POLICY
Funding Request for *Carols in the Park*, 2009

This letter is a supplement to my letter of 10 July 09 addressed to Tiffany Kellar, which accompanied the detailed report on *Carols in the Park* 2008. I would like to note how much the Church Representatives appreciated the straightforward arrangements made for last year, which enabled our focus on delivering a good event for the Ku-ring-gai community with minimal requirements for detailed applications etc. In a phone conversation this morning, Tiffany has asked that I write again to request a similar arrangement for this year. I trust this letter will be read in conjunction with my letter of 10 July and the detailed report on 2008.

Last year's *Carols in the Park* incurred a deficit. In addition to the contributions of the participating churches and Council's sponsorship, which we really appreciate (and without which *Carols in the Park* could not continue as a major event in our community's calendar), we had the benefit of some financial support from local businesses. We had been promised substantial support by a major Australian corporation but it failed to deliver on its commitment, so we had to scale-back our expenditure and a deficit of \$ 1000 still resulted.

I would like to re-iterate that none of any money Council provides to facilitate *Carols in the Park* is contributed to the churches. It is all quarantined in a dedicated bank account opened specifically and solely for the community event. The church representatives who plan and deliver the event have set up a simple but meticulous system for managing the funds contributed for the event and accounts for each event-year are professionally audited to confirm our proper stewardship. The church representatives see their role as planning and delivering the event for our community and are keen to keep it "free" and to present it as a joint effort by Council and the churches. We value the balanced relationship with Council that was established last year and enables *Carols in the Park* to happen, based on the respective strengths and resources that both Council and the churches can contribute.

Regarding a financial estimate for this year, we envisage costs not changing significantly (including those we may have to pay back to Council for venue hire, rubbish/recycling bins etc) so the best estimate will be the same as we prepared for last year's application (dated 30 Jly 08). The total cash requirement is \$ 24 335. I know you appreciate our efforts every year to solicit voluntary contributions of expertise and talent, price discounts, free loans of equipment etc and we appreciate the maximum fee concessions Council usually makes available. In situations (such as last year) when projected or promised revenue does not materialise, we resort to cutting expenditure wherever we can but (again as per last year) sometimes our best efforts are still not enough to avoid a deficit.

It is probably of sufficient importance to stress the point made in last year's request: through our efforts for the event, we achieve what would generally cost more than \$ 50 000 if all in-kind contributions were costed and had to be paid-for. I further believe that, with a Council contribution of \$ 15 000, we can achieve this. On that ground alone, the efforts of our planning team deliver pretty good value-for-money to Council. In value terms, they deliver a high multiplier on the level of sponsorship we are requesting from Council.

Last year, we placed greater emphasis on the "picnic time" before the stage program commenced, and many families came to picnic. One family grouping actually "staked its claim" to a picnic spot shortly after lunchtime! We plan to give that picnic time equal emphasis again this year as it encourages interaction, with its potential for community-building.

Last year, we requested a Council contribution of \$ 15 000 and Council provided \$ 10 000, so from quite early in our planning, we had to cut back on what we had hoped to do. Then later, when a promised commercial contribution evaporated, we had to cut all plans to advertise in local papers. Despite all this expenditure cutting, we could not avoid the event's overall deficit of \$ 1000.

For this year, there is some question about the fitness for re-use of some of the promotional materials and other resources that we have been able to re-cycle from one year to another. There have certainly been some write-off losses as well as wear-and-tear. Further, some of the equipment we have been able to borrow without charge for many years has been sold during the last few months, so we face hiring of alternative equipment to use in its stead. I believe we will not be able to deliver this year's event for the bare-bones cost that we were forced into for last year, so we will need to find extra funds or the event's standards will deteriorate. I have attached an itemised list of the cost categories towards which we are requesting Council's contribution. Whilst we are in the process of seeking commercial support across a broader base, we also hope Council will be able to contribute more than last year.

Our planning team appreciates Council's clear interest in coming to grips with the substantial collection of challenges we face in delivering this community event. I trust this letter, together with the report on last year, will help illuminate the nature and magnitude of these challenges. The planning team is looking forward to Council's response in the interests of the community we are all striving to serve.

Best wishes,

John Tully, Secretary

REQUEST FOR COUNCIL FUNDING for Carols in the Park, 2009

The following estimates of cash requirements are only for the 3 broad expenditure categories to which a Council contribution seems appropriate.

Estimates of actual costs (after discounts, price concessions etc)

Cost categories	estimated cash costs (\$)
1 Venue and related matters, including: net venue hire after fee reductions (paid back to Council) 2000 Portaloos hire to supplement on-site toilets 700 rubbish removal and recycling services (paid back to Council) 600 DA application fee (not required in 2009) 0	3 300
2 Technology and related matters, including: stage lighting, audio equipment (hire) with crew 6500 video screen (hire) 5500 other video equipment (hire) 500 camera equipment (hire) incl camera crew 300 DVD tape, preliminary edit etc 200	13 000
3 Promotion and related matters, including: printing of invitations, handouts 2300 preparation of banners 300 printing of placards 250 advertising in local papers 2000	4 850
ESTIMATED TOTAL EXPENDITURE ON THE ABOVE MATTERS	21 150
estimated expenditure in other categories	3 185
TOTAL ESTIMATED EXPENDITURE FOR EVENT	24 335

These 3 broad categories of expenditure are where Council traditionally covered the costs for *Carols in the Park*. This year, it is again requested that Council consider contributing \$ 15 000 towards the above costs and we will take responsibility for covering the remainder.

This is broadly consistent with the cash contributions of participating churches and commercial supporters totalling at least \$ 9000 towards the total cash requirement for the community event, estimated as \$ 24 335. The churches' cash contributions are, of course, in addition to the time and talent contributed by the volunteer church representatives who plan and deliver the community event, by the volunteer instrumentalists and choir members, and by the volunteers for a number of support roles prior to and on the day of the event. However sometimes our ability to attract commercial support (or the materialisation of promised contributions) comes unstuck (as happened last year, when commercial contributions fell short of promises by \$ 2000.)

We commend the above proposal as presenting a fair balance of responsibility for the event, recognising that both Council and the churches are seen in a favourable light for providing the free event as a Christmas event for our shared community. Incidentally, 2009 will be the 21st anniversary of the collaboration between Council and the churches for *Carols in the Park*.

JLF 9.10.09



The Board of Church Representatives

REPORT on 2008 TO COUNCIL

Carols in the Park for 2008 was on Saturday night 13 December. Despite seriously wet weather on the days prior to the community event, the planning team was able to defer the decision regarding the ground's condition until the morning of the event. As a result, we were able to proceed with this very popular community event and the audience was the largest in the last 15 years - possibly the largest since Council requested the churches to relocate the annual event to Bicentennial Park in 1998.

1 Attendance - well-grounded estimate - 3500 to 4000

Our volunteers counted arrivals after 5.30 pm (using simple clickers) and, separately, we counted the number of "handouts" distributed (on the basis of one per family group). Accordingly, we now have a well-grounded estimate of attendance, whereas earlier years' numbers were best described as "guess-timates" from sources with varying experience. For 2008, our estimate is that there were between 3500 and 4000 in the audience.

At around 7.15 pm, some 15 minutes before the stage program commenced, a cliff-top perspective confirmed that the field was comfortably full and there was still a strong stream of people arriving. The amphitheatre by that stage was already as full as for Council's Australia Day festivity.

2 Publicity

Council's name was given prominence as a co-provider of the event in every item of promotional material. A detail schedule is attached. The planning team clearly ensured substantial and widespread exposure of Council's important involvement. The excellent attendance is testimony that the event is widely appreciated within Ku-ring-gai (and beyond) and this reflects well on the parties (Council and the participating churches) who provide the event without any admission charge.

For 2008, publicity included:

- a) 11 street banners
- b) 35 placards
- c) clip art (4 designs) sent to 50 churches and 65 schools
- d) over 50,000 printed coloured invitations
- e) Council's web site - 2 places
- f) posters
- g) newspapers
- h) radio

A detailed description is appended (Promotion Details for 2008) and artwork (or similar) is attached for the banners, placards and clip art (all largely single colour on white); plus a black and white print of the poster (which was in colour), plus a sample of the printed invitation, plus the text of a typical message to radio stations.

3 Crowd and Parking Management

Again, we had to manage without the assistance of the SES, due to its 2008 Christmas party clashing with *Carols in the Park*, which also deprived the community from hearing from the Mayor, who attended that party.

As *Carols* 2007 had been cancelled (due to storm activity), 2008 was the first opportunity to test the effect of the new "no parking on the ovals" policy.

The planning team recruited a small band of volunteers from the participating churches, under the leadership of an experienced team member. The volunteers were equipped with orange (day and night) safety vests and briefed on their duties, which included (a) re-directing traffic away from Prince of Wales Drive when there was no more on-site parking available, (b) being the referral points for matching several "lost parents" with their children, (c) patrolling the no-go safety area in front of the stage, (d) keeping adventurous children and teens away from behind the stage and off the cliffs (and approaches thereto) and (e) generally keeping a lookout for over-enthusiastic behaviour that might impinge on others' enjoyment or safety. These arrangements worked well.

Other "orange volunteers" also assisted by (f) undertaking the count of arrivals, (g) distributing the "handout" to each arriving family group, (h) staffing the tables where each attending child could obtain a free candle and holder and, during the program, they stepped-in at short notice to conduct the collection for Life-line. Finally, immediately after the stage program, they conducted the exit survey, which was far better done (and more useful) than ever before.

It is clear from the exit survey that there were no real problems with parking - and no problems were highlighted with other aspects of these "orange volunteer" arrangements.

4 Picnic Time (prior to principal stage program)

For 2008, the planning team decided to make more of this opportunity for community-building, in line with some of the thoughts expressed in Council's planning documents. Much of the promotional material encouraged people to come early and either bring their own picnic or purchase some snacks on site. To this end, some extra (attraction) activities were arranged and a broader range of food was made available. Both were well-received.

The planning team arranged for a mini-farm to bring (and carefully supervise) a collection of small animals with which young children could "get up close and personal" etc. These were accommodated in a small portable enclosure that was placed a significant distance from the area where food was being served. This initiative was popular.

A local jazz band and vocalist (the Northern Jazz Group) provided some first-class background music (non-intrusive) while people were enjoying their picnics. The extraordinary humidity and temperature mid-afternoon aggravated the set-up of stage facilities and the contractor's very protracted completion of the set-up intruded into the intended time for this talented group, so the Group's exposure had to be shorter than was planned and this was disappointing.

Since *Carols in the Park* relocated to Bi-centennial Park at Council's request in 1988, the Lions Club of St Ives has provided a sausage sizzle, also selling soft drinks, plus glow sticks and the Lions' traditional Christmas Cakes. For many years, commercial vendors provided (a) tea and coffee and (b) gelato. For 2008, in response to some general comments, the planning team broadened the range of food available by arranging a supplier of Asian food. To ensure appropriate standards of food, as well as appropriate preparation and cleanliness, the Asian food vendor was one of those Council had arranged for its Australia Day activity.

Feed back from the exit survey indicates that people appreciated and enjoyed this opportunity to make more of the "Picnic Time" before the main stage program, so the team plans to maintain that service.

5 Stage Program

The planning team's Program Co-ordinator for 2008 (Rebecca Shu) wrote a full script and produced the program, which integrated the musical items performed by the choir and band, both comprising members of the combined churches. These were recruited, trained and conducted by the Music Co-ordinator for 2008 (David Watson).

The program featured a story-teller "Grandpa Story" (played by Graham Lewarne) and there were two "media sporting commentators" (in the Roy and HG mould) played with disturbing similarity by Ian Krimmer and Roger Chilton. A local jazz ballet school (The Jazz Factory) was featured at one point in the program, as was a children's singing group prepared by the Program Co-ordinator.

Feedback in the exit survey made the point very clearly that the program was well-received.

After a brief interruption at the start of the program, the rest of the program proceeded without incident. Appropriate discussion has already occurred with the party concerned to ensure the experience does not recur.

5 Technology

The use of a giant video screen (which we have enjoyed each year since 2000) has dramatically enhanced the ability of people to read the words of community carols and, in the process, has enabled larger-than-life display of on-stage action, which means most of the audience has a better view. This has been possible through the generosity of Screencorp, which has provided a very generous concession in hire fees, as a contribution to the event. This single concession, on its own, amounts to the largest financial contribution to the event. Without Screencorp's generosity, the planning team could not afford this valuable facility and the event would suffer. Lesser screen technologies are available, some at lower net cost, and the team has been pressed to explore their potential, but they have not demonstrated ability to perform effectively in the testing conditions, where the screen must face Sydney's setting summer sun and still be clearly visible.

In 2008, following competitive tenders, Daylight International was again commissioned to supply stage facilities, equipment and crew. The firm has for many years (back even prior to 2000) been a consistent and competent technology contractor for the event and the planning team appreciates the significant fee reduction that Daylight offered as an expression of support for the event.

Also for many years and without any charge, Martin Reeve (Reeve Media) and John Phillips (Insite Video Productions) have lent us professional-standard equipment and provided their personal expertise (plus the help of some of their families and colleagues) to operate the video cameras and the video control/mixing desk respectively. These contributions are generous and appreciated.

The Powerpoint production and provision of associated computer facilities were in the hands of a member of the planning team, who also co-ordinated all of the technology aspects of the event.

6 Exit Survey

A particular effort was made in 2008 to sample the views of as many people as could be intercepted in the 5-minute window while family groups were leaving the amphitheatre after the stage program. A survey response sheet was prepared to enable fast recording of opinions. As a result, the "orange volunteers" and planning team members completed 105 response sheets that collectively covered 721 attendees. This is the first time that opinions have been collected that cover such a high proportion of attendees. For the first time, the collective views can be considered "representative". At the same time, the planning team considers that better briefing of the volunteers will enable even better information to be recorded in the future.

A summary of results is attached.

7 Finances

At least half of the total cost of delivering the event is covered by members of the participating churches contributing their time and talents without any payment. This includes the members of the choir and the band (each of which has several rehearsals plus the performance) plus the team of "orange volunteers" already mentioned, as well as others already noted who contributed to the stage program. The jazz group who entertained during the picnic time and the members of St Ives Lions Club who provide the sausage sizzle also give their time and facilities freely.

All members of the planning team devote substantial time throughout the year in preparation for the event and their contributions are also on a voluntary basis. There is provision for reimbursement of team members' expenses but their claims are always well below the total costs they incur.

Cash contributions for *Carols in the Park 2008* were received from Council, each of the participating churches and just two commercial "supporters". All these parties received appropriate acknowledgement in the invitation, in the program on stage (including on the giant video screen) and in the handout given to all attending families when they arrived for the event. Acknowledgement was also given (as is appropriate) to organisations providing support "in kind" or through concessional pricing etc.

For commercial supporters contributing cash, the planning team has developed a structured "recognition" package that has regard to the level of support provided. The planning team introduced a new recognition opportunity for 2008: the insertion of an A4 sheet within the printed handout (copy attached). There were substantial difficulties securing cash support in 2008, perhaps resulting from the general economic climate. The team continued to have the valued cash support of two consistent long-term supporters (St Ives Shopping Village and Knox Family Real Estate) and the regularity of their support gives the team great comfort. A substantial Australian enterprise with a distinguished history had promised significant support, so it was particularly disappointing that it did not deliver the funds when the team called for it, as agreed, prior to the event. Acknowledgement of the organisation's promised support was maintained but many subsequent reminders of the promised contribution have not elicited a response. That set-back in the weeks just prior to the event (on top of the severe challenges already faced in 2008) required a review of all expenditure not already committed and our plan to advertise in local papers had to be abandoned.

Overall, *Carols in the Park 2008* incurred a deficit of \$ 1 003.10.

Contributions:	\$	Expenses	\$
Council	10 000.00	Venue and related costs	2 933.97
Churches	4 100.00	Technology	11 640.00
Commercial businesses	3 200.00	promotion	3 152.11
Miscellaneous (incl. interest)	455.78	production costs & team exps	1 022.80
	<hr/> 17 745.78		<hr/> 18 748.88

It is estimated that, if normal costs were ascribed to all voluntary contributions (including those of the planning team) and commercial prices had to be paid (instead of the generous concessions secured), the total cost of the event would be at least \$ 40 000 and probably around \$ 50 000. Thus, the voluntary efforts of members and friends of the participating churches in 2008, were able to have a remarkable multiplying effect (4 to 5 times) on the generous financial provision of Council that enabled this very popular community event to continue.

Support for the local work of LifeLine

Separate from these "contributions and expenses", attendees at each year's *Carols in the Park* are invited to make a cash contribution to the local branch of LifeLine, which assists many who are having a tough time, even though it is often "hidden" in our community. For 2008, the cash collection yielded \$ 909.95, for which LifeLine has expressed thanks. In addition, LifeLine receives the net proceeds of the sausage sizzle provided by the Lions Club of St Ives, which added a donation from its Christmas Cakes initiative, so the total value of the Lions Club's contribution to LifeLine from *Carols in the Park 2008* was a little over \$ 1 900.

8 Personnel

a) Planning Team - all participated in a voluntary capacity

Appointed Representatives of the Participating Churches:

Ray Barbero (Chair) of Pymble Catholic Parish - was also Front-of-House Co-ordinator
David McNaught (Deputy Chair) of St Matthew's Anglican Church at West Pymble
John Fullagar (Secty/Treas) of St Swithun's Anglican Church at Pymble - was also Technology Co-ordinator and acted as Promotions Co-ordinator
Chris Fletcher of Christ Church (Anglican) at St Ives
Ross Tout of Pymble Uniting Church (also led the "orange volunteers")
Gordon Drummond of St Andrew's Presbyterian Church at St Ives
appointment of replacement church representatives was pending in 2008 for St John's Anglican Church at Gordon and for Corpus Christi Catholic Church at St Ives

In addition, the Board of Church Representatives had recruited the following (for agreed years):

Jim Wiseman - Convenor of the planning team (2006 - 2009)
Rebecca Shu - Program Co-ordinator (2005 - 2008)
David Watson - Music Co-ordinator (2008 - 2010)

b) Other Participants and their voluntary contributions

Members of the participating churches (and friends of members) provided a wide variety of contributions on a voluntary basis, enabling the event to proceed and attain a standard of presentation that would otherwise be more expensive by several orders of magnitude. These roles included: band and choir, the compères, the story-teller, the "orange volunteers" already noted, the video cameras crew and their professional cameras, the video desk director and his professional equipment, the Powerpoint presentation and its equipment, the participating children, the Jazz Factory team of dancers, the Northern Jazz Group.

In addition, the planning team was able to secure generous price concessions saving many thousands of dollars (perhaps as much as \$20 000) from major suppliers keen to support the voluntary work done by the churches in planning and delivering the event.

c) Council staff

The members of the planning team wish to take this opportunity to thank many Council staff for their co-operation, advice and assistance in a variety of ways in bringing *Carols in the Park* to our Ku-ring-gai community in 2008. Clearly the provision of this community event, free to all attendees, continues to be popular amongst residents and the effort of those who deliver it (whether from Council or the participating churches) is appreciated.

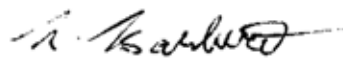
The simpler, more-straightforward procedure for securing Council's financial contribution was particularly appreciated, along with the fact that the required development consent could be prepared once to cover a 5-year period. The grounds of Bi-centennial Park were beautifully prepared prior to the event and the repairs to the decking of the stage were certainly appreciated by those who performed "up front".

In particular (without detailing their specific inputs), we would like to express appreciation to Tiffiny Kellar, Danny Houseas, Ryan Blouin, Ian Taylor and Mark Hancock. However, we must stress that many close colleagues of these senior officers and a small number of others have helped various members of the planning team with the total effort for *Carols in the Park*. Without exception, the spirit of Council staff through all our discussions has always been "How can we help you make the best of what you are doing for our community?" and a "can-do" attitude has prevailed. We, in Ku-ring-gai, are fortunate to have such a great staff team in our Council.

Prepared and issued 10 Jly 2009 on behalf of the
Board of Church Representatives



John Fullagar
Hon Secretary/Treasurer



Ray Barbero
Chairman

Attachments/enclosures:

- 1 Promotion Details for 2008 - with attached information on the promotional material:
- 2 handout to families - colour printed (A3 folded to A4) with A4 inserts (Council, Knox Family RE)
- 3 exit survey report

CAROLS IN THE PARK 2008 EXIT SURVEY

1 Scope of Survey and Respondents

Volunteers completed 105 survey response sheets covering a claimed total of 721 people, comprising 362 adults and 359 children. If these numbers are correct, the average size of a party at the event was 3.5 adults and 3.5 children. Responses were sought from as many parties (people that sat together) as the volunteers could cover immediately after the event finished.

The parties were drawn widely through Ku-ring-gai (all Ku-ring-gai postcodes 2069-2076 were represented); 38 % of the polled parties were from Pymble and West Pymble (postcode 2073), followed by 13 % from Turramurra (2074). 16 % of the parties came from outside Ku-ring-gai, including all adjoining municipalities and others as far afield as Glebe (2037), Pennant Hills (2120), Pendle Hill (2145), Castle Hill (2154), Avoca Beach (2251) and Jerrabomberra (2619 – near Queanbeyan).

Analysis of where (in the amphitheatre) the parties were seated indicates that the survey covered a reasonable spread of locations.

The number of survey sheets (and the number of people covered by the surveyed parties) is usefully high, given the timing (at the end of the event), the time available (while people were packing up and leaving the venue) and the circumstances under which responses were gathered (in the dark, a steamy hot night). However, in terms of the opinions gathered, it is clear that we need to conduct a thorough briefing of our volunteers, so that there is a consistent appreciation of what information is sought and how it should be recorded on the sheets for maximum benefit.

2 Opinions Gathered

Opinions were sought on discrete aspects but (as observed above with regard to briefing the volunteers) the information was intermittent in some areas of the response sheets.

a) Sound

Specific details of responses concerning the sound have been omitted from this version of the survey report but the scope and extent of concerns have already been frankly "discussed" with the contractor.

Overall comments were invited at the end of each respondent's interview, and many comments were general. Of those that were specific, 38 % were about the poor sound.

It is clear that the sound system for 2008 was not at an acceptable standard for the event.

b) Number of "Sing-along" Carols

For this issue, 95 % of respondents gave an opinion. 66 % of them said the number of sing-alongs was "about right", 33 % asked for "more" and only 1 % wanted fewer.

There was a handful of requests for some more popular "carols" to be included (and many suggestions were not really carols but pop songs with little or no relevance to Christmas).

We appear to be moving in the right direction with regard to the number of sing-along carols.

c) Stage Program

For this issue we obtained opinions from 94 % of respondents, with 70 % of them saying it was "good". A further 4 % were not constrained by the highest option ("good") and invented an even higher rating: "very good", "excellent" or "great"! 23 % of respondents rated the program as "okay".

The volunteers conducting the survey noted some comments that were volunteered when respondents were questioned about the program: one or two were complimentary, but more were focussed on there being too much talk (largely referring to the commentators' "patter").

The program's appeal was obviously widespread.

d) Food and Drink Arrangements

15 % of respondents declined to address this issue as either "not applicable" in their case or they said they had brought their own food etc.

Of those who expressed an opinion, 78 % described the arrangements as "good", 17 % said they were "okay" and only 5 % rated them "poor". Comments on this aspect were few and lacking general consistency, although the length of queues attracted some mentions and some requested "more variety" or "more outlets".

Privately to a couple of members of the planning team, all caterers (including the Lions who have helped for around 20 years and all the others who were "new" to Carols in 2008) expressed pleasure in being there and said they would like to participate again.

Again, the changes introduced for 2008 appear to have been in the right direction.

e) Parking Availability

Respondents were asked whether they found the availability of parking to be "plenty", "enough", "not enough" or "hopeless" and to indicate their time of arrival (but not all sheets have an arrival time recorded). Accordingly, analysis has been a bit messy.

15 % of respondents indicated this question did not apply to them or they said they had "walked". Of those who offered comment (and therefore presumably drove to the event):

- 20 % found "plenty" of parking
- 58 % said they found "enough" parking
- 21 % described the parking as "not enough"
- 1 % described the parking situation as "hopeless"

One respondent volunteered a clear preference for the previous Lofberg Oval parking, apparently unaware that Council has changed its policy regarding events parking on playing fields.

Time of arrival had a marked impact on respondents' opinion of the availability of parking. The table following presents a breakdown of arrival time for each opinion option. Obviously, these percentages count only those respondents who provided their arrival times.

<i>opinion re parking availability</i>	<i>arrival before 5.25 pm</i>	<i>arrival between 5.30 and 6.25 pm</i>	<i>arrival between 6.30 and 7.25 pm</i>	<i>arrival at/after 7.30 pm</i>
"plenty"	9 %	45 %	45 %	none
"enough"	9 %	25 %	50 %	16 %
"not enough"	none	14 %	29 %	57 %
"hopeless"	no respondent with this opinion was prepared to indicate arrival time			

The planning team for Carols has no control over the supply or availability of parking for the event. However, we may want to consider encouraging early arrival in future and specifically mention that parking availability becomes more difficult for later arrivals.

Given that the crowd for 2008 appeared to be the largest in memory (of two long-term members of the planning team, each having helped organise the event for more than 15 years), this parking position appears far better than might have been foreshadowed.

f) Promotion of the Event

Respondents were asked to indicate how they found out about the event. In addition to asking for the *category* of their information source (e.g. banner, invitation, school newsletter), it was hoped respondents would also be asked *where* they obtained that information (e.g. which banner site, retail outlet, school etc). However, the response sheets indicate that this level of information was rarely asked or provided. The breakdown of responses by category was:

% of all respondents	category of information source
28	postcard-sized invitations (distributed through retail outlets, libraries, Council chambers etc)
19	Banners (there were 4 Council sites and 7 church sites)
10	placards (at railway stations, at West Pymble Swimming Pool, at the kids enclosure adjoining the amphitheatre, in branches of the municipal library)
10	local newspapers (in community listings of "What's on")
10	church bulletins or announcements
7	school newsletters
4	Council's web site
3	radio announcements
27	"other sources" (word of mouth accounted for 16 % and 6 % said they were "regulars")

g) Overall Impression

As a final "crunch" question to gauge respondents' overall opinion of the event, they were asked whether they were "glad they came". The volunteers who conducted the exit survey were asked to record whether there was a) an instant "yes", b) some hesitation in responding, or c) an instant "no".

4 response sheets do not show any answer to this question. Of those that record an answer, 98 % said "yes" and 2 % had some hesitation. There were no instant "no" responses.

This "overall" response is interpreted as particularly solid evidence that the event is "hitting the spot" in terms of a community event for the Ku-ring-gai community.

h) General Comments

Respondents were finally offered the chance to comment on any aspect of the evening - i.e. without suggesting any area of focus for comment. The following breakdown of the general substance of recorded comments therefore points to those aspects of the event that were uppermost in the minds of attendees.

% of all respondents	substantial thrust of comments
32	GENERAL COMMENTS ("It was nice" or "It was awful" etc) general comments that are complimentary
4	general comments that are unfavourable

Overall Appraisal of 2008 Exit Survey

It represented a concerted effort by many volunteers in a very tight time window (5 minutes) - and with minimal briefing regarding what was expected. The volunteers asked questions of parties as they were leaving using a multiple-choice format designed for easy completion in very limited light but allowing for simple recording of brief comments when appropriate (copy follows). Each survey was intended to be completed within 60 seconds - 90 at most. Each volunteer aimed to gather 10 responses.

It is apparent that the survey volunteers achieved something quite remarkable in 2008. It has provided usable information in several important areas and is a good model for future use (albeit with some refinement - which must include a decent briefing).

All the Christian churches in Ku-ring-gai have services to celebrate Christmas and they welcome your participation. Please phone the church of your choice for information about its ministry and service times.

THE ANGLICAN CHURCH OF AUSTRALIA

EAST LINDFIELD (St Peter's)	110 Tryon Road	9416 5911
GORDON (St John the Evangelist)	Pacific Highway (near St John's Avenue)	9498 2744
KILLARA (St Martin's)	9 B Arnold Street	9880 2137
LINDFIELD (St Alban's)	crr Lindfield Avenue & Tryon Road	9416 1703
NTT TURRAMURRA (Robbin Hd Anglican Ch)	services at Turramurra North Pub Schl, Robbin Head Rd (near Nomurra Ave)	9440 2928
NORTH ST IVES (St Ives Family Church)	services at St Ives North Pub Schl,	9488 3808
ROSEVILLE (St Swifun's)	crr Telegraph Road & Merivale Road	9412 2533
ST IVES (Chris Church)	crr Bancroft Avenue & Hill Street	9468 9855
SOUTH TURRAMURRA (St Philip's)	crr Cowan Road & Mona Vale Road	9468 4998
TURRAMURRA (St James)	5 Parkinson Avenue	9144 4090
WAHROONGA (St Andrew's)	crr Cleveland Street & Water Street	9498 3278
WAHROONGA - Pearce's Corner	crr Pacific Highway & Pennant Hills Road	9498 4129
WEST LINDFIELD (All Saints)	Moore Avenue	9416 5729
WEST PYMBLE (St Matthew's)	Epleston Place	9498 0000

THE BAPTIST UNION OF NEW SOUTH WALES

GORDON	crr Park Avenue & Garden Square	9418 1148
ST IVES	28 Memorial Avenue	9983 1782
SOUTH TURRAMURRA	crr Kissing Point Road & Saddington Street	9449 4362

CHURCHES OF CHRIST IN NEW SOUTH WALES

NORTH TURRAMURRA	crr Robbin Head Road & Allara Avenue	9988 4688
-------------------------	--------------------------------------	-----------

THE PRESBYTERIAN CHURCH IN NEW SOUTH WALES

ROSEVILLE (St Luke's)	28 Lord Street	9416 4922
ST IVES (St Andrew's)	258 Mona Vale Road (between Killeaton St & Garrick Road)	9449 3374
WAHROONGA	crr Stuart Street & Illoura Avenue	9469 3302

THE ROMAN CATHOLIC CHURCH

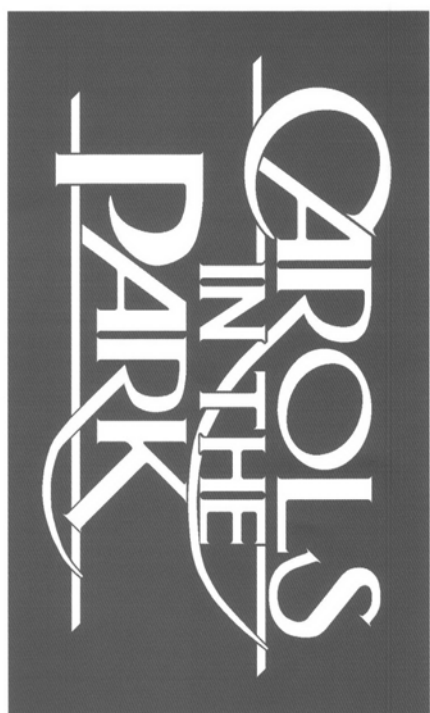
KILLARA (Immaculate Heart)	crr Fiddens Wharf Road & Charles Street	9416 3000
LINDFIELD (Holy Family)	crr Pacific Highway & Highfield Road	9416 3702
PYMBLE (Sacred Heart)	Richard Porter Way	9144 2702
ST IVES (Corpus Christi Cathedral)	263 Mona Vale Road (between Killeaton Street & Link Road)	9144 6998
WAHROONGA (Holy Name)	35 Bilyard Avenue	9489 3221
WEST PYMBLE (Our Lady of Perpetual Succour)	64 Kendall Street	9488 7216

THE UNITING CHURCH IN AUSTRALIA

EAST KILLARA	crr Wentworth Avenue & Fairbairn Avenue	9418 1714
GORDON	crr Pacific Highway & Cecil Street	9498 6729
KILLARA	crr Karranga Avenue & Arnold Street	9924 2652
LINDFIELD	crr Tryon Road & Nelson Road	9415 8855
LINDFIELD (St David's)	crr Pacific Highway & Provincial Road	9416 2106
LINDFIELD (Korean Community)	crr Tryon Road & Nelson Road	9499 7594
PYMBLE	crr Pacific Highway & Livingstone Avenue	9983 9879
PYMBLE (Pymble Chapel)	crr Bromley Avenue & Mona Vale Road	9449 8772
ROSEVILLE	7 Lord Street (near Hill Street)	9416 5165
ST IVES	crr Mona Vale Road & Douglas Street	9144 5795
SOUTH TURRAMURRA (St Andrew's)	crr Vernon Street & Chisholm Street	9449 2129
TURRAMURRA	10 Turramurra Avenue (near Pacific Highway)	9144 1853
WAHROONGA (St John's)	crr Stuart Street & Cooranbarr Road	9487 2941

INDEPENDENT CONGREGATIONS

EAST LINDFIELD (Evangelical Free Church of Australia)	28 Wellington Road	9415 6044
GORDON (St Francis Liberal Catholic)	21 St John's Avenue	9418 2827
NORTH TURRAMURRA (Trad. Anglican)	services in Chapel of Lady Davidson Hospital, Robbin Head Road	9144 3279
ROSEVILLE (Seoul Church)	28 Lord Street	9498 7904
ST IVES (St Ives Community Church)	32 Horace Street	9452 4827
ST IVES (Jubilee Christian Fellowship)	services in St Ives Community Hall, Memorial Avenue	9943 0250
TURRAMURRA (Korean Baptist)	17 A Eastern Road	9988 4447
WAHROONGA (Northgate Pinyard Fellowship)	services in Wahroonga Pub Schl, Burns Rd (beaw Wahroonga Ave & Eastern Rd)	9487 6188
WEST LINDFIELD (Christian & Missionary Alliance)	crr Moore Avenue & Bradfield Road	9416 6997
WEST PYMBLE (Northside Church)	services in West Pymble Pub Schl, Apollo Place	9499 2255



brought to the Ku-ring-gai community as a free gift through the collaboration of

Ku-ring-gai Council
and representatives of
the Combined Churches in Ku-ring-gai

in Bi-centennial Park, West Pymble

on Saturday 13 December 2008

Cards in the Park is pleased to acknowledge the generosity of community-minded organisations in 2008, including:

PRINCIPAL SUPPORTERS FOR 2008



Knox Family Real Estate

Reeve Media

Omega Press

Instive Video Productions

St John Ambulance in NSW

The Lions Club of St Ives

Ku-ring-gai Local Area Command of the NSW Police Service

Colles Supermarkets in Lindfield and Turramurra
Bunnings in Gordon and Belrose

Woolworths Supermarkets in Gordon and St Ives
IGA Supermarkets in West Pymble and Wahroonga

St Matthew's Anglican Church

Eppleston Place, West Pymble

Christmas Eve - Wednesday 24 December

5 pm & 6.30 pm Children's Services

11 pm Christmas Communion

Christmas Day - Thursday 25 December

8.30 am Christmas Communion

10 am Family Christmas Service

phone 9498 0000

www.stmatthews.org.au



754 Pacific Highway, Gordon
(near St John's Avenue)
9498 2144
www.stjohnsgordon.org.au

Sunday 21 December

7.30 pm Service of Lessons and Carols

Wednesday 24 December - Christmas Eve

6 pm Children's Service with Eucharist

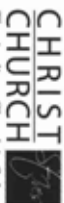
11 pm Holy Communion (with incense)

Thursday 25 December - Christmas Day

6.30 am Holy Communion

8 am Choral Eucharist & Procession (incense)

10 am Family Communion



The Anglican Church in St Ives

Wednesday 24 December - Christmas Eve

5 pm Kids Church & Carols

7 pm Traditional Carols & Readings

9 pm Carols with Band

11 pm Carols with Band

Thursday 25 December - Christmas Day

8.00 am Traditional Christmas Service

9.30 am Christmas Family Services

at Christ Church (1 Cowan Road) and at

St Ives North Public School (87 Memorial Ave)

Cowan Road, St Ives, New South Wales 1502 Phone: 9498 9933 info@stjohnsgordon.org.au

The Participating Churches

Representatives of the Ku-ring-gai Churches whose Christmas services are detailed on this page have planned and delivered Carols in the Park for 2008. This Planning Team is pleased to acknowledge the support and encouragement of Ku-ring-gai Council and its staff.

This co-operation by Council and the Churches provides a special opportunity each year for the Ku-ring-gai community to publicly celebrate the true meaning of Christmas and the good news and goodwill that Christmas brings.

All members of the Planning Team give their time and talents on a voluntary basis. Most of the performers, including the choir and band, are also volunteers from these participating Churches.

... and the messenger said:

"I am bringing you good news that will make everyone very happy. Tonight, in King David's home town, a Saviour was born for you: the Messiah, the Lord."

from the gospel written by St Luke the doctor, chapter 2, verses 10 & 11



CORPUS CHRISTI CATHOLIC CHURCH

WEDNESDAY December 17

7.30 pm Communal (2nd Rite) Reconciliation

WEDNESDAY December 24 - Christmas Eve

6 pm Christmas Family Mass

11.30 pm Carols in preparation for Midnight Mass

THURSDAY December 25 - Christmas Day

8 am Christmas Mass

10 am Christmas Mass

260 Mona Vale Road, St Ives phone: 9344 6998



ST ANDREW'S
Presbyterian Church
258 Mona Vale Road, St Ives
(near Killisdonk Street)
9449 9374

Sunday 21 December

9 am Choral Service - Nine Lessons & Carols

Christmas Eve - Wednesday 24 December

9 pm Christmas Eve Service

Christmas Day - Thursday 25 December

8 am Christmas Morning Service



ST SWITHUN'S ANGELICAN CHURCH, PYMBLE

Off Telegraph & Mervin Road, Pymble 9488 7277 office@pymble.org.au

Sunday 14 December

5 pm Christmas Celebration Service

Sunday 21 December

9.45 am Service of Lessons and Carols

Wednesday 24 December - Christmas Eve

5 pm "Totally Christmas" concert at Pymble Public School (Crown Rd)

11 pm Christmas Communion

Thursday 25 December - Christmas Day

8 am Choral Communion

9.45 am Family Service



PYMBLE CATHOLIC PARISH
tel 9344 2302
www.pymblecatholicparish.org.au

Sacred Heart (SH)
Recover from Illness
Pymble

Our Lady of Resurrection (OLRS)
Recover from Illness
West Pymble

Sunday 14 December

Parish 7.15 pm Christmas Carols (at SH)

Monday 22 December

Parish 7.30 pm Christmas Reconciliation (at SH)

Christmas Eve - Wednesday 24 December

SH 5 pm & 7 pm Family Mass

SH 9 pm Carols then Vigil Mass at 9.30 pm

SH 11 pm Carols then Midnight Mass

OLRS 5.15 pm Nativity Play then Outdoor Mass at 5.30 pm

Christmas Day - Thursday 25 December

SH 7.45 am & 9.30 am Christmas Mass

OLRS 9 am Christmas Mass



PYMBLE
UNITING
CHURCH
TEL 9983 9879
CNR PACIFIC HIGHWAY & LIVINGSTONE AVENUE

SUNDAY 21 DECEMBER

9 AM - CAROL SERVICE

CHRISTMAS EVE - WEDNESDAY 24 DECEMBER

6:30 PM - FAMILY SERVICE

11:30 PM - HOLY COMMUNION

CHRISTMAS DAY - THURSDAY 25 DECEMBER

9 AM - CHRISTMAS SERVICE - IN THE CHAPEL OF PYMBLE LADIES' COLLEGE (ENTRANCE IN AVON ROAD)



CAROLS
IN THE PARK
EDITION

Ku-ring-gai Update

December 2008

Australia Day celebrations

Celebrate Australia Day 2009 with your friends, family and neighbours with an evening of free entertainment, food and fireworks at Bicentennial Park, West Pymble, 5pm to 9pm.

The entertainment will feature the Yidaki Didg & Dance Australia indigenous group, Active Kidz interactive dance show, local bush band Stringy Bark, Endless Summer Rock Band and a Blinky Bill show.

Free activities for kids will be available at the Century 21 Kids Tent. Amusement rides and plaster painting will also keep young ones occupied. Pack a picnic, or choose from the variety of food stalls available. No glass is permitted at the event.

Stick around for the spectacular finale featuring high energy drumming by award winning group TaikOz and fireworks.

Limited street parking is available in surrounding streets, with disabled parking in the park grounds. Council recommends catching the free shuttle bus from Gordon Station to Bicentennial Park.

For more information visit www.kmc.nsw.gov.au/australiaday or call 9424 0000.



January school holiday activities

Are you stuck for something to do these school holidays? Check out Ku-ring-gai Council's comprehensive guide to what's on in Ku-ring-gai for kids of all ages at www.kmc.nsw.gov.au/schoolholidays.

Ku-ring-gai Art Centre in Roseville has an impressive range of classes for children and teens including painting, drawing, creative writing, beaded jewellery and guitar.

The Kids Klub and Kids Getaway Vacation Care programs for children aged 5 to 14 provides full time or occasional care during school holidays. Children can enjoy in-centre workshops or go on an excursion. Highlights for January include High School Musical 3, kayaking, science



workshops, Manly Waterworks, horse riding and go karting.

Get back to nature with fun educational activities with Bush Kids at Ku-ring-gai Wildflower Garden in St Ives. For 2 to 12 year olds, this summer's

workshops include Fur and Feathers, Bush Scientist, Bugs and Slugs plus many more.

Gordon Library has an evening of swashboggling, scrumdiddlumptions fun, games and entertainment in celebration of Roald Dahl, and Turramurra Library is hosting a fancy dress party.

The youth centre at Gordon Library will be open from 1pm to 6.30pm, Monday to Thursday from 12 January with plenty of activities to keep teens entertained including pool, ping pong, music, video games, movies and art and craft. Excursions to Jamberoo Recreation Park, laser tag, Tuggerah Slam Skate Park and Maitland Gaol are also on offer.

We're all working together to use water wisely...



Ku-ring-gai Council is using harvested stormwater to irrigate our parks and sports fields – saving our drinking water for drinking



Environmental Levy
Ku-ring-gai Council

You have a role too – visit waterforlife.nsw.gov.au





Party in safety this silly season

Throwing a party? Pick up a free safe party pack from your local Woolworth's, BWS and Dan Murphy's liquor stores. This year's pack has advice on how to deal with unwelcome guests, tips for planning a safe party, mocktails recipes, facts about binge drinking and a guide to notifying your neighbours about your party.

Targeting drink driving, the Safe Party Pack is a joint initiative by Ku-ring-gai, North Sydney, Willoughby and Mosman councils and is supported by the NSW Police.

In 2007 alcohol was a factor in 54 motor vehicle accidents in the four council areas. The Safe Party Pack aims to reduce the number of accidents on our roads by educating party-goers about the dangers of drink driving. It also explains the host's obligations and responsibilities such as 'duty of care' and the importance of planning.

Pick up a pack and go in the draw to win a night's stay at any Vibe Hotel for two people (including breakfast) and \$50 Woolworths WISH gift cards (8 to be won). ☑



Get fit in 2009 with Active Ku-ring-gai

Start 2009 in an active way with a range of fun, local recreational activities to get you outdoors, fit and energised.

Bookings are now open for Ku-ring-gai Council's Active Ku-ring-gai program, which aims to encourage people of all fitness levels to participate in physical activity.

Classes include tai chi, fit box, yoga, Pilates in the Park, Social Tennis, fit ball and Gym Without Walls.



Book online at www.kmc.nsw.gov.au/active or call 9424 0754.

Register you and a friend in any Term 1 2009 activity and get \$20 off your registration when you mention this article. ☑

Earn money working from home

Council is seeking local residents to become Family Day Carers to provide quality care and programs for children in their own homes.

Applicants must provide a safe and caring environment for children aged six weeks to school age, live in Ku-ring-gai

and be over 21 years of age.

A \$1,500 grant is available to help with set-up costs.

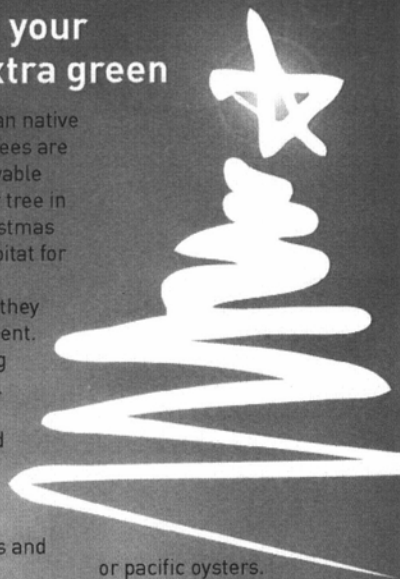
If you are interested in finding out more, contact the Ku-ring-gai Family Day Care Scheme on 9424 0834 or booth@kmc.nsw.gov.au ☑

Tips to make your Christmas extra green

- Decorate an Australian native tree in a pot. Living trees are carbon neutral renewable resources. Plant your tree in the garden after Christmas and it will provide habitat for wildlife.
- Use LED fairy lights - they are more energy efficient.
- Buy recycled wrapping paper and use natural materials such as raffia, string and dried flowers to decorate presents.
- Use crockery rather than disposable plates and plastic cutlery.
- Seafood makes a great Australian style Christmas feast. Make sure you don't buy over fished species such as sea perch, shark, flathead, swordfish, hake, tiger prawns, tropical rock lobster

or pacific oysters. Better choices include barramundi, blue-eyed cod, whiting, snapper, western rock lobster, blue swimmer crab and blue mussels. ☑

More tips at www.kmc.nsw.gov.au/greentips



Get paid to help the environment

Old, inefficient second fridges use large amounts of power; adding on average more than \$190 to your annual electricity bill and creating around one tonne a year of greenhouse gases.

Fridge Buyback is a residential energy efficiency program that actually pays you to help save the environment and reduce your electricity bills.

Residents with working second fridges they no longer need can call Fridge Buyback on 1800 708 401 during business hours or visit Fridge Buyback's website

at www.fridgebuyback.com.au to arrange for their fridge to be collected.

Eligible fridges must be the second fridge in the house, switched on and working. They must be 250 litres or more in size and 10 or more years old. Fridge Buyback will pay a \$35 rebate if six or fewer stairs are involved in removing the fridge.

Fridge Buyback is an energy efficiency program supported by the NSW Government's Climate Change Fund and Ku-ring-gai Council. ☑

Book it online

Instead of phoning Council to book a cleanup or report a pot hole, next time why don't you try our online request service? Available 24 hours a day, a Customer Service Officer will answer any enquiry within two working days, offering residents a more convenient way to do business with Council. ☑

www.kmc.nsw.gov.au/request

KU-RING-GAI NURSERY

10%

off plants

430 Mona Vale Road, St Ives

Valid January 2009 only



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Unless you know you're safe

Collect your FREE "Insurance policy"-

**The Home Seller's
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- No Open inspections so your home is safe.
- Inspections to suit you and the buyers, so you don't miss an opportunity to sell.
- Trained salaried representatives. We treat our people right so that they treat you right.
- No kickbacks; not from anyone nor for any reason.
- A higher asking price so you can receive a higher selling price. This makes a BIG difference!
- 7 day service until 7pm.
- Buyer's names kept on file, which means we often find the right buyer for you within days.

**It would be our privilege
to be of service to you**



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Professionalism with Integrity

Open 7 Days till 7pm

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9416 7777

Carols in the Park - Promotion Details for 2008

In every case, appropriate permission is secured before material publicising *Carols in the Park* is displayed.

a) 11 Street Banners (approx 3 m x 1 m - blue or black lettering on white vinyl)

As usual, we made maximum use of opportunities to display prominent and clear banners in key spots around the municipality. For the two weeks prior to the event, we used our maximum allowed Council sites (4) plus 7 other locations controlled by churches and schools, resulting in the following exposure:

East Lindfield: facing Arterial Road traffic coming northwards from the City at Tryon Road corner
St Ives: facing Mona Vale Road traffic coming westwards from the beaches outside Corpus Christi
St Ives: facing Mona Vale Road traffic coming northwards from Gordon outside Christ Church
North Turramurra: facing Killeaton St traffic coming eastwards from Wahroonga near Bobbin Hd Rd
Pymble: facing Telegraph Road at St Swithun's (cnr Merrivale Rd) - covers traffic in both directions
Pymble: facing Pacific Hwy at Sacred Heart - covers southbound traffic on Highway and Bobbin Hd Rd
Pymble: facing northbound Highway traffic at Pymble Uniting Church (cnr Livingstone Ave)
West Pymble: facing Kendall St outside St Matthew's and OLPS - covers traffic in both directions
West Pymble: facing Ryde Rd at Lady Game Dr covers traffic from Gordon and on Lady Game Dr
West Pymble: facing Ryde Rd near Bi-centennial Park entrance (now seen only by westbound traffic *)
Gordon: facing southbound Highway traffic on St John's cnr (covers traffic from station in St John's Ave)

- * The Council banner site at the entrance to Bi-centennial Park is well recessed from the footpath. The growth of attractive trees is progressively obscuring the site from northbound traffic, which is generally travelling quickly at that location, and a quick glimpse of the site is only snatched when vehicles are right beside it (provided the occupants happen to be looking hard left, instead of where their attention should be - at the traffic conditions). Nevertheless, despite its limited value in attracting people, we consider this site still needs to be covered because it is the event's location.

The planning team preserves the banners carefully from year to year, so costs are incurred only to update them, with replacements only for the occasional casualty. If the team could access more of Council's sites than the maximum four currently allowed, it could probably fund the purchase of a small number of additional banners to expand this useful promotional resource.

b) 35 Placards (approx 600 x 900 mm - red lettering on white Corflute)

50 placards were produced in 2007 to take advantage of a conveniently-timed federal election (Sat 24 Nov) and, with AEC permission, they were deployed in every electoral booth within Ku-ring-gai municipality. After election day, the placards were re-deployed to the approaches to all railway stations and many schools in Ku-ring-gai.

These were also preserved, updated and re-used in 2008 but casualty rates at 30 % were considerably higher than for street banners. For 2008, the 35 surviving placards were deployed to the entry points for a number of schools, approaches to all stations, all branches of Ku-ring-gai Library, and some commercial premises (including the Westpac branch where the Board has its bank account). Unfortunately, they were not cleared for display at the main entrances to Council's Gordon Offices.

c) Clip Art to 65 Schools and 50 Churches (various sizes, 2 shapes)

Simple clip art (just black lettering) was sent to every school and church within Ku-ring-gai (and to schools that draw strongly from Ku-ring-gai for their pupils and school communities) with a request that the school or church might ensure that its families are invited to attend the event. To make it easy for those preparing weekly newsletters to school families or parishioners, the clip art was produced in a variety of sizes and two shapes to suit predominant newsletter formats. This initiative covers more than 65 schools and 50 churches. It is beyond the resources of the planning team to monitor whether these schools and churches make use of what they are sent.

d) Over 50,000 Printed Invitations (full colour, post card size)

These were printed, padded in 100s and distributed through the checkouts of major retail stores serving Ku-ring-gai people, as well as at branches of Ku-ring-gai Library, Council's Offices at Gordon, plus a number of other commercial premises. Some were also provided for distribution by Scripture teachers at local schools. The planning team received many positive compliments about them being padded (to eliminate the litter when pieces of loose paper are scattered by breezes etc) although one couldn't but admire the creativity of one librarian who assiduously separated the pads into individual sheets, so they could be arranged in an artistic fan shape on her reception desk.

The supporting retail outlets were Woolworths Supermarkets (at Gordon and St Ives), Coles Supermarkets (at Lindfield and Turramurra), Franklins Supermarket in St Ives, IGA Supermarkets (at Wahroonga and West Pymble) and Bunnings (at Gordon and Belrose). We appreciate the enthusiastic support provided by the managers of all these stores.

e) Council's Web Site - 2 places

The planning team appreciates the help of two Council officers who offered to include material about *Carols in the Park* in their sections of Council's web site: the "What's on" section as well as the information on Bi-centennial Park. The planning team was pleased to provide pertinent information that suited these purposes.

f) 20 Large Coloured Posters plus 8 smaller ones

St Ives Shopping Village has been a consistent Principal Supporter of *Carols in the Park* for many years. In informal discussion about the benefits that supporters can gain through exposure associated with the event, the Centre's Marketing Director provided valuable insight and ideas - and offered to produce some extra posters about the event - posters like those displayed in some 20 noticeboards throughout the shopping centre approx 800 x 1000 mm in full colour. The smaller ones (approx 400 x 500 mm) were to the same design and were displayed in the churches represented on the planning team. A mono-colour print (A4 size) is attached to show the design.

g) Newspapers

Despite the planning team's efforts (and some assurances in response), plus preparation of requested media releases with full-colour photos from previous years, the team has not identified any editorial coverage of the event in local papers either prior to or after the event. However, the event was listed in one of the weekly "What's On" lists.

Notwithstanding this limited and disappointing response from papers, the attendance secured from other promotional initiatives was pleasing. Council assistance in securing promotion through local newspapers would be valuable and welcomed.

It had been planned (and budgeted) to place advertisements in local papers but one firm promise of significant financial support was not received so, just a few weeks prior to the event, a substantial sum had to be pruned from planned expenditure. The team could not afford to proceed with its intended paid advertising.

h) Radio

The planning team established contact with the following radio stations, seeking "Community interest" announcements about the event. From some responses in the exit survey, it is clear that some radio announcements were made but the team was not in a position to monitor them so it can not be specific about times, dates etc.

ABC Radio 702
Radio 2UE
Radio 2GB
Radio 2CH
Radio 103FM

Attached is the text of a message sent to the ABC (typical of information sent to radio stations).

JLF 10.7.09

Attachments/enclosures:

- lettering for street banners
- artwork for placards
- clip-art
- invitation - colour printed (post card size)
- poster artwork
- media release for local papers
- info sent to radio stations

**Ku-ring-gai Council &
The Combined Churches of Ku-ring-gai
Present**

Carols in the Park

SATURDAY

13 December, 7.30pm, Bicentennial Park, West Pymble

PLACARD ARTWORK FOR 2008

vivid red printing with updates of details on last year's placards - white 3 mm Corflute
- size 600 x 900 mm

THE COMBINED CHURCHES &
KU-RING-GAI COUNCIL



FREE - in Bi-Centennial Park, West Pymble
7:30 pm SATURDAY 13 December

The Christmas Nativity

with choir and band from the Combined Churches
free candles - family-friendly - visit the mini-farm

*from 6 pm: free children's face-painting,
buy a Lions' sausage sizzle or bring a picnic*

THE COMBINED CHURCHES &
KU-RING-GAI COUNCIL



FREE - in Bi-Centennial Park, West Pymble

SATURDAY 13 December 2008

free candles - family-friendly - no smoking - no pets

*from 6 pm: free children's face-painting - mini-farm - jazz group
bring a picnic or buy food there - St Ives Lions' sausage sizzle
- gelato - Asian food - tea/coffee - soft drinks*

*from 7.30 - 9.30: stage program "The Christmas Nativity"
with choir and band from the Combined Churches*

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- gelato - Asian food - tea/coffee - soft drinks*

*from 7.30 - 9.30: stage program "The Christmas Nativity"
with choir and band from the Combined Churches*

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KU-RING-GAI COUNCIL



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*from 6 pm: free children's face-painting - mini-farm - jazz group
bring a picnic or buy food there: - St Ives Lions' sausage sizzle
- gelato - Asian food - tea/coffee - soft drinks*

*from 7.30 - 9.30: stage program "The Christmas Nativity"
with choir and band from the Combined Churches*



FREE - from the Combined Churches & Ku-ring-gai Council
in Bi-Centennial Park, West Pymble on **SATURDAY 13 December 2008**
free candles - family friendly - no smoking - no pets

*6 pm: picnic time - bring or buy - mini-farm, jazz group, face painting
7.30 - 9.30 "The Christmas Nativity" on stage - with choir and band*

CAROLS IN THE PARK

The Combined Churches of Ku-ring-gai
and Ku-ring-gai Council
present

Carols in the Park

Saturday 13 December from 6pm

FREE Christmas gift to the Ku-ring-gai community

Arrive from 6pm and enjoy the Lion's Club sausage sizzle, asian food,
gelato and tea/coffee.

The stage show (7.30pm-9.30pm) features The Northern Jazz Group, 'The Decrepit
Shepherds', Graham Lewarne and the Combined Churches Choir and rock signer
Johnny Burns to name a few.

There will also be a mini zoo and a fire engine to entertain the kids.

WHERE: Bicentennial Park, West Pymble (off Lofberg Road)

Carols in the Park brought to you by
the Combined Churches of Ku-Ring-Gai
and Ku-Ring-Gai Council

Proudly sponsored by



St Ives
shopping village

INVITATION
FOR YOU

CAROLS IN THE PARK

Ku-ring-gai's Bi-centennial Park
Lofberg Road, West Pymble

SATURDAY 13 December 2008

please turn over for details

FREE entry

FREE candles and holders



Ku-ring-gai's Bi-centennial Park
Lofberg Road, West Pymble

SATURDAY 13 December 2008

from 6 pm (until 7.15) : • free children's face painting • free children's mini-farm • The Northern Jazz Group
bring a picnic or buy food there : • Lions' sausage sizzle • gelato • tea/coffee • soft drinks • Asian food

between 7.30 and 9.30 pm : live program on stage - **THE CHRISTMAS NATIVITY**
featuring local children plus a choir and band from the Combined Churches

Carols in the Park is a gift to the Ku-ring-gai community from the Combined Churches and Ku-ring-gai Council.

This Christmas event is free, family-friendly and fun for people of all ages - no smoking - no pets
General Enquiries: carolsinthepark@bigpond.com or 9498 1984 (voicemail avail) or the numbers below

Lifeline receives the net proceeds from the Lions' sausage sizzle, plus all of a bucket collection. Lifeline helps local people who are having a tough time.



PRINCIPAL SUPPORTERS FROM OUR LOCAL COMMUNITY



St Ives
shopping village

In the event of heavy rain, the event must be cancelled. If in doubt, check after 2 pm: John 0400 420 602, Jim 0411 516 419 or Ray 0407 477 511.

MEDIA RELEASE

27 November 2008



The Board of Church Representatives

Carols in the Park - Ku-ring-gai's popular annual Christmas event - is a free Christmas gift to the Ku-ring-gai community from Ku-ring-gai Council and the Combined Churches. Held on the second Saturday night in December - 13th Dec this year - it is in Bi-centennial Park, West Pymble (off Lofberg Road). It has that fabulous setting of Australian native trees and Hawkesbury sandstone cliffs, against the setting summer sun, with a chorus of cicadas and the cries of native birds - as well as the melodic tones of local musicians.

It's free and we are all invited - along with the thousands of others who usually come.

From 6 pm, it's "picnic time" and we can either bring our own or support the traditional sausage sizzle provided by St Ives Lions Club (with proceeds to Lifeline). As usual, there will be soft drinks, tea and coffee available and gelato for dessert. For the first time this year, we will also have an opportunity to buy Asian food.

While we picnic, "The Northern Jazz Group" will provide soothing music and our little nippers can "get-up-close-and-personal" with small animals at a mini-farm (a nominal cost for feed). The youthful (and we who are young at heart) - so all of us aged from 7 to 70 - can demonstrate our climbing skills on a real fire engine from Ku-ring-gai's Volunteer Bushfire Brigade.

Between 7.30 and 9.30, there'll be a live program on the outdoor stage. A new production "The Christmas Nativity" has been written and produced by Rebecca Shu. It will feature Graham Lewarne as "Grandpa Story" and we'll have a comedy duo as comperes. The band and choir (from local churches) will be conducted by David Watson (yes, he's back!) and soloists will include Elle Colla and Jacqui Host. A special treat for us will be dancing from our very own local "Jazz Factory"

Ku-ring-gai's Mayor Elaine Malicki will bring us a Christmas Greeting from Council and she recently noted: "it's great that Council and our churches can work together to give this Christmas gift to our Ku-ring-gai community. 2008 is actually the 21st year of this happy collaboration, but the churches have now been providing *Carols in the Park* for over 50 years. I want to pay tribute to the churches for this great event and all the other important contributions they make in our community. In particular, I want to say a huge "thank-you" and congratulate the representatives of the local churches who do all the planning for *Carols in the Park* and actually make it happen - and they are all volunteers!"

In addition to the 2008 contributions from Council and the churches, many community organisations are providing support in cash or in kind: Screencorp, Daylight International, St Ives Village Shopping Centre, National Australia Bank, Knox Family Real Estate, Omega Press, Reeve Media, and Insite Video Productions. Many local retailers are also helping by distributing invitations: Woolworths (Gordon and St Ives), Coles (Lindfield and Turramurra), IGA (Wahroonga and West Pymble), Franklins (St Ives) and Bunnings (Gordon and Belrose).

General Enquiries to: carolsinthepark@bigpond.com or 9498 1984 (voice mail available).

(2 photos enclosed)

----- Text of message sent by Chris Fletcher to Simon Marney at the ABC -----

Dear Simon,

Below is the entry I have already left on another ABC website together with the picture which I trust is acceptable

We would be grateful for as much publicity as possible on ABC Radio over the next ten days for the 21st anniversary of popular the -

Carols in the Park at Bi-Centennial Park, Pymble, Saturday 13th December 2008

a great night out for young and old alike*

6 - 7.15PM CHILDREN'S PROGRAMME free face painting – mini farm, Lion's Sausage sizzle – soft drinks –tea/coffee (proceeds to Life Line) ,The Jazz Factory, local artists (including Grandpa Story)

7.30 – 9.30 pm STAGE PROGRAMME Live production of "The Christmas Nativity" - Community Carols with Choir and band

* Picture of previous event attached to illustrate family-friendly nature of event - expected audience of 4000+

ENTRY FREE – ALL WELCOME

Full details on Ku-ring-gai Council web site at www.kmc.nsw.gov.au
or email direct Carolsinthepark@bigpond.com.au

Please do not hesitate to contact the undersigned should you require any further information

Thanking you in anticipation
With kind regards

Christopher Fletcher 9979 2260





Janice Bevan
Director Community
Ku-ring-gai Council
818 Pacific Hwy
Gordon NSW 2073

23 October 2009

Dear Janice,

**Re: Ku-ring-gai Council sponsorship of
Ku-ring-gai Philharmonic Orchestra**

I write to request renewal of the sponsorship relationship between Ku-ring-gai Council and Ku-ring-gai Philharmonic Orchestra (KPO) for 2009/2010.

The benefits of the Council/KPO sponsorship relationship this past year have been demonstrable. KPO has welcomed the opportunities to involve Councillors in major projects, to work more closely with Council staff and to collaborate on projects.

Major projects for KPO over this period have included:

- Appointment of the new Artistic Director/Chief Conductor Ronald Prussing
- 2009 NSW Secondary Schools Concerto Competition and establishing the Young Performers Program
- re-location and development of Kids Proms concerts to St Ives Uniting Church

Each has positive implications which align with Council's cultural policy objectives, adding depth to the Ku-ring-gai cultural environment.

There are opportunities and challenges ahead as KPO embraces the changing environment of the Ku-ring-gai community and beyond.

The major challenge of the past year has been the impact of the global financial crisis, and KPO like many arts organizations across Sydney experienced a drop in ticket sales, particularly in the first half of 2009. Recent concerts have reversed this trend, but we are mindful of a more cautious spending pattern particularly amongst seniors. We are keen to retain the provision of bus transport to local retirement villages for afternoon concerts to ensure accessibility for this audience

sector. Income to our donations and sponsorship programs has also reduced. However, we were pleased to recently receive advice of a grant for the 2010 Composer Workshop from APRA/AMCOS.

Performance venues and rehearsal facilities are an ongoing challenge, and we strive continuously to ensure a good working relationship with local schools. We are delighted with the success of the Kids Proms at St Ives Uniting Church, both from an orchestra and an audience accessibility perspective, and are planning to return to this venue next year. The audience feedback from 2009 Kids Proms concerts was outstanding.

Publicity is an ongoing challenge, given that KPO does not have the budget for paid advertising in the print or other media. We rely on the hit and miss success strategy of free publicity, although increasingly we use internet opportunities. We have valued developing stronger relationships with Council staff and opportunities to maximise the value of web and enews promotion, as well as banners in various locations.

During this year, we have made selections from KPO recordings, and offer to provide these to Council should there be possibilities to use short selections to promote KPO on telephone waiting messages or in other areas. We are also in the process of developing an audiovisual presentation about the orchestra.

In consultation with Councillors and staff, KPO is pleased to explore the feasibility of KPO musicians' involvement with local projects. Recently KPO musicians performed for a KYDS fundraising event, and we are currently in discussions about musicians performing for the opening of Seniors Week in 2010.

Council provided sponsorship of \$10,000 for last twelve month period. KPO requests a continuation of the sponsorship agreement with Council and if feasible an increased level of support to \$15,000. This support would contribute to the following:

1. The annual NSW Secondary School Concerto Competition: the organization and management of the event, adjudication costs and prizes given to each of the multiple concerto winners. KPO currently spends over \$25,000 annually on the organisation of the competition. This event goes from strength to strength and relies on a large volunteer base to make it happen.
2. Artistic development of the KPO led by Ronald Prussing, continuing KPO's commitment to high artistic standards. Each year KPO works in partnership with high quality professional musicians, who lead, strengthen and develop the skills of our volunteer player base. KPO spends around \$28,000 each year on professionals to drive the orchestra's artistic development.

3. Programs in support of special interest groups identified in the Ku-ring-gai cultural policy; programs giving expression to Ku-ring-gai's cultural diversity, heritage, environment, programs designed for high school age residents, older persons, special needs groups and families, to further the cultural development of Ku-ring-gai, community well-being and community participation.

KPO's pool of volunteer musicians are committed to providing high quality orchestral music and cultural engagement for a diverse range of demographics across Ku-ring-gai.

In return for Council sponsorship KPO has featured the Council logo on concert brochures, concert programs and in press releases. A letter from Mayor was included in the NSW Secondary Schools Concerto Competition finals concert program and Councillor Szatow made presentations as a member of the official party at the prize giving and after-concert reception. The Mayor has been involved with publicity photos and profiling of major events, such as the appointment of Artistic Director/Chief Conductor Ronald Prussing. The KPO website has a link to the Ku-ring-gai Council website. KPO has offered to feature a Ku-ring-gai Council banner at concerts, and I believe that arrangements are being made for this to take place. Several councillors have attended KPO concerts throughout the year.

KPO has a long-term commitment to Ku-ring-gai's cultural development and supports Council's strategies to assist cultural activities in the area to grow and thrive. I trust you will consider this submission favourably.

Yours sincerely,

Anne Cahill
Vice President
Ku-ring-gai Philharmonic Orchestra
Email: annecahill@optusnet.com.au
Tel: 02 9416 4199
Mob: 0412 797 223

Ku-ring-gai Philharmonic Orchestra

Annual General Meeting

President's Report – 2008/2009

Welcome to the thirty-seventh Annual General Meeting of the Ku-ring-gai Philharmonic Orchestra. In writing this last sentence, I am taken aback by the resilience of the Ku-Ring-Gai Philharmonic Orchestra. Are there many amateur orchestras in Australia who can boast of such longevity and still accurately claim that they are at the peak of their performance? This nostalgia has also been prompted by the fact that I have been trawling through the history of the orchestra, attempting to update thirty-seven years of repertoire performed by the orchestra. Although I, myself have played with the KPO for twenty-nine years, I know that we have members who have supported the orchestra for even longer than that. It strikes me that KPO must be doing something right to be able to elicit such loyalty in its members and audiences. We should be proud that this orchestra is able to convene a “thirty-seventh Annual General Meeting” and I would like to look back on the past year to explore the elements that contribute to the long-term success of the Ku-ring-gai Philharmonic Orchestra.

Firstly, the KPO has always been very much focused on presenting interesting programmes with exciting soloists. The past year has been no exception beginning with the subscription concerts featuring Beethoven Symphony no 7, Bruckner Symphony no 6 and in 2009, Sibelius Symphony no 2 and Dvorak Symphony no 6. We have also been privileged to work with high quality soloists such as Julian Smiles, Tamara-Anna Cislowska and Shefali Pryor.

The success of the orchestra is also based on the variety of repertoire performed. In the past year this has been demonstrated by the popularity of the “Themed” concert namely “Symphony at the Movies” where Paul Byrnes, film critic with the Herald and Ron Prussing, conductor led us through the music to some classic and popular movies. This concert was performed on both the Saturday night and the Sunday afternoon and was a huge success with capacity audiences on both days.

Similarly popular was the Charity Concert in December, organised in collaboration with St Ives Rotary Club. George Ellis conducted KPO in rehearsal and performance, leading the orchestra and the audience through some light and enjoyable classical music. The Kids' Proms in September covered the interesting topic of “Battles, Brass and Bravery”, a topic designed to excite the imagination of the young audience. Again the two afternoon concerts attracted large audiences of children and adults alike all of whom were organised by Simon Smith the presenter and Carolyn Watson, conductor.

A huge milestone for the KPO during the past year was the twenty-fifth anniversary of the Ku-ring-gai Philharmonic Orchestra Secondary Schools Concerto Competition. The Concerto Competition is always an important date in the KPO calendar, but to celebrate twenty five years of this competition again demonstrates my initial point of the longevity

and high standard of excellence demonstrated by the orchestra. Since its inception, the Concerto Competition has grown in size, stature and standard. I still remember playing in the very first Concerto Competition in 1983 and being astounded by the beautiful performance given by the winner, Hikari Nakamura. It was therefore a great delight to welcome back Hikari as adjudicator for the twenty-fifth anniversary of the Competition. In addition, the presence of Her Excellency Professor Marie Bashir, the Governor of New South Wales at the Finals performance again demonstrates the prestige that this competition has attained. This was a huge concert to organise and thanks must go to the Concerto Competition Committee, John and Barbara Cran, Jocelyn Brennan-Horley and Liz Wilson for the large amount of time and effort they put into this event. The success of the twenty-fifth anniversary concert is a tribute to their hard work.

Another important KPO project, is the annual Composers' workshop. Each year this venture gains prestige within the Australian music community and elicits positive feedback from all the composers involved. The commissioning of new Australian works, the inclusion of Australian music in our programmes and the fostering of young Australian composers are all high on the agenda of the Ku-ring-gai Philharmonic Orchestra. The Composers' Workshop this year attracted entrants from interstate who commuted long distances to the rehearsals in order to have their works played/recorded by the KPO and mentored by the distinguished Australian composer Andrew Schultz. Thank you to Lewis Cornwell and Anne Cahill for the organisation of this important event in our calendar.

Over the past year, the KPO has awarded our inaugural Young Performers' Scholarship. In the interests of further developing the talent that we see each year in the Secondary Schools Concerto Competition, the orchestra invited applications from past participants of the Concerto Competition. The standard of the entrants was high but the eventual winner, Martin Smith, was chosen not just for his high standard of professional playing, but also for the strength of his suggested project in bringing music to the wider community. Earlier this year, the inaugural scholarship of \$10,000 was presented to Martin's family, Martin being in Europe studying and performing. Martin was thrilled to receive this scholarship from the KPO and will be working with the orchestra at a later date when he arrives in Australia for a series of concerts with Musica Viva.

Finally, this year has been an important one for the KPO in terms of searching for an Artistic Director and Chief Conductor of the Ku-ring-gai Philharmonic Orchestra. Again, applications were invited, interviews arranged and auditions organised for those on the short list. It has been interesting to see the high standards and different styles of each conductor as they prepare the orchestra during rehearsals and performance. We are hoping to be able to come to a decision and make this important appointment by the middle of 2009. This appointment will be vital to the long-term viability and continuing high standards of the KPO.

At the beginning of this report, I posed a question asking what elements contributed to the success of the Ku-ring-gai Philharmonic Orchestra. In examining the events of the

past year, it is clear that interesting repertoire, diverse projects and concerts that reach into the community all contribute to the continuing success of the orchestra. In addition, the KPO is indebted to the many financial supporters of the Orchestra, in particular Ku-ring-gai Council, The Grange, Turrumurra Community Branch Bendigo Bank, Ravenswood School, St Ives Shopping Village, the Friends of the KPO and all those donors who have helped to financially sustain the KPO. In addition, there is a community of people who play a large part in the running of the orchestra and thus contribute significantly to the success of the KPO.

Thank you to those members of the Executive Committee, Planning Committee, Concerto Competition Committee, Marketing Committee and the Orchestra Sectional Managers. Thank you also to Madeleine Adams for her work with the Friends, Jocelyn Brennan-Horley for her tireless attention to so many different details, Martin Brown for his ongoing maintenance of the website, Suzanne Cattell and Carol Stiles for organising the library, to Loraine Golden for her guidance in marketing the KPO but mostly to Anne Cahill for the huge workload that she shoulders to ensure the success, not just of the long-term vision for the KPO, but also the day to day running of this large organisation.

I sincerely hope that all of us here tonight at the thirty-seventh Annual General Meeting, as well as those members who are not able to be with us, are interested in there being a “fiftieth Annual General Meeting of the Ku-ring-gai Philharmonic Orchestra”. How can we ensure the continuing existence of the KPO? KPO’s continuing existence and the administration of the Orchestra requires support from both the players and from the outside community. I ask that, this year, we all stop and consider deeply and seriously what we can do to maintain the excellence of the Ku-ring-gai Philharmonic Orchestra. Because it takes dedication and time from many people in order for this orchestra to function and it is only with the help of many people that KPO will continue to flourish.

Louise Keller
President
Ku-ring-gai Philharmonic Orchestra

GORDON & NORTH TURRAMURRA GOLF COURSES - LEASES & PROFESSIONAL SERVICES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the current status of the operational management of the Gordon and North Turramurra Golf Courses.

BACKGROUND:

Ku-ring-gai Council is the owner of two public golf courses at Gordon and Turramurra. Council is responsible for the maintenance and upkeep of the courses and outsources the professional operations to Tee Tops Pty Ltd. The Gordon Golf Club also operates from the Gordon course.

COMMENTS:

There are a number of matters that should be addressed prior to Council making decisions about the future of Gordon and North Turramurra Golf Courses. It is recommended that an independent consultant be sourced through the NSW Professional Golfers Association (NSW PGA) to conduct a professional and independent review of operations at Gordon and North Turramurra Golf Courses.

RECOMMENDATION:

That Council extend the current contractual services with Tee Tops Pty Ltd to allow for an independent review of the operations at Gordon and Turramurra Golf Courses.

PURPOSE OF REPORT

To advise Council of the current status of the operational management of the Gordon and North Turramurra Golf Courses.

BACKGROUND

Ku-ring-gai Council is the owner of two public golf courses at Gordon and Turramurra. Council is responsible for the maintenance and upkeep of the courses and outsource the professional operations to Tee Tops Pty Ltd.

Council entered in Contractual Service Deeds with Tee Tops Pty Ltd in 2003. The deed gives Tee Tops Pty Ltd the right to operate the Pro Shops on each course, from which the golf course business is conducted. Rounds are sold to the public via a numbered and coloured card system, golfing equipment is for sale and hire, and refreshments are sold from these points. Tee Tops Pty Ltd is also responsible for golf tutoring and supervision of the golf courses.

The income derived from the sale and administration of the numbered and coloured card system, less the commission payable to Tee Tops Pty Ltd, is payable to Council. Over the last few years, Tee Tops Pty Ltd has raised concerns with Council regarding the downturn in the golfing industry and the downturn of their income.

The contracts to Tee Tops Pty Ltd are due to expire 31 December 2009 (Gordon) and 31 January 2010 (Turramurra). An Expression of Interest must be undertaken to advertise and select the successive contractors. Tee Tops Pty Ltd has indicated they will apply. Gordon Golf Club has also indicated they are interested in applying for Gordon Golf Course only.

Gordon Golf Course is also home to the Gordon Golf Club. Gordon Golf Club, established in 1936, is lessee for the clubhouse and storage facility. The Club's income is derived from the sale of food and alcohol, poker machine revenue and the hiring of function rooms within the clubhouse. Income is also received from the rounds paid by club members to play during the exclusive tee times allocated.

The Gordon Golf Club has relied primarily on its members to support the club and it has maintained a healthy operating profit. In the last five years, however a general downturn in the golfing industry has had a significant impact on the club.

The existing lease was entered into in 2003 for a 10 year period, with the club's annual financial commitment to Council increased. Under this arrangement, the club remits money to Council through:

- a) Base rental
- b) 1.5% of the net turnover from tee access fees as income
- c) 1.5% of the net turnover from tee access fees as a golf course improvement levy, and
- d) Additional commission based on the number of rounds achieved after the first 10,000 per annum.

Item 4

S02140
2 November 2009

Gordon Golf Club has also advised that the number of player rounds have decreased over the last few years, however this seems inconsistent with player round data. (Attachment A)

Gordon Golf Club has requested their lease be renegotiated, as they claim the financial responsibilities are too onerous given the current economic climate.

An Expression of Interest process was conducted earlier this year to select a new tenant for the Meals on Wheels facility at 6 Lynn Ridge Avenue, adjacent to the clubhouse, in the golf course precinct - Gordon Golf Club was the preferred lessee selected by the Selection Committee. The Expression of Interest was reported to Council on 30 June 2009, where it was resolved to defer the matter and refer it to the Community Reference Committee. The Community Reference Committee met on the 22 July 2009 and supported the recommendation that Gordon Golf Club was the most suitable tenant for the facility.

The decision of this meeting was reported to Council on 25 August 2009, and it was deferred again following claims made by 2 speakers – W. Church and G. Inglis.

Resolution 25 August 2009

Resolved:

(Moved: Councillor Cross/Mayor, Councillor E Malicki)

That consideration of the matter be deferred until Council reviews questions raised by the two speakers.

W Church and G Inglis, members of Gordon Golf Club addressed Council with concerns regarding the Club's financial situation and governance practices. Since then, correspondence from Mr Church has been received with further details defined. (Attachment B)

Council Officers have reviewed the issues raised in the letters and address the issues broadly in the below discussions:

1. The EOI process was not intended to be a purely financial review, rather to select the most suitable tenant on a range of criteria.
2. The Club provided the previous financial years audited statements which met the criteria.
3. In this case the Community Reference Committee and Council's Selection Committee confirmed that the Golf Club was the most suitable tenant and the uses proposed complemented the golf precinct.

The Gordon Golf Club has also responded to the claims made by Mr Church. (Attachment C)

Gordon Golf Club submitted a proposal and a business strategy with the following proposals:

- It would undergo major renovations to the clubhouse and in line would undertake sympathetic renovations to the former Meals on Wheels building.
- The former Meals on Wheels facility would be converted into a junior's room to encourage young members and give them an area where they can socialise and store their equipment. Junior Golf programs would be established and maintained. Given the state of disrepair of the rooms, the Club proposed to fund the refurbishment and pay a nominal rent of \$5,200 per annum.

Item 4

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2 November 2009

- Respond to the upcoming Expression of Interest to select a provider of professional services and operate the Pro Shop, as it is aware of the expiry dates of the current deed for professional services. The club would cover the area and incorporate it into a full refurbishment of the Pro Shop and former Meals on Wheels facility.
- Over the next five years it is stated that it is critical the club expands its business in terms of operating profit and the number of members, in order to keep membership costs and the price of a round of golf at acceptable levels. The Business Plan attempted to outline how the club will respond and prosper in this environment.
- Proposal to complete the construction of 20 additional car spaces during the term of the tender at the expense of the Golf Club.

Despite the proposal being fit for the intended purpose for this facility, the former Meals on Wheels facility remains untenanted as this matter has not yet been resolved. As such, Council is being deprived of rental income.

It is proposed that a report come to Council in December recommending that Gordon Golf Club be granted a temporary lease for the facility while the review is conducted.

Council was notified that Gordon Golf Club President, Ian Harvey, resigned on 10 October 2009 and is replaced with Vice President, Mr Ray Childs.

Capital Works Projects to Courses

During the next 12 months Capital projects at both courses may impact on day to day golf business. The Golf Club has also recently completed capital improvements to the clubhouse.

Recent Works by Gordon Golf Club

Over the last 2 years Gordon Golf Club has expended significant funds on capital building improvements based on a Development Approval in 2007. The works proposed to address disabled access and improve access, dining and bar facilities. Gordon Golf Club expended over \$397,000 in 2008 and \$236,000 in 2007 on capital works and plant. Construction included the completion of new bar & food equipment, air-conditioning a new toilet block, disabled access, car parking and refurbishment of entry stairs.

Council Sewer Mining Project - Gordon Golf Course 2010

There are no set dates yet as this contract is subject to obtaining certain approvals which are not confirmed to date. Works have been programmed to commence prior to Christmas 2009.

Assuming they are carried out according to program, the plant will be operational by August 2010. During this period there will be varying levels of disruption to the golf course, which will impact on business in the short term, but will provide a consistent water supply for course condition.

In addition to the sewer mining project, work is also planned to upgrade the irrigation system on course. At this point in time, a program is not available for the irrigation work, although it is expected that some work may be carried out concurrently with the construction of the sewer mining plant.

Item 4

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2 November 2009

Turramurra Golf Course

On 13 November 2007 the NTRA Master Plan was adopted by Council. The Plan provides for a sewer mining project and a dam to be built for the purposes of initially irrigating Turramurra Golf Course.

To date, the design and construction tender for the sewer mining facility has been finalised and work is scheduled to commence mid 2010. Works for the dam have been approved, and is due to commence in January 2010. The project is anticipated to take 12 weeks.

Further plans for the area as a whole will be concluded upon funding approval which will impact on the golf course.

COMMENTS

Given the complex set of circumstances described above, there are a number of matters that should be addressed prior to making decisions about the future of the golf course. Issues requiring further exploration and consideration are:

- The system by which the contractor for professional services conducts its business and remits income from public rounds back to Council. Business at both courses is unsupervised by Council, and given the fact income to Council and the contractor is based on rounds played and not on straightforward figures, a full review of this system, a Pro Shop audit, and an audit of all systems should be conducted.
- The downturn in profitability of the Gordon Golf Club. The club's operations and finances require examination in context with the current industry downturn.
- Both the Gordon Golf Club and contracted service provider – Tee Tops Pty Ltd, together with Council, note the rounds charged are inexpensive in comparison with other clubs. A comparative study is required to examine how other private and council owned golf clubs operate and conduct their business. Their business trends, charges for rounds and membership, methods and marketing techniques would be compared against Ku-ring-gai's for assessment.
- The current system of delegated responsibilities between Gordon Golf Club and Tee Tops Pty Ltd.

In order to achieve the objectives above, and to retain transparency during this process, it is suggested that an independent consultant be retained to complete this process. Once finalised, the findings and recommendations would be reported back to Council for consideration. Given the degree of income earned by the golf course business and the absolute potential for a higher income achieved, it is essential that such a holistic review take place.

It is not enough that Council undertake this review internally, this review requires an independent expert in golfing business with suitable recourses and experience and industry 'know how'. It is suggested that the right consultant be sourced through the NSW Professional Golfers Association (NSW PGA) to ensure the best possible outcome.

Item 4

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2 November 2009

Specific issues to be addressed:

- Golf course management arrangement, fees and charges, the manner in which revenue is returned to the owner Council, leasing agreements, contracts, operational matters and costs.
- Review the feasibility of Gordon Golf Club's capacity to maintain its obligations under current leasing arrangements, by a full review of its operations, and future business plans.
- Review the business of Tee Tops Pty Ltd by physically monitoring the business at the consultant's discretion.
- Survey of catchments – a full survey of course players and catchment locations. The level of customer satisfaction should also be noted.
- Recommendations for maintenance obligations.

Once the study has concluded, the findings and recommendations will be brought back to Council for determination. When all factors are brought before Council, an informed strategy as to how to progress Council's golfing business can be achieved and implemented.

In order to facilitate the study Council will need to do the following:

- Defer the Expression of Interest process to select contractors for provision of services to the public for both courses. This decision requires immediate action as both the Deeds for Contractual Services with Tee Tops Pty Ltd are due to expire. Gordon – 31 December 2009 and Turramurra – 31 January 2010. An Expression of Interest process to select new contractors and to create a new contract is not feasible now, given the circumstances discussed in this report.
- A resolution from Council is required to extend the current deeds with Tee Tops Pty Ltd. This will have the effect of allowing Tee Tops Pty Ltd up to another year of operation and adequate time for a consultant to facilitate a review without any disruption and/or changes to the current business.

CONSULTATION

There has not been any community consultation undertaken in conjunction with the writing of this report.

FINANCIAL CONSIDERATIONS

No major financial changes are proposed with regard to the requested extension of contractual services with Tee Tops Pty Ltd, and the current 5% annual increase will be applied.

It is anticipated the review will cost between \$20,000 and \$30,000. Funding for the review will be sourced from the Community budget and adjusted at the next quarterly review.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from the following departments were consulted in preparing this report:

- Corporate & Finance
- Strategy.
- Operations

SUMMARY

There are concerns that the current arrangements at Gordon Golf Course, in particular, with club lease arrangements, together with a separate professional services contract, and Council responsible for all course maintenance, actually may reduce the profitability of the golf course business overall, as there is no single unified and co-ordinated structure to the business. There is also the consideration of the marketing, promotion, pricing structure and changes that will occur over the next 12 months, as the condition of both courses improves following the sewer mining capital works.

With the recent decline in golf course player participation, changes in practices are difficult, given the restrictive nature of the current agreements. For example, the need to counter the loss of junior golf players requires an integrated program and facilities and strategies that compete with nearby private courses.

Concerns regarding the long term viability of the Gordon Golf Club need to be addressed and provision to enable expansion of business activities should be considered within the limitations of the Plan of Management.

It is proposed that a review of Council's golf course businesses is undertaken and appropriate strategies are resolved, and recommendations inform Council's decisions in a future EOI for both Courses.

If this resolution is not adopted in relation to the extension of Tee Tops Pty Ltd contractual services, Council will need to self manage the areas of responsibility under the Deeds, as tenure will have expired and the current contractors will not have legal tenure. Staff and financial resources will be required for this.

RECOMMENDATION

- A. That Council extend the Tee Tops Pty Ltd Contractual Services Deed for a minimum of 6 months (31 July 2010) with an option to extend for an additional 6 months (31 January 2011), to allow for adequate time to conduct a review.
- B. That Council obtain the services of an independent consultant through the NSW Professional Golfers Association (NSW PGA) to undertake a review of operations at the Gordon and North Turrumurra golf courses, as outlined in this report.

Michelle Makler
**Lease and Licence Officer
Community & Recreation Services**

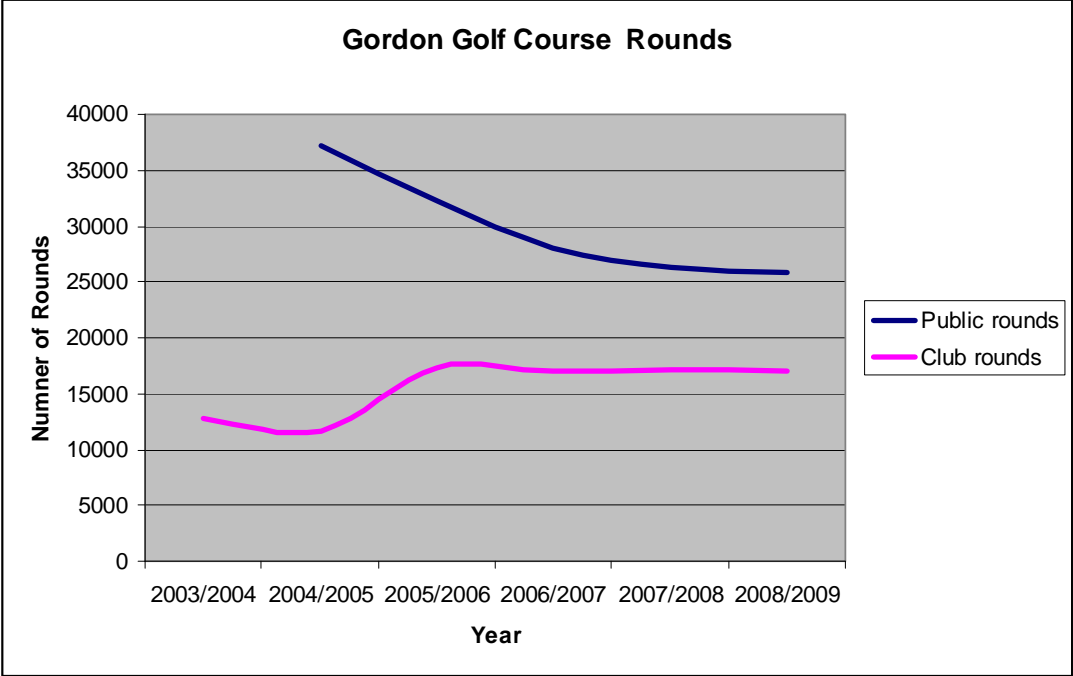
Mark Taylor
**Manager Community &
Recreation Services**

Janice Bevan
Director Community

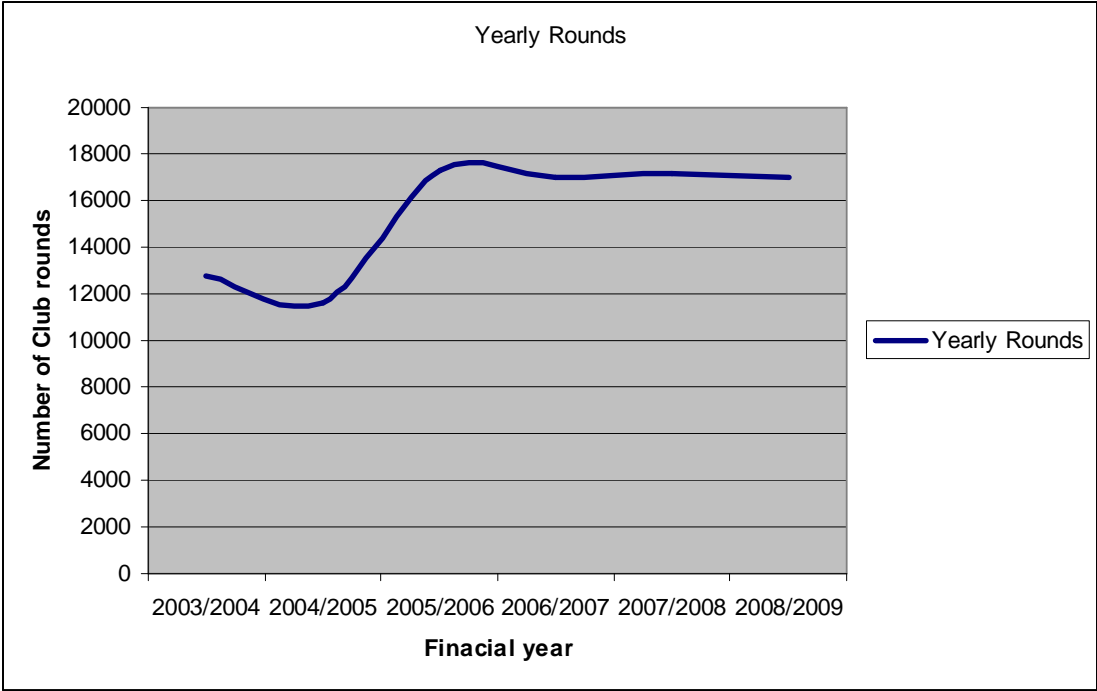
Attachments:
A. Golf Course data - 2009/191561
B. Correspondence from Mr Church - 2009/191311
C. Gordon Golf Club response to claims by Mr Church with attached financials
- 2009/160256, 2009/191330 & 2009/191326

Golf course data – Player Numbers 2003-2009

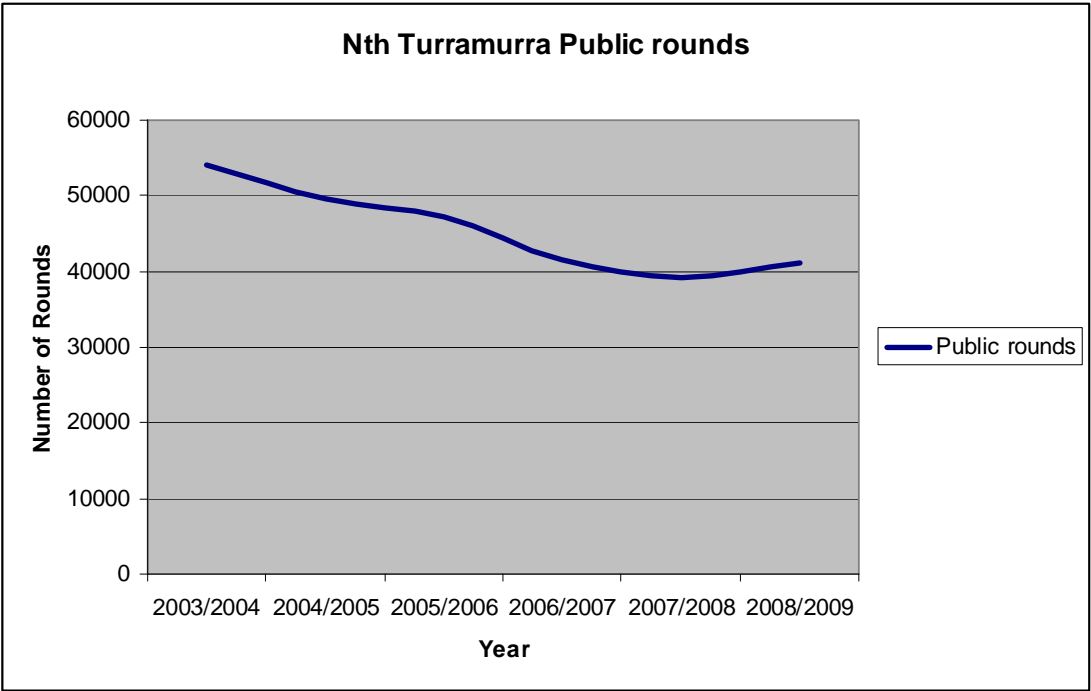
Gordon



Club Rounds only



Turramurra Golf Club – Public Rounds only



Mr J McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073



29 September 2009

Dear Mr McKee,

Re: Expression of Interest for Lease of Former Ku-ring-gai Meals on Wheels Kitchen from Gordon Gold Club ("the EOI")

Following my address to Council on 25 August 2009 I arranged for copies of the EOI and the attached document "*Gordon Golf Club Business Plan 2009/12 Nov 08 Final*" to be freely available to members. A significant number of members took copies of the EOI.

I assume Mr Harvey has provided Council with copies of the attached correspondence:

1. "*Message to the Members of Gordon Golf Club Ltd from your Elected Board*" dated 5 September 2009 (Attachment A)
2. "*Gordon Golf Club – September Update*" (Attachment B) (undated and unsigned)

The Message to the Members of Gordon Golf Club signed by Mr Harvey contains the following statements:

"At no stage has the Board made any financial commitment to this Expression of Interest. At a similar time we also applied for a NSW Community Building Partnership Grant for \$25,000 for the cost of renovating the building. We will find out in due course as to the outcome of our application but rest assured, we will readdress our expression of interest if we are unsuccessful with the funding grant."

It appears from Mr Harvey's Message to the Members that the financial terms contained in the EOI submitted to Council on or about 19 March 2009 are conditional on the Club's "*success with the funding grant*". It appears that the EOI does not make any reference to this important condition.

Of course this might be because the NSW Community Building Partnership Grants were not known about in March 2009 when the EOI was submitted to Council. I'm sure you are aware that this Grant Program was only announced by the NSW Government on 16 June 2009, some 3 months after the submission of the EOI.

I assume the Council Committee which evaluated the EOI was not aware the EOI and/or the terms of the EOI were conditional on the Club securing a \$25,000 grant under the NSW Community Building Partnership Grant program.

In the Gordon Golf Club – September Update Mr Childs states:

"Firstly, the EOI is just that, an expression of interest, and as has been mentioned by the President, the Board has not committed any funds to taking over the lease of the building."

If and when the Club is engaged in the tender process, as determined by Council, we will go through this proves to ensure it is commercially viable and conforms to our overall business strategy"

It appears from Mr Childs' statements that the Board had not considered the commercial viability of the financial proposals contained in the EOI before it was submitted to Council in March 2009.

Mr Childs also states:

"In this case we also had a very real threat of the building being occupied by another community group, The Shed, which had the potential to severely disrupt the golfing environment at Gordon. If the Board had chosen to do nothing and this group had leased the building then I am sure a lot of members would have been angry at our inaction".

It appears that Mr Childs is also stating that in his opinion a motivation for the Board submitting the EOI was to try and prevent The Shed from leasing the building.

Yours sincerely,

Warwick Churche
28 Johnson Street
Chatswood 2067



Attachment A

Gordon Golf Club Limited

Since 1936

5 September 2009.

Message to the Members of Gordon Golf Club Ltd from your Elected Board

Dear Fellow Members,

You may be aware of some recent information distributed to members by a very limited number of disgruntled individuals of the Club. We believe this divisive course of action is unsettling and may be driven by a more personal agenda, rather than in the interests of the majority of the membership. It is vital that members are given the facts.

The Board spent many months of hard work during 2008 to prepare a Business Plan which was finalised in November 2008. The plan is a guiding document for current and future Board members. It voices our existing views on ideal goals that we hope to achieve over the coming five to ten years. We are pragmatic and realise that we may not achieve all of these goals, and that they may change over time.

At no stage has the Board made any financial commitment to this Business Plan.

In fact, at various stages in the document we have stated:

- **Analysis of Current Situation**

".....further renovations will need to be funded in alternate ways (through a loan) or put on hold until the club has sufficient funds available."

And;

"Club management has taken a conservative, risk free, approach to future expenditure and has, and will in the future, consider return on investment and value to members, as key factors."

- **Analysis of Five Year Strategy**

"Note that any club loans over \$100,000 need to be referred to the members, as per the constitution."

- **Capital and Other Works**

".....the club will require external funding or a modified leasing arrangement with Council to complete any of these work items as the budgeted profit for the next five years will not cover them."

And;

".....The Board of Directors must therefore be fiscally cautious when considering any capital works programs."

Anyone wishing to view the whole document can contact Brian Chalmers in the office for a copy. Please understand this is a directional document for Board discussions.



Gordon Golf Club Limited

Since 1936

In March 2009, the Board lodged an Expression of Interest to the Ku-ring-gai Council to take over the former Meals on Wheels building.

At no stage has the Board made any financial commitment to this Expression of Interest.

At a similar time, we also applied for a NSW Community Building Partnership Grant for \$25,000 for the cost of renovating the building. We will find out in due course as to the outcome of our application but rest assured, we will readdress our expression of interest if we are unsuccessful with the funding grant.

The Board has over the last few years taken a view that we need to build both a golf and social community club. Our desire is to eventually improve the facilities that we offer. This will include the facade of the building and surrounding areas in coming years.

Whilst the reality of our trading figures for the year so far is a loss, we are in front of where we were at this time last year. Please remember, our loss for 2008 was only \$7,000 before a once only write-down of capital items to adjust the Balance Sheet to a more accurate account. A detailed analysis of past performance of the last two years during spring and early summer months encourages us to believe that if we can trade under similar conditions, then we may indeed post a modest return and meet our budgeted figure of \$5,000 profit.

The one thing the club does not need is additional costs incurred by having to continually justify our actions in response to assumptions and innuendo by a select few, who have jeopardised the well constructed plans for Club operations and our reputation within the local community.

We are buoyed by the support that our golfing and social members give to the club, and will continue to provide a low cost, quality atmosphere for members to enjoy themselves.

The Board of the Club is well aware of the difficult times in which we are trading. We believe the future of the Club is very positive and in a good position for following Directors to nurture further development when practical and necessary. The Board has and will continue to act honestly and faithfully in its obligations to the Club and its members. After all, we too are members and strive to see the club prosper.

Warmest regards,

Ian Harvey, President
On behalf of the Board of Directors

2 Lynn Ridge Ave Gordon NSW Australia 2072 Tel: 9498 1913 Fax: 9880 2337
Email: info@gordongolfclub.com.au
A.B.N 97 001 045 478

Gordon Golf Club – September Update

It would seem that the Board is again being challenged by some members over their ability to move the Club forward in a positive direction and thereby ensuring the longevity of the Club for not only its existing members but for future generations.

The focus appears to be the 'Expression of Interest' for the Meals on Wheels building and the Business Plan, both of which were clearly detailed in our March 2009 newsletter (available on our website).

Firstly, the EOI is just that, an expression of interest, and as has been mentioned by the President, the Board has not committed any funds to taking over the lease for the building.

As with all initiatives and/or decisions made by the Board, there is a rigorous 'impact assessment' process conducted by the Board prior to any decisions being made, whether financial or operational or a combination of both. This is a formal, structured process which was introduced last year to ensure Board members had an overall understanding of the initiative.

If and when the Club is engaged in the tender process, as determined by Council, we will go through this process to ensure it is commercially viable and conforms to our overall business strategy.

Secondly, the Business Plan, as outlined in the newsletter, is a 'vision' of where we would like the Club to be in 5-10 years time. The plan, in itself, is a number of integrated ideas, with some very ballpark figures to give the current and future Boards an idea of what the costs may be. It would be stupid to think we have, or intend to spend, the \$1M plus to implement these ideas without appropriate funding being available.

The Board's goal is to drive the Club towards that vision, without which we would not have a roadmap of where we are going. We have no idea how long this may take but as you can hopefully see, unless we start somewhere, such as the EOI for the MOW building, we will never be able to move forward.

In this case we also had a very real threat of the building being occupied by another community group, The Shed, which had the potential to severely disrupt the golfing environment at Gordon. If the Board had chosen to do nothing and this group had leased the building then I am sure a lot of members would have been angry at our inaction.

Lastly, and to state the obvious, the Club cannot afford to do everything as detailed in the Business Plan. The Board is however constantly researching ideas on how to achieve our vision in stages and over time. Each of these ideas are again, simply ideas, and should an idea be worth pursuing it will be developed through the formal, structured process as outlined above. The Board has no intention of putting the Club in a non-viable financially unstable position in order to achieve the vision.

I ask that you as members understand the Business Plan is a strategy document and will be reviewed regularly to ensure it is as up to date as possible. At any point in time the plan may contain information that is not necessarily up to date, this is because it is a strategy document and when required will be updated. Whilst it is a working document for the Board it is also available to members on request.

Members are encouraged to raise any questions they have with the strategy or EOI with Brian, Ian or myself.

Ray Childs
Vice President

From: Ian Harvey [ian@befinancial.com.au]
Sent: 14/09/2009 at 2:20 PM
To: To The Mayor
Cc: Carmel HughesJanice Bevan
Subject: Gordon Golf Club Ltd

Dear Mayor and Councillors,

At the recent Council meeting of 25 August 2009, a small number of Gordon Golf Club (GGC) members presented an argument against Council approving the GGC as the preferred tenant for the area known as the Meals on Wheels building (MOW).

The GGC did not have any representation at that meeting as notice of their planned actions was not posted to the GGC until two days after the meeting. Had we been advised in time, we would have been in a position to refute their inaccurate statements.

It is not known by the Board of the GGC as to why these members have chosen to take this approach or what their agenda is. It is however important that Council understand the true position of the GGC in terms of financial stability, the ability to lease the MOW and what our overall Business Plan states.

Firstly, the GGC's financial position is sound and we are neither trading insolvent or intend to incur any debt at this time that would put that position in jeopardy. As you well understand, the GFC has affected most individuals and businesses; the GGC is no exception. We are however trading well and expect to record a small budgeted profit for 2009 and not a trading loss of \$50,000 as reported by Mr Church.

The Board scrutinises the GGC's financial position on a regular basis and has conducted a number of reviews, including an informal, independent analysis. We are confident of the financial viability.

Secondly, the Business Plan as referred to by Mr Church, is a strategic document and is used as a guideline for the Board of Directors. At no stage have we committed any funds to any of the initiatives outlined in the document. In fact, the document indicates numerous times our intent to sit tight for the foreseeable future; a fact that Mr Church disregards. With respect to the MOW lease, we are yet to enter into discussions with Council so the financial commitments therefore are not yet known.

Our club house lease was revised in 2003 when our financial commitment increased from approximately \$100,000 pa to \$250,000-\$280,000 pa. At the time, the necessity was to ensure the GGC had a secure lease in place, but since then the financial strain of a 250% pa increase has meant our club finds it difficult to compete with other local golfing clubs. We have instigated discussions with Council staff regarding the opportunities that may exist to modify the lease, the financial arrangements associated and our vision for the golf club precinct as delivered to Council staff on 20 July 2009.

The GGC has shared the Business Plan with Council as part of the EOI on the MOW so that we can work closely together to develop the course and its environs as a true golf and community facility. It would be disappointing if a few ill-informed members were to de-rail what has been a great working relationship with Council over a number of years.

The GGC will be providing further detailed financial analysis in the coming weeks to the General Manager, John McKee, and Director Janice Bevan in support of the above. If any Councillor requires further information we will gladly meet and discuss in the meantime.

Yours faithfully,

Ian Harvey
President
Gordon Golf Club

Balance Sheet at 30/09/09

	Balance	End Last Year
Current Assets		
Cash at Bank	1,761	7,772
Atm Clearing Account	(450)	
Cash at Bank Savings A/C	26,544	50,000
Cash on Hand	12,400	11,400
Womens Golf Cash at Bank	1,113	1,113
Debtors Control A/c		2,498
Prepayments	34,204	50,765
Stock on Hand - Bar	17,392	15,925
Accrued Income	573	
Total Current Assets	93,538	139,473
Non Current Assets		
Buildings at Cost	897,088	865,538
Buildings Accum Amortisation	(318,819)	(297,264)
Furn & Fittings at Cost	160,629	154,724
Furn & Fittings Accum Dep	(81,629)	(75,176)
Plant & Equipment at Cost	255,235	245,891
Plant & Equipment Accum Dep	(113,470)	(101,914)
Poker Machines at Cost	144,916	116,530
P M Accumulated Depreciation	(99,769)	(97,204)
Course Improvements At Cost	50,076	49,176
C I Accumulated Amortisation	(27,953)	(24,776)
Total Non Current Assets	866,305	835,526
Total Assets	959,843	974,999
Liabilities		
GST Collected	19,155	13,881
GST Paid	(14,815)	(24,441)
Superannuation Liability	1,685	
PAYG Tax Payable	2,726	3,449
Salary Sacrifice - Car	(3)	660
Members A/C Liability	17,526	16,880
Proshop Voucher Liability	9	333
Bistro Voucher Liability	149	127
Annual Leave Provision	24,624	26,990
LSL Provision	19,986	18,292
Green Excess Rounds Provision	11,337	12,137
Junior Development Fund	2,218	2,218
Subscriptions In Advance	73,587	2,141
Accrued Expenses		2,244
Finance Liability ST	40,167	
Unexpired Lease Charges	(5,915)	
Creditors Control A/C	43,996	156,672
Total Liabilities	236,433	231,582
Net Assets	723,410	743,418
Opening Retained Earnings	743,418	795,305
Income	649,840	890,505
Expenses	668,759	942,393
Profit/(Loss)	(18,919)	(51,888)
Closing Retained Earnings	724,499	743,418

Profit and Loss at 30/09/09

	Month Actual	This Mth Last Yr	Month Diff	Y.T.D. Actual	Y.T.D. Last Yr	Y.T.D. Diff
Bar Trading						
Bar Sales	30,864	26,126	4,738	259,307	235,128	24,179
Bistro Snack Sales	15	65	(50)	543	65	478
Overs/Unders	(362)	(406)	44	1,181	175	1,006
Sundry Income	136	182	(46)	4,059	2,278	1,781
Total Income	30,654	25,966	4,688	265,091	237,645	27,446
Bar Expenses						
Cost of Sales Bar	12,650	10,327	2,323	109,856	96,996	12,860
Repairs & Maintenance	0	33	(33)	1,249	33	1,216
Sundry Expenses	502	0	502	3,256	8	3,248
Superannuation	1,087	916	171	10,209	10,633	(424)
Wages & Salaries	12,083	10,173	1,910	115,179	94,890	20,289
Total Bar Expenses	26,322	21,448	4,874	239,749	202,560	37,189
Bar Trading Profit	4,331	4,518	(187)	25,341	35,085	(9,744)
Gaming						
PM Net Clearances	9,052	13,361	(4,309)	91,742	89,649	2,093
Gst Pokermachine Rebate	905	2,841	(1,936)	10,240	6,009	4,231
TAB Settlement A/C	(92)	(621)	529	1,745	1,028	717
Total Gaming Revenue	9,864	15,580	(5,716)	103,727	96,686	7,041
Gaming Expenses						
Rental Payments	0	0	0	0	4,790	(4,790)
Repairs & Maintenance	300	300	0	2,945	2,760	185
Depreciation	285	635	(350)	2,565	5,715	(3,150)
Duty	424	412	12	3,737	3,674	63
Tab Expenses	245	245	0	2,205	2,006	199
Pay TV Subscriptions	2,698	2,367	331	21,928	20,929	999
Total Gaming Expenses	3,953	3,959	(6)	33,380	39,875	(6,495)
Gaming Profit	5,912	11,621	(5,709)	70,347	56,812	13,535
Golf Trading						
Membership Fees	29,800	28,160	1,640	253,441	235,990	17,451
Entrance Fees	0	0	0	0	450	(450)
Green Fees	15,142	13,099	2,043	129,952	142,766	(12,814)
Sundry Income	25	750	(725)	3,249	1,595	1,654
Total Golf Trading Revenue	44,967	42,009	2,958	386,641	380,802	5,839
Golf Trading Expenses						
Course Rental	12,879	12,880	(1)	115,909	113,637	2,272
Green Fees Excess Rounds	569	(1,236)	1,805	11,499	9,541	1,958
Competition Expenses	1,008	991	17	12,021	11,633	388
Affiliation Fees	2,344	3,518	(1,174)	19,119	17,997	1,122
Interclub Expenses	742	346	396	12,425	12,446	(21)
Sundry Expenses	825	57	768	2,949	4,017	(1,068)
Trophies & Vouchers	3,487	3,536	(49)	35,104	41,318	(6,214)
Total Golf Expenses	21,853	20,093	1,760	209,026	210,589	(1,563)
Golf Trading Profit	23,114	21,917	1,197	177,615	170,213	7,402

Profit and Loss at 30/09/09

	Month Actual	This Mth Last Yr	Month Diff	Y.T.D. Actual	Y.T.D. Last Yr	Y.T.D. Diff
General Income						
Sundry Income	(38)	(141)	103	(1,991)	(1,132)	(859)
Raffles	(703)	0	(703)	(703)	0	(703)
Interest Received	(123)	(1,497)	1,374	(1,544)	(20,310)	18,766
Total General Income	(864)	(1,638)	774	(4,238)	(21,442)	17,204
General Expenses						
Advertising & Promotions	7	128	(121)	1,293	5,088	(3,795)
Audit & Accounting Services	1,336	1,125	211	12,027	10,125	1,902
Bank & Finance Charges	895	283	612	7,183	5,767	1,416
Computer Expenses	630	850	(220)	6,581	6,250	331
Communication Expenses	504	586	(82)	4,518	9,252	(4,734)
Depreciation & Amortisation	4,749	4,416	333	42,741	39,744	2,997
Directors Expenses	273	735	(462)	2,089	2,444	(355)
Donations	0	0	0	1,000	250	750
Entertainment & Functions	98	0	98	1,311	1,381	(70)
Insurances	5,257	3,242	2,015	28,495	29,176	(681)
Utilities	1,848	1,647	201	22,876	19,513	3,363
Clubhouse Rental	6,090	1,341	4,749	12,973	12,080	893
Printing Postage & Stationery	955	988	(33)	13,339	12,248	1,091
Repairs & Maintenance	3,733	5,460	(1,727)	45,328	46,021	(693)
Subscriptions & Sundry Fees	256	76	180	2,090	3,887	(1,797)
Legal Fees	0	0	0	3,309	0	3,309
Sundry Expenses	(303)	701	(1,004)	5,030	5,614	(584)
Motor Vehicle Expenses	800	600	200	6,650	5,850	800
Superannuation	576	898	(322)	6,421	6,782	(361)
Employee Entitlements A/L	(2,802)	(242)	(2,560)	(2,365)	1,774	(4,139)
Employee Entitlements LSL	188	188	0	1,694	1,694	0
Wages & Salaries	7,030	9,010	(1,980)	71,878	87,610	(15,732)
Total General Income & Expenses	32,120	32,032	88	296,461	312,550	(16,089)
Profit/(Loss)	2,100	7,662	(5,562)	(18,919)	(28,998)	10,079
Total Revenue	85,485	83,556	1,929	755,459	715,133	40,326
Total Expenses	83,385	75,893	7,492	774,378	744,132	30,246
EBITDA	7,134	12,713	(5,579)	26,387	16,461	9,926
EBITDA %	8.34%	15.21%	(0)	3.49%	2.30%	0
EBITDARD	26,102	26,935	(833)	156,269	142,427	13,842
EBITDARD %	30.53%	32.23%	(0)	20.68%	19.91%	0

POLICY FOR THE MANAGEMENT OF COMMUNITY & RECREATION LAND & FACILITIES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide Council with the draft Policy for Management of Community and Recreation Land and Facilities.

BACKGROUND:

In 2007 the Community and Recreation Property Unit was established. Land and facilities from the Open Space and Community portfolios were merged to create one centralised services unit.

The Policy for the Management of Community and Recreation Land and Facilities has now been drafted to consolidate the management of the Community and Recreation portfolio. The policy ensures strict management and financial procedures together with legal compliance. It proactively ensures a transparent, fair and equitable process by which all user groups within Ku-ring-gai can access Councils land and facilities.

COMMENTS:

The Policy for Management of Community and Recreation Land and Facilities has been devised to directly address the historic and current issues associated with the administration and management of Community land and facilities.

RECOMMENDATION:

That Council place the draft Policy on public exhibition for a period of 28 days, and after this exhibition time a report come back to Council for final adoption of the Policy.

PURPOSE OF REPORT

To provide Council with the draft Policy for Management of Community and Recreation Land and Facilities.

BACKGROUND

In 2007 the Community and Recreation Property Unit was created to develop centralised management of community and recreation properties and services to offer distinction from Commercial property arrangements. Staff and resources were allocated to manage and administer the hiring, seasonal allocation, licensing and leasing of the properties in the portfolio.

Previously the former Open Space Department operated under the guidelines of the draft Policy for Allocating, Licensing and Leasing Open Space Properties and Community managed its properties under the Community Licensing and Leasing Policy. Several facilities however were not subject to any specific policy, for example the permanent hire of Community Meeting Rooms.

With the creation of an overarching policy applying to all user groups, a clearer understanding of how Council operates with regards to its Community and Recreation land and facilities will be communicated. The purpose of this Policy is to ensure that suitable usage arrangements for Council's land and facilities is available and provided to all user groups.

The policy will apply to all sports facilities, Community buildings, halls and meeting rooms, St Ives Showground where Council makes the facility or land available to user Groups.

The table below generally reflects the full ambit of properties under the unit's management and the management policies to which it was historically bound, and some properties were not adequately covered by a previous policy.

The Current application of policies is listed below:

Category	Quantity	Type of Land or Facility	Current Policy for Referral
Open Space			
	47	Sportsgrounds with associated recreation facilities such as clubhouses and canteens	Draft Open Space
	71	Tennis courts at 21 locations	Draft Open Space
	5	Bowling Clubs	Draft Open Space
	2	Public Golf Courses	Nil – PoM only
	1	Public Swimming Pool	Nil
Community Facilities			
	12	Community Halls & Meeting Room Buildings – consisting of various rooms for hire or licence.	Community Policy for Leasing and Licencing
	12	Community Halls & Meeting Room Buildings – for hire	Nil
	17	Kindergarten and Childcare Facilities	Community Policy

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Category	Quantity	Type of Land or Facility	Current Policy for Referral
			for Leasing and Licencing
	17	Scout Halls	Nil –draft lease in draft.
Parks	4	Echo Point, Bicentennial, Wahroonga Rotunda and Swain Gardens.	Draft Open Space
St Ives Showground	9	Licenses for Showground Facilities	Draft Open Space

Issues Addressed in Preparing the Policy

The objectives and intentions in preparing the new policy are to capture all user arrangements within the overall policy framework, which seeks to address:

- No existing Policy for the Management of all Community and Recreation Services.
- User groups should have legal agreements to reflect and regulate their tenure.
- To create a financially efficient and cost saving property management process.
- To create optimal opportunity to maintain income for Council within the framework of Council's commitment to support local sporting and community groups.

The draft policy will deal with shortcomings of existing policies including:

The Community Policy did not sufficiently address how to manage proposed capital contributions from Community groups. Also, inconsistent application of rebates and levels of rebates applicable based information provided by user groups. The EOI process is cumbersome and delays often occur due to the high and competing demand for Community facilities. Council's high level of funding support limits the availability of funds for maintenance and capital improvements to the ageing facilities.

The draft Open Space Policy was not adopted and was used for reference purposes – it was developed to address the wide range of open space and sporting agreements. The Policy had shortfalls in resolving Insurance and Indemnification issues on Council and Crown Reserves, and the levels of Rebate to apply to Sporting organisations. Increasingly sporting users are willing to make Capital Contributions to sporting facilities however the draft policy offered no guidance of how to apply Capital Contributions where a seasonal hire is offered.

Preparation of a Combined Policy

The intention of the draft policy is to address all user requests, and to include and categorise all types of hire arrangements. This was based on the view that many facilities can have multiple types of hire arrangements.

The following range of user agreements are addressed by the draft policy:

- lease hold agreements
- licence agreements
- seasonal allocations

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- casual, or permanent bookings
- one off or casual hire arrangements
- contracts for provision of services

This policy covers the broad range of organised activities of user groups including the general public, community groups, childcare services, sporting clubs, fitness instructors, social clubs, industry groups, businesses, commercial users, religious organisations that seek to utilise Council's land and facilities in an organised manner.

This policy does not cover general community uses that do not require a booking for individual pursuits such as walking, bushwalking, off leash dog areas, non-exclusive small family gatherings, and informal uses of open space, parks and gardens.

Review of other Council Policies

A review of a range of Metropolitan Local Government leasing and hire arrangements was undertaken as part of the assessment. The two most applicable examples are Bankstown and Rockdale Council. Councils have a variety of methods of preparing leases and hire arrangements for Community and Sporting Groups.

A Summary table of a selection of Sydney Councils policies and procedures is listed below.

Council	Policy	Hire Arrangements	Charges	Capital	Rebate
Bankstown	Community Facilities Policy (does not apply to casual or seasonal hire)	Lease – secure, may be exclusive, higher maintenance and capital input. Licence – short term, minor maintenance resp max to 5 years.	Admin fee of \$150 for all agreements. Levy- Annual Fee from July09 (\$500 - \$5000 per year)	Improvements by Lessee.	Subsidised rate
Rockdale	Recreation & Community Facilities Management Policy	Lease – 1-5years plus 2 options Licence – 1-3 yrs plus 2 options Permit – 2-4 hours or 1 year seasonal booking	Lease Returns Market Rental. Casual at fees & Charges Proposing a levy per player for Capital works. (\$5/\$10)	Leases and licenses at market value	No discounts
Hornsby	Policy- not named (Open Space)	Seasonal licence for sports grounds. Lease clubrooms for one year.	Not given.	Does not give increased tenure rather the option to move forward on Council's Capital.	No financial assistance unless club demonstrates financial hardship.
The Hills	Under review Kindergarten leases with GM. Sports policy currently under review.	Leases – based on real Property Act in exchange for capital contribution.	Charge full legal costs	No discount for Capital Contribution	Community 50% of commercial

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Council	Policy	Hire Arrangements	Charges	Capital	Rebate
Willoughby	Yes	Leases- some long term lease agreements (eg Gordon Rugby) Licences – 5yr with certain provisions Seasonal Allocation	No details	Yes, but Council funds most projects	Rebates on long term leases
Camden	No	Leases- 5 yrs / one 5yr option Licences – annually for buildings Seasonal Allocation- peppercorn value but club maintains.	Cost recovery in fees and charges. Prices are set below commercial valuations.	No discounts for capital contribution	No rebates rent is below commercial

Generally Councils are looking to find a balance between some cost recovery and providing assistance to its user groups. Ku-ring-gai Council's historic system of providing a high level of rental rebate is generous in providing support to our user groups, however Council should be aware that the administration and legal costs in preparing complex licence agreements can exceed the rental return after the rebates are applied.

The example below demonstrates how Council, in preparing a 5 year rebated licence, will not cover the costs of preparing the agreement. The new policy objective is to ensure that costs do not exceed the income returned on an agreement. New standard documentation, administration fee charges and alternative licence options, such as temporary licences, ensure a positive net outcome for Council without overly increasing the annual costs to the user group.

NORTH SHORE BEEKEEPERS ASSOCIATION – Nth Turramurra

Current Arrangements – 5 year licence

	Renewal Costs	Costs over Licence Term (2-5 years)
Market Rent	\$ 2002.21	
Valuation Costs	(\$ 600)	
Licence preparation (Administration) 16 hours	(\$ 960)	(\$300 per year (\$1200)
Replies re disputed legal costs	(\$ 960)	
Legal Costs	(\$1 133)	
Legal costs recovered	\$600	
Rebates Rental year 1	\$400	\$1739 (4 yrs)
Council	(\$ 2653)	(\$2 114) for 5 yrs

These figures do not take into consideration any operational costs.
Council expends over \$2,200 to administer the licence over its term despite the licence fee.

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The draft Policy addresses the following issues:

Lease and Licensing Issues

- EOI – problems no defined set of rules allowing interference from proponents and causing potential probity and transparency issues.
- Need for a clearer upfront process of cost of lease and licence preparation.
- Due diligence – must be taken out by officers to prior to negotiation. This is to ensure that all accounts are paid and all outstanding issues are resolved prior to the commencement of new negotiations. Queries to other departments are also made to see if any other concerns should be included into the agreement eg environmental issues.
- No clear process for dispute resolution when agreement cannot be reached between a user group and Council officers.
- A need for correct valuation methodology to be applied according to type of property and other relevant formulas factored in. Previous leases and licenses did not clearly define the market rent and rebates.
- A clearer rebate structure and assessment system.
- Clearer terms incorporated into licensed or leased times to integrate with the booking system.
- User groups to disclose income and grants received in order for Council to assess a fair and equitable level of rebate is applied.
- Capital Contributions from user groups have previously been used to further discount rent. The standard process is to use Capital contribution to increase time of tenancy. Council should ensure high levels of rebate are not then compounded when user groups can then use such rebates to improve income levels for capital improvements and request further discounts.
- Invoicing periods are currently variable as either monthly, quarterly, biannually and annual leaving most groups on different invoicing cycles.
- Currently tenants can easily be in occupation without a signed agreement or in rental arrears, which is a significant risk to Council and indemnification obligations.
- Need to ensure of terms and conditions in agreements and standard legal documentation are more consistent, plain English and flexible where required.
- A range of annual review options include CPI, fixed step are currently being applied and need to be standardised.

Casual and Permanent Hiring Issues

- Community halls and meeting rooms – no current policy only procedures to assist the allocation and balance of community, commercial and casual users.
- Community charges for commercial activities – need for improved systems to assess if hire is at community or commercial rates and to apply consistency for like user groups.
- Need to improve monitoring of keys and access to community facilities.
- Previous multiple booking systems which has now been addressed in 2008 by the population of Q Visual system (previously from Open Space) with all Community facilities now included.
- Lack of standard forms or clear delineations between permanent and casual hiring conditions.

Sportsfield Allocation Issues

- Insurance and Indemnification issues for sporting clubs to be clarified as per legislation and Ministers direction.

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- Need for improved efficiencies with accounts tracking currently some separate accounts for seasonal and licence arrangements.
- Canteen, change room and storage areas not being taken up by agreement.
- Need for improved and clear definitions of seasons and when a user group can occupy licenced areas.

COMMENTS

The draft Policy for the Management of Community and Recreation Land and Facilities is designed to be an overarching policy governing the management and administration of the Community and Recreation Property Portfolio.

The highlights of the new policy are:

- Clear and defined hire arrangements and options with User Groups
- Standard agreement criteria documentation rather than one off arrangements
- Consistent application of financial assistance to similar user groups
- Reducing administration, time, and costs to both Council and user groups

Structure of Policy

The draft policy for the Management of Community and Recreation Land and Facilities is designed to be an overarching policy governing the management and administration of the Community and Recreation Services. The draft policy aims to comply with legislative requirements whilst reflecting that Community and Recreational Hirers often are volunteers representing not for profit organisations with limited time or resources, to negotiate complex agreements.

The 3 levels of documentation include:

- **Policy**- defines the overarching intention and framework which governs the way user groups can access Council's land and Facilities
- **Procedures** -Detailed steps which describe the process by which user agreements are prepared.
- **Forms** – standard application forms and pro-formas will collect and disclose relevant information

Issues Addressed

The draft policy responds to a range of issues including:

Priorities of Hire – simple definition of the hire priorities are included in the policy. Basically Leases and Licences will take priority over all other agreements. Casual Hire is offered at any remaining times.

Simplifying agreements – giving options in the types of agreements will give greater flexibility in a user group and Council selecting the best option.

Fee Waivers – Fee waivers will only apply to casual bookings. Permanent hirers will be offered discounts through fees & charges, licence and lease holders are offered concessions assessed via the Rental Rebate structure.

Rebates – The previously adopted Rental Rebate structure will be retained with a revised form to collect the pertinent information. An assessment of rental rebate will be made based on the information provided.

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Capital Contribution – Will only be considered for leases and licences. Council acknowledges that grants, fundraising and other opportunities may assist to move projects forward in Councils works program. Capital contributions will not be used to offset any adopted seasonal, casual fees or charges

Dispute handing – Current policies do not provide any form of dispute resolution process whilst agreements are being negotiated. The proposed negotiation protocol outlines a process should a dispute arise.

Conditions of Hire – Previous policies did not address the full ambit of conditions relevant to hire agreement and priorities to access.

Insurance and Indemnification – Recent directives from the Crown Lands Department insist the Minister and Crown are fully indemnified against any damages – person or property incurred by the use of the land. Local government directives are similar, so for Crown or Community Land such indemnification is absolutely compulsory and the lease or licence agreement will contain prescribed insurance requirements.

CONSULTATION

A consultation process has been undertaken to provide officers with relevant information. This already includes a review with other local governments.

A trial of the forms and procedures has been conducted to ascertain the simplicity and structure of the draft policy and forms. Generally the feedback has been positive that the user groups can understand the options for hire.

The draft policy has been presented to the Community Reference Committee and the Open Space Committee. Comments will be sought during the exhibition period.

The examples of the application of the draft Policy are listed below.

User Group	Current arrangements	Assessment under new Policy	Rent under new (ex GST)
Club			
Roseville Bowling Club	Expired lease and Club failed to renew option. 2009/10 - \$16,000 Sporting Group application under Draft Open Space Policy	Application of Local Government Bowling Club formula Base Factor \$900,000 Rental 4% of Market plus car parking, number of greens Application of formula \$54060 Rebate (80%) \$ 43,248 Rental \$ 10,812 Club was happy with the revised forms and procedures and information supplied with application for lease. Club has requested Council to review maintenance obligations. Club has requested review of rates - Council rates – not negotiable as Commercial rateable.	\$10,812 per annum and new lease for up to 21 years

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User Group	Current arrangements	Assessment under new Policy	Rent under new (ex GST)
Community Group			
Easy Care Gardening	Expired licence holding over. Current rent after 90% rebate \$1 734	Option 1 - 12 month temporary licence prepared Under Fees & Charges Occupied Area – (office, garage, 1/3 share additional room) Under new fees and charges Office 28 ^{sqm} x \$40 pa estimate = \$1120 Garage 64 ^{sqm} x \$ 10 pa estimate = \$640 1/2 share 8 ^{sqm} x \$40 pa estimate = \$320 Option 2 5 yr licence Market Value \$17,960 pa Rebate (90%) \$ 16,164 Rental \$ 1 796 pa *1/2 sharing an additional room to be added	Option 1 \$2080 pa no legals or licence admin. Option 2 5 year \$1796 pa * licence Plus one off \$ 500 admin \$ 660 legals
Meals on Wheels	Expired licence holding over. Current rent after 90% rebate \$6 124	Application of standard licence for office commercial kitchen, one office and dining room. Application of Market Valuation and Application of Rebate. Option 2 - 5 year licence Market Value \$60,000 pa Rebate (90%) \$54,000 pa Rental \$ 6 000pa	Option 1 5 year \$6000 pa licence Plus one off \$ 500 admin \$ 660 legals
Community Transport	Expired licence holding over. Current rent after 90% rebate at \$3,105 pa	Community Transport considered 12 month licence option most suitable. Option 1 - 12 month temporary licence prepared Under Fees & Charges Occupied Area – (office, garage, 1/3 share additional room) Under new fees and charges Office 50 ^{sqm} x \$40 pa estimate = \$2000 Garage 64 ^{sqm} x \$ 10 pa estimate = \$640 1/2 share 8 ^{sqm} x \$40 pa estimate = \$320	Option 1 \$2960 pa no legals or licence admin.
Sporting Group			
Lindfield Senior Rugby	No current licence and in occupation. Seasonal Hire arrangements for adjoining field.	Application of Market Valuation and Application of Rebate. Facility with one summer and 2 winter user groups based on current users or develop a 3 way licence agreement	Option 1 5 year \$420 pa * licence Plus one off \$ 500 admin

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User Group	Current arrangements	Assessment under new Policy	Rent under new (ex GST)
		Market Value \$8,400 per year Winter \$4,200 (2 users in winter) Senior Club \$2,100 Rebate (80%) \$1,680 Rental \$ 420	\$ 660 legals

* All user groups' legal agreements will be subject to finalising negotiations and a future Council report.

FINANCIAL CONSIDERATIONS

The Community and Recreation Services unit return an annual income of approximately \$1.7million to Council which is used to offset Council's maintenance and service commitments.

The renewal of approx 40 licence agreements will improve income for some user groups such as Bowling Clubs as 50 year agreements expire, but the current assessment of community groups will see an increase generally by CPI equivalent rates or by revaluation.

The application of this policy is expected to ensure current administration, legal and valuation costs are recovered.

More consistent application of fees and charges across the portfolio will improve the funding by commercial user groups whilst maintaining the support to valid community, not for profit user groups.

Improvements in bookings and facility management will also improve the flexibility and level of service to all user groups and customers.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

During drafting each officer from the Community and Recreation Services has supplied relevant input for the range of user groups. The findings were then taken up into the policy.

A presentation of the draft policy was provided to officers from Community, Strategy and Operations. A copy of the policy provided to each officer for review. Separate sessions were held for each Department and officers were given an opportunity to provide their input which was subsequently incorporated into the policy. The comments and feedback were generally positive that the policy would manage the complex and overarching options for using community land and facilities.

The policy was also listed on the agenda for the General Manager and Directors Meeting – 24 September 2009. Questions were asked by directors and answered by the authors of this report.

The event was minuted accordingly: -

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'Draft Policy to be distributed to a sample number of community and recreation groups for comment, the Community Reference Committee for comment, briefing for Councillors and to go to Council in November.'

This action was completed and has been discussed in the general consultation section.

SUMMARY

The draft Policy for Management of Community and Recreation Land and Facilities will provide simple procedures, standard documents and will reduce the legal and administration costs for Council in preparing rebated agreements for Community and Sporting groups.

For user groups the policy will ensure less time and stress is spent in negotiating renewals for user groups who are primarily volunteers. The draft Policy provides clear parameters and understanding of requirements so that all parties are aware of the options and limits of any agreement.

Also, Council's Permanent, Casual and Seasonal hirers are aware of the procedures, which are disclosed upfront and costs in requesting access to Council's Land and Facilities are subject to Council's adopted fees and charges.

RECOMMENDATION

- A. That Council approve the draft Policy for the Management of Community and Recreational Land and Facilities for public exhibition for a period of 28 days.
- B. That a subsequent report be prepared for Council to adopt the Policy and to address any issues which may be raised during the public exhibition period.

Michelle Makler
**Lease and Licence Officer
Community & Recreation Services**

Mark Taylor
**Manager Community &
Recreation Services**

Janice Bevan
Director Community

Attachments: **Draft Policy - 2009/191826**

Council's Policy for the Management of Community and Recreation Land and Facilities.

1. Purpose

The purpose of this Policy is to encourage new user groups and to ensure suitable usage arrangements for Council's land and facilities.

Council's land and facilities have traditionally been made available to sporting and community user groups, commercial entities and individuals via different agreements and based on the frequency, type of usage, income derived and the facility involved.

This policy addresses the following agreements:

- lease hold agreements
- licence agreements
- seasonal allocations
- casual, or permanent bookings
- one off or casual hire arrangements
- contracts for provision of services

This policy covers the broad range of organised activities of user groups including the general public, community groups, childcare services, sporting clubs, fitness instructors, social clubs, industry groups, businesses, commercial users, religious organisations which seek to utilise Council's land and facilities in an organised manner.

This policy does not cover general community uses that do not require a booking for individual pursuits such as walking, bushwalking, off leash dog areas, non-exclusive small family gatherings, informal uses of open space of parks and gardens.

Doc distribution	External	Doc status	Draft Internal	File No	S07306
Document owner	Dir Community	Contact officer/s	Manager Community & Recreation Services		
Approval date	1 xxxx 2009	Approved by			
Effective date	1 xxxxx 2009	Review period	3 years	Review date	2 July 2010
History of approved versions					
Version	Effective date	Summary of changes			
1.0	28 July 2009	Original			

Ku-ring-gai Council's Policy for Management of Community and Recreation
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The policy ensures:

- (a) Compliance with Legislation, Plans of Management and related Council policies;
- (b) That requisite issues, terms and conditions are correctly negotiated and incorporated into the agreements;
- (c) That legal, administrative costs, together with operational liabilities are recovered.
- (d) That Council officers, departments and Councillors display a unified approach when dealing with user groups
- (e) That best sustainability practice is incorporated into the use of land and facilities.

This policy specifically overrides any prior policies, agreements, and other long term arrangements for usage of Councils land and facilities which are not taken up in any pre-existing legal agreements.

The policy is covered over sections 1 – 8, whilst the procedures and detailed information is conveyed in the annexures.

2. Objectives

- To provide fair and equitable access to community, sporting and recreation facilities for user groups.
- To maximise use of Council's capital infrastructure and facilities.
- To assist non - profit community, educational and sporting organisations, in providing programmes and services which address the social, cultural, sporting and recreational needs of the Community.
- To encourage the provision of an appropriate range of support services in the area addressing all community needs consistent with the Community Plan.
- To establish more structured and transparent criteria and internal process for which Council's properties can be utilised.
- To ensure the administration and legal costs incurred are minimised.
- To ensure income return on the facilities in accordance with the Community Plan and Council's Charges.
- To ensure fee support (rebates and fee waivers) is provided and reported in appropriate areas in accordance with the Community Plan and adopted sporting and recreation strategies.

3. Definitions

For the purposes of this policy the following definitions apply.

Agreement: The contract between the user group and council to reflect the agreed terms and conditions for use of the land or facility. A lease, licence, permanent and/or casual hire and contract for provision of services is referred to as an agreement.

Casual Hire: Casual hiring arrangements pertain to a one off use, although continuous bookings over a limited defined period of time can be made for example for tennis courts for up to 10 weeks.

Capital Contribution: A DA approved monetary or other contribution (e.g. donated labour and materials) which improves, enhances, or adds value to the facility based on the replacement/refurbishment cost/s assessed in line with industry accepted quantity surveying principles.

Commercial Group: A group deemed for commercial purposes, any activity which does not fall under the ambit of not for profit, community or a sporting group.

Community Group: is a specific entity which provides a benefit to the community on a non profit basis, has a constitution or charter and a program of services or activities which confirm a commitment to meeting the cultural, social and/or recreational needs of the community.

Facility: Part or all of a Council owned/managed land and/or building asset and associated infrastructure occupied by a community group/s to provide organised recreational, cultural, sporting and community service activities. They are generally situated on Council owned Operational and Community Land or Crown Land for which Council has long term management responsibility.

Fee Waiver: A discount/or waiver on the adopted fees and charges provided to a user group which qualifies under Council's Policy to waive or discount fees. Fee waivers only apply to casual hire and must be authorised by the Director Community.

Lease: A lease is a legal agreement for disposal of a defined lot of land for a defined term only. Valuable consideration for this right is returned to Council as rent. On completion of the defined term the area leased reverts to Council as per community lands provisions. Valuable consideration returned to Council is known as the 'Rent'.

Ku-ring-gai Council's Policy for Management of Community and Recreation
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Legislation: Any relevant legislation pertaining to this policy, especially the Local Government Act 1993 and The Crown Lands Act 1989 and their Regulations.

Licence: A Licence is an agreement which provides user group exclusive rights to use the facility for a defined time and defined dates. This does not constitute a disposal of the land or facility only a passing of rights of use as detailed in the agreement. Valuable consideration returned to Council for such rights is known as the "Licence fee".

Operational Costs: The costs expended by Council to maintain the facility in good order and condition, suitable for its purposes.

Organised Activities: Any group of people (more than 5 people, or one that is commercially based) who are using any Council owned or managed land or facility on a regular basis (at least once in any eight week period) or require access to a locked or secured facility, or an area with established fees and charges for casual use (eg Tennis Courts) will be considered a user group and will therefore be required to comply with this policy.

Permanent Hire: Permanent hiring arrangements pertain to regular use of a specific facility generally for a specific period of time not exceeding 12 months.

Plans of Management: Refers to the requirement under the Local Government Act (1993) that all public land be classified as either "operational land" or "community land" and a Plan of Management must be prepared for land designated community land.

The granting of a lease or licence over a facility on community land, the conditions of the lease or licence and the potential uses of a facility are set down in the Plan of Management. The Act states: "A council may grant a lease or licence of community land, but only in accordance with Section 46 and (if relevant) section 47 NSW Local Government Act 1993."

Rebate: A Rebate is a rental subsidy granted by Council applying only to leases and licences. Council may only grant a rebate when a user group demonstrates requisite needs for the assistance and the level of rebate is granted pursuant to the Rebate Assessment Schedule in this policy. There is no rebate applicable to commercial, casual, permanent and seasonal hirers.

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Regulation: means the Local Government (General) Regulation 2005 and Crown Lands Regulation (2000).

Seasonal Allocation: Seasonal Allocation pertains to the majority of on-field sport ground facilities which are allocated to sports clubs or governing associations on a seasonal basis, with two allocations being undertaken per year to cater for summer and winter sporting activities. Seasonal allocation includes training and regular weekend competitions.

Sporting Group: A sporting group under this Policy is an entity which provides a benefit to the community on a non profit basis, has a constitution or charter and a program of services or activities which confirms a commitment to meeting the sporting and/or recreational needs of the community.

User Group: A user group under this Policy is an entity which provides a benefit to the community which meets the cultural, educational, social and/or recreational needs of the community. User Groups can be both not-for Profit or offer a fee for the provided service

4. Relevant Authorities - Legislation and Plans of Management

4.1 Legislative Framework

Council is both landowner and land manager and must deal with the land in accordance with relevant legislation.

Land owned by Council referred to as Community Land is regulated by the:

- Local Government Act 1993, and
- Local Government General Regulation 2005.

Land under the care, control and management of Council referred to as Reserve Trust Land is vested in the Department of Lands. The legislation governing the dealing of this land is:

- The Crown Lands Act 1989, and
- Crown Lands Regulation 2005.

When Council resolves to grant a lease or licence over Crown Land (Reserve Trusts), the dealing is subject to consent by the Minister of Lands.

4.2 Plans of Management

Both sets of legislation dictate that Plans of Management must be created and adopted by Council for the use and management of the land. The Plan of Management sets out the purposes for usage and identifies any issues to be addressed. Agreements for use of Council owned and managed land may only be granted if it is authorised in a Plan of Management.

5. Arrangements with User Groups

5.1 Leases and Licences up to a period of 21 years.

21 year Lease and Licence arrangements pertain to the regular use of a specific facility for a permanent and specific period of time.

A lease provides for exclusive and continuous right for the lessee to occupy and deems in the lessee a legal right to possession:

- During the leased term
- On the defined land.

A lease 5 years and over must be registered on the title of the land.

A licence provides for an exclusive and continuous right for the licensee to use a facility within clearly defined dates, times and areas.

The licence does not deem a legal right over the land, but confers on the Licensee a legal right to use or occupy the land/facility for that specified period of time. Council is free to grant licences to other users outside the designated timeframes taken up in pre-existing licence agreements.

The facilities subject to these arrangements are:

- Golf Clubs
- Bowling Clubs
- Sports grounds
- Swimming Pool
- Sporting Club houses and canteens
- Childcare Centres

These agreements are created when user groups have contributed significant capital to build or upgrade the land or facility so to ensure long term rights to the property.

The lease or licence can be constructed as a 21 year term or reflect option periods, giving the user group the option to renew or not, depending on current contingencies.

Leases and Licences over Reserve Trust Land are subject to Ministerial Consent. A levy of 15% payable annually named the Public Reserve Management Fund (PRMF), is also payable and invoiced separately.

5.2 Leases and Licences up to a period of 5 years.

5 year Lease and Licence arrangements pertain to the regular use of a specific facility for a permanent and specific period of time.

A lease provides for exclusive and continuous right for the lessee to occupy and deems in the lessee a legal right to possession:

- During the leased term
- On the defined land.

A lease 5 years and over must be registered on the title of the land.

A licence provides for an exclusive and continuous right for the licensee to use a facility within clearly defined dates, times and areas.

The licence does not deem a legal right over the land, but confers on the Licensee a legal right to use or occupy the land/facility for that specified period of time. Council is free to grant licences to other users outside the designated timeframes taken up in pre-existing licence agreements.

The facilities subject to these arrangements are:

- St Ives Showground
- Sporting Club houses
- Bowling Clubs
- Swimming Pool
- Childcare Centres
- Community Facilities

Rentals and Licence Fees are based upon an independent valuation of the land or facility and then subject to further methods of valuation application, for example, the Local Government formula for valuation of a bowling club.

Leases and Licences over Reserve Trust Land are subject to Ministerial Consent. A levy of 15% payable annually named the Public Reserve Management Fund (PRMF), is also payable by the user group and invoiced separately. NO PRMF applicable to amounts under 2k pa.

5.3 12 Month Temporary Licence Agreements

12 month Temporary Licences pertain to facilities made available for occupation for no more than one calendar year at a time generally commencing on the 1st of January each year.

These Licences are made when the legal and administrative costs of negotiating and preparing the agreement exceed the annual rental return (generally \$2000pa) or for short term commercial agreements.

Uses are limited to the following hire arrangements:

- Exclusive use of Community building which delivers services or programs identified in Council's Community Plan:
- A temporary licence for use as defined under the Crown Lands Act and Regulations on Crown Lands eg, Equestrian Events, Exhibitions, Sales, Markets, Sporting and organised recreation activities.
- A short term use of a Council facility such as a canteen or storage room for a use consistent with the relevant Plan of Management.
- A short term use of a Council facility that would be otherwise vacant.
- A short term use to allow a service to demonstrate it can meet Community needs identified with access to a Community Facility.

Land & Facilities to which this applies are strictly limited to:

- Community rooms located within larger facilities where shared access to common areas such as kitchens and toilets are provided by Council eg 177 Rosedale Road Community Building.
- Small, free standing properties that are made available for community services.
- St Ives Showground Facilities – Temporary Licences for uses consistent with the Plan of Management and Crown's Lands Act
- Other Crown Lands
- Vacant Community Facilities.

Times and places reserved under lease and licence agreements, permanent and seasonal allocations will always be prioritised.

Financial return to Council is assessed only by the calculating of a fee per square metre approved in Council's adopted and current fees and charges as set out in the relevant Management Plan and can be subject to change.

Ku-ring-gai Council's Policy for Management of Community and Recreation
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Agreements are deemed to commence each calendar year and hire applications are to be submitted by November 1, the preceding year and every December, all recommendations for hire and/or renewal are reported to Council for determination. This arrangement can only be varied during Council elections.

Temporary Licences for Periods less than 12 months can commence during the calendar year but will be required will be reviewed in November.

A Standard document is used to complete this arrangement and will not be altered, as the intention behind the creation of this document is to simplify the arrangement and reduce administrative and legal costs for both council and the user group. A Reference Schedule annexed to the document will qualify those terms and conditions.

5.4 Seasonal Allocation

Seasonal Allocation pertains to the majority of on-field sport ground facilities which are allocated to sports clubs or governing associations on a seasonal basis, with two allocations being undertaken per year to cater for summer and winter sporting activities, resulting in best practice to facilitate multi-use of the grounds. Seasonal allocation includes training and regular weekend competitions

Facilities to which seasonal allocations apply generally are:

- Sports grounds/playing surfaces
- Access to toilet facilities and change rooms. (if available)
- Use of car park
- Use of floodlights (if available)
- Canteens

Seasonal allocation does not include access to clubhouses or approve storage of equipment which is generally organised through a licence agreement.

Seasonal Allocation fees are scheduled in Council's adopted and current Fees and Charges.

5.5 Permanent

Permanent hiring arrangements pertain to regular use of a facility for a permanent and specific period of time. This does not allow for full and exclusive rights to the facility.

Facilities for permanent hire:

- Sportfields and associated facilities.
- Community Halls and Meeting Rooms

Times and places reserved under lease and licence agreements, permanent and seasonal allocations will always be prioritised. The arrangement is basic and does not warrant the creation of a formal licence agreement.

Permanent Hire fees are scheduled in Council's adopted and current Fees and Charges

5.6 Casual

Casual hiring arrangements pertain to one off use, although continuous bookings over a limited period of time can be made this way.

Facilities for casual hire include but are not limited to:

- Tennis court hire
- Park hire
- St Ives Showground facilities
- Sportfields and associated facilities.
- Community Halls and Meeting Rooms.

Land and facilities reserved under licence agreements, permanent and seasonal allocations will always be prioritised.

Hire fees and public liability costs are scheduled in Council's adopted and current Fees and Charges.

The Fee Waiver Policy is only applicable casual hire agreements.

6 Hire Arrangements

6.1 Introduction

Ku-ring-gai Council is committed to providing fair and equitable access to its community facilities, recreational and sporting facilities for residents and visitors. To deliver such services Council works to develop partnership agreements between Council and recreational sporting and community organisations for the best possible use of those facilities.

Council reserves the right to refuse any user group's application if the findings from the due diligence process weigh against the user group.

6.2 Accounts

All invoicing and accounts will be established subject to Council's adopted Fees and Charges or as approved by Council for Leases and Licences.

Council officers will notify finance when a new agreement is executed to create a debtor account. Details of the user group, its incorporation details, postal and physical addresses and any other relevant details should be supplied.

Invoices are raised for payment for all types of usage.

The frequency of invoicing should be as follows:

Casual Hiring:	Prior to use.
Permanent Hiring:	Every 6 months.
Seasonal Allocation:	At the commencement of each season.
12 month agreement:	Once per year on execution of the agreement.
5 – 21 year Lease and Licences:	Once per year, on the anniversary and yearly review of the agreement.

User groups, lessees and licencees can make payment arrangements with Council's finance department if necessary.

Invoices issued for leases and licences subject to rental rebates must reflect the full market value, the rebated amount and the amount payable.

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Payment for tennis court and casual hirers is to be taken at the time of booking or in future by electronic banking, to confirm the booking. If credit cards cannot be used, payment must be made upon receipt of invoice within terms. If 2 or more invoices remain unpaid, the hirer's account will be flagged and prevented from further usage until the account is settled.

Hire, allocations, licence fees and rents are to be paid in full, with no offsets. Any claims for discount or fee waivers must be addressed independently and in writing.

If accounts remain unpaid after 90 days, recovery action will be commenced without further notice. The user group must also advise Council's Finance Section if any changes are made to payment addresses.

Finance will provide a report of unpaid accounts on quarterly basis to the relevant booking officers.

No arrangements will be renewed unless all outstanding amounts are settled.

6.3 Bookings and Booking System

All booking details must be entered into Council's booking system, regardless of the agreement.

Booking Priority is given as follows: -

Leases and Licences	Priority 1
Seasonal Allocations	Priority 2
12 Month Temporary	
Licence	Priority 3
Permanent Hire	Priority 4
Casual Hire	Priority 5

The booking system is updated according to the above priority and a confirmation letter is issued to the user group.

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The following table refers to the priority, maximum length of booking agreement.

FACILITY /LAND	BOOKING TYPE & PRIORITY	Max length of Booking
Tennis	1. Permanent 2. Casual	52 weeks in total 3 months in advance
St Ives Showground	1. Lease 2. NCAS (Agricultural Society) 3. Licenced areas 4. Temporary Licences 5. Casual	As per agreement As per PoM and agreement As per agreement Up to 12 months Remaing available time for year.
Sportsgrounds	1. Permanent /Seasonal 2. Schools 3. Casual	Year / Season Calendar year in term Up to Service standards
Sports Clubhouses	1. Lease 2. Licence 3. Temporary Licences 4. Casual	As per agreement As per agreement Up to 12 months Remaing available time for year.
Parks	1. Casual	up to 12 months in advance
Halls and Meeting Rooms*	1. Licence 2. Permanent 3. Casual	As per agreement Up to 12 months Remaing available time for year.
Community buildings	1. Lease 2. Licence 3. Temporary	As per agreement As per agreement Up to 12 months

6.4 Fee Waivers and Discounts

There are various forms of financial assistance available to user groups.

A request to Waive or Discount Fees is a specific request for **casual hire only** not to be charged at the adopted Fees and Charges.

The request is assessed under the Policy to Waive or Discount Fees following a request in writing. Council offers fee waivers up to the value agreed in Council's annual budget. Once this amount is expended no further discounts can be offered.

Council offers a range of other financial assistance for user groups including:

- Rental rebates
- Grants programs
- Community rates for hire of Council facilities
- Seasonal rates for sporting groups
- Sponsorships

Requests for financial assistance must be in the prescribed format and Council reserves the right to refuse any requests. All requests are subject to available discount funds.

Financial assistance from other levels of government will be scrutinised to ensure assistance is fair and equitable.

7. Lease and Licence requirements

7.1 Renewal and Vacant Facilities for Leases and Licences exceeding a one year term

In order to provide fair and equitable access to community land and facilities, the following requirements are considered when a property is requested: -

- The demonstrated need for the service in Ku-ring-gai
- The financial capacity relevant to the services or programs offered
- Facility assessment (size, location, maintenance, Plan of Management)
- Existing and surrounding users
- Any relevant environmental impacts and considerations.
- Where a significant capital contribution has been made by the user group

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The Plan of Management will generally confirm whether a facility is suitable for community, sporting purposes or commercial purposes and in some cases a facility will be suitable for either group. Council is unable to consider an application not compliant with the existing Plan of Management.

Properties become available for a new service when:

- An existing agreement has expired and the current user elects not to renew or exercise an option, or fails to notify Council of their intention to renew.
- A council resolution to make available a certain property for usage.
- When a user breaches the terms of the agreement and notice to terminate is served.

7.2 Expression of Interest

An Expression of Interest (EOI) process is the usual method to select a suitable tenant/user group for all community properties and facilities which are vacant. Expressions of Interest allows Council to assess the benefits to Council and the community of a wide range of potential user groups

The Expression of Interest process publicly notifies the property and its desired or required uses. Interested parties are invited to provide submissions as to why they should be granted rights to use or occupy that property or facility.

The following steps are required under this policy:

- Preparation of an EOI document with relevant details, selection criteria, forms and details.
- A Public Notice in accordance with Council's Policy.
- Set closing date and time.
- A panel of no less than 3 Council staff and at least one independent representative to assess the submissions and select the most suitable applicant in keeping with probity requirements.
- Independent representative may be a nominee of the Community or Open Space Reference Committee.
- Recommendation to Council of the preferred user group.

Expressions of Interest will be required when:

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- When a current lessee or Licencee fails to provide notice to renew or to exercise their options within the given terms of their agreement
- Where a facility is to be made available for a period more than 12 months.
- Where a facility is proposed or could be made available for commercial purposes .
- Is vacant or a newly constructed facility.
- Is not exempted under s55 of the Local Government Act – Tendering Provisions

Council under the Local Government Act is not required to undertake an EOI for not for profit organisations. Therefore Council, subject to an adopted resolution, may prioritise or request a specific use or user group for a specific facility or a user group to be given priority to a new or vacant facility when completed.

In such cases the following points should be considered in the recommendation of not undertaking an EOI process:

- The facility being fit for purpose of the proposed usage.
- Council has specific plans or funding directed to support the user group in Ku-ring-gai.
- The use is supported and endorsed as a priority identified in the Community or Strategic Plan.
- Exempt from the tendering provisions of the Local Government Act.
- That fair competition has not been compromised.
- Compliance with Council's Code of Conduct

It may be more appropriate to utilise a temporary licence to ascertain the viability of the user group before entering a longer term agreement.

7.3 Valuation/Fee Methodology

Land and facilities subject to a lease or licence were historically required to be independently valued. Land and facilities subject to Commercial or Retail Leases are generally managed by the Manager - Strategic Assets.

The valuation is determined by comparing other similar type properties. **Size, use, location, improvements and income derived** are compared and used. From the collaboration of data the Market Value and Base Factor are assessed. Both indicators are used either together or separately to assess the rental value of the property.

Given the differing natures of Council Properties within the Community and Recreation Portfolio, specialised formulas and methods best suited to the specific types of properties, are applied to achieve the most equitable valuation. The relevant valuation methodology explained in the relevant procedural annexure.

The valuation reflects the zoning of the land as primarily open space or for community purposes and is not compared with commercial premises.

An annual valuation brief is issued around August each year for properties requiring a new valuation.

The cost of the valuation is met by Council.

7.4 Rebate Structure

A Rebate is a subsidy applying to leases and licences, and is granted when a user group demonstrates requisite need for assistance.

The level of the rebate is granted according to the Rebate Assessment Schedule in this policy.

In accordance with this policy, Council offers a maximum rebate level of up to 80% to sporting groups and 90% to frontline community groups. The rebate is offered as a commitment by Council to support appropriate community services provided by others in Council facilities.

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The rebate is assessed based on information provided on the ***Application for Rebate Form*** when commencing and/or renewing an existing agreement.

The level of rebate is assessed on the groups' responses:

- Why the user group requires a reduction in the rental component set by Council valuation method
- If the rent reduction is required for the short or long term
- What strategies the group has to meet future rental increases
- Current revenue raising activities
- If financial assistance from other government sources has been provided, and for what purposes.
- Justifiable need for the service
- Financial capacity to pay based on past audited financial reports

Council reserves the right to vary the rebate structure during the term of the agreement if the Annual Reports supplied by the user group demonstrates a change in the user group's financial capacity.

7.5 Eligibility for Rental Rebate

The Application for Rebate Form will be the only methodology to ascertain the level of rebate in order to create uniformity in the application of rebates across similar user groups.

Rebates should not be a substitute for sound financial management.

Council officers may recommend a range of suitable rebates for Council to resolve as the most suitable. Rebates may be phased such as moving a group from a higher to lower level of rebate.

A rental spreadsheet advises Council of the total rebate offered during the terms of the lease or licence.

This policy clearly defines the four levels of rebate offered:

- **Community Service Frontline** – A service that meets Community needs clearly identified in the Community Plan for example, programs that meet the developmental needs of children and young people with disabilities. Usually not- for- profit.
- **Community Partnership**- A service that provides services in partnership with the Community but does not address frontline Community issues. For example to improve the health of residents through participation in community sport.

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- **Partially Assisted Service**- A service that demonstrates partial funding and support but requires some rental rebate from Council to provide service.
- **Funded Service** - where a service or user group is fully funded through an external or third party (eg Trust, State Government) than no rebate is applicable. Such users do not need Council financial support.

The complete criteria for reference are scheduled out in the Rebate Assessment Schedule

Rebate Assessment Schedule

Category	Annual Rent	Eligibility
One: Community Service frontline Examples: <ul style="list-style-type: none"> • Not for Profit Kindergarten • Outreach Service • Meals on Wheels • Youth at Risk Program • Scouts at peppercorn rent 	10% of valuation (90% rebate) (exclusive of GST)	<ul style="list-style-type: none"> • Satisfies all rebate eligibility criteria for Level One • Meets relevant actions in Council's Community Plan • Has limited revenue-raising ability (net of cost of service) • May be in need of Council's assistance to become established • Provides high level of community benefit • Provides optimal multiple use opportunities • Responsible for most maintenance of facility.
Two: Community Partnership Examples <ul style="list-style-type: none"> • Dog training Club • Sporting Club 	20% of valuation (80% rebate) (exclusive of GST)	<ul style="list-style-type: none"> • Satisfies all rebate eligibility criteria for Level 2 • Has limited revenue-raising ability (net of cost of service) • Provides high benefits for the community. • Provides reasonable multiple use opportunities.
Three: Service – Partially Assisted Discounted market rent Examples <ul style="list-style-type: none"> • Early Childhood 	20 - 50% of market valuation (50-80% rebate)	<ul style="list-style-type: none"> • Satisfies all eligibility criteria for Level 3 • Provides some benefits for the community <p>Only offers:</p>

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<p>Centre with funded positions and fee structure</p> <ul style="list-style-type: none"> Group funded by Federal Government) 		<ul style="list-style-type: none"> Limited or no multiple use opportunity Responsible for day to day maintenance only Has reasonable revenue raising ability from their activities, private sector sponsorship or government grants (net of cost of service)
<p>Four: Self Funded Service No rebate Service is fully funded by grants. Examples</p> <ul style="list-style-type: none"> fully funded service with \$ for rental by federal Government 	Full market rent	<ul style="list-style-type: none"> Does not complete Capacity to Pay Assessment form. <p>or</p> <ul style="list-style-type: none"> Fully funded eg Service fully funded by Government or Private. Commercial user

7.6 Assessment under Capital Contribution Requirements

Sporting and Community Groups are increasingly willing to contribute capital to a Council facility to provide their Services.

Capital can be contributed to improve clubhouses and pavilions, sportsgrounds and other facilities such as lighting. Such contributions will be taken into consideration when assessing an application by that user group for a lease of licence for a clubhouse or pavilion.

Council acknowledges that grants, fundraising and other sources of funding will allow user groups to provide works not prioritised in Council's current Capital works program and that its contribution can bring projects forward in Councils program.

Capital Contributions can only be considered for leases and licences only and not be used to offset any adopted seasonal, casual fees or charges which reflect the ongoing operation and maintenance costs.

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User groups will request their Capital Contributions to be considered and assessed via a **Capital Contribution Form** to be submitted detailing the proposed contributions including:

- Contributions made or proposed during the term.
- Sources of funds for contribution and how they are applied
- Relevant development approvals for such works
- Support for the works by other facility user groups.

User groups should not use Ku-ring-gai Council's Rental Rebate to develop capital and then request further discounts for ongoing Capital Contribution which has been developed with Council support.

Lease or Licence

There is no nexus between capital contributions and the granting of a rebate to the user group.

Where a user group has made a significant Capital Contribution this will guarantee a recommendation for a longer term of tenure to allow for full capital depreciation benefits. The only exception where capital contribution will be considered together with an application for rental rebate is for frontline community services (eg Childcare and Disability Services) – refer to rebate Category One. In such circumstances the high level of rebate assists in returning greater levels of service to the community.

For Community facilities the capital contribution must be applied to the lease or licence of the facility improved. For sporting groups who contribute towards ground, lighting or facility improvements the contribution can be transferred to any relevant lease or licence of clubhouses at the improved facility.

All other improvements funded by user groups are regarded as philanthropic and Council cannot guarantee any financial offsets. All proposed Improvements should be supported by the Director Operations to ensure ongoing maintenance requirements are considered.

7.7 Pre Contractual Disclosure Documents

Prior to a lease or licence agreement being created the following documents must be provided before negotiations commence:

- **Application for Lease or Licence** – the complete application for a user group to request a land or facility.
- **Undertaking and Negotiation Protocol** – a document the user group signs to ensure the correct process is followed during negotiations as stated in the adopted policy and that the user group assumes liability for full legal costs and part administrative costs.
- **Application for Rental Rebate** – the information disclosed by the user group in this form is used to assess the demand for and the eligibility for financial assistance, for the specified land or facility. When renewing an agreement or submitting an expression of interest for a vacant property.
- **Assessment Form – Request for Information – Capital Contribution** – to be completed and submitted when proposing a Capital Contribution to the related land or facility.
- **Business Plan** – a business plan outlining the strategies and methods the applicant has planned and/or implemented to demonstrate to Council officers the club can sustain its on going expenses and liabilities.

Council Officers will assess this information holistically and determine the most suitable terms and conditions for the requested agreement. The user group is then invited to discuss the agreement in more detail.

7.8 Negotiation Stage

During the negotiation stage, the user group is free to request any further terms and conditions to the agreement.

The licence fee or rental amount for the first 5 year period of the agreement is disclosed in the form of a spreadsheet showing the amounts payable each year after the relevant reviews and rebates have been applied.

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A pro forma Heads of Agreement is then completed, with the agreed legislative compliance and terms and conditions included. Upon finalisation of the Heads of Agreement, a report to council is be submitted requesting a resolution to grant the specific agreement.

7.9 Dispute Resolution

This policy is designed to proactively reduce the possibility of a dispute arise.

In the course of any negotiation there is always potential for a dispute. The intention of this policy is to address the issues which have in the past lead to dispute and to create a cost effective, structured negotiation and administrative process, creating clear delineation of the roles of all interested parties.

If a dispute arises and negotiations are deemed to have halted, parties are given three months from the date the dispute is deemed to have existed, to settle. If after three months, a dispute is not resolved the matter will be reported to Council for determination recommending a cessation to negotiations and the commencement of an EOI process, inviting new user groups to apply for the property/facility.

This process is disclosed to the user groups prior to the outset of negotiations and applies to pre contractual negotiations.

If a dispute arises during the tenure of the agreement, parties must follow the dispute resolution procedure as set out in the lease or licence.

7.10 Annual Reporting Requirements

Community and sporting groups must supply to Council on an annual basis:

- Audited financial reports
- Minutes from the most recent Annual General Meeting
- Evidence of updated and current mandatory insurances
- Any changes to the committee members, contact details, postal addresses, email addresses etc
- Club membership numbers and residential postcodes, if required
- Any changes to a clubs constitution
- A report of what actions have been undertaken to comply with relevant Plans of Management or Policies, as stated in the agreement.

8 General Requirements

8.1 Hours of Use

The hours of use are prescribed for all facilities may be determined by Plans of Management or Development Consent and the user groups requirements.

8.2 Rent Reviews

For a lease or licence the anniversary of each 5 year period, and when an option is to be exercised, a market review will be undertaken to set the new rental amount.

Every other year, the annual review will be subject to a ratchet clause (usually an agreed increase of between 3-5 %) in lieu of a CPI increase allowing user groups certainty in budgeting their future expenses.

8.3 Insurance

It is the responsibility of all user groups to procure their own insurance. Insurance obligations are stated in every agreement from casual hire arrangement to a 21 year lease or licence.

Complete indemnification of the Minister and Council is obligatory. Failure to comply will result in immediate cessation of negotiations and/or termination of the agreement.

Council and/or the Minister for Lands is not liable for any damage suffered which may occur from the use of its facilities.

At the outset of any agreement and each year of a continuing tenure, evidence of current insurance certification is required by Council. Council reserves the right to terminate any agreements in breach of insurance provisions.

8.4 Maintenance and Outgoings

Responsibility for maintenance and outgoings are detailed in the agreements:

- Casual – generally to leave the land or facility in the order as allocated and/or pay for cleaning as required in fees & charges.

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- Permanent/ Seasonal - generally to leave the land or facility in the order as allocated and/or pay for cleaning as required in fees & charges.
- Temporary licence- maintenance as per the standard maintenance schedule.
- Long term lease/licence- maintenance as per the standard maintenance schedule for the facility.

Any facilities requiring cleaning or additional cleaning by Council's staff or contract cleaners will be charged to the user group at Council's current & adopted fees and charges.

8.5 Sub-leasing or assignment.

Sub-leasing and assignment of agreements is prohibited.

8.6 Removal of Assets

The community or sporting group may remove any assets that have been constructed or installed by them during the term of the lease or licence, subject to the premises being returned to Council in its original condition. Council may request the demolition/removal of the asset if required by the lease/licence conditions. Any improvement not able to be removed at the end of the lease/licence shall remain in Council ownership.

8.7 Capital improvements

Community and sporting groups may only undertake capital improvements with the permission of Council as the asset owner.

Council retains ownership of capital improvements that cannot be removed unless otherwise specified in the lease or licence. Any capital contribution of community groups will be taken into account in assessing the length of lease/licence.

8.8 Acknowledgement of Council contribution

The community group shall, in liaison with Council's Community Department acknowledge Council's contribution in their organisation's annual report and publications, any advertising and community event.

8.9 Nuisance

Council requires that user groups undertake their permitted activities without adversely impacting on the amenity of nearby neighbours. Council reserves the right to terminate the tenancy or to restrict the use of premises by the user group and through casual hire arrangements.

8.10 Reporting requirements

User groups with leases or licences occupying Council's land or facilities are required to report annually on performance indicators in relation to the facility and the group's activities. Council will provide guidance and advice on the collection of this information on relevant forms.

8.11 Conduct of Parties

Ku-ring-gai Council has adopted a Code of Conduct that is applicable to both elected Councillors and employed staff. The Code of Conduct sets out principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

User groups should be aware of the separation between the administrative role of Council officials and political functions of Councillors.

User groups should not attempt to influence Councillors or council officials to breach the Code of Conduct.

Relevant issues may include:

- Deriving personal benefit from the decision
- Political donations
- Offering gifts or bribes to influence a decision.
- Direct lobbying of Officers or Councillors during an EOI or licence negotiations.
- Requesting Councillors to intervene or direct officers to a particular decision.

Council officers reserve the right to cease discussions and negotiations with a user group if found to be attempting to lure a political member into an administrative issue.

8.12 Bonds & Keys

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Cash bonds are required payable prior to hire, and refunded when the arrangement is settled. The amount of bond is determined by Council's adopted and current fees and charges.

Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the user group is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies and interest earned on all deposits will be at the on-call rate received by Council.

Interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance Fee.

Bank guarantees are only accepted for leases and licences 5 years and over and where the agreement returns over \$20K per year.

Keys or passes are provided to the hirer at the commencement of the agreement and must be returned to Council at the conclusion of the agreement. In the event of a key being lost or damaged, it is the responsibility of the hirer to pay for a replacement.

All keys are to be returned at the termination of the agreement and rangers will be instructed to ensure that activities are not being conducted without Council's authority.

Key audits to ascertain user group's compliance are conducted at Council's discretion.

8.13 Booking confirmation

User groups are required to ensure their allocated times are reserved within Council's booking system. Depending on the venue, Council has specific requirements for confirmation of the actual booked times. When an agreement is finalised the booking system is to be updated and any potential booking clashes are identified and resolved as per the Booking Priority Schedule.

Access to the booked land or facility is strictly limited to the times and dates stipulated in the agreement (casual, permanent or licence).

8.14 Telecommunication Facilities

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Under the Telecommunications Act 1997, the Commonwealth has the power to erect any telecommunications device on State or Council owned land. User groups must accommodate any directions from Council in this regard.

No relationship is created between user groups and telecommunication companies.

8.15 Compliance and Operations

Council Operational Staff reserve the right to close land and facilities for safety and maintenance purposes. Operational staff will advise Community and Recreation Services with the times the selected locations will be closed and the user group will be notified accordingly.

User groups must have regard to the requirements of operations staff and co- operate accordingly.

User Groups must also have regard to DA stipulations and all regulations made by Council.

Failure to comply with regulations and co-operate with Council's operational staff may render the user group's agreement invalid.

There is no automatic right to occupy or use a canteen and/or store equipment and belongings at sports facilities. Rights to canteens and storage areas run with Seasonal Allocations agreements or with a Clubhouse Licence. In some cases they can be licenced on a separate basis as a Temporary Licence.

Council reserves the right to initiate any proceedings against any user groups unlawfully occupying or using a facility, canteen or storage areas.

8.16 Illegal use of Council's Land and Facilities

Usage and occupation must be subject to an agreement identified in this policy.

Users of Council owned or managed recreation and community facilities must comply with the relevant Council policies, bylaws and legislation that Council is obligated to observe, as well as all instructions from a Council Officer. Failure to comply with Council policies etc. or

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a lawful instruction from a Council Officer or ranger could result in the termination of a user groups' agreement.

Storage of chemicals and/or hazardous substances is prohibited.

Council reserves the right to remove and prosecute any user group breaching conditions, unlawfully occupying and/or using a Council owned facility.

8.17 Helicopter Landings

From time to time helicopters may be required to land on Council land. User groups are not entitled to any refund, discount or fee waivers if a helicopter landing disrupts its usage.

Helicopter landings are always given first priority.

9 PLANS OF MANAGEMENT AND ASSOCIATED DOCUMENTS

Relevant Plans of Management

- St Ives Showground Plan of Management (29 June 1999)
- St Ives Village Green Plan of Management (11 August 1998)
- Ku-ring-gai Bicentennial Park (6 August 2002)
- Gordon and North Turramurra Golf Course Plan of Management (20 November 2001)
- Gordon Golf Course Clubhouse Precinct Plan of Management (20 November 2001)
- Canoon Road Recreation Area Plan of Management (20 June 2000)
- Swain Gardens Plan of Management (10 September 1996)
- Generic Plan of Management for Sportsgrounds (July 2003)
- Open Space Strategy (20 September 2005)
- Generic Plan of Management for Parks (20 September 2005)
- Sport in Ku-ring-gai Strategy (draft)
- Community Groups Centre (16 October 2001)
- Ku-Ring-Gai Performing Arts Resource Centre (20 March 2001)
- Community Halls and Meeting Rooms (17 October 2000)
- East Roseville Community Centre and War Memorial Hall (1 December 1999)
- Ku-Ring-Gai Performing Arts Resource Centre (March 2001)
- Lindfield Library Site (September 2002)
- Generic Children's Services (March 2002)
- Tryon Rd Lindfield

Associated Documents

- Temporary Licence Agreement template
- Application for Lease or Licence
- Application for Rental Rebate
- Assessment Form – Request for capital Contribution
- Heads of Agreement

Associated Policies

- Wet Weather Policy
- Fee Waiver Policy
- Public Notice Policy

PROCEDURES

ATTACHMENT A

Lease / Licence maximum 21 years

A.1 Purpose

To establish the conditions precedent and create a procedure by which leases and licences up to the maximum term of 21 years are granted.

These are created for the purpose of providing secured long term tenure to user groups who have contributed significant capital to build or upgrade the land or facility.

Agreements can be structured with option terms to constitute the 21 years and provide a freedom to the lessee/licencee not to exercise the option if circumstances change throughout the term.

A.2 Applicable Properties

The applicable land and facilities are:

- Major sporting clubhouses
- Golf Club
- Bowling Clubs
- Facilities for Children's Services

A.3 Legislative Framework

The Local Government Act 1993 – Clauses 45 – 47A

The Crown Lands Act 1989 – Clause 41-44 and 45 – 50.

For the sake of consistency in this policy, lease and licences, on both Community Land and Crown Reserves will be granted for a maximum period of 21 years.

A.4 Due Diligence

Prior to the commencement of negotiations, a standard due diligence process is to be undertaken to ensure necessary conditions precedent are achieved:

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1. That a signed undertaking by the applicant is provided to officers accepting responsibility for legal fees both for the user group's and Council's, and a administration fee and that the negotiation process is subject to the Negotiation Protocol.

NB: Legal fees are charged at Council's Legal Services Contracted rate and are discounted for all Community lease and licence negotiations.

2. That any environmental concerns are disclosed to the applicant
3. That the following information is to be provided to assess the user group's suitability as stated in clause 7.7 of the policy.
The information for assessment is:

- **Certificate of Incorporation** – due to legislative requirements regarding indemnification and liability, Council will only grant to incorporated entities agreements for the maximum term.
- **Audited Annual Financial Returns and projections** – to assess the incorporated entity's ability to meet their financial obligations by reviewing the last 5 years of its returns. Projections for income and expenditure to cover the next 5 years are also to be provided.
- **Evidence of improvements** – the incorporated entity must provide to Council a schedule of previous and intended capital expenditure on the relevant facility. Included should be details of past expenditure, dates when improvements were made, details of work done and expenditure, together with any details of any planned future improvements.
- **Internal Investigations** – Council officers will request information from other Council departments to assess the application.
Officers will consider issues such as:

- History of the relationship between the user group and Council
- Account history
- Disputes with Council
- Environmental Concerns
- Budget and operational costs

A.5 Timeframe

For renewals of lease and licences – notice of intention to renew an agreement, or exercise an option, should be provided in writing 6 months prior to the expiry of the agreement.

Once due diligence items have been provided the negotiation process to the executed agreement should take no more than 3 months to complete.

A.6 Process

Valuation

The annual licence fee or rent is determined by multiplying the market value per square metre (as determined by the independent valuation) by the number of square metres

Negotiations

The Negotiation Protocol sets out the process by which negotiations take place. The valuation and rebate amounts are not negotiable. Access areas, times, car parking, maintenance rates and outgoings and any other issues or reasonably requested special conditions are negotiated during this process.

Compulsory insurance provisions are not negotiable. Refusal to comply will render any application to lease/licence Council's facilities ineligible for further consideration.

Rebate Structure

The applicable rebate structure is assessed according to the criteria set out in the Rebate Assessment Schedule and is subject to annual review.

Spreadsheet

A payment schedule for the first 5 years of the agreement is disclosed to the user group. This includes the adjusted amount per year, increased by a fixed amount of 3 - 5 % (pursuant to cl 8.2 of this policy) together with the applicable rebate amount, deducted to reflect the new amount payable for that year. GST and PRMF (if applicable) are expressed in independent columns.

Heads of Agreement

All negotiated terms are then to be written into the standard Heads of Agreement Form and signed by the user group and authorised Council Officer.

Report to Council

A report is then submitted to Council for resolution to grant the agreement. All relevant information is provided and the Financial Spreadsheet and Heads of Agreement are included in the form of attachments to the report.

Public Notice

Public Notice of Council's intention to lease or licence the land must be effected pursuant to the provisions of the Local Government Act cl 47 and Council's Public Notice Policy.

Solicitor Brief

Once public notice requirements are satisfied, Council's solicitors are instructed to prepare the documentation - the lease or licence agreement.

The solicitor will be provided with the:

- Heads of Agreement
- Rental Spreadsheet
- Council Report and Resolution and
- Any other relevant information.

No further changes by the user group are accepted during the drafting period. Council deems that all terms and conditions were agreed to prior to the signing of the Heads of Agreement.

If a dispute arises during the course of preparation of the documents, which cannot be reasonably resolved within a period of 30 days, Council officers may then submit a subsequent report outlining the issue and requesting resolution.

Holding Over

It is compulsory to include Holding Over clauses into these agreements to ensure tenure is guaranteed if the agreement expires and renewal has not occurred within a reasonable period of time.

Holding over clauses ensure the agreement remain alive until a new one is negotiated, however is limited to 12 months.

If the licensee fails to notify Council of its intention to exercise its option within the given time and/or to renew the agreement 6 months prior to its expiry of this holding over Council will commence an EOI process for a new user.

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Execution

Document execution is undertaken in this order:

- Receipt of signed and stamped documents from the user group
- A Memorandum requesting the signatures of the Mayor and General Manager and that the Seal is affixed to the document.
- Signed and stamped documents are then returned to Council's solicitor for final execution. Documents will not be deemed executed until Council's Solicitor is in receipt of relevant bonds, Bank Guarantees, insurance certificates and any other mandatory documents.

The documents are then submitted to the relevant Minister for consent.

For administrative purposes all new leases and licences are deemed to commence on the first day of the closest month. Pre-existing agreements will remain valid agreements by virtue of the holding over clauses and will expire on the 31 December or 30 June.

A.7 Application of rent/licence fees ascertained by the valuation.

The independent valuation obtained reflects the market value and base factor of the property which does not automatically reflect the correct licence fee or rental amount.

Further calculations are required for:

- **Bowling Clubs** - Circular No 84/9 issued from the department of Local Government on February 8, 1984 provides the formula to ascertain the rental payable.
- **Childcare Facilities** - market value is based on comparable rates per square metre for kindergartens and childcare centres. The applicable formula is multiply the rate per square meter by the number of children permitted by the centres licence.
- **Golf Clubhouses** - are assessed on market value per square meter, but historically this is provided as a base rent with additional income remitted to council by way of percentage turnover.
- **Sporting Clubhouses** - are based on the market value of land by square metre.

When two or more clubs share the facility, the total annual market value (based on land area) is pro rated to the number of days and times as scheduled in the agreement.

Once the correct formulae and contingencies are applied, the correct rent/licence fee is determined. It is this amount which is noted in the Reference Schedule of the document. Any applicable rebates will then be deducted from that figure.

A.8 Booking System Update

To ensure the times and dates specified are reserved the Booking system must be updated upon execution of the documents.

Any additional requests for use of the land or facility must be confirmed by Council's Booking Liaison Officer, subject to availability. All additional bookings will be invoiced as per Council's adopted and current Fees and Charges.

A.9 Fees and Charges

An administration fee is payable by the user group at the outset of negotiations.

100% of the legal fees incurred for preparation of documents for both parties is payable by the user group.

Council's Solicitor will bill the user group after the documents have been finalised and accounts must be paid directly to the solicitor prior to execution of the documents.

A.10 Cancellation or Termination

Termination and expiration provisions are clearly taken up in all lease and licence agreements.

When licences provide usage in connection with a number of events, the events must be booked into the booking system at the commencement of each year. If an event requires cancellation due to wet weather, it may be rescheduled, subject to availability. If an event is cancelled without reasonable notice to council, or for any other reason, it will be taken up as an event day and not substituted. One event is equivalent to one day, unless pre booked and specified by the user group.

Any events booked over and above the allowed dates will be booked and charged on a casual basis.

ATTACHMENT B

5yr standard Lease or Licence

B.1 Purpose

To establish the conditions precedent and to create a procedure by which leases and licences up to the maximum term of 5 years are granted.

These agreements are created for the purposes of providing secured medium term tenure to user groups who may have contributed significant capital to build or upgrade the premises/facility in the past and/or who require the facility on a regular on going basis.

B.2 Applicable Properties

- Major sporting clubhouses
- Bowling Clubs
- St Ives Showground Facilities
- Childcare Facilities
- Community facilities, Halls and Meeting Rooms with an annual return to Council exceeding \$2000.
- West Pymble Swimming Pool

B.3 Legislative Framework

The Local Government Act 1993 – Clauses 45 - 47A

The Crown Lands Act 1989 – Clause 41-44 and 45 – 50.

B.4 Due Diligence

Prior to the commencement of negotiations a standard due diligence process is to be undertaken. This process ensures that three major necessary conditions precedent are achieved:

1. That a signed undertaking by the applicant is provided to officers accepting responsibility for legal fees (both the user group's and Council's) and an administration fee and that the negotiation process is subject to the Negotiation Protocol.

A deposit may be required with the undertaking.

NB: Legal fees are charged at tendered discounted, Community rates.

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2. That any environmental concerns are disclosed to the applicant
3. That the following information is to be provided to assess the user group's suitability as stated in clause 7.7 of the policy.

The information for assessment is:

- **Certificate of Incorporation** – due to legislative requirements regarding indemnification and liability, Council will only grant to incorporated entities agreements for the maximum term.
- **Audited Annual Financial Returns and projections** – to assess the incorporated entity's ability to meet their financial obligations by reviewing the last 5 years of its returns. Projections for income and expenditure to cover the next 5 years are also to be provided.
- **Evidence of improvements** – the incorporated entity must provide to Council a schedule of previous and intended capital expenditure on the relevant facility. Included should be details of past expenditure, dates when improvements were made, details of work done and expenditure, together with any details of any planned future improvements.
- **Internal Investigations** – Council officers will request information from other Council departments to assess the application. Officers will consider issues such as:
 - History of the relationship between the user group and Council
 - Account history
 - Disputes with Council
 - Environmental Concerns
 - Budget and operational costs

B.5 Timeframe

For renewals of lease and licences – notice of intention to renew an agreement, or exercise an option, should be provided in writing 6 months prior to the expiry of the agreement.

Once due diligence items have been provided, Council anticipates the negotiation process to the executed agreement should take no more than 3 months to complete.

B.6 Process

Valuation

The annual licence fee or rent is determined by multiplying the market value (as determined by the independent valuation) per square metre by the number of square metres.

Negotiations

The Negotiation Protocol sets out the process by which negotiations take place. The valuation and rebate amounts are not negotiable. Access areas, times, car parking, rates and outgoings and any other issues or reasonably requested special conditions are negotiated during this process.

Compulsory insurance provisions are not negotiable. Refusal to comply will render any application to lease/licence Council's facilities ineligible for further consideration.

Rebate Structure

The applicable rebate is assessed according to the criteria set out in the Rebate Assessment Schedule and is subject to annual review.

Spreadsheet

The applicable rebate structure is assessed according to the criteria set out in the Rebate Assessment Schedule.

Heads of Agreement

A payment schedule for the 5 years of the agreement is disclosed to the user group. This includes the adjusted amount per year, increased by a fixed amount of 3 - 5 % (pursuant to cl 8.2 of this policy) together with the applicable rebate amount, deducted to reflect the new amount payable for that year. GST and PRMF (if applicable) are expressed in independent columns.

Report to Council

A report is then submitted to Council for resolution to grant the agreement. All relevant information is provided and the Financial Spreadsheet and Heads of Agreement are included in the form of attachments to the report.

Public Notice

Public Notice of Council's intention to lease or licence the land is subject to the provisions of the Local Government Act cl 47 and Council's Public Notice Policy.

Solicitor Brief

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Once public notice requirements are satisfied, Council's solicitors are instructed to prepare the lease or licence agreement.

The solicitor will be provided with the:

- Heads of Agreement
- Rental Spreadsheet
- Council Report and Resolution and
- Any other relevant information.

No further changes by the user group are accepted during the drafting period. Council deems that all terms and conditions were agreed to prior to the signing of the Heads of Agreement.

If a dispute arises during the course of preparation of the documents, which cannot be reasonably resolved within a period of 30 days, Council officers may then submit a subsequent report outlining the issue and requesting resolution.

Holding Over

It is compulsory to include Holding Over clauses into every lease and licence agreement granted by Council to ensure tenure is guaranteed if the agreement expires and renewal has not occurred within a reasonable period of time.

Holding over clauses ensure the agreement remain alive until a new one is negotiated, however is limited to 12 months.

If the licensee fails to notify Council of its intention to exercise its option within the given time and/or to renew the agreement 6 months prior to its expiry of this holding over Council will commence an EOI process for a new user.

Execution

Document execution is undertaken in this order:

- Receipt of signed and stamped documents from the user group
- A Memorandum requesting the signatures of the Mayor and General Manager and that the Seal is affixed to the document.
- Signed and stamped documents are then returned to Council's solicitor for final execution. Documents will not be deemed executed until Council's Solicitor is in receipt of relevant bonds, Bank Guarantees, insurance certificates and any other mandatory documents.

The documents are then submitted to the relevant Minister for consent.

For administrative purposes all new leases and licences are deemed to commence on the 1st of the closest month. Pre-existing agreements will

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remain valid agreements by virtue of the holding over clauses and will expire on the 31 December or 30 June.

B.7 Application of rent/licence fees ascertained by the valuation.

The independent valuation obtained reflects the market value and base factor of the property which does not automatically reflect the correct licence fee or rental amount.

Further calculations are required for:

- **Bowling Clubs** - Circular No 84/9 issued from the department of Local Government on February 8, 1984 provides the formula to ascertain the rental payable.
- **Childcare Facilities** – market value is based on comparable rates per square metre for kindergartens and childcare centres. The applicable formula is multiply the rate per square meter by the number of children permitted by the centres licence.
- **Sporting Clubhouses** – are based on the market value of land by square metre.
- **When two or more clubs share the facility**, the total annual market value (based on land area) is pro rated to the number of days and times as scheduled in the agreement.
- **St Ives Showground Facilities** are subject to a number of factors, have the improvements been regarded in the valuation=direct comparison with rentals of land analysed on a rate per square metre.
- **Community Halls and Meeting Rooms** with an annual return to Council exceeding \$2000. Direct comparisons with market values of older style office space.

B.8 Fees and Charges

An administration fee is payable by the user group at the outset of negotiations.

100% of the legal fees incurred for preparation of documents for both parties is payable by the user group.

The Solicitor will bill the user group after the documents have been finalised and accounts must be paid directly to the solicitor, prior to execution of the documents.

B.9 Booking System Update

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To ensure the times and dates specified and agreed to, by both parties are protected, they must be booked into the Booking system upon signing of the HEADS OF AGREEMENT.

Any additional requests for use of the land or facility must be confirmed by Council's Booking Liaison Officer, subject to availability. All additional bookings will be invoiced as per Council's adopted and current Fees and Charges.

Licencees may request additional dates for postponed bookings, if relevant, subject to the Wet Weather Policy.

B.10 Cancellation or Termination

Termination and expiration provisions are clearly taken up in all lease and licence agreements.

When licences provide usage in connection with a number of events, the events must be booked into the booking system at the commencement of each year. If an event requires cancellation due to wet weather, it may be rescheduled, subject to availability. If an event is cancelled without reasonable notice to council, or for any other reason it will be taken up as an event day and not substituted. One event is equivalent to one day, unless pre booked and specified by the user group.

Any events booked over and above the allowed dates will be booked and charged on a casual basis.

ATTACHMENT C

12 Month Temporary Licence Agreement

C.1 Purpose

To provide a temporary licence agreement for properties and facilities available for one year at a time.

C.2 Applicable Properties

- Community rooms located within larger facilities where shared access to common areas such as kitchens and toilets are provided
- Small, free standing properties that are made available for community services.
- St Ives Showground facilities

C.3 Legislative Framework

LOCAL GOVERNMENT ACT – S45 - 47

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 116

CROWN LANDS ACT – S45 -49

C.4 Due Diligence

Prior to the commencement of negotiations for a new agreement, a standard due diligence process is to be undertaken.

The information for assessment is:

- **Evidence of the applicant being a Community Group:**

A Community Group under this Policy is an entity which provides a benefit to the community on a non profit basis, has a constitution or charter and a program of services or activities which confirm a commitment to meeting the cultural, social and/or recreational needs of the community.

- **Audited Annual Financial Returns and Projections**

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Council will assess the incorporated entity's ability to meet their financial obligations by reviewing the last 2 years of its returns. Projections for income and expenditure to cover the next 2 years are also to be provided.

- **Internal Investigations** – Council officers will request information from other Council departments to assess the application. Officers will consider issues such as:
 - History of the relationship between the user group and Council
 - Account history
 - Disputes with Council
 - Environmental Concerns
 - Budget and operational costs

C.5 Timeframe

Agreements are deemed to commence each calendar year and applications to renew are to be submitted by November 1 the preceding year. Each December, all recommendations for hire and/or renewal are reported to Council for determination.

C.6 Process

Application

All applications to create or renew a temporary licence must be received in writing by the 1 November each year and addressed to the Manager, Community and Recreation Services. Applications received after November 1 will not be accepted. It is the sole responsibility of the licensee to apply or apply to renew within the requested timeframes.

Negotiations

The standard terms and conditions of the licence, or compulsory insurance are not negotiable. Council reserves the right to accept or reject any other proposed terms by the applicant.

Report to Council

For the first OMC each November, a generic report to Council is submitted requesting that Council resolves to grant the mentioned licences for the following year.

Public Notice

Public Notice of Council's intention to lease or licence the land must be effected pursuant to the provisions of the Local Government Act cl 47 and Council's Public Notice Policy.

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Solicitor Brief

The solicitor will be provided with the Council resolution to grant the licences, together with details of the applicants and any approved additional terms to be included.

Holding Over

Holding over clauses are not included into the 12 month temporary licence.

Execution

Document execution is undertaken in this order:

- Receipt of signed and stamped documents from the user group
- A Memorandum requesting the signatures of the Mayor and General Manager and that the Seal is affixed to the document.

Signed and stamped documents are then returned to Council's solicitor for final execution. Documents will not be deemed executed until Council's Solicitor is in receipt of relevant bonds, Bank Guarantees, insurance certificates and any other mandatory documents.

No Ministerial Consent is required.

C.7 Rental/Licence Fee Assessment Importation into contract

The Temporary Licence is based on Council's adopted and current fees and charges and is charged on a square meterage basis.

C.8 Booking System Update

To ensure the times and dates specified and agreed to, by both parties are protected, they must be booked into the booking system upon receipt of the confirmation by the user group to renew the agreement.

C.9 Termination and Cancellations

The temporary licence can be cancelled if essential terms and conditions are breached.

When licences provide usage in connection with a number of events, the events must be booked into the booking system at the commencement of each year. If an event requires cancellation due to wet weather, it may be rescheduled, subject to availability. If an event is cancelled without reasonable notice to council, or for any other reason it will be taken up as an event day and not substituted. One event is equivalent to one day,

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unless pre booked, specified by the user group and permitted by Council officers.

Any events booked over and above the allowed dates will be booked and charged on a casual basis.

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ATTACHMENT D

Permanent Hirer

D.1 Purpose

To establish the conditions precedent and to create a procedure by which the permanent hiring of Council's facilities and land can be achieved in the most time and cost effective manner.

Hire of facilities and land under this arrangement allows for a continuous arrangement, at set times. At other times, when the arrangement does not apply, the facility/land is available for other use.

D.2 Applicable Properties

Facilities for permanent hire:

- Sporting facilities and fields
- Community Halls and Meeting Rooms
- St Ives Showground facilities

D.3 Legislative Framework

Local Government General Regulation 2005 – Clause 116

D.4 Due Diligence

Create an undertaking at the outset of the agreement each year that:

- the user group has the financial capacity to meet their liabilities.
- Community or Commercial rates will be determined.
- accounts will be settled in relevant timeframe.
- all public liability insurances are current and extending concurrently for the duration of the yearly agreement.

Internal Investigations – Council officers will request information from other Council departments to assess the application. Officers will consider issues such as:

- History of the relationship between the user group and Council
- Account history
- Disputes with Council
- Environmental Concerns
- Budget and operational costs

Hire arrangements and booking times will not be confirmed until Council is in receipt of all the above documents.

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D.5 Timeframe

Hire for up to one year only at a time.

D.6 Process

Land and facilities relevant can be either on Commercial and Community based arrangements.

All applications to create a new or to renew an existing permanent hire agreement must be received by the 1 November each year. The application must be made in writing and addressed to the Bookings Liaison Officer Community and Recreation Services. It is the sole responsibility of the user group to apply within the requested timeframes.

A Commercial hire arrangement applies to groups who are performing a commercial service or trade and charged commercial rates accordingly. Community hire arrangements are subject to Fees and Charges at a discounted rate.

Council reserves the right to request financial reports, Memorandum of Associations and any other relevant documentation to satisfy itself that the user is being charged on the correct basis, ie is the user group a community or commercial hirer.

Failure to provide to Council requested information will result in the group being charged at the commercial rate.

Permanent hirers have the option to request a renewal of their agreement for the following year. Forms sent by council in the preceding October are to be completed and returned prior to 24th December in order to be considered for ongoing arrangement.

If a user group wishes to terminate the agreement at any time, 6 weeks notice is required. A refund will be provided for any remaining bookings.

In the event of non payment of accounts, 90 days and over, the permanent hire agreement will be automatically terminated and all overdue amounts will be deducted from the bond Council holds. Legal action will be commenced to recover any balances outstanding over and above the value of the bond.

D.7 Fees and Charges

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As per Councils adopted and current Fees and Charges and based on an hourly rate.

D.8 Booking System Update

To ensure the times and dates specified are protected, they must be booked into the booking system upon receipt of the confirmation by the user group to renew the agreement.

D.9 Rescheduling & Cancellation

All alterations to booking arrangements must be made in writing.

- Where (4) weeks or more notice is given, there will be no charge.
- Where less than four (4) weeks notice is given, the hire fee for the month will be charged in full.
- For changing bookings the Booking Administration fee will apply for confirming new bookings.

Council reserves the right to:

- Refuse bookings for functions it deems inappropriate.
- Relocate hirers to another facility or venue.
- Cancel any booking with one (1) month's notice.
- Cancel any booking should the venue be unfit for the purpose and will provide a full refund of all fees.
- Effect immediate cancellation of any function if deemed necessary by the General Manager.

Please note Council will not be liable for loss or damage or otherwise in consequence of the exercise of this right.

ATTACHMENT E

Seasonal Allocation

E.1 Purpose

The seasonal allocation process provides sporting groups with a fair and equitable system for sports field allocation in accordance with the season.

The procedure allows Council to assess the demand for each sporting facility and ensures requests from each club/association are adequately accommodated. It ensures a fair and practical assignment of sporting facilities to each club/association.

E.2 Applicable Properties

Council's sporting facilities include;

- Sportsgrounds
- Netball Courts
- Tennis Courts
- St Ives Showground – Main Arena only
- Cricket Practice Nets
- Canteens

Any future approved facilities will be subject to this procedure.

E.3 Legislative Framework

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 116 (c)

E.4 Due Diligence

To assess the priority to which sporting groups are granted allocation for that season, an allocation pack is sent to all groups at prior to the commencement of the season:

The seasonal allocation forms must be completed and returned to Council by the date specified on the allocation pack for that season.

Council officers will assess the applications and give priority based on:

- **Availability of the facility**

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- any proposed capital works at the land or facility during the season dates.
- Operational and maintenance requirements
- Operational capacity (ie rest nights for Sportsgrounds)
- **User Group**
 - History and frequency of use
 - If there is a valid licence for the field clubhouse
 - If the user group is in dispute with Council for any other reasons apart from ground allocation.
 - Club numbers and demand for the facility .
- **Internal Investigations**

History of the relationship between the user group and Council

 - Account and allocation history
 - Disputes with Council
 - Environmental Concerns
 - Budget and operational costs

User groups who have a Capital Contribution Agreement with Council will not be given priority by virtue of the agreement, unless specified.

E.5 Timeframe

Allocation packs are sent three times each year:

- Summer Season – Allocated in June for September - March
- Winter Season –Allocated November for April - August
- Schools - Allocated in October for the next school year – valid for school days and hours only.

Each is given two weeks to complete and return the application to Council. Seasonal allocations are then processed onto Council's booking system and are prioritised over permanent or casual hire arrangements. Confirmation letters and a detailed spreadsheet confirming the allocated venue, dates and times are returned to the sporting group four weeks later.

During the period between summer and winter sporting activities, Council is deemed to have priority access to the facilities and land for ground preparation, maintenance, repairs etc.

If a field is available before the season date, it can be allocated; however, no guarantee on preseason/postseason requests can be provided. This approval is subject to the discretion of the Operations department, who are responsible for preparation of the fields for the upcoming season.

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E.6 Process

Council will only communicate with the named representative of the user group on the application forms.

If a location is requested by two or more clubs, each club will be notified by Council. It is the responsibility of the clubs to negotiate their requirements with one another and then to notify in writing to Council the details of their arrangements.

If a dispute cannot be resolved between two clubs, by the confirmation dates as specified on the allocation pack, the matter may be referred to Council's Open Space Reference Committee for discussion and resolution or an alternative option derived from any unallocated land or facility.

Refusal to comply will render any application to Council's facilities ineligible for further consideration.

E.7 General Conditions

Council's Operations Department will determine the capacity and standard services available at each facility. Hirers are responsible for the cost of any additional services or allocations requested.

Storage of equipment at Council facilities, is not permitted unless subject to an agreement. Council reserves the right to remove all unauthorised non-Council locks and remove and dispose of any equipment left in amenities buildings without written Council consent.

Council staff has access to facilities at all times for maintenance and cleaning purposes.

Council will not be held liable for any damage or loss of any property.

Council's floodlit facilities are controlled by an automated system. Where possible, appointed club representatives will be given floodlight control of specific facilities during designated allocations periods.

All hires must comply with Council's Wet Weather Policy.

Allocations Preferences

Council will give preference to seasonal hirers as follows;

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- Community or sporting clubs/associations
- Public/state schools
- Private schools
- General community/commercial and casual hirers

Sunday allocations

To ensure the community has access to public facilities Council will allocate a maximum of 15 Sundays per season to seasonal hirers. Council will not allocate Sunday bookings to hirers that do not nominate specific dates. Some land, sportsgrounds or facilities may not be available for Sunday allocation.

Invoicing

Invoices are raised as follows:

- Summer season – Once a year in October/November
- Winter Season – Once a year in May/June
- School allocations – Twice a year. Once in February (Term 1 and Term 2) and once in July (Term 3 and Term 4)

Requests for use of facilities outside the terms and dates of the seasonal allocation period or any additional allocations made after the start of the season are to be charged as casual rates under Council's adopted and current fees and charges.

E.8 Booking System Updates

Council will not process any allocations without submission of a completed Council bookings request form or allocation pack.

To ensure the times and dates specified and agreed to, by both parties are protected, they must be booked into the Booking System upon receipt of the confirmation by the user group to renew the agreement.

Bookings are not confirmed until times and dates are entered into the booking system and written confirmation has been sent from Council.

E.11 Fees and Charges

As per Council's adopted and current Fees and Charges

E. 12 Cancellations and rescheduling

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All cancellations or alterations to booking arrangements must be made in writing.

- Where the hirer cancels their allocations after confirmation has been provided, the hirer will be responsible for all seasonal costs of hiring that facility during the period it is not allocated to another user group.
- (4) four weeks notice is given, the hire fee for the month will be charged in full.
- A Booking Administration Fee will always apply.

Council reserves the right to:

- Cancel any booking with (1) month's notice or if the venue is unfit for the purpose of the intended hire.
- Relocate hirers to another facility or venue fit for the purpose of the intended hire with reasonable notice.
- Effect immediate cancellation of any function if deemed necessary by the General Manager.
- Refuse bookings for functions it deems inappropriate.
-

Council will not be liable for loss or damage or otherwise in consequence of the exercise of this right.

The Booking Administration Fee is non-refundable.

E.12 Associated Documents and Requirements

- **Ku-ring-gai Insurance Inspection Requirements** - Organisations using any netball courts, ovals, playing fields and/or designated areas for the purpose of organised sport and/or other activities agree to do so under these terms and conditions.
- **Sportsground Wet Weather Policy** – This policy is intended to apply in situations where Council's sportsgrounds are affected by wet weather and the decision to play or train on sportsgrounds adversely affected will cause damage to the playing surface
- **Seasonal Conditions of Hire Netball Courts, Ovals, Sportsgrounds and Other Designated** – There are general conditions to hiring Council's sporting facilities that include the time of use (weekdays/nights and weekends, usage of floodlights, pre and post season bookings, casual bookings.

ATTACHMENT F

Casual Hire

F.1 Purpose

Casual hiring arrangements pertain to one off use, although continuous bookings over a defined period of time can be made this way.

Land and facilities reserved under lease or licence agreements, seasonally allocated and permanent hire arrangements take priority over the causal arrangement.

F.2 Applicable Properties

- Facilities for casual hire:
- Tennis court hire
- Parks and reserves hire
- St Ives Showground facilities
- Sporting facilities and fields
- Community Halls and Meeting Rooms
- Other miscellaneous Community Lands

F.3 Legislative framework

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 116

F.4 Due Diligence

N/A

F.5 Timeframe

No notice is required and the facility is provided subject to availability.

F.6 Process

Facilities for casual hire may booked by telephone or email. Casual hire arrangements will only be made if the facility is free and not subject to reservations or allocations under a lease or licence; seasonal allocations or booked for permanent hire.

Payment should be made by credit card/eftpos prior to use.

**Ku-ring-gai Council's Policy for Management of Community and Recreation
Land and Facilities - 9 September 2009**

A bond may be required. Determination of a bond is subject to the Council officer's discretion and depending on the facility and the type of use the bond can range from \$330 to \$1000.

Keys are handed over to the casual hirer, once the hire fee is paid and any bond collected. Keys are to be returned at the end of the hire period. If keys are misplaced or damaged, the cost of replacement is deducted from the bond.

In the case of bookings for the purposes of large parties, Council officers will request or recommend the hiring of a professional and independent security service. Details and proof of retention must be provided to Council officers prior to the event.

Compulsory insurance provisions are not negotiable. Refusal to comply will render any application to hire Council's facilities ineligible for further consideration.

F.7 Fees and Charges

All casual hire arrangements are subject to Council's adopted and Current Fees and Charges.

Applications for fee waiver are assessed under the Policy to Waive or Discount Fees following a request in writing.

F.8 Booking System Updates

To ensure the times and dates specified and agreed to, by both parties are protected, they must be booked into the booking system upon the causal booking.

F.9 Cancellations and Rescheduling

All cancellations or alterations to booking arrangements must be made in writing.

- Where (2) weeks or more notice is given, there will be no charge.
- Where less than two (2) weeks notice is given, the hire fee for the booking will be charged in full or the hirer has the option of selecting an alternative day or facility.
- For changing bookings the Booking Administration fee will apply for confirming new bookings.

Council reserves the right to:

- Refuse bookings it deems inappropriate.

Ku-ring-gai Council's Policy for Management of Community and Recreation
Land and Facilities - 9 September 2009

- Relocate hirers to another facility or venue
- Cancel any booking with two (2) weeks notice.
- Cancel any booking should the venue be unfit for purpose and provide a full refund of all fees.
- Effect immediate cancellation of any function if deemed necessary by the General Manager.

Please note that the Council will not be liable for loss or damage or otherwise in consequence of the exercise of this right.

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ATTACHMENT G

Contract for Provision of Services

G.1 Purpose

To establish the conditions precedent and to create a procedure by which contracts for provision of services can be created.

G.2 Applicable Properties/Facilities

Usually a contract is required to reflect an agreement between Council and a user group for a provision of a service related to Council's land and/or facility.

A lease or licence agreement cannot adequately facilitate this agreement.

Examples of where contracts for the Provision of Services are required are:

- Contract for the supply of professional services for the golf club, ie professional services and teaching;
- Contract to manage a council owned facility such as the swimming pool, where the service required is the operation of the swimming pool, lessons, management etc.

G.3 Legislative Framework

S55 Local Government Act – tendering requirements

G.4 Due Diligence

An Expression of Interest Process is undertaken to select the best suited contractor. Unless otherwise approved, at the expiry of the contract, a new EOI will be commenced.

G.5 Timeframes

No times frame is specified as EOI requirements are specific for the purpose of the requested contract.

G.6 Process

Ku-ring-gai Council's Policy for Management of Community and Recreation
Land and Facilities - 9 September 2009

There is no set process for the creation of this type of contract due to the differing service requirements for which it can provide. This policy deems the process will be developed and finalised by Council officers and finalised by Council's solicitor following a resolution to enter into the specific contract for provision of the required service.

A contract for the provision of services may or may not attract a regular payment to Council.

DRAFT

1 ELEGANS AVENUE ST IVES - SUPPLEMENTARY REPORT

Ward: St Ives

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To address matters raised at the site inspection of 17 October 2009 and for Council to determine a review of DA1326/08 proposing dual occupancy development.
BACKGROUND:	An assessment report was prepared and considered by Council on 22 September 2009 where Council resolved to defer determination pending a site inspection. The site inspection was carried out on Saturday 17 October 2009.
COMMENTS:	The matters raised at the site inspection are addressed in this report.
RECOMMENDATION:	That the additional information be noted, and that the application be refused.

PURPOSE OF REPORT

To address matters raised at the site inspection of 17 October 2009 and for Council to determine a review of DA1326/09 proposing dual occupancy development.

BACKGROUND

An assessment report was considered by Council and at its meeting on 22 September 2009 resolved to defer determination pending a site inspection. The site inspection was carried out on Saturday 17 October 2009. The following matters were raised at the site inspection and are addressed accordingly.

COMMENTS

1. Private open space

Council officers are requested to confirm that the private open space calculations have taken into account the additional areas that extend beyond the existing fence line that relocated within the boundary of the site and comment with respect to the method in which the grades for private open space have been calculated together with relevant inclusions and exclusions.

- a) Concern was raised whether the private open space assessment included additional areas beyond the existing fence line.

The existing fence line does not give an accurate representation of the site boundaries and was not used to inform the assessment. The survey plan and landscape plan were used to calculate the private open space areas (as per the diagram in this report).

- b) Concern was raised regarding the method used to calculate grades.

The gradient of the private open space was calculated using the average length of the northern corner of the site taken from the retaining wall abutting to the west of the proposed path to the front boundary along Elegans Avenue. This assessment equated to 22.5 degrees.

The rear of the proposed dwelling proposed a gradient of 46 degrees which is unusable as private open space.

- c) Concern was raised regarding the inclusions and exclusions of private open space

Council's Dual Occupancy Development Control Code defines private open space as;

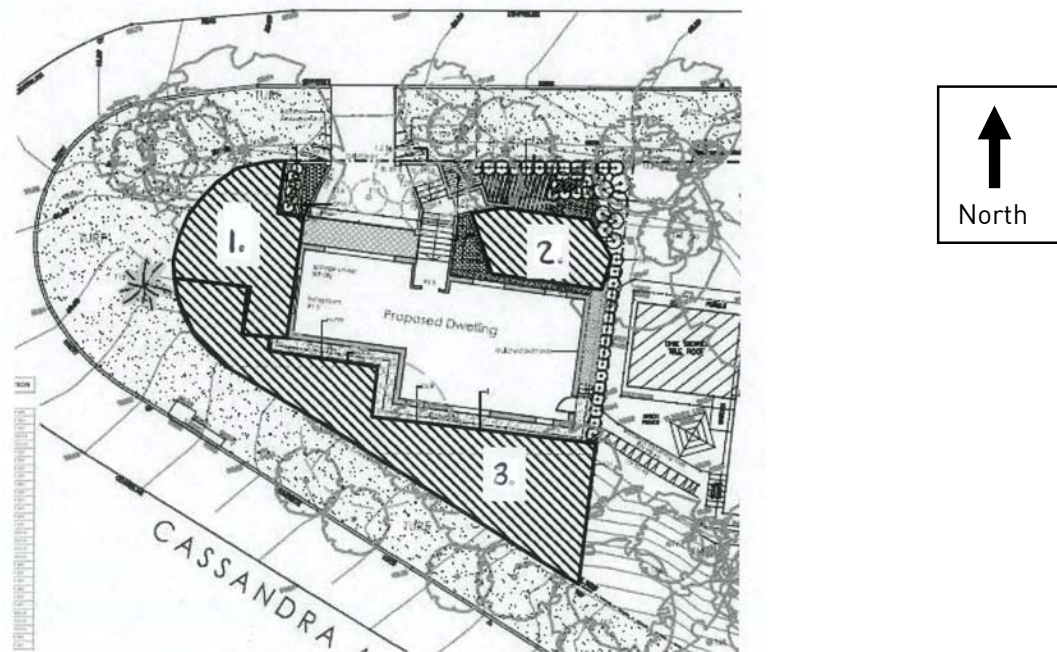
"part of the site are not occupied by any building/s, except for swimming pools or other outdoor recreation facilities, which is landscaped by gardens, lawns, shrubs or trees and is available for the exclusive use of the occupants of the respective dual occupancy dwelling and which is directly assessable and is at the same level as the principal living area of areas, but excludes driveways, turning areas, vehicular and pedestrian access ways, car spaces

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30 October 2009

narrow elongated curtilage area within the boundary setback area, drying yards and service areas”.

Diagram of excluded private open space for 1 Elegans Avenue, St Ives



Areas 1, 2 and 3 are excluded as private open space for the following reasons:

Area 1 – This area (35m²) is located within the front setback and will offer inadequate privacy and general amenity.

Area 2 – The turf area (RL90.44) and front yard located within the front setback along Elegans Avenue is excluded from private open space as it is not directly accessible and not located on the same level as the principal living areas (RL91.5).

Area 3 – The area located towards the rear of the dwelling is steeper than 12.5 degrees with a proposed gradient of 46 degrees and is not directly accessible or usable.

d) Concern was raised regarding a typographical error for reason for refusal No 5.

Reason for refusal No.5 is amended to read as “the proposal does not provide sufficient or usable private open space”.

2. Appeal

Council officers are requested to identify which of the reasons for refusal it would be prepared to defend in an appeal to the NSW Land and Environment Court.

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REV0015/09
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The reasons for refusal which would be defended in an appeal to the NSW Land and Environment Court are outlined in the recommendation of this report.

3. Driveway

Council officers are requested to advise if the close proximity of the proposed driveway to the corner of Elegans Avenue and Cassandra Avenue presents a safety hazard for vehicles.

The proposed driveway is located 6m away from the corner. Council's Development Engineer is satisfied that it complies with the relevant Australian Standard and raises no objection to its location on safety grounds.

RECOMMENDATION

Pursuant to Section 82(A) of the Environmental Planning and Assessment Act, 1979

That Council, as the consent authority, having considered the application for review of its determination, resolve to confirm its determination and refuse development consent to Development Application No. DA1326/08 for proposal of dual occupancy development on land at No.1 Elegans Avenue, St Ives.

AND

That Council amend the reasons for refusal as follows:

1. **The proposed front setback to Elegans Avenue is inconsistent with the prevailing setback along Elegans Avenue and results in a built form which is incompatible with the surrounding environment**

Particulars:

- a. The proposed setback of 3 metres of dwelling 2 to Elegans Avenue is incongruent with the adjoining development. The proposed development does not have a harmonious relationship with surrounding development and will dominate the streetscape.
- b. The proposal is inconsistent with the aims of SEPP 53 and outlined in Clause 1(d).
- c. The proposal fails to be of good design and is inconsistent with Clause 32(a) of SEPP 53.
- d. The proposal is inconsistent with the general aims and objectives for residential zones, as outlined in Schedule 9 – clauses 1 (a) and of the Ku-ring-gai Planning Scheme Ordinance.

2. **The proposal will result in a development of a bulk and scale which is excessive and inconsistent with the built form of the surrounding environment**

Particulars:

- a. The proposed development is excessively bulky and does not provide adequate setbacks which increase with wall height. In particular, the proposal is

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overbearing in scale and does not articulate the corner site or relate to surrounding development. The excessive bulk of the proposed development is exacerbated by its prominent corner site location.

- b. The proposed 3 metres front setback of proposed dwelling does not allow sufficient area for landscaping to soften the bulk of the proposed three (3) storey dwelling.
- c. The proposal is inconsistent with the aims of SEPP 53 as outlined in Clause 1(d).
- d. The proposal fails to be of good design being inconsistent with Clauses 32(a) and (h) of SEPP 53.
- e. The proposal is inconsistent with the general aims and objectives for residential zones, as outlined in Schedule 9 – Clauses 1(a) and 2(e) of the Ku-ring-gai Planning Scheme Ordinance.

3. The proposal is unacceptable with regard to engineering issues regarding property drainage, vehicular manoeuvrability and insufficient information

Particulars:

- a. The proposed works generate inadequate storm water drainage not in accordance with DCP47 Water Management and AS/NZS 3500
- b. The proposed driveway generates insufficient driveway vehicular manoeuvrability and is not in accordance with the B85 turning template
- c. The proposal provides insufficient information to enable an assessment of BASIX commitments.

4. The proposal results in unacceptable impacts upon significant trees on the Elegans Avenue nature strip and fails to provide adequate landscape screening to ensure a high level of privacy and amenity is maintained

- a. The proposed works will result in adverse impacts to significant trees; T29: *Pittosporum undulatum* (Sweet Pittosporum) and T30: *Callistemon salignus* (Willow Bottlebrush) located on Elegans Avenue nature strip.
- b. The proposed continuous screen planting located along Cassandra Avenue and the splay cannot be achieved due to the NSW Rural Fire Service requirements for Inner Protection Zones.

5. The proposal does not provide sufficient or usable private open space

- a. The proposed new dwelling does not provide a minimum 100sqm of private open space.
- b. The proposed new dwelling does not provide sufficient usable private open space at a maximum 1: 8 grade (12.5 degrees) slope.
- c. Location in front yard results in poor accessibility and inadequate levels of privacy due to lack of screen planting.

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6. The proposal is unacceptable with regard to inaccurate and incomplete information

Particulars:

- a. Invalid BASIX Certificate, generated from 2 incomplete BASIX Certificates.
- b. BASIX commitments are not detailed on the plans
- c. Elevations and Landscape plan are not to consistent scale.
- d. Inconsistencies noted within Landscape Plan
- e. Plans of existing dwelling not provided.

Mark Raymundo
**Development
Assessment Officer**

Selwyn Segall
Team Leader – North

Corrie Swanepoel
**Manager Development Assessment
Services**

Attachments:

- 1. Council Report 22 September 2009 - 2009/158158**
- 2. Councillor site inspection meeting minutes - 17 October 2009 - 2009/191747**

Ordinary Meeting of Council - 22 September 2009

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1 Elegans Avenue, St Ives
REV0015/09
26 August 2009

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE: 1 ELEGANS AVENUE, ST IVES - SECTION 82A
REVIEW OF COUNCIL'S REFUSAL OF DA1326/08
PROPOSING DUAL OCCUPANCY DEVELOPMENT

WARD: St Ives

DEVELOPMENT APPLICATION NO: REV0015/09

SUBJECT LAND: 1 Elegans Avenue, St Ives

APPLICANT: Mr Kenneth Scannell and Mrs Shirley Ann Scannell

OWNER: Mr K & Mrs S A Scannell

DESIGNER: Dennis Atterbury Architect

PRESENT USE: Single occupancy dwelling

ZONING: Residential 2(c)

HERITAGE: No

PERMISSIBLE UNDER: SEPP 53 – Metropolitan Residential Development

COUNCIL'S POLICIES APPLICABLE: Ku-ring-gai Planning Scheme Ordinance, Dual Occupancy Development Control Code, DCP 40 Waste Management, DCP 43 Car Parking Code, DCP 47 Water Management, DCP 56 Notification

COMPLIANCE WITH CODES/POLICIES: No

GOVERNMENT POLICIES APPLICABLE: SEPP 55 – Remediation of Land, SEPP (BASIX) 2004, SEPP 53 – Metropolitan Residential Development, SREP (Sydney Harbour Catchment) 2005

COMPLIANCE WITH GOVERNMENT POLICIES: No

DATE LODGED: 4 June 2009

40 DAY PERIOD EXPIRED: 14 July 2009

PROPOSAL: Section 82A Review of Council's refusal of DA1326/08 proposing dual occupancy development

RECOMMENDATION: Refusal.

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DEVELOPMENT APPLICATION N^o

PREMISES:

PROPOSAL:

APPLICANT:

OWNER:

DESIGNER

REV0015/09

1 ELEGANS AVENUE, ST IVES

SECTION 82A REVIEW OF COUNCIL'S
REFUSAL OF DA1326/08 PROPOSING
DUAL OCCUPANCY DEVELOPMENT

MR KENNETH SCANNELL AND MRS
SHIRLEY ANN SCANNELL

MR K & MRS S A SCANNELL

DENNIS ATTERBURY ARCHITECT

PURPOSE FOR REPORT

To review the refusal of Development Application No.1326/08, which sought consent for a dual occupancy development comprising of the demolition of existing swimming pool and associated structures and construction of a new detached three (3) storey dwelling.

This application was called to Council by Councilor Hall on 31 July 2009.

EXECUTIVE SUMMARY

Issues:

- Front setback, bulk and scale, streetscape private open space, landscaping, engineering, rural fire service issues, insufficient and inadequate information

Submissions:

No submissions received

Land & Environment Court Appeal:

Yes, appeal lodged on 27 August 2009
Class 1 - case number 10590 of 2009
Call over 24 September 2009

Recommendation:

Refusal

HISTORY

The following development applications relate to the subject site:

Development application history:

DA1066/08 – Detached dual occupancy – rejected by Council on 23 October 2008

Development Application No. 1066/08 sought consent for a detached dual occupancy development. The application was rejected on 23 October 2008 the basis of insufficient information to allow Council to undertake an informed assessment.

DA 1326/09 – Dual occupancy development – refused by Council on 16 March 2009

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Development Application No.1326/08 sought consent for a detached dual occupancy development, comprising retention of the existing dwelling in conjunction with the construction of a new three (3) storey dwelling presenting to Elegans Avenue.

The application was refused under officer delegation on 16 March 2009. The reasons for refusal were as follows:

1. **Bulk and scale:** - *The proposed new dwelling is excessive in terms of its visual bulk and scale, and would result in a development that is out of keeping with the character of the existing streetscape*

Particulars:

- a) *Height: - the proposed dwelling is excessive in terms of its height, and presents as a 3 storey development to the primary street frontage of Elegans Avenue.*
- b) *Cut and fill: - the proposed development does not comply with cut and fill requirements, proposing in excess of 900mm cut and fill (up to 1.7metres) across numerous parts of the site.*
- c) *First floor space ratio (FSR): - The proposed new dwelling (Dwelling 2) does not comply with Council's first floor FSR control proposing a first floor FSR of 48%.*
- d) *Building envelope: - the proposed Dwelling 2 has a 4.5 metres breach to the required building envelop along the south-east elevation.*

2. **Building setbacks:** - *The proposed new dwelling fails to comply with Council's building setback requirements.*

Particulars:

- a) *Primary Street minimum setback: - Proposed Dwelling 2 does not comply with the 12 metres minimum front setback requirement, having a setback of 3 metres to Elegans Avenue.*
- b) *Secondary Street minimum setback: - Proposed Dwelling 2 does not comply with either the 7 metres or 5 metres corner site setback requirements, having a minium setback of 3 metres from Cassandra Avenue.*
- c) *Side setback: - Proposed Dwelling 2 does not comply with Council's side setback requirements at either the ground or first floor, having a side setback of 1.4 metres to both aspects along the south-east elevation.*
- d) *Building separation: - Council's Dual Occupancy Code identifies that the setback between detached dual occupancy dwellings should be a minimum of 7 metres. The proposed development fails to satisfy this control, providing a separation of 2.6 metres between the dual occupancy dwellings.*

3. **Private open space:** - *Council's Dual Occupancy Code states that private open space areas*

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of dual occupancy developments should be of a sufficient dimension to meet the needs and requirements of the dwelling's residents.

Particulars:

- a) *Private open space: - The proposal fails to meet the minimum requirement of 100 square metres for each dwelling, as proposed Dwelling 2 has been provided with only 35 square metres of private open space.*
 - b) *Grade: The proposed development does not comply with Council's private open space grade control for either Dwelling 1 or 2, proposing grades of 1 in 2 and 1 in 3 for the proposed private open space areas of these dwelling, respectively.*
4. **Tree & vegetation removal & impacts:** - *The proposed development fails to satisfy Council's landscaping requirements in relation to tree and vegetation removal and impacts.*

Particulars:

The applicant has failed to address the likely occurrence of the endangered ecological community Sydney Turpentine Ironbark Forest occurring on site or issues relating remnant vegetation on site consistent with this community and the impacts upon this community resulting from the proposed works.

5. **Engineering:** - *The proposed development fails to satisfy Council's engineering requirements.*

Particulars:

- a) *On site retention: -the on-site retention (OSR) requirements for the site have not been satisfied. The OSR must satisfy the minimum water commitment in accordance with the BASIX requirements of 8,500L, hence a combined storage of 11,300L.*
6. **Insufficient/inadequate information:** -

The application is deficient in regard to providing adequate information for Council to be able to make an informed assessment.

Particulars:

- a) *Statement of Environmental Effects (SEE) - the statement of environmental effects (SEE) submitted with the proposal fails to adequately address all aspects of SEPP No.53, KPSO and Council's Dual Occupancy Code.*
- b) *Built-upon area calculations: - the applicant did not provide coloured plans detailing built-upon area calculations to demonstrate compliance with this control, as per Council's DA Guide*

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- c) *On-site retention: - revised section details of the tank with supporting calculations have not been provided.*
- d) *Solar access: - insufficient information has been provided in relation to solar access provision for the private open space for Dwelling 1.*
- e) *Manoeuvrability/Site Plan: - the site plan has not been amended to show the turning path and manoeuvrability proposed for vehicles to safely enter and exit the north-eastern side garage parking space via the proposed driveway. The design provided must use the Australian Standard 2890.1 (2004) "Off-Street car parking" B85 design template.*
- f) *Driveway longitudinal section: - the applicant has failed to provide a driveway longitudinal section and any necessary cross-sections clearly demonstrating that the driveway complies with Australian Standards 2890.1 -2004 "Off Street car parking".*
- g) *Arborist/Ecological report: - an arborist's report addressing the issues as outlined has not been provided.*
- h) *Bushfire report: - a bushfire report, including details of vegetation removal/management has not been submitted.*
- i) *Landscape plan: - the landscape plan has not been amended so as to comply with both BASIX and bushfire management requirements (i.e. site to be maintained as an inner protection area).*
- j) *Rainwater tanks: - the overflow from the below ground 'raincycle' rainwater tank does not have gravity fall to the silt arrestor pit P1. The levels at the pit boundary are to be checked and verified prior to the submission of additional information. In addition, the location of the minimum 5,000L rainwater tank and the drainage pipelines for the existing residence are to be shown in accordance with Council's Water Management DCP No.47.*

Current development application

The current application [REV0015/09] seeks a review of Council's refusal of DA1326/08 for a dual occupancy development on the site. The review application proposed the following amendments to the refused proposal [DA1326/08].

- i) Reduction in the depth of proposed garage located on the lower ground floor by 500mm.
- ii) Inclusion of hipped upper gable and hipped roof to the entrance presenting to Elegans Avenue.
- iii) Deletion of the first floor upper level bay window along the eastern elevation of the master bedroom.

Following a preliminary assessment of REV0015/09, it was considered that the application did not adequately address the reasons for refusal of DA1326/09.

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Council officers advised the applicant that the application was not supported on 25 July 2009 and also raised the following concerns:

- site suitability
- bulk and scale
- front setback
- private open space
- inadequate information
- landscaping impacts
- engineering impacts

The applicant elected not to amend the proposal to address these concerns but instead lodged a class 1 appeal with the Land and Environment Court on 27 August 2009.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	1945-1968
Lot Number:	101
DP Number:	218856
Area:	1303m ²
Frontage:	35.75m Elegans Avenue & 44.19m Cassandra Avenue, 15.76m splay
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	Yes – Bushfire prone vegetation buffer
Endangered Species:	Yes – Sydney Turpentine Ironbark Forest (potential impact to endangered ecological community)
Urban Bushland:	No
Contaminated Land:	No

Site description

The site is a corner allotment located at the north-eastern corner of the intersection of Elegans Avenue and Cassandra Avenue, St Ives and sits on the high side of Elegans Avenue.

The site has an area of 1303m² and forms an irregular triangular shape, with a splayed corner adjacent to the intersection. The site contains two street frontages of approximately 44.19 metres to Elegans Avenue and 35.75 metres to Cassandra Avenue, with a splay of 15.76 metres to the junction. The site slopes from the south-west to the north-east, with a maximum 6.5 metres cross fall along the south-eastern property boundary.

Development on the site currently comprises a two (2) storey dwelling house with a swimming pool and cabana located within the north-eastern corner of the site. The site contains a driveway on natural slope, located towards the east of the site. A 800mm high retaining wall is located along the Elegans Avenue frontage. The dwelling presents to Elegans Avenue with a

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double carport and driveway located within the eastern side setback. Mature trees are located within the front, side and rear setbacks and within the Elegans Avenue nature strip.

1 Elegans Avenue – subject site (high side)



View context:

Southern end of subject site with existing dwelling viewed from Elegans Avenue.



Surrounding development:

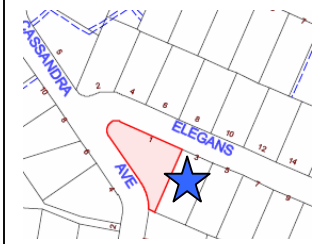
The locality is characterised by established gardens and open landscapes with a mixture of single and two (2) storey detached dwelling houses of varying architectural styles with predominantly uniform front building setbacks. The northern side of Cassandra Avenue is relatively steep, with swimming pools located within the front setback.

3 Elegans Avenue (high side)



View context:

3 Elegans Avenue adjacent south to the subject site viewed from Elegans Avenue.



5 Elegans Avenue (high side)



View context:

5 Elegans Avenue
located to the south
viewed from Elegans
Avenue.



6 Elegans Avenue (low side)



View context:

6 Elegans Avenue,
opposite to the east
viewed from Elegans
Avenue.



4 Elegans Avenue (low side)

View context:

4 Elegans Avenue to
the north viewed from
Elegans Avenue.



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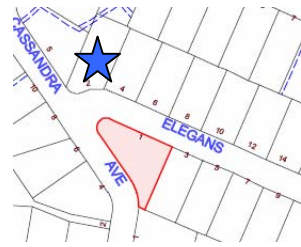


2 Elegans Avenue (low side)



View context:

2 Elegans Avenue to the north viewed from Elegans Avenue.



8 Cassandra Avenue



View context:

8 Cassandra Avenue to the west viewed from Cassandra Avenue.



6 Cassandra Avenue

View context:

6 Cassandra Avenue to the west viewed from Cassandra Avenue.



4 Cassandra Avenue



THE PROPOSAL



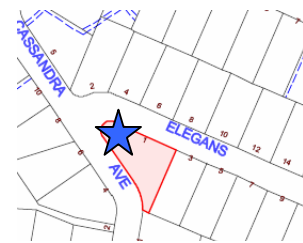
View context:

4 Cassandra Avenue to the west viewed from Cassandra Avenue.



View context:

Northern end of Subject site 1 Elegans Avenue (location of proposed dual occupancy) viewed from Elegans Avenue



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The proposal involves retention of the existing two (2) storey dwelling, the demolition of the existing swimming pool, cabana and removal of eleven (11) trees and the construction of a three (3) storey dwelling to create a detached dual occupancy development.

The details of the proposed dwelling are as follows;

- Construction of a three (3) storey detached dwelling, comprising of 3 bedrooms (one with ensuite), living room, dining room, kitchen and study adjacent to the sites existing two storey dwelling, with a separation of 2.6m between the dwellings. Vehicular access is proposed via a driveway from Elegans Avenue.

CONSULTATION - COMMUNITY

In accordance with DCP No.56, owners of surrounding properties were given notice of the application and no submissions were received.

CONSULTATION - WITHIN COUNCIL

Landscaping

Council's Landscape Officer, Stephen Fenn commented on the amended proposal as follows:

The proposal is not supported for the following reasons;

The discharge line from P1 to the kerb requires relocation to the western side of the driveway to avoid trenching through the root systems of T29: Pittosporum undulatum (Sweet Pittosporum) and T30: Callistemon salignus (Willow Bottlebrush) growing on the Elegans Avenue nature strip.

The Rural Fire Service's recommendations stated that the site be managed as an Inner Protection Zone. The landscape plan would not comply with bushfire management guidelines. Some necessary clearing of existing vegetation would affect amenity issues in relation to screening of the development.

Comment:

Council's Landscape Officer has also raised concern regarding the proposed continuous 1.5m screen planting located along the splay and along Cassandra Avenue. The Rural Fire Service has recommended that the site be managed as an Inner Protection Area, whereby planting forming a continuous canopy is discouraged.

In addition, Council's Development Engineer has raised vehicular manoeuvrability concerns regarding this portion of the proposed driveway and retaining wall.

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The applicant has provided sufficient information to allow Council to undertake an assessment of potential threatened ecological communities on site. Council's Landscape Assessment Officer has not raised an objection to the removal of 3 trees identified as being from a Sydney Turpentine Ironbark Forest endangered ecological community or Sydney Sandstone Gully Forest due to their poor health.

However, Council's Landscape Officer has raised concerns regarding the proposed western side of the driveway affecting two significant trees (*Pittosporum undulatum* and *Callistemon salignus*) located on the Elegans Avenue nature strip.

Engineering

Council's Development Engineer, Masa Kumira, commented on the amended plans as follows:

Following a perusal of the submitted plans and site inspection, Development Engineers have the following concerns:

BASIX certificate

The BASIX Certificate is incomplete, and does not allow Council to make an informed assessment of the development. The submitted documents have pieced together 2 incomplete certificates.

Rainwater tank

The applicant has not provided a revised stormwater drainage plans detailing the location of the minimum required 5,000L rainwater tank and drainage pipelines for the existing residence in accordance with Council's Water Management DCP47. The rainwater tank storage for the proposed dwelling shall also be consistent with the revised BASIX Certificate required above.

Property drainage

The applicant has not provided revised stormwater drainage plans demonstrating gravity drainage from the rainwater tank to the street drainage system in accordance with Council's Water Management DCP47 and AS/NZS 3500 – Plumbing and Drainage Code. The outlets to the rainwater tank and Pit P1 are the same.

Attention should also be given to the proposed stormwater drainage line traversing the front of the garage. The invert level provided (RL 89.6) suggests that the pipe will run 600mm above the garage floor level.

Due to the presence of rock and the steepness of the site, additional pits will be required towards the rear to convey stormwater runoff around the property.

Geotechnical

The applicant has failed to submit a geotechnical report in accordance with Section 5K of Council's DA Guide. The proposed excavation for the site will be greater than 2 metres.

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Vehicle manoeuvrability

The applicant has failed to submit turning circle templates for the B85 vehicle overlaid on the site plans which demonstrate that vehicles to exit the eastern garage space can adequately manoeuvre through the site. It is envisioned that vehicles will be damaged as a result of the required retaining walls adjacent to the proposed driveway.

Comment:

Council's Development Engineer has raised numerous issues regarding the proposed works, seeking a revised BASIX Certificate and drainage plans. The applicant has also failed to provide a geotechnical report and collectively this lack of information impedes Council's ability to undertake an informed assessment.

CONSULTATION – OUTSIDE COUNCIL

Rural Fire Service

In accordance with the provisions of Section 79BA of the Environmental Planning and Assessment Act 1979, Council consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to persons, property and the environment from danger that may arise from a bushfire. The comments provided by the Rural Fire Service are consistent with the recommendations provided for DA1326/08. Their recommendations are as follows:

In accordance with section 79BA of the Environmental Planning and Assessment Act 1979, The Service provides the following recommended conditions:

Asset Protection Zone

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with building.

1. *At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area as outlined within Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service document 'Standards for asset protection zones'.*
 - *The Inner Protection Area should comprise of the following:*
 - *minimal fine fuel at ground level;*
 - *vegetation that does not provide a continuous path to building/s for the transfer of fire;*
 - *shrubs and trees that do not form a continuous canopy and vegetation;*
 - *planted/cleared into clumps rather than continuous rows;*

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- species that retain dead material or deposit excessive quantities of ground fuel are avoided;
 - shrubs and trees are pruned or removed so they do not touch or overhang the building/s; and
 - vegetation is located far enough away from the building/s so that plants will not ignite the building/s by direct flame contact or radiant heat emission.
- 2. To allow for emergency service personnel and residents to undertake property protection activities, an unobstructed pedestrian access is to be provided around the buildings.

Design and construction

- 3. New construction is to comply with Appendix 3 -Site Bush Fire Attack Assessment of Planning for Bush Fire Protection 2006. In this regard the following design standards for construction are to be incorporated into the development:
 - a) Roofing shall be gutter less or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.

Landscaping

- 4. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:
 - a) Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways.
 - b) Grassed areas/mowed lawns/or ground cover plantings being provided in close proximity to the building.
 - c) Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building.

STATUTORY PROVISIONS

The application was lodged under the provisions of s.82A of the EPA&A Act, consequently it must meet the following test;

"82A Review of determination

- (1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than;
 - (a) a determination to issue or refuse to issue a complying development certificate, or
 - (b) a determination in respect to designated development, or
 - (c) a determination in respect to integrated development

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(d) a determination made by the council under section 116E in respect of an application by the Crown

(2) A request for a review may be made at any time, subject to subsection (2A)

(2A) A determination cannot be reviewed;

(a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or

(b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination

(3) The prescribed fee must be paid in connection with a request for a review.

(3A) In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4) (c).

(4) The Council may review the determination if;

(a) if has notified the request for review in accordance with:

(i) The regulations, if the regulations so require, or

(ii) A development control plan, if the council has made a development control plan that requires the notification or advertising of request for the review of its determinations, and

(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended is substantially the same development as the development described in the original application".

The proposal meets the above test, as follows:

- The application was not a complying development certificate, designated or integrated development or a determination under section 116E of the EP&A Act 1979 in relation to the Crown.
- The review has been lodged within sufficient time as required under section 82A(2)(2a) of the EP&A Act 1979.
- The applicable fee has been paid
- The application has been notified in accordance with the regulations and Council's Notification Policy DCP 56
- No submissions were received
- The application has been amended but remains substantially the same development as described in the original refused application.

State Environmental Planning Policy No 55 - Remediation of Land

Given that the only known use of the site is for residential purposes, the land is unlikely to be contaminated and the provisions of SEPP 55 do not require any additional conditions to be imposed.

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The provisions of SEPP 55 require consolidation of the potential for a site to be contaminated. The site has a history of residential use and as such is unlikely to contain any contamination. Therefore, further investigation is not warranted in this case.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The applicant has failed to provide a valid BASIX Certificate.

State Environmental Planning Policy No 53 - Metropolitan Residential Development

Note: For the purposes of clarity, the existing dwelling of the site is referred to as 'Dwelling 1', the proposed Dwelling is referred to as 'Dwelling 2'.

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a)) • 600m ² attached dual occ. (min)	1303m ²	YES
Floor space ratio (cl.19(1)(b)) • 0.5:1 (max) (651.5 m ²)	0.32:1 (417.7 m ²)	YES
Car parking (cl.20) • Dwelling 1: 2 car spaces (min) • Dwelling 2: 2 car spaces (min)	Dwelling 1: 2 car spaces Dwelling 2: 2 car spaces	YES YES

The aims of SEPP No. 53 are outlined in clause 3(1) as follows:

- (a) *broaden the choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

Clause 3 of the SEPP states that these aims will be achieved:

- (a) *by establishing planning controls that will provide opportunities for a variety of housing types to be developed in areas the councils of which have not adopted development strategies, and*
- (b) *by setting out design principals that, if followed, will achieve built form that responds to the characteristics of its site and location*
- (c) *by encouraging councils to prepare and adopt residential development strategies and supporting local environmental plans and policies that will achieve those aims, and by allowing local government areas to be exempted from the whole or parts of this policy when those strategies are in place.*

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The proposed development does not comply with objective 3(1)(d). The proposed development results in adverse streetscape impacts due to inadequate front setbacks and excessive bulk and scale. The proposal seeks the construction of a three (3) storey dwelling with a 3 metre minimum setback and average setback of 6.9 metres which is inconsistent of the predominant building alignment within Elegans Avenue.

The proposed dual occupancy is on the high side of Elegans Avenue. It has been demonstrated that all dwellings in the high side of Elegans Avenue have a front setback of at least 12 metres. As such, proposed dwelling will be distinctly out of character with the established streetscape of Elegans Avenue.

Aerial Photograph of surrounding development



Minimum front setbacks of surrounding development

Property Address	Minimum front setback of dwellings
3 Elegans Avenue	13m
5 Elegans Avenue	12m

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6 Elegans Avenue	14m
4 Elegans Avenue	12m
2 Elegans Avenue	13m
8 Cassandra Avenue	12m
6 Cassandra Avenue	20m
4 Cassandra Avenue	8m

Site analysis (cl.31):

The documentation submitted with the application is acceptable with respect to the requirements of Clause 31 and Schedule 5 of the SEPP.

Streetscape (cl.32(a)):

The streetscape provisions of SEPP 53 state that dual occupancy development should:

- (i) contribute to an attractive residential development, with clear character and identity, and*
- (iii) where possible, retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan.*

The proposed development is inconsistent with clause 32(a) (i) as it is incongruent with the prevailing surrounding streetscape character of the locality. The character is defined by large, landscaped front setbacks, featuring numerous canopy trees.

The proposed development has a minimum front setback of 3 metres to Elegans Avenue which is not acceptable. The minimal setback proposed to Elegans Avenue and Cassandra Avenue is not considered adequate to offset the bulk and scale of the development proposed. The impacts are exacerbated by the site's prominent corner location on the high side of Elegans Avenue.

Visual privacy (cl.32(b)):

The proposed development is unacceptable as a consequence of its privacy impacts due to the restriction of proposed screen planting located along the splay of the site. This is inconsistent with the NSW Rural Fire Service requirements for Asset Protection Zones that there should not be any shrubs or trees forming a continuous canopy.

Acoustic privacy (cl.32(b)):

The proposed development offers a reasonable level of acoustic privacy to the new dwellings and adjoining properties. The proposal entails adequate separation between the main living areas of each dwelling and the bedroom windows of adjoining dwellings.

Solar access and design for climate (cl.32(c)):

The proposal has been designed to provide the new dwelling (Dwelling 2) with a north-facing living area. The design and siting of the proposed dwelling will provide sufficient levels of solar access to north-facing windows and private open space of adjoining properties. The proposed

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development would receive a compliant 3+ hours of solar access to its internal living areas and private open space areas during the winter solstice (June 22). The proposed works satisfy solar access requirements detailed within AMCORD.

Stormwater (cl.32(d)):

Council's Development Engineer has noted that the applicant has provided insufficient information. In this regard, the proposal is unacceptable with regard to stormwater.

Crime prevention (cl.32(e)):

The proposal is acceptable in terms of crime prevention.

Accessibility (cl.32(f)):

Council's Development Engineer has noted that the proposed driveway and retaining wall restrict vehicular manoeuvrability. In this regard, the proposal is unacceptable with regard to accessibility.

Visual bulk (cl.32(h)):

Clause 32(h) of SEPP 53 states that the proposed development should, where practicable, maintain reasonable neighbour amenity and appropriate residential character by:

- (a) providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing, and*
- (b) using building form and siting that relates to the site's land form, and*
- (c) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*

The proposed works fail to satisfy these objectives of the SEPP. The development which is constrained by the retention of the existing dwelling which occupies the vast majority (approximately 70%) of the total allotment size. The development area provided for Dwelling 2 only equates to approximately 30% of the existing site area, moreover, the location of the proposed dwelling is within the north-eastern portion of the site which is considered to be most sensitive due to its streetscape prominence.

The proposed dwelling progressively increases setbacks from the first floor however its bulk and scale are exacerbated due to the minimal 3 metres front setback proposed. In addition, the garage portion of the front façade is not and cannot be screened by vegetation which further contributes to adverse streetscape impacts.

The new dwelling requires excavation to 2.2 metres in depth in order to accommodate a double garage. Adjacent properties comprise two (2) storey dwellings with garages at or behind the building line. The garage is located forward of the building line and is unacceptable with regards to streetscape impact.

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Significant excavation is proposed which results in poor amenity to the rear of the dwelling. This design is considered inappropriate and does not relate to the site's natural topography. The existing dwelling located on the subject site is stepped to accommodate the natural slope of the site and better integrates with the natural slope of the site.

The proposed dwelling will be three storeys with an excavated double garage. It measures 9.4 metres from the garage level to the ridge which is at RL98.70. The ridge height of the existing dwelling is at RL97.03 and the proposed dwelling exceeds the existing dwelling height by approximately 1.7 metres. The existing dwelling is set back a minimum 8 metres from Elegans Avenue which is more than twice the minimum 3 metres setback of the proposed dwelling. As such, the proposed dwelling will be unduly prominent in the context of the existing surrounding development.

The proposed first floor space ratio of the new dwelling is not commensurate with that of the existing dwelling, generating adverse visual bulk and scale impacts.

In addition, it is noted that mature trees are located within the front setback forward of the existing dwelling which help screen the proposed dwelling from the street. The proposal seeks the removal of several mature trees within the front setback resulting in the reduced vegetative screening.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Part A: Development standards

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	Dwelling 1 : 5.7m (no change to existing condition) Dwelling 2: 7.9m	YES YES
Built-upon area 60% (max)	approx 41 % (535.2sqm)	YES
Notional built-upon area	Dwelling 1: 358.7sqm Dwelling 2: 176.4sqm	YES YES

Part B: Aims and objectives for residential zones

The development is unsatisfactory having regard to the following general aims and objectives for residential development as outlined in Clause 1 of Schedule 9:

- (a) *to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones*

The development is unsatisfactory with regard to the following objective specified in Clause 2 of Schedule 9:

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- (e) *all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development.*

The proposed dwelling is considered to be inappropriate and detracts from the existing environmental character of the streetscape. The application proposes an additional three (3) storey dwelling, set 3 metres from the front boundary which would be incongruous with the existing streetscape in which there are no three (3) storey dwellings and in which the front setbacks range from 12 – 14 metres. The proposed garage is located at street level which necessitates unnecessary significant cut which is uncharacteristic of the streetscape where garages and carports are accommodated on the natural slope of the land.

Part C: Heritage/conservation areas

The subject site is not located within an Urban Conservation Area nor within the immediate vicinity of a heritage item.

POLICY PROVISIONS**Development Control Plan 40 - Construction and Demolition Waste Management**

A Waste Management Plan has been provided and satisfies the requirement of DCP 40 - Construction and Demolition Waste Management.

Development Control Plan No 43 - Car Parking

The proposal fails to provide adequate vehicular movement for the proposed two (2) parking spaces for Dwelling 2.

Council's Dual Occupancy Development Control Code

COMPLIANCE TABLE		
Development control	Proposed	Complies
4.2 Streetscape:		
Roof pitch <ul style="list-style-type: none"> 3m roof height-2 storey (max) Roof pitch 35° (max) 	Dwelling 1: Existing to be retained	Insufficient information
	Dwelling 2: 1.5m (max)	YES
	Dwelling 1: Existing to be retained	Insufficient information
	Dwelling 2: 19°	YES
Fences		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Height: 0.9m (solid fence) (max) 	Dwelling 1: Not existing	N/A
	Dwelling 2: 1.2m retaining wall along Elegans Avenue, 1.8m timber lapped and capped timber fence existing along Cassandra Avenue. It is noted on the landscaping plan that the existing Colourbond fence is to be retained.	NO
<ul style="list-style-type: none"> Height: 1.2m (transparent fence) (max) 	Dwelling 1: Not existing	N/A
	Dwelling 2: 1.2m Paling fence along splay and Cassandra Avenue	YES
4.3 Visual and acoustic privacy:		
Visual privacy <ul style="list-style-type: none"> Windows to habitable rooms set back 9m from neighbouring windows (min) 	Dwelling 1: Existing family room window along north-west elevation located within 9m of proposed neighbouring windows	NO
	Dwelling 2: Window proposed for first floor bedroom along south-east elevation	NO
4.4 Solar access and design for climate:		
Solar access <ul style="list-style-type: none"> Dual occupancy receives 3+ hours of solar access between 9am and 3pm (min) Neighbouring properties receive 3+ hours of solar access between 9am and 3pm (min) 	Dwelling 1: Sufficient levels of solar access achieved	YES
	Dwelling 2: Sufficient levels of solar access achieved	YES
	All neighbouring properties receive 3+ hours solar access	YES
Energy efficiency <ul style="list-style-type: none"> BASIX <ul style="list-style-type: none"> 40% reduction in water usage 40% reduction in energy usage 	BASIX Certificate not valid	NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
4.7 Accessibility:		
Vehicular access and car parking dimensions <ul style="list-style-type: none"> Garage – 5.5m x 5.4m (min) 	Dwelling 1: 6.2 x 5.2m - existing carport to be retained	YES
	Dwelling 2: 5.8m x 5.4m	YES
4.9 Visual bulk:		
Building setbacks <ul style="list-style-type: none"> Front building line: Minimum setback: 12m 	Dwelling 1: 8m (existing building line)	NO
	Dwelling 2: 3m (ground floor balcony)	NO
<ul style="list-style-type: none"> Corner site street Frontage setback: 3.8 – 7.0 Side setback: 2.6m (min) (between dwellings) Ground floor: 3.45m (min) 1st floor 4.3m (min) Rear setback: 15% site depth : 3m 	Dwelling 1: Not situated on corner	N/A
	Dwelling 2: 3m	NO
	Dwelling 1: 1.2m (NW)	NO
	Dwelling 2: 1.4m (SE)	NO
	Dwelling 1: 1.2m (NW)	NO
	Dwelling 2: 1.4m (SE)	YES
	Dwelling 1: 2m (SE)	NO
	Dwelling 2: 1.4 (SE)	NO
<ul style="list-style-type: none"> No garages, tennis courts, swimming pools, courtyard walls and other major built elements forward of the building line. 	Dwelling 1: 12m No change to existing condition	YES
	Dwelling 2: N/A (site presents as two street frontages and side boundary)	N/A
<ul style="list-style-type: none"> No garages, tennis courts, swimming pools, courtyard walls and other major built elements forward of the building line. 	Dwelling 1: Minor encroachment of carport eave located forward of the building line	NO
	Dwelling 2: Garage, balcony and external wall located forward of the building line	NO
Building form		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Unrelieved wall length: 12m for walls less than 4m in height, 8m for walls more than 4m in height Total building length: 24m (max) 	Dwelling 1: compliant, existing to be retained	YES
	Dwelling 2: 9m x 5m along south western elevation	NO
	Dwelling 1: 23.4m – no change to existing condition	YES
	Dwelling 2: 15.8m	YES
Built-upon area <ul style="list-style-type: none"> Total built upon area (max): 40% Notional built-upon area 	approx 41 % (535.2sqm) Dwelling 1: 358.7sqm Dwelling 2: 176.4sqm	NO YES YES
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 1st floor – 40% 	0.32:1 Dwelling 1: No change to existing condition Dwelling 2: 86%	YES Insufficient information NO
Height of buildings <ul style="list-style-type: none"> Dwelling fronting street: 8m (max) Building envelope: 45° from horizontal at any point 3m above boundary 	Dwelling 1: No change to existing condition Dwelling 2: 7.9m Dwelling 1: No change to existing condition Dwelling 2: Compliant with building height plane	Insufficient information YES Insufficient Information YES
Cut and fill (building works) <ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	Dwelling 1: No change to existing condition Dwelling 2: 3200mm (max) cut proposed for lower ground floor area	Insufficient Information NO
Section 5: Landscaping & Open Space		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Total soft landscaping : 60% (min)	59% (768.77m)	YES
Tree retention and refurbishment		
• No. of Trees: Seven (7) (min)	Dwelling 1: 7 Trees	YES
	Dwelling 2: 7 Trees	YES
Cut & fill (landscaping)		
• Cut & Fill: 900mm & Total 1800mm	Dwelling 1: No change to existing condition	Insufficient Information
	Dwelling 2: 3100mm	NO
Open space provisions		
• Area: 100m ² or 2 x 75m ² areas (min)	Dwelling 1: Greater than 100sqm	YES
	Dwelling 2: Not provided (elongated curtilage area within boundary setback), approx 35sqm	NO
• Min dimension 5m x 5m (min)	Dwelling 1: 18m x 18m (avg)	YES
	Dwelling 2: 6.5m x 4m (avg)	NO
• Grade: 1 in 8 (max) 12.5° (max)	Dwelling 1: area to rear of existing dwelling at insufficient grade	NO
	Dwelling 2: 2.25 in 8 22.5° (max)	NO
• 50% receives 3+ hours solar access (min)	Dwelling 1: Sufficient levels of solar access provided, Open space receives 3 hours solar access	YES
	Dwelling 2: Sufficient levels of solar access provided, Open space receives 3 hours solar access	YES

Building setbacks

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DA1326/08 was refused on grounds of non-compliance of primary and secondary building setbacks. This issue has not been addressed in the current review application.

Council requires a minimum front setback of 12 metres for building works located on the high side of the street. Dwellings in Elegans Avenue present an established uniform front setback ranging from 12 to 14 metres. The existing dwelling located on the subject site has a minimum front setback of 8 metres. The proposed dwelling would have a minimum front setback of 3 metres which is out of character with the streetscape.

Bulk and scale

DA1326/08 was also refused on grounds on bulk and scale. The amendments to the plans are very minor and include;

- 500 mm increase in front setback of garage wall located on the lower ground floor
- alteration of gable roof
- deletion of first floor bay window

These changes are minimal and insufficient to address the excessive the bulk and scale of the proposal and the inappropriate siting of Dwelling 2.

The proposal fails to comply with Council's Dual Occupancy Control Code requirement which restricts the first floor FSR of any proposed dwelling to 40% of that of the lower floor.

The proposal seeks a first floor area of approximately 86% of the floor below, resulting in poor articulation and adverse visual bulk and scale impacts.

The proposed excavation works are excessive in relation to the existing dwelling whereby significant excavation is proposed to accommodate a three storey dwelling. By contrast, the existing dwelling is stepped in design and accommodates the natural slope of the site.

The three storey dwelling is of significant bulk and scale, is located well forward of the established building line and incorporates an insufficient setback which is out of keeping with the existing character along Elegans Avenue. Dwellings along the high side of Elegans Avenue comprise of single and two (2) storey dwellings on natural ground level with uniform front setback in excess of 12 metres. There are no three (3) storey dwellings within the immediate vicinity.

Private open space

DA1326/08 was refused on grounds of failure to provide sufficient private open space. This issue has not been addressed in the current review application.

Council's Dual Occupancy Control Code states that private open space areas of dual occupancy developments should be of sufficient dimensions to meet the requirements of the dwelling's residents.

Clause, 5.1.5 – Open Space Provision requires a minimum of 100sqm of private open space. The development proposes only 35m² located within the front setback which is both insufficient and poorly located.

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The levelled turf area (forward for the family and study room) along the primary elevation is not directly accessible and located approximately 1 metre below the proposed principal living areas. private open space, as defined within Council's Dual Occupancy Control Code excludes narrow elongated curtilage areas within the front setback. The private open space has a grade over 22.5 degrees which is inconsistent with Council's requirement of 12.5 degrees (max). This further renders the proposed private open space unusable.

LIKELY IMPACTS

The proposed dwelling setback is not in keeping with the predominant setback pattern along Elegans Avenue. The proposed development is inconsistent with the landscape character of the locality which is mostly comprised of large, open front setbacks.

The design of the proposed dwelling is also inconsistent with the architectural character of the locality. The proposed dwelling is bulky and overbearing and does not relate to the scale of surrounding development.

The excessive bulk and scale of the proposed development, along with the inadequate front setback proposed would result in a discordant element which will have a detrimental impact on the streetscape which would set a poor planning precedent.

SUITABILITY OF THE SITE

Whilst the site is suitable for residential development, the proposed design is unacceptable due to its various detrimental impacts.

ANY SUBMISSIONS

No submissions were received.

PUBLIC INTEREST

The approval of the application is not considered to be in the public interest.

ANY OTHER RELEVANT MATTERS/CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be unsatisfactory. Therefore, it is recommended that the application be refused.

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RECOMMENDATION

Pursuant to Section 82(A) of the Environmental Planning and Assessment Act, 1979

That Council, as the consent authority, having considered the application for review of its determination, resolve to confirm its determination and refuse development consent to Development Application No. DA1326/08 for proposal of dual occupancy development on land at No.1 Elegans Avenue, St Ives.

AND

That Council amend the reasons for refusal as follows:

1. **The proposed front setback to Elegans Avenue is consistent with the prevailing setback along Elegans Avenue and results in a built form which is incompatible with the surrounding environment.**

Particulars:

- a. The proposed setback of 3 metres of dwelling 2 to Elegans Avenue is incongruent with the adjoining development. The proposed development does not have a harmonious relationship with surrounding development and will dominate the streetscape.
- b. The proposal is inconsistent with the aims of SEPP 53 and outlined in Clause 1(d).
- c. The proposal fails to be of good design and is inconsistent with Clause 32(a) of SEPP 53.
- d. The proposal is inconsistent with the general aims and objectives for residential zones, as outlined in Schedule 9 – clauses 1 (a) and of the Ku-ring-gai Planning Scheme Ordinance.

2. **The proposal will result in a development of a bulk and scale which is excessive and inconsistent with the built form of the surrounding environment.**

Particulars:

- a. The proposed development is excessively bulky and does not provide adequate setbacks which increase with wall height. In particular, the proposal is overbearing in scale and does not articulate the corner site or relate to surrounding development. The excessive bulk of the proposed development is exacerbated by its prominent corner site location.
- b. The proposed 3 metres front setback of proposed dwelling does not allow sufficient area for landscaping to soften the bulk of the proposed three (3) storey dwelling.
- c. The proposal is inconsistent with the aims of SEPP 53 as outlined in Clause 1(d).
- d. The proposal fails to be of good design being inconsistent with Clauses 32(a) and (h) of SEPP 53.

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- e. The proposal is inconsistent with the general aims and objectives for residential zones, as outlined in Schedule 9 – Clauses 1(a) and 2(e) of the Kuring-gai Planning Scheme Ordinance.

3. The proposal is unacceptable with regard to engineering issues regarding property drainage, vehicular manoeuvrability and insufficient information.

Particulars:

- a. The proposed works generate inadequate storm water drainage not in accordance with DCP47 Water Management and AS/NZS 3500
- b. The proposed driveway generates insufficient driveway vehicular manoeuvrability and is not in accordance with B85 turning template
- c. The proposal lacks sufficient information regarding BASIX Certificate and commitments of a rainwater tank to be detailed on plans and geotechnical report.

4. The proposal is unacceptable with regard to landscaping issues regarding impact upon significant trees on Elegans Avenue nature strip and Inner Protection Zone requirements by the Rural Fire Service

- a. The proposed works will result in adverse impacts to significant trees; T29: *Pittosporum undulatum* (Sweet Pittosporum) and T30: *Callistemon salignus* (Willow Bottlebrush) located on Elegans Avenue nature strip.
- b. The proposed continuous screen planting located along Cassandra Avenue and the splay cannot be achieved due to the NSW Rural Fire Service requirements for Inner Protection Zones.

5. The proposal does not provide sufficient or unusable private open space.

- a. The proposed new dwelling does not provide a minimum 100sqm of private open space.
- b. The proposed new dwelling does not provide sufficient usable private open space at a maximum 1: 8 grade.
- c. Poor location in front yard and poor accessibility.

6. The proposal is unacceptable with regard to inaccurate and incomplete information.

Particulars:

- a. Invalid BASIX Certificate, generated from 2 incomplete BASIX Certificates.
- b. BASIX commitments are not detailed on the plans
- c. Elevations and Landscape plan are not to consistent scale.
- d. Inconsistencies noted within Landscape Plan
- e. Plans of existing dwelling

M Raymundo

S Segall

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Development Assessment Officer

**Team Leader
Development Assessment - North**

C Swanepoel
**Manager
Development Assessment Services**

M Miočić
**Director
Development & Regulation**

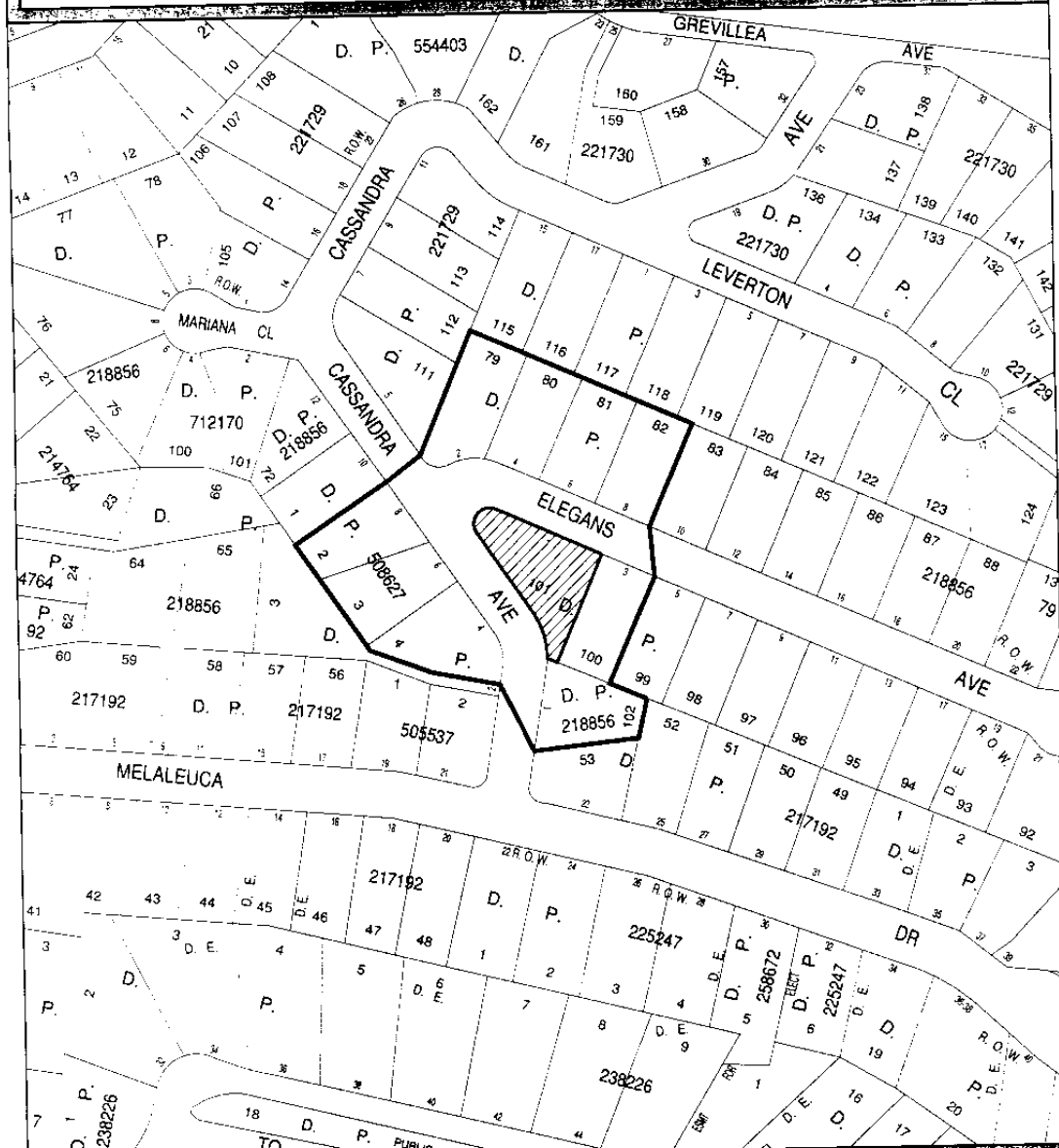
Attachments:

Locality plan – 2009/150114
Zoning extract – 2009/150115
Site analysis – 2009/150116
Architectural plans – 2009/150118
Landscape plan – 2009/150120
Shadow diagrams – 2009/150121

LOCATION SKETCH

1 Elegans Avenue, ST IVES

REVIEW 0015/09 OF DEVELOPMENT APPLICATION No 1326/08



No Submissions Received



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



SUBMISSION



CIRCULATED AREA



Scale : 1:2000

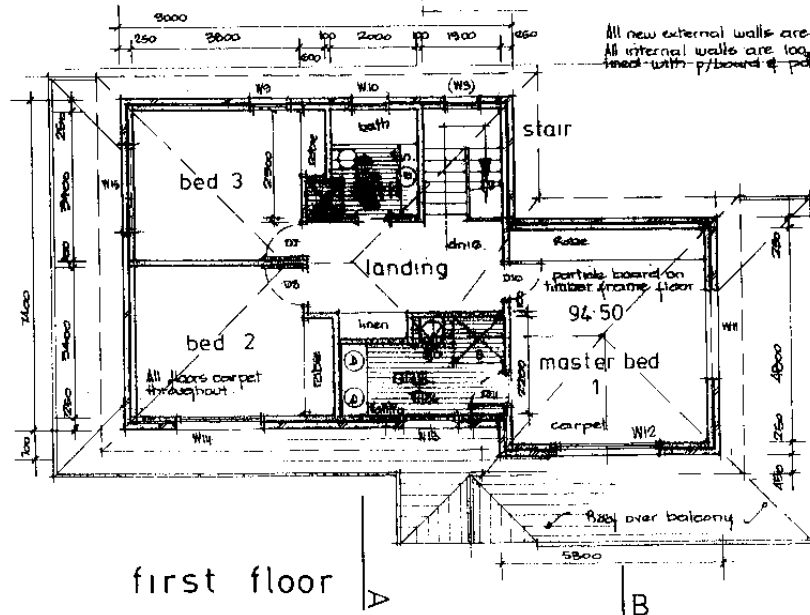
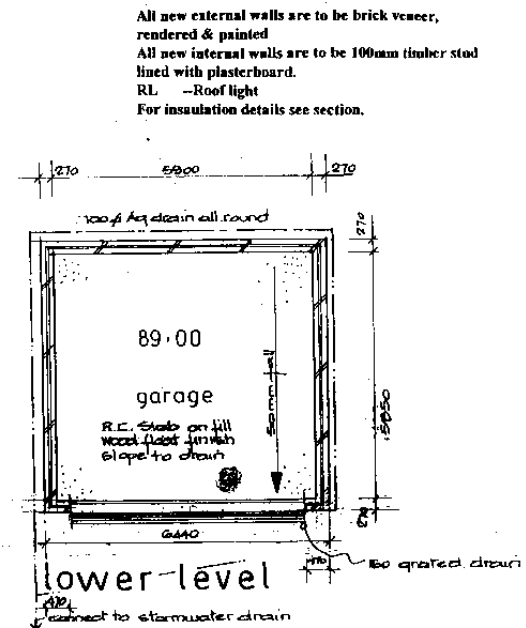
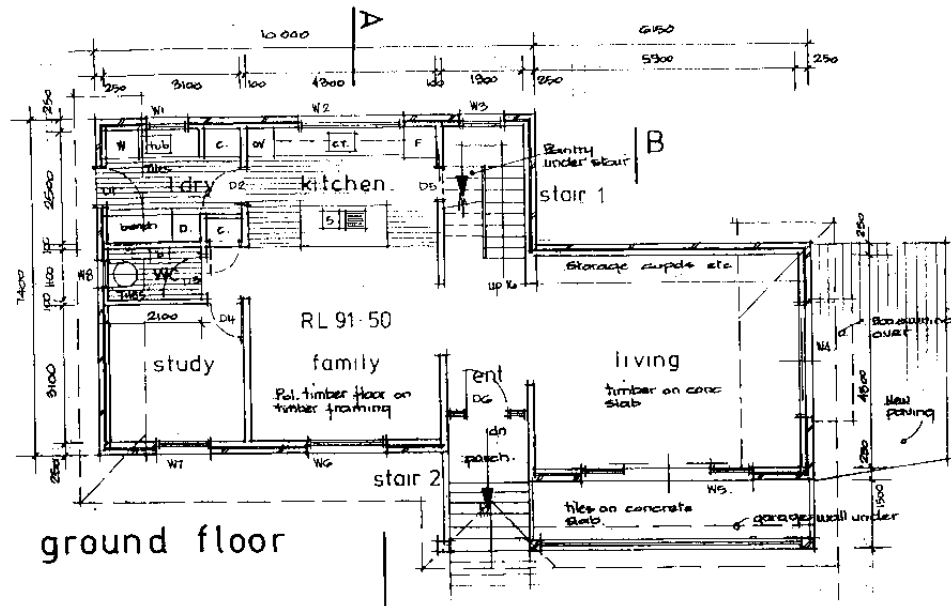
20-08-2009

Zoning Extract

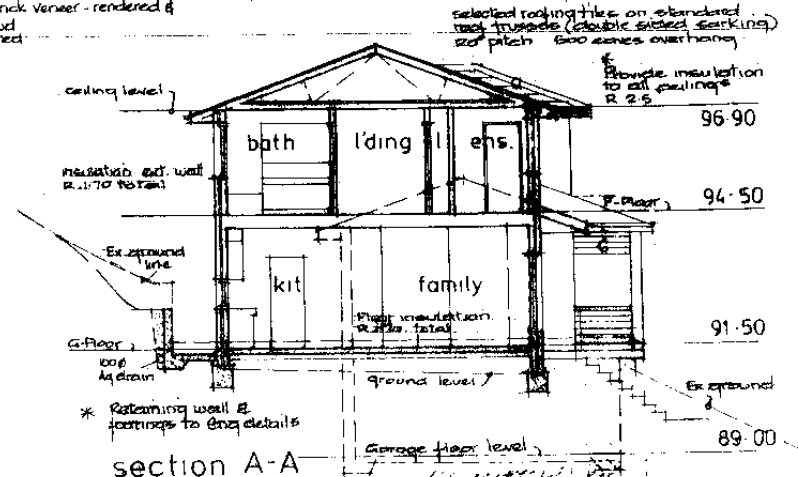
1 Elegans Avenue, ST IVES - Rev 0015/09 of DA 1326/08



ZONES		RESERVATIONS	GENERAL
2. RESIDENTIAL (a) RESIDENTIAL A (b) RESIDENTIAL B (c) RESIDENTIAL C (d) RESIDENTIAL D (e) RESIDENTIAL E (f) RESIDENTIAL F (g) RESIDENTIAL G (h) RESIDENTIAL H		OPEN SPACE (a) OPEN SPACE (Public Parks & Recreation) (b) COUNTY OPEN SPACE SPECIAL USES SPECIAL USES (Parking etc.) ROADS (a) COUNTY ROAD PROPOSED (b) COUNTY ROAD WIDENING (c) LOCAL ROAD PROPOSED (d) LOCAL ROAD WIDENING	EXISTING COUNTY ROAD OTHER PLANNING INSTRUMENTS Scale: 1:2000 Date: 20-08-2009
3. BUSINESS (a) RETAIL SERVICES FLOOR SPACE RATIOS A1 2.0:1 A2 1.0:1 A3 0.75:1 (b) COMMERCIAL SERVICES FLOOR SPACE RATIOS B1 1.0:1 B2 1.0:1		5. SPECIAL USES (a) SPECIAL USES A (Schools etc.) (a1) SPECIAL USES A1 (b) SPECIAL USES (Railway) 6. OPEN SPACE (a) RECREATION EXISTING (b) RECREATION PRIVATE (c) RECREATION PROPOSED	

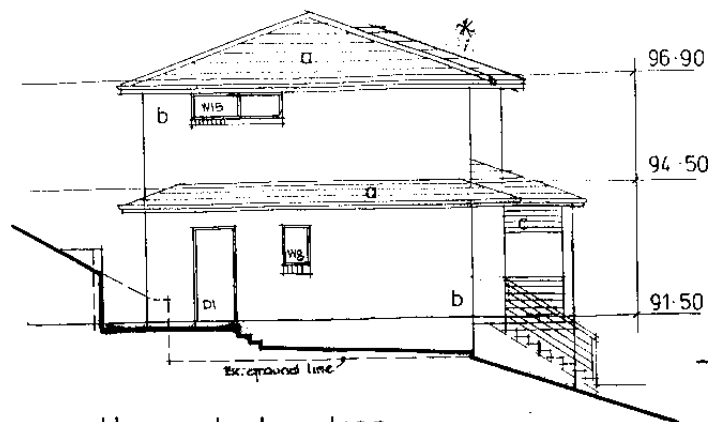


All new external walls are brick veneer - rendered & painted
All internal walls are 100 stud lined with p/bboard & painted



All new external walls are to be brick veneer, rendered & painted
All new internal walls are to be 100mm timber stud lined with plasterboard.
RL - Roof light
For insulation details see section.

SCANNELL 1:100
DA0809-3

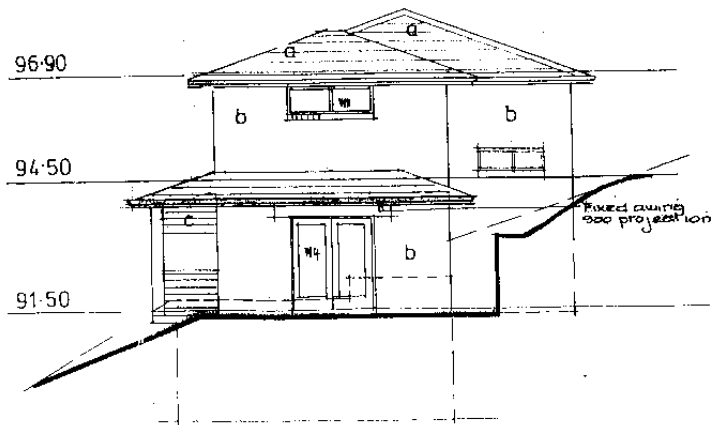


south-east elevation.

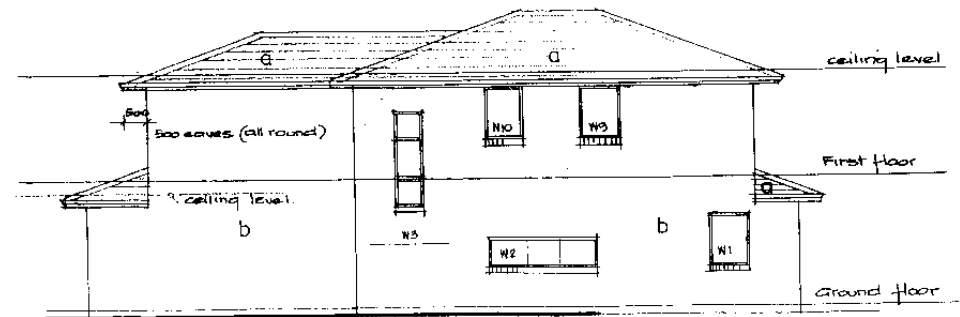
- a Selected concrete roofing tiles
- b Brick veneer rendered and painted.
- c Fibrous cement sheeting, boarding / blue board texture paint finish.



street elevation.

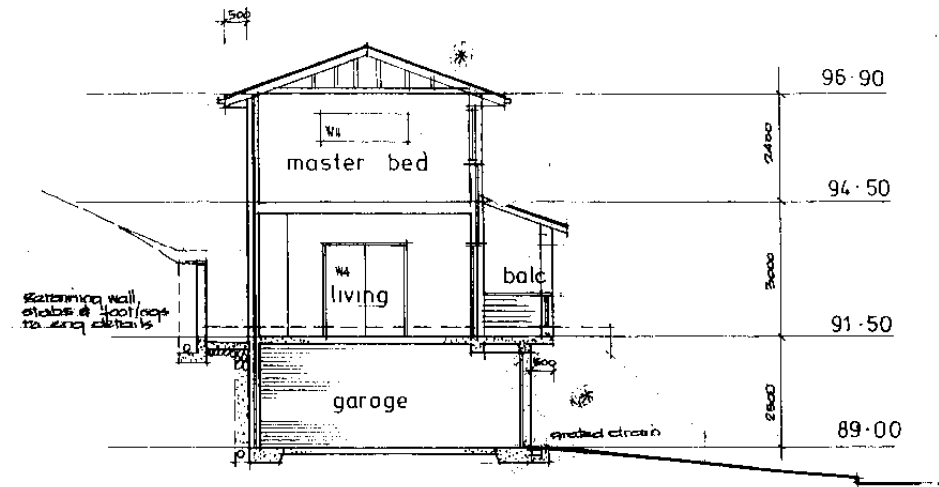


north-west elevation.

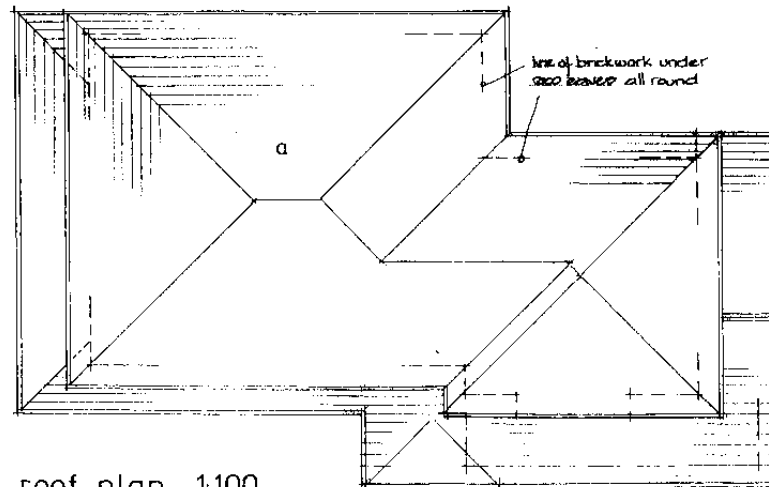


south-west elevation

* Bay to M/Bed removed.
 * Roof over porch & M/Bed amended.
 SCANNEL 1:100
 DA0809-4 elevations



section B-B

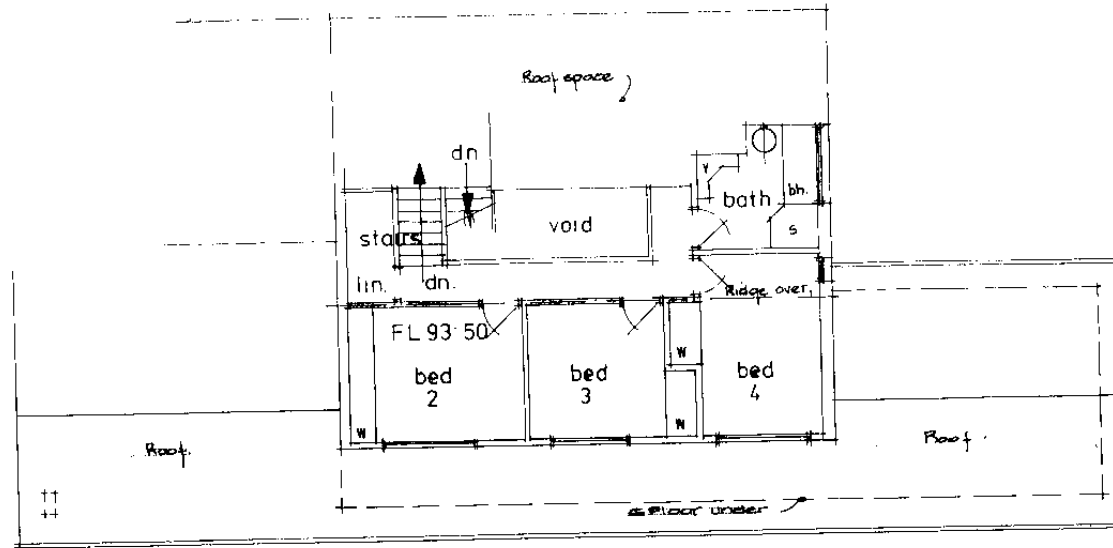


roof plan 1:100

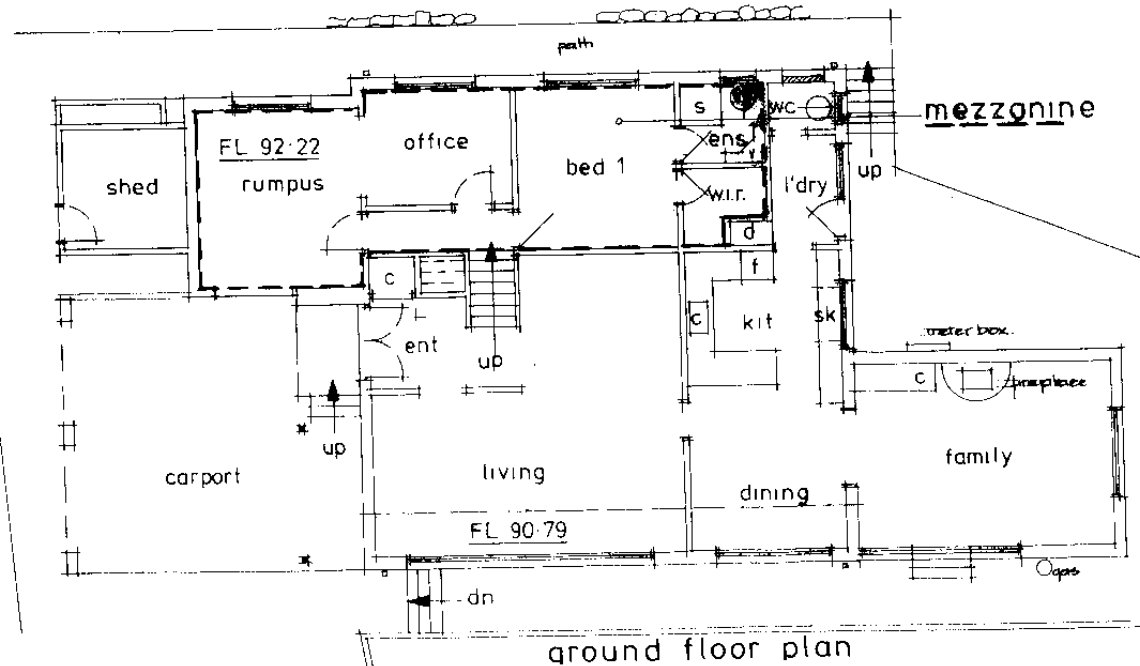


* Garage length reduced by 500, Gable removed

SCANNELL 1:100
DA0809-5

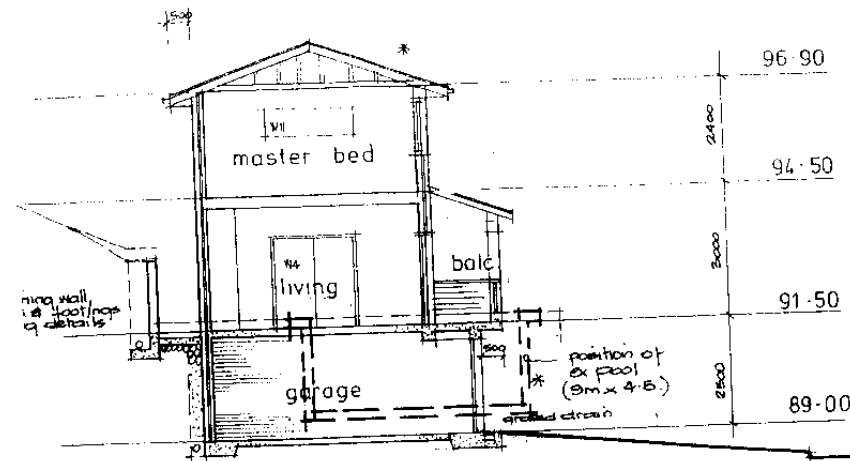


first floor

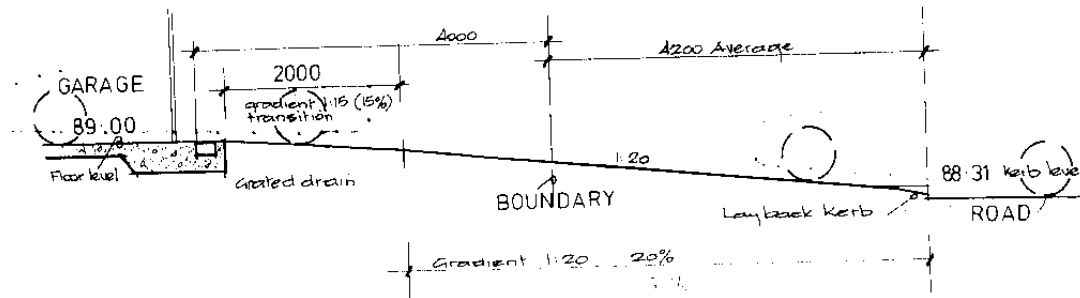


ground floor plan

SCANNELL 1:100
DA0809-6 ex. plans




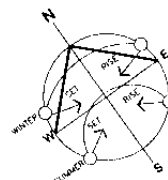
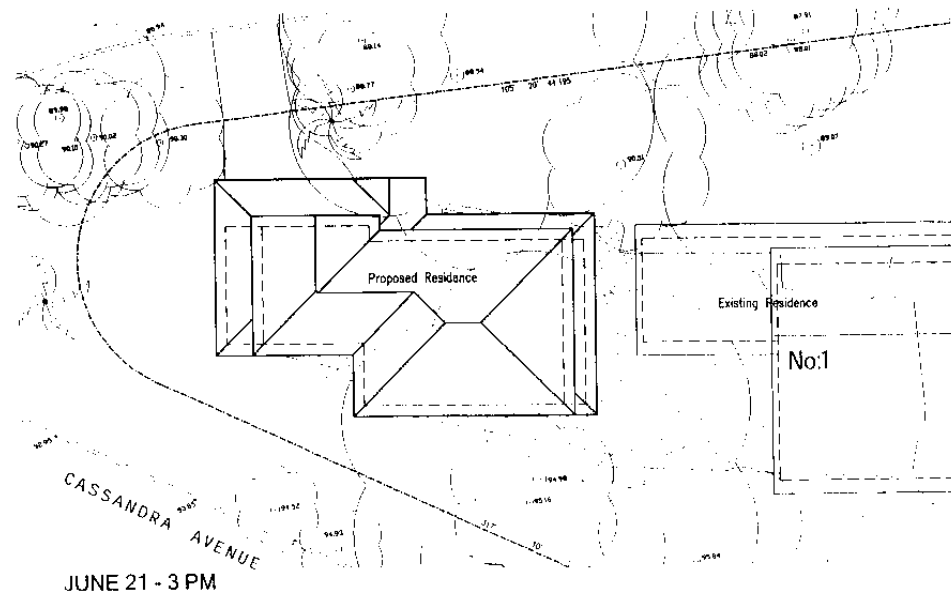
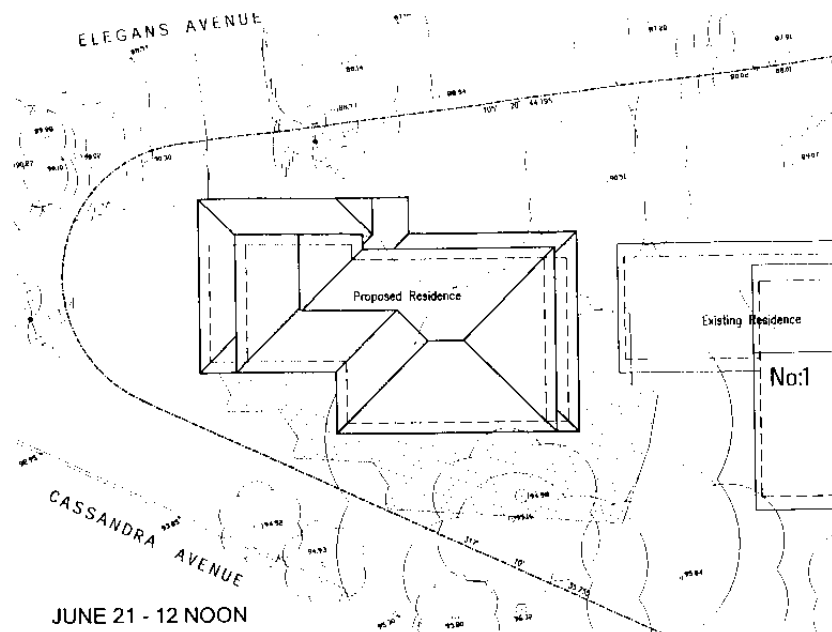
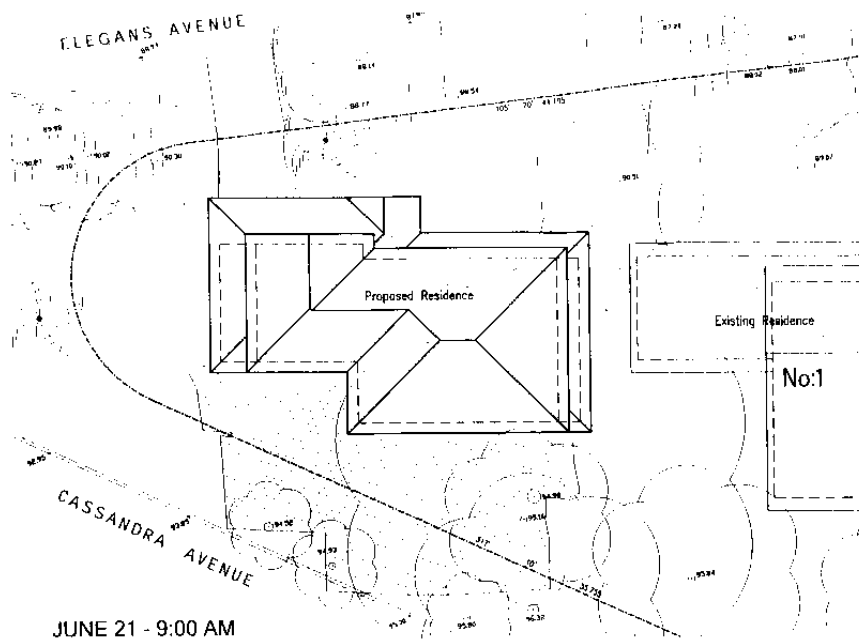
section B-B



DRIVEWAY SECTION 1:50

SCANNELL 1:100
DA0809-7

<p>These drawings shall not be used for any other project without the written consent of the architect. The architect shall not be responsible for any errors or omissions in these drawings and shall not be liable for any damages or losses resulting from the use of these drawings for any purpose other than that for which they were prepared.</p>																																																																																																																																																																																																							
																																																																																																																																																																																																							
<p>DATE: 15.11.2023 DRAWN BY: J. CHAMBERS CHECKED BY: J. CHAMBERS APPROVED BY: J. CHAMBERS</p>																																																																																																																																																																																																							
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SHADOW NOTES
THE SHADOWS ARE DRAWN TO TRUE NORTH
THE PROPOSED ADDITION TO THE RESIDENCE IS CONSIDERED
TO PROVIDE MINIMAL IMPACT ON THE OVERSHADOWING OF THE
NEIGHBOURING RESIDENCE WITH ONLY THE 3PM SHADOW

DATE	Amend.
New Harvey - B Arch Ph: 02 9452 4983	
14 Turner Place, Frenchs Forest NSW 2086 Email: rhcadraw@bigpond.net.au	
PROPOSED DUAL OCCUPANCY	
Mr & Mrs K. Scannell	
1 Elegans Avenue, St Ives 2075	
SHADOW DIAGRAMS	
SCALE	1:200
DRAWN	N. Harvey
DATE	24 Sept 2008
CHECKED	
JOB No	1708
LOT REF	Lot 101 OP 218856
SHEET	DA 0809 -S1

KU-RING-GAI MUNICIPAL COUNCIL

COUNCILLOR SITE INSPECTION MEETING – 17 OCTOBER 2009

1 ELEGANS AVENUE, ST IVES

REV0015/09

Chairperson: Cr Cross (Mayor)

Crs in Attendance: Crs Cross (Mayor), Anderson (Deputy Mayor), Hall, Malicki, McDonald, and Duncombe.

Apologies: Crs, Holland, Keays, Hardwick, and Szatow

Planner: John McFadden (DFP)

Meeting commenced: 9:08am

1. Private Open Space

Council officers are requested to confirm that the private open space calculations have taken into account the additional areas that extend beyond the existing fence line that are located within the boundary of the site and comment with respect to the method in which the grades for private open space have been calculated together with relevant inclusions and exclusions.

In addition, Council officers are requested to confirm that the Reason for Refusal No. 5 (Page 29) contains a typographical error requiring the word “unusable” to be replaced with “usable” to read ‘The proposal does not provide sufficient or usable private open space’.

2. Appeal

Council officers are requested to identify which of the reasons for refusal it would be prepared to defend in an appeal to the NSW Land and Environment Court.

3. Driveway

Council officers are requested to advise if the close proximity of the proposed driveway to the corner of Elegans Avenue and Cassandra Avenue presents a safety hazard for vehicles.

Meeting concluded: 10.03am.

DIVISION OF LOCAL GOVERNMENT INTEGRATED PLANNING AND REPORTING FRAMEWORK

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to nominate for Group 1 to commence under the new Division of Local Government Integrated Planning and Reporting framework.

BACKGROUND:

The NSW Government has recently gazetted the *Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009)*. The amendment requires Councils to prepare community strategic plans. The Division of Local Government requires Councils to nominate when they plan to complete these planning reforms.

COMMENTS:

Council has been preparing for the amendments during the past two (2) years and has adopted a *Community Strategic Plan 2030* on 13 October 2009 and currently amending the current Management Plan to comply with the Act. It is recommended that Council will comply with the Group 1 requirement by 30 June 2010.

RECOMMENDATION:

That Council approve the nomination for Group 1 to commence under the new Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009).

PURPOSE OF REPORT

For Council to nominate for Group 1 to commence under the new Division of Local Government Integrated Planning and Reporting framework.

BACKGROUND

The NSW Government has recently adopted the *Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009)*. This was reported to all Councils by the Division of Local Government on 9 October 2009.

The Division of Local Government require Council to nominate in writing its choice of Group for the implementation of the new requirements, determined by a Council resolution.

Nominations for Group 1 will be formally gazetted by Ministerial Order, with Council required to meet the timeframes that are set out in Schedule 8 of the *Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009)*.

The timeframes are as follows:

- Group 1: Community Strategic Plan and Delivery Program adopted by 30 June 2010.
- Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011.
- Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012.

It is suggested by the Division of Local Government that when determining which one of the three (3) groups it will participate in, Council should consider:

- the capacity to meet the new legislative requirements within the timeframe; and
- the status of its Resource Strategy development.

It is suggested by the Division of Local Government that if Council has already adopted, or is well-progressed towards adopting a long term Community Strategic Plan, which included appropriate community engagement, it is encouraged to consider nominating for Group 1.

COMMENTS

Council has developed and adopted a:

- 20 year Long Term Financial Plan on 11 December 2007;
- Sustainability Vision Report on 29 July 2008;
- Asset Management Policy on 3 February 2009; and
- Community Strategic Plan 2030 on 13 October 2009.

Awards

As part of this process Council has received a number of peer reviewed awards for the methodology of the strategic processes and consultation, as well as the end products.

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FY00019
2 November 2009

These include:

- Australasian Reporting Awards 2009
Bronze Award for the Annual Report 2007-08;
- RH Dougherty Communication Award 2009 - Reporting to your Community
Highly Commended for the Annual Report and Summary 2007-08;
- NSW Department of Environment, Climate Change and Water – Green Globe Awards 2008,
Outstanding Achievement for Environmental Sustainability, the Ku-ring-gai to Global Sustainability Strategy;
- NSW Keep Australia Beautiful Awards – Sustainable Cities 2008
Highly Commended for Overall Sustainable Council for the Ku-ring-gai to Global Sustainability Strategy; and
- Local Government & Shires Associations of NSW – Excellence in the Environment Awards 2007/08
Commended – Division C for the Ku-ring-gai to Global Sustainability Strategy.

As a result of these activities Council is well placed to nominate for Group 1 to complete the requirements of the *Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009)* by 30 June 2010.

CONSULTATION

20 Year Long Term Financial Plan

The 20 Year Financial Model was produced in accordance with information and advice received from the Access Economics and Grove Research and Advisory Services.

Community Strategic Plan

The Community Strategic Plan built on the Sustainability Visioning process and was the culmination of a wide and engaging two (2) year consultation period with the community, staff, government and other parties. The processes explored matters of social, environmental and economic importance, and corporate responsibilities associated with sustainability. Consultation included staff surveys, internal reviews, community interviews, focus groups, forums and workshops, and developing organisational and community reference groups.

In addition, Council further consulted with the community as follows:

- newly formed reference committees;
- Council's web site; and
- key facilities such as the libraries and customer service centres.

The discussions have helped refine the overall direction and identify long term objectives and measures.

Asset Management Policy

A review of other Councils' asset management policies has been undertaken in the development of

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this draft policy. The draft policy was placed on public exhibition for public comment and adopted by Council on 3 February 2009.

FINANCIAL CONSIDERATIONS

Financial considerations have been factored in to the four (4) year delivery program.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development of the Community Strategic Plan and Management Plan has been undertaken in full consultation with all Departments across Council.

SUMMARY

Council has been preparing the amendments for the Division of Local Government Integrated Planning and Reporting framework for the past two (2) years. It is well placed to nominate as Group 1 and to implement the requirements of the *Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009)*. The amendments require Council to have an adopted Community Strategic Plan and a four (4) year delivery program in place by 30 June 2010.

Council has adopted a Community Strategic Plan 2030 on 13 October 2009. Council's Management Plan 2010-14 will complete the requirements of the Group 1 nomination to comply with the *Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009)* by the 30 June 2010 deadline.

RECOMMENDATION

That Council approve the nomination for Group 1 to commence under the new *Local Government (Planning and Reporting) Amendment Act 2009 (LGA Act, 2009)*.

Andrew Watson
Director Strategy & Environment

John McKee
General Manager

WATER STREET PARK

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council approval of the draft landscape design plan for the newly acquired park at Lot 1 Water Street, Wahroonga.

BACKGROUND:

On 13 November 2007 Council commenced a process to purchase Lot 1 Water Street, Wahroonga, for parkland. This was acquired on 18 July 2008.

COMMENTS:

A design for the park has considered its bushland setting. As the site contains an endangered ecological community a Review of Environmental Factors was undertaken and determined the proposal would not have a significant environmental impact. This report also proposes to name the site Badu Park and fund its construction largely through Round 2 of the Regional and Local Community Infrastructure program.

RECOMMENDATION:

That Council adopt the draft concept design plans and commence embellishment of the park as soon as practicable; that Council apply to the Australian Government to have the \$151,000 recently allocated to Council as part of the Australian Government's Regional and Local Community Infrastructure Program allocated to this project; that the Parks Generic Plan of Management be amended to include the park; and that Council applies to the Geographical Names Board to call the new park Badu Park.

PURPOSE OF REPORT

To seek Council approval of the draft landscape design plan for the newly acquired park at Lot 1 Water Street, Wahroonga.

BACKGROUND

On 25 September 2007, Council resolved to commence the process to purchase the vacant land located on the corner of Water Street and Mona Street, know as Lot 1, 134-136 Eastern Road, Wahroonga. Following negotiations with the owner and a subsequent resolution by Council on 13 November 2007, the property was acquired on 18 July 2008 for a park. Funding for the site was obtained from section 94 contributions to provide for new urban parks for the local community.

The site itself contains and is surrounded by pockets of Blue Gum High Forest, a critically endangered ecological community.

As the land was not classified as part of an earlier resolution by Council it has defaulted to Community Land as defined within the *Local Government Act 1993*. Being purchased for a park, it is envisaged that its maintenance and use would be consistent with the Parks Generic Plan of Management and the source of funds, that is, development contributions for the provision of local parks.

COMMENTS

The site was substantially cleared and benched for construction of a dwelling prior to purchase by Council in 2007 (see photograph 1 and 2 below).

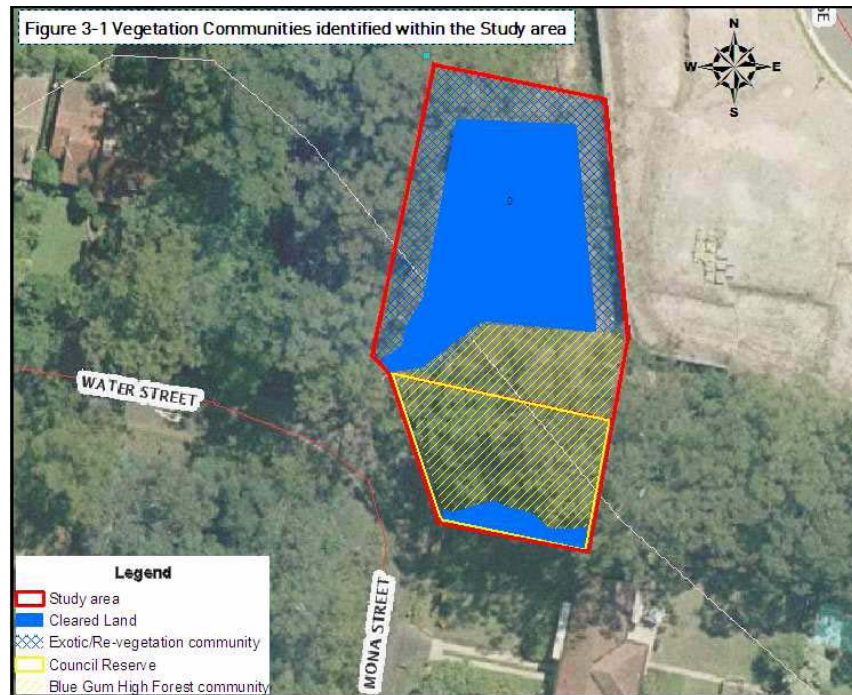
Photograph 1



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Photograph 2



The design of the site has considered its local setting and has sought to reflect a 'bush' style park. The draft landscape design plan (**Attachment 1**) uses the site topography to create a series of curvilinear terraced walls to stabilise and soften the existing excavated and degraded embankment and define the playground area and preserve much of the bushland and canopy.

A playground is sited within the existing cleared area and includes a series of play equipment for young children and a toddler cycle path. An informal amphitheatre-style and 'nature' study area for imaginative play has been designed to be integrated with revegetation and rehabilitation works to adjacent areas of Blue Gum High Forest.

A perimeter path links the separate park activities, spaces and park entry points. Seating is provided along the path allowing views of the park and canopy reserve. The park is designed to be accessed from both Water Street and Eastern Road via new paths defined by stone markers and signage in an attempt to limit uncontrolled access through the endangered ecological community.

As part of the design process, comment from the community was sought as outlined below.

Community Comments

Following a mail out to residents in surrounding streets, nine written comments were received from local residents during community consultation into the draft landscape design plans for the park. These comments are summarised together with a response from staff in **Attachment 3**.

Four submissions were supportive of the proposed design and five were opposed to the proposed park. None of the five submissions that opposed to the park commented on the draft landscape

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design plans, but rather focussed on environmental concerns and objected to the use of the site as a park. Important in this consideration is the purpose of purchasing the site in the first instance as a park using section 94 funding to augment urban parks and playgrounds in this part of the local government area, not expanding Council's bushland reserves. As such, this report has focused on the site as a park. If Council was to reconsider the site as a bushland reserve it would need to revisit how it would be funded as section 94 contributions could no longer be applied.

Planning and approvals

The proposed park design and its integration with the adjoining reserve and footpath which links Water Street to Eastern Road has been assessed under the State Environmental Planning Policy (Infrastructure) 2007. This planning instrument applies to, among other lands, public reserves within the same meaning as it has in the *Local Government Act 1993*.

Under *clause 65(3)* of the SEPP (Infrastructure), development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the Council for, among others, the following purposes:

- (b) outdoor recreational facilities,*
- (c) information facilities such as information boards,*
- (e) landscaping, including irrigation schemes (whether they use recycled or other water)."*

As the proposed park includes the purposes listed above, development consent is not required.

The next step under the SEPP (Infrastructure) is to undertake an assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to determine whether the proposal is "exempt development" and the likely level of environmental impact.

Under *Clause 66 (Part 3 Division 12)* Exempt development of the SEPP (Infrastructure):

- (1) Development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority in connection with a public reserve, and if it complies with clause 20 (2) (Exempt development):*
 - (a) construction, maintenance and repair of:*
 - (i) walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures,*
 - (iv) play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is at least 1.2m away from any fence.*

Under *Clause 20 (Part 2 Division 4)* Exempt development of the SEPP (Infrastructure):

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act. The section states that exempt development:

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- (a) must be of minimal environmental impact, and*
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994), and*
- (c) carried out in a wilderness area (identified under the Wilderness Act 1987).*

Under *Clause 20 (2)* of the SEPP (Infrastructure) to be exempt development, the development:

- (a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, and*
- (b) if it is carried out in relation to an existing building, must not cause the building to contravene the Building Code of Australia, and*
- (c) must be carried out in accordance with all relevant requirements of the Blue Book, and*
- (d) must involve no more than minimal impact on the environment or amenity of the surrounding area, and*
- (e) if it is likely to affect a State or local heritage item or a heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area.*

In accordance with Part 5 of the Act, specialist Council staff carried out a Species Impact Statement (SIS), otherwise known as a 7-part test, as part of an ecological assessment of the site, to determine whether the proposal was likely to have significant environmental impacts. The ecological assessment included as **Attachment 2** found that the level of environmental impact was *not* significant.

In terms of other environmental considerations such as traffic and noise caused from users of the proposed park, the impact is expected to be so insignificant that a formal assessment is not considered necessary.

The results of the ecological assessment permit the proposed park to be considered as “exempt development” under the SEPP (Infrastructure) 2007. Accordingly, the proposal may be approved by Council as the determining authority.

Plan of Management

The newly acquired land is classified Community Land as defined within the Local Government Act 1993. As it was purchased for a park it will be managed in accordance with the adopted Parks Generic Plan of Management. The site has not been specifically incorporated into the Parks Generic Plan of Management and therefore this report seeks to amend the plan accordingly. As a minor amendment this does not require the plan of management to go on public exhibition.

Name of Park

It is suggested that Council applies to the Geographical Names Board to call the new park Badu Park. The word Badu is from the Aboriginal Sydney language meaning “water”.

Since the park is located at Lot 1 Water Street and is adjacent to water (a small tributary of Lovers Jump Creek), Badu Park is considered as an appropriate name for the site.

CONSULTATION

163 letters was posted to local residents together with a copy of the draft plan inviting comments on the plan. This included the following streets: Ancona Road, Billyard Avenue, Braeside Street, Burns Road, Hampden Avenue, Eastern Road, Hillcrest Street, Michele Place, Mona Street, Randolph Street, Trentino Road, Water Street, and Young Street.

The plans were also placed on Council's website and copies of the plans were made available for viewing at Council's Customer Service Centre.

Nine written submissions were received during and following the consultation period. These submissions are summarised in **Attachment 3**.

FINANCIAL CONSIDERATIONS

An estimate of cost to complete all components of the draft design is \$240,000. This could be reduced to \$230,000 with the use of stone gabion retaining walls instead of sandstone retaining walls.

Funding for this works is recommended to come from two sources: the recently announced Regional and Local Community Infrastructure Program by the Federal Government and section 94 funds from the 2004-2009 Development Contributions Plan for open space embellishment.

Round 2 of the Regional and Local Community Infrastructure Program by the Federal Government was recently announced with \$151,000 allocated to Ku-ring-gai Council. There are a number of terms of the funding agreement including that projects must be ready-to-proceed. As part of the approval process for this program, Council must nominate a suitable project/s by 20 November 2009. This report recommends that this project be the sole recipient of the grant.

Section 94 funds from the 2004-2009 Developer Contributions Plan for open space embellishment would be used for the balance of the project. Following the acquisition and design process there is approximately \$80,000 left in this funding source for the park.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Strategy and Development and Regulation have been consulted during the preparation of the draft landscape design plan.

SUMMARY

On the 18 July 2008 Lot 1 134-136 Eastern Road was acquired for parkland. Following this staff have prepared a design for the park in consultation with local residents. The design has sought to create a children's playground within a 'bush' style park responsive to the character of the adjacent reserve and in particular being sensitive to the areas of Blue Gum High Forest.

Item 8

S06476
20 October 2009

In accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*, a Species Impact Statement (SIS) was undertaken to determine whether the proposal was likely to have significant environmental impact. This concluded that the level of environmental impact was not significant. As such the proposal may be approved as exempt development by Council as the determining authority under the SEPP (Infrastructure) 2007.

It is proposed to nominate this project for funding under the recently announced Regional and Local Community Infrastructure Program by the Federal Government and section 94 funds from the 2004-2009 Developer Contributions Plan for open space embellishment.

This report also recommends naming the park Badu Park in reference to the Aboriginal Sydney language meaning "water".

RECOMMENDATION

- A. That Council adopt the draft concept design plans and commence embellishment of the park as soon as practicable.
- B. That Council apply to the Australian Government to have the \$151,000 recently allocated to Council as part of the Australian Government's Regional and Local Community Infrastructure Program allocated to this project.
- C. That the Parks Generic Plan of Management be amended to include the park.
- D. That Council applies to the Geographical Names Board to call the new park Badu Park.

Roger Faulkner
**Team Leader Open Space &
Recreation Planner**

Peter Davies
**Manager Corporate Planning
& Sustainability**

Andrew Watson
**Director Strategy &
Environment**

Attachments:

- 1. Design Plan - 2009/190281**
- 2. Species Impact Statement and Ecological assessment - 2009/191645**
- 3. Summary of community submissions - 2009/190398**

Informal stabilised crushed sandstone path linking separate park activities and spaces. Provides opportunity for informal seating areas overlooking the park and reserve canopy. Path edges are clearly defined by planting and timber edge. Maintain and consolidate existing vegetation and grades to easement adjacent to existing retaining wall.

Series of curvilinear rock face retaining walls to stabilise and soften existing excavated embankment. Walls define play areas and create informal seat walls.

Embankment planting will include low growing ground covers species to maintain open views throughout the park. Planting will be Blue Gum High Forest species.

Low stepped informal amphitheatre for 'performance' play and small learning groups.

Approximate extent of works

New path into park from laneway

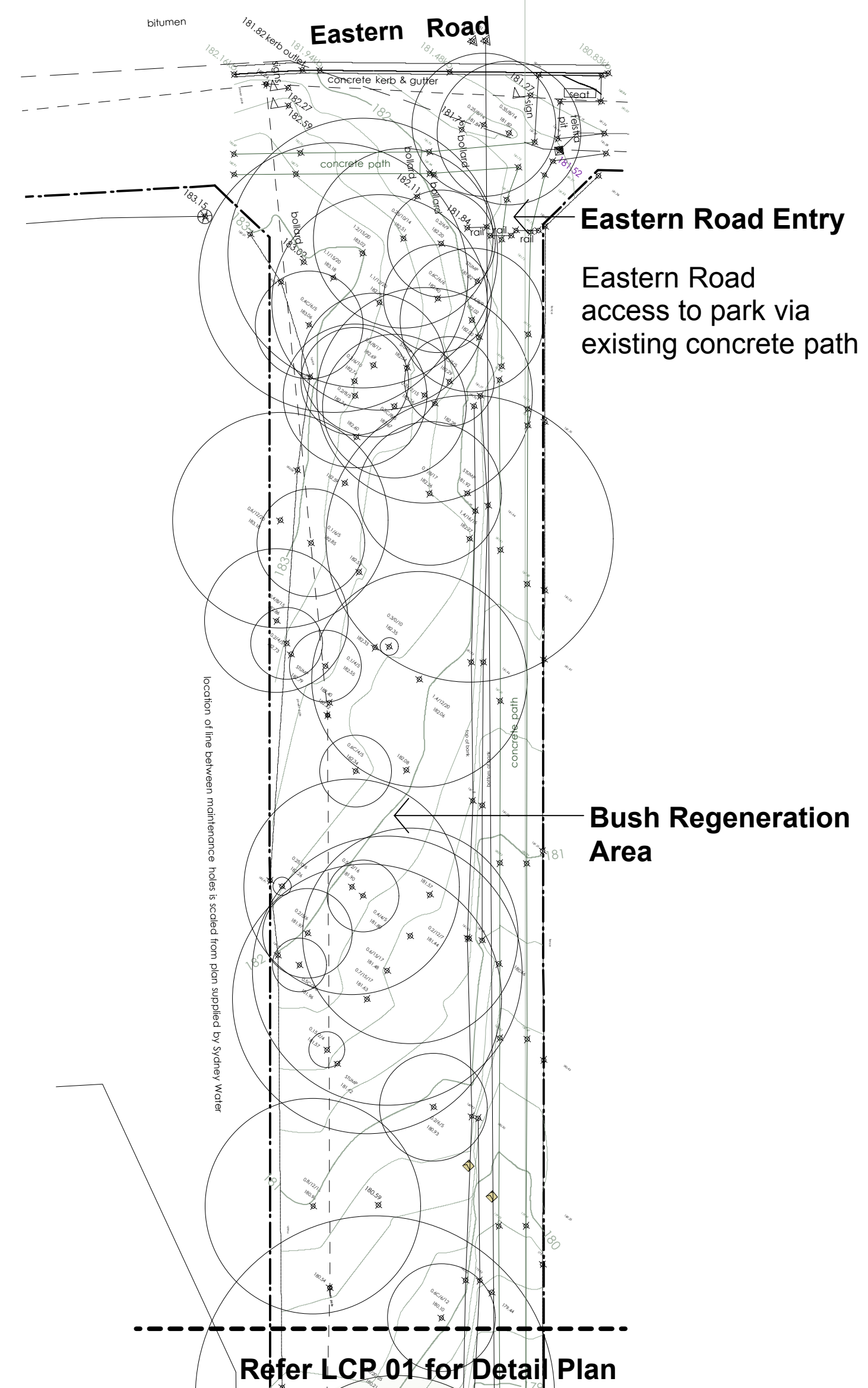
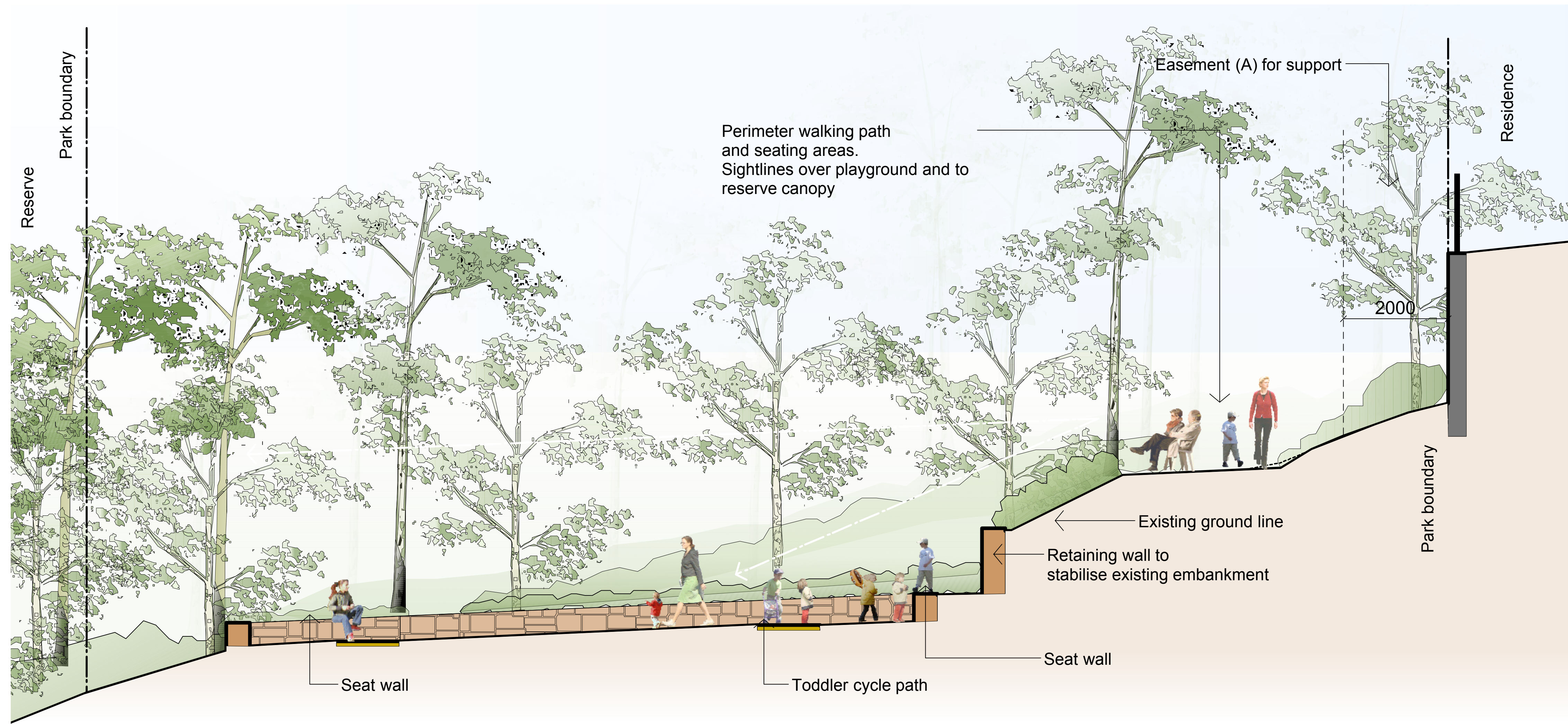
Blue Gum High Forest revegetation areas with interpretive signage and displays. Vegetation a maximum height of 500mm to maintain passive surveillance through park.

Water Street entry defined by low stone face retaining wall and signage. New concrete footpath and maintenance vehicle entry from Water Street.

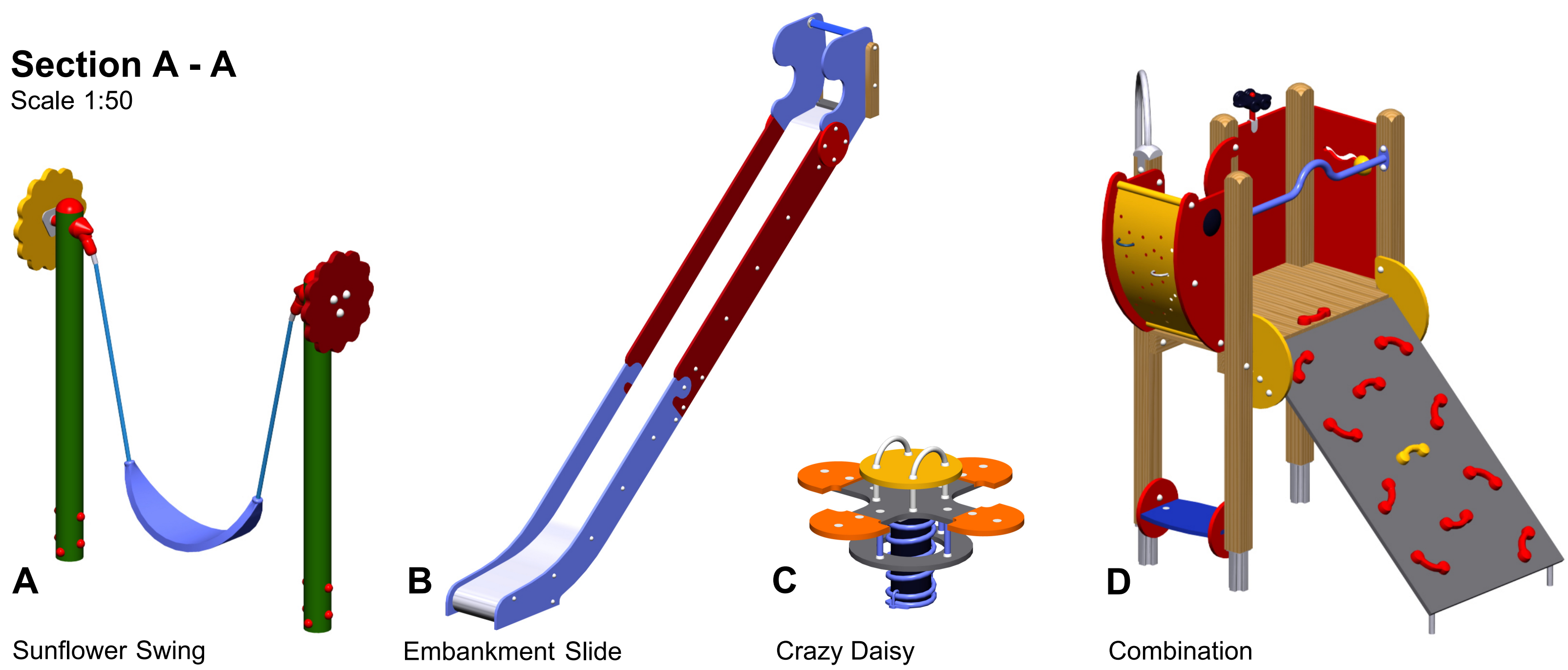


Series of play equipment for young children and toddler cycle path. Play space enclosed by low retaining and seat wall and perimeter path. Park furniture includes seating, a table seat and bubbler.

[illegible]



Section A - A
Scale 1:50



Play Equipment for Young Children

**Eastern Road Entry and
Play Equipment Location**
Scale 1:250

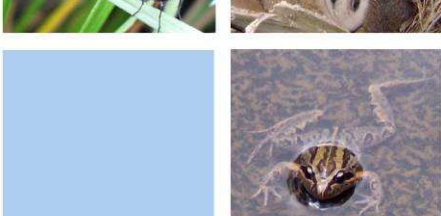


				NOTES:		SCALE:		PROJECT:		TITLE:			
						As shown		818 Pacific Highway, Gordon NSW 2072 Locked Bag 1056, Pymble NSW 2073 T 02 9424 0000 W www.kmc.nsw.gov.au		WATER STREET PARK WAHROONGA			
				DESIGNED:		NORTH:				DRAFT LANDSCAPE SECTION & DESIGN ELEMENTS			
				APPROVAL:									
P - 2	29.10.09	FOR INFORMATION											
P	07.07.09	FOR INFORMATION											
REV	DATE	AMENDMENTS											

**Ku-ring-gai
Council**

SHEET	OF	PLAN No	ISSUE:	Rev.
2	2	LCP 02	PRELIMINARY	P - 2

Ecological Assessment of Water Street Park



Revision	Details	Date	Amended By
A	Draft Ecological Assessment	30/10/2009	John Whyte
B	Editorial Review	30/10/2009	Ian Francis
C	Editorial Review	30/10/2009	Penny Collier

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Author: John Whyte

Signed:

Reviewer: Ian Francis

Signed:

Approved by:

Signed:

Date:30^h October 2009

Distribution:Draft – Ku-ring-gai Council

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Species of animal recorded
Appendix C
Threatened flora species recorded in the locality
Appendix D
Threatened fauna species recorded in the locality
Appendix E
Assessments of Significance

1. Introduction

Ku-ring-gai Council (KC) proposes to construct a park on the north side of the corner of Mona and Water Street, Wahroonga. The park will contain an amphitheatre, play equipment for young children and formal seating areas.

This report examines the terrestrial flora assemblages and fauna habitats within the location of the proposed park and the adjacent council reserve (Figure 1-1). The report then determines the impacts of the proposed park and its operation upon local biodiversity. It summarises proposed mitigation measures as well as the assessment under the *Environmental Planning and Assessment Act 1979* and under the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999*.

1.1 Legislative context

All proposals assessed under the *Environmental Planning and Assessment Act 1979* must include an examination of the threatened biodiversity, or their habitats, that are likely to occur within the development area or that may be indirectly affected by the construction and operation of a proposal. In the event that threatened biodiversity is within the vicinity of a proposal, the application must also include an assessment of the potential impact.

Other Commonwealth and State legislation relevant to the protection of flora, fauna and biodiversity within the study area include:

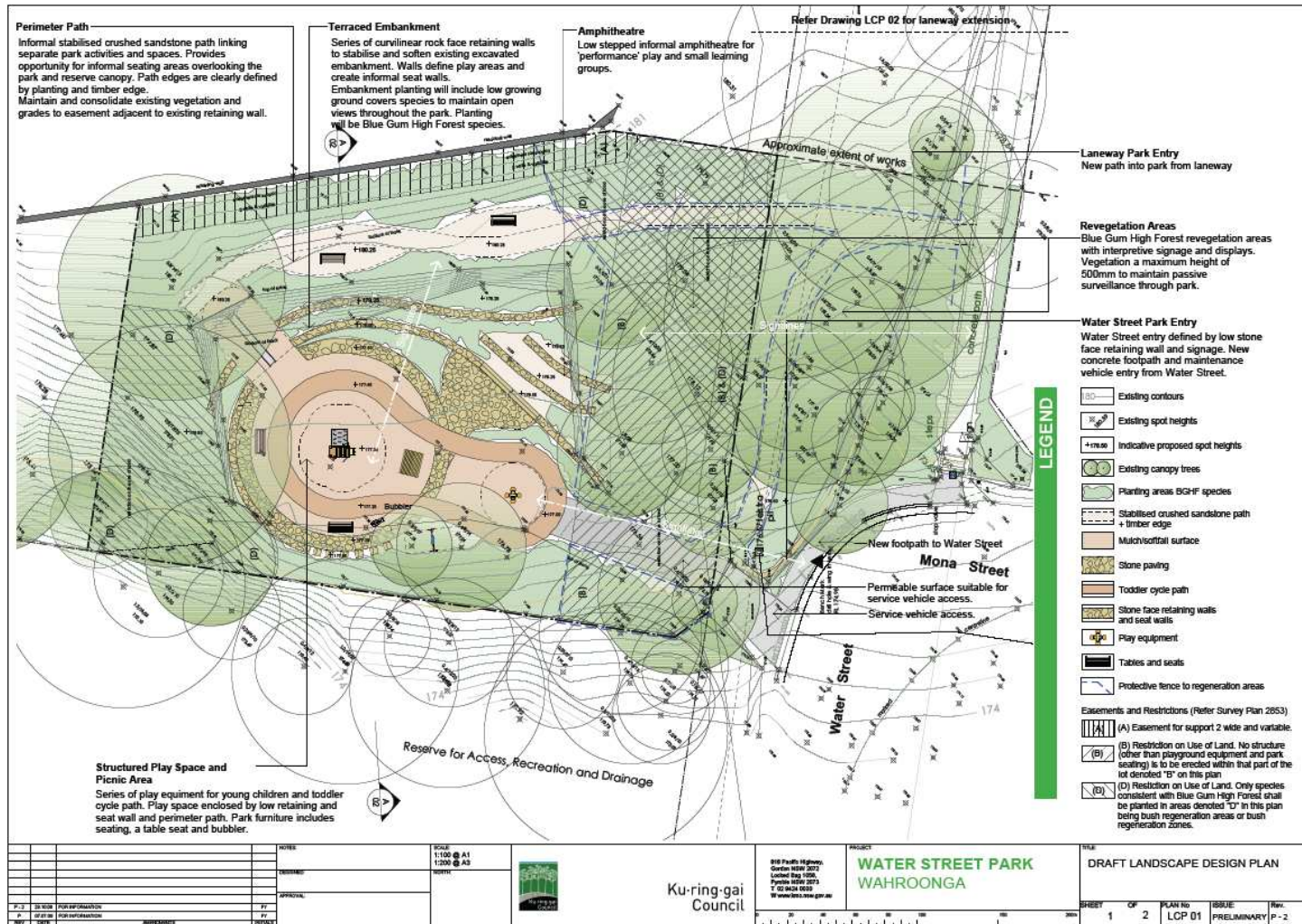
- *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*
- *Threatened Species Conservation Act 1995*
- *National Parks and Wildlife Act 1974*
- *Noxious Weeds Act 1993*.

1.2 Study objectives

The objectives of this report are to:

- Conduct a fauna habitat assessment to determine the likelihood of occurrence of threatened or Migratory species of animal occurring within the study area
- Conduct a floral survey identify any threatened species of plant present or considered likely to occur within the proposal area determine and describe the characteristics and condition of the vegetation communities and flora
- Determine the presence, or likelihood of occurrence, of threatened biodiversity listed under the *Threatened Species Conservation Act 1995* or *Environment Protection and Biodiversity Conservation Act 1999* occurring within the study area
- Describe and assess likely impacts of the project on biodiversity
- Undertake significance assessments for threatened biodiversity that occur or have potential habitat within the study area
- Propose amelioration measures to mitigate or minimise impacts on the ecological values of the study area.

Figure 1-1 Proposed Water Street Park



2. Methodology

This ecological assessment was based on the results of a desktop review and site inspections on the 16th September and 23rd of October 2009. A total of 2 hours survey was undertaken by Mr John Whyte (Ecologist/Botanist) of Ku-ring-gai Council. This assessment has been prepared to identify potential impacts as a result of the proposed activity on biodiversity.

2.1 Nomenclature

Names of plants used in this document follow Harden (Harden 1992; Harden 1993; Harden 2000; Harden 2002) with updates from PlantNet (Royal Botanic Gardens 2009). Scientific names are used in this report for species of plant. Scientific and common names of plants are listed in Appendices A and C.

Names of vertebrates follow the Census of Australian Vertebrates (CAVS) database maintained by the Department of the Environment, Water, Heritage and the Arts (Department of the Environment Water Heritage and the Arts 2009). Common names are used in the report for species of animal. Scientific names are included in species lists found in Appendices B and D.

2.2 Database searches and literature review

This assessment included a review of:

- topographic maps
- aerial photographs
- vegetation mapping of the area (NSW National Parks and Wildlife Service, 2002); (Ku-ring-gai Council 2009).
- database searches, as summarised in Table 2-1.

Table 2-1 Database searches

Database	Search date	Area searched	Reference
Atlas of NSW Wildlife	28 th October 2009	Locality (10 km)	(Department of Environment and Climate Change 2009)
PlantNet Database	28 th October 2009	Locality (10 km)	(Royal Botanic Gardens 2009)
Bionet	28 th October 2009	Locality (10 km)	(Department of Environment and Climate Change 2009)
Protected Matters Search Tool	28 th October 2009	Locality (10 km)	(Department of the Environment Water Heritage and the Arts 2009)

2.3 Field Survey

Inspections of the site were undertaken on 16th September and 23rd of October 2009. This included:

- A random meander survey recording all species of plant encountered
- Assessment of habitat values within the site
- Opportunistic fauna surveys
- Searching for specialised fauna habitat resources such as hollows.

2.4 Fauna habitat

Fauna habitat assessments were undertaken to assess the likelihood of threatened species of animal (those species identified from the literature and database review) occurring in the study area. Fauna habitat characteristics assessed included the:

- Structure and floristics of the canopy, understorey and ground vegetation, including the presence of flowering and fruiting trees providing potential foraging resources
- Presence of hollow-bearing trees providing roosting and breeding habitat for arboreal mammals, birds and reptiles
- Presence of the ground cover vegetation, leaf litter, rock outcrops and fallen timber and potential to provide protection for ground-dwelling mammals, reptiles and amphibians
- Presence of waterways (ephemeral or permanent) and water bodies.

The assessment of these fauna habitat characteristics enabled an overall assessment of fauna habitat condition within the study area.

2.5 Significant Assessments

Significance assessments were carried out for threatened species, populations or communities listed under the *Environment Protection and Biodiversity Conservation Act 1999* that were known or predicted to occur in the project locality (10 kilometres from the study site) and that had a moderate to high likelihood of occurring within the study site based on suitable habitat or observation in the field.

For species, populations and communities listed under the *Threatened Species Conservation Act 1995* significance assessments were completed in accordance with threatened species assessment guidelines (Department of Environment and Climate Change 2007).

For species or communities listed under the *Environment Protection and Biodiversity Conservation Act 1999*, significance assessments were completed in accordance with the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines* (Department of the Environment and Heritage 2006).

2.6 Limitations

Within the study area varying degrees of non-uniformity of flora and fauna habitats are encountered. Hence no sampling technique can entirely eliminate the possibility that a species is present within a study area (e.g. species of plant present in the seed bank). The conclusions in this report are based upon data acquired for the study area and the environmental field surveys and are, therefore, merely indicative of the environmental condition of the study area at the time of survey, including the presence or otherwise of species. It should also be recognised that conditions of the study area, including the presence of threatened species, can change with time.

No targeted fauna surveys were undertaken within the study area. Instead habitat assessments were completed to determine whether or not suitable habitat for threatened fauna species occurred within the site. This is a more conservative approach and is likely to include species that are difficult to detect.

3. Results

3.1 Description of existing environment

The study area is situated on the corner of Water Street and Mona Street within the suburb of Wahroonga. There is currently an access driveway on the northern side of Mona Street to study area. The study area is surrounded by riparian vegetation to the west, native vegetation partially to the south, north by re-generation vegetation and east by residential development and native vegetation (Figure 3-1).

The study area consists predominantly of disturbed vegetation. However, there is a large area within the centre of the study area which has been subject to substantial earthworks (Photo 3-3 & Photo 3-4) associated with recent residential subdivision. A large proportion of weed species were encountered within the disturbed areas.

3.2 Vegetation mapping

Two vegetation maps cover the study area:

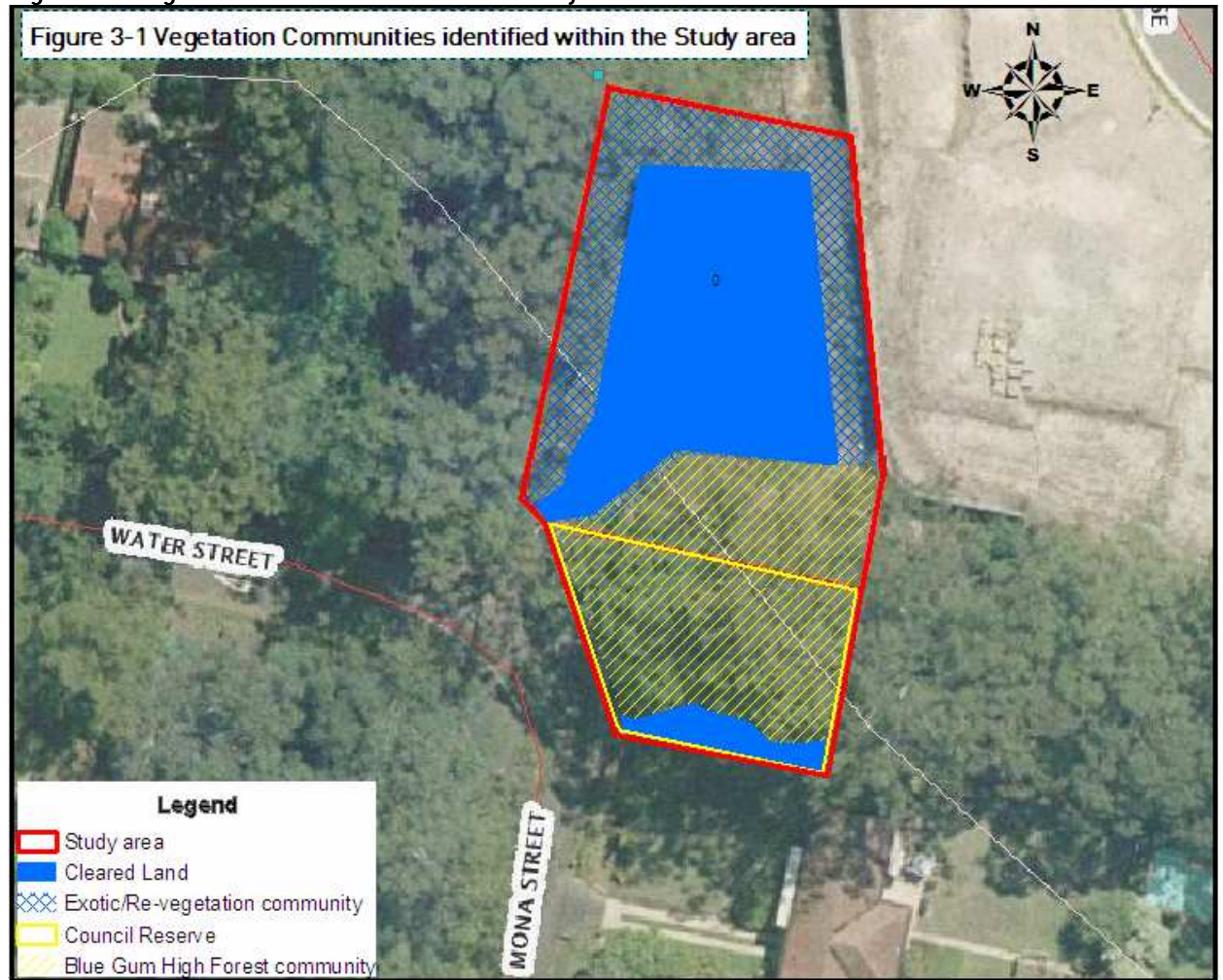
- Ku-ring-gai Council vegetation mapping (Ku-ring-gai Council 2009) shows the entire study area mapped as Blue Gum High Forest.
- Native vegetation of southeast NSW: a revised classifications and map for the coast and eastern tablelands (Tozer, Turner et al. 2006) the study area is mapped as Blue Gum High Forest (map unit p153).

The vegetation within the study area was ground-truthed and was found to best represented by Ku-ring-gai Council vegetation mapping (Ku-ring-gai Council 2009). The other vegetation mapping projects Native vegetation of southeast NSW was less consistent with the findings of the current survey.

3.3 Vegetation communities

Two vegetation communities were identified within the study area during the site inspection: Blue Gum High Forest and Exotic/Re-vegetation community. Detailed descriptions of these communities are provided below.

Figure 3-1 Vegetation communities with the study area



Aerial source: Department of Spatial Lands, not to scale

3.3.1 Blue Gum High Forest community

Blue Gum High Forest community was found to surround the exotic/re-vegetation community and occupied the more slopes areas of the site. This community contained a low proportion of weed species within the ground layer (Photo 3-1). Tree species commonly encountered were *Eucalyptus saligna* (Sydney Blue Gum), *Eucalyptus pilularis* (Blackbutt) and *Angophora costata* (Smooth-barked Apple). The canopy ranged in height from approximately 25-30 m tall with a projected foliage cover of 25-45%.

Shrubs commonly encountered were planted *Pultenaea flexilis* (Graceful Bush Pea), *Acacia linifolia* (Flax Wattle) and *Ozothamnus diosmifolius* (Ball Everlasting). The shrub layer ranged in height from approximately 2-3.5 m tall with a projected foliage cover of 5-25%.

The groundcover was dominated predominantly by *Dichondra repens* (Kidney Weed), *Lomandra longifolia* (Spiky-headed Mat-rush), *Dianella caerulea* var. *caerulea* (Flax Lily), *Anagallis arvensis** (Scarlet Pimpernel) and *Themeda australis* (Kangaroo Grass). The ground cover ranged in height from approximately 0.1-0.6 m tall with a projected foliage cover of 5-35%.

Climbing species recorded were *Kennedia rubicunda* (*Kennedia rubicunda*) and *Eustrephus latifolius* (Wombat Berry).



Photo 3-1 Blue Gum High Forest community with planted understorey



Photo 3-2 Blue Gum High Forest which has been subject to recent weed control

3.3.2 Exotic/Re-vegetation community

Exotic/Re-vegetation community occupied small narrow strips adjoining the cleared area within the study area. This community is the result of recent reinstated of cleared land with native flora species some of which are characteristic of Blue Gum High Forest.

No structural canopy species were recorded within this community at the time of the survey, however juvenile *Syncarpia glomulifera* (Sydney Turpentine) were recorded within the shrub layer to a height of 1m.

The shrub layer was dominated by *Pultenaea flexilis* (Graceful Bush Pea), *Acacia linifolia* (Flax Wattle) and *Ozothamnus diosmifolius* (Ball Everlasting). The shrub layer ranged in height from approximately 2-3.5 m tall with a projected foliage cover of 5-10%.

Adjacent to the cleared area the groundcover was dominated by exotic species including *Conyza bonariensis** (Flax-leaf Fleabane), *Senecio madagascariensis** (Fireweed), *Juncus cognatus**, *Sonchus oleraceus** (Common Sow-thistle).

The ground layer which have been subject to re-vegetation was dominated by *Lomandra longifolia* (Spiky-headed Mat-rush), *Dianella caerulea* var. *caerulea* (Flax Lily), *Hardenbergia violacea* (False Sarsparilla), *Dichondra repens* (Kidney Weed) and *Oplismenus imbecillis*. The ground cover was ranged in height from approximately 0.1-0.5 m tall with a projected foliage cover of >5-20%.



Photo 3-3 Exotic/Re-vegetation community on the eastern side of the cleared area

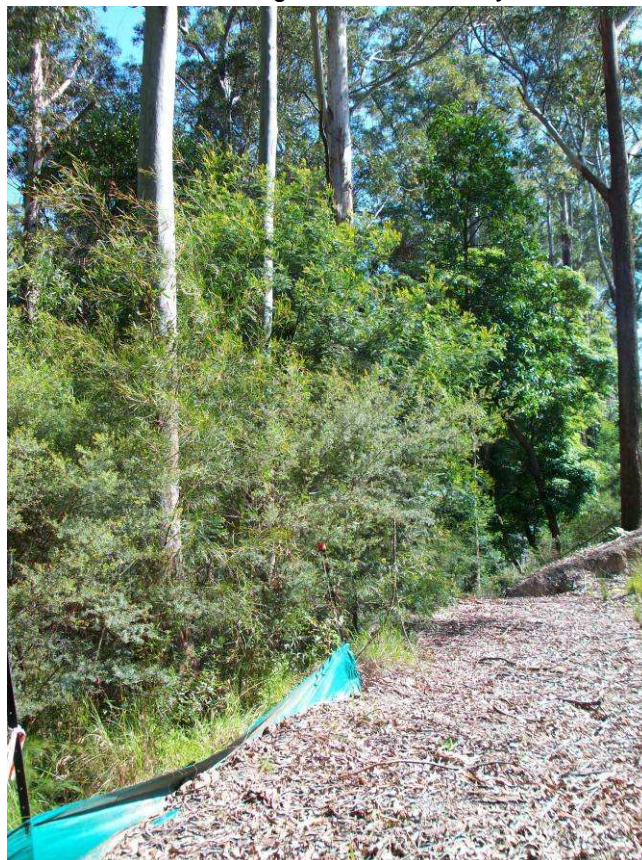


Photo 3-4 Exotic/Re-vegetation community on the western side of the cleared area

3.3.3 Cleared area

The cleared areas within the study area contained very few natives and were predominantly dominated by exotic introduced weed species Photo 3-3 & Photo 3-4.

Native species recorded were juvenile seedlings of Sydney Blue Gum (*Eucalyptus saligna*) and *Ozothamnus diosmifolius* (Ball Everlasting) were observed within this community.

The groundcover was dominated by exotic species including *Conyza bonariensis** (Flax-leaf Fleabane), *Senecio madagascariensis** (Fireweed), *Juncus cognatus**, *Sonchus oleraceus** (Common Sow-thistle). The occasional native species was also recorded, these were *Hardenbergia violacea* (False Sarsparilla), *Dichondra repens* (Kidney Weed) and *Oplismenus imbecillis* all three species are typical of disturbed environs within Ku-ring-gai LGA. The ground cover was ranged in height from approximately 0.1-0.4 m tall with a projected foliage cover of >5%.



Photo 3-5 Cleared area with regeneration

3.4 Species of plant

A total of 53 species of plant was recorded in the study area, of which 35 species (66 %) were native (Appendix A). The most diverse families recorded were Asteraceae with 7 species and Fabaceae with 6 species (Appendix B).

Seventeen species of weed were recorded from the study area, of these 1 species Narrow-leaf/Chinese Privet (*Ligustrum sinense*) is listed under the *Noxious Weeds Act 1993* (Table 3-1). No weeds of National Significance were recorded from the site (Thorp and Lynch 2000).

Table 3-1 Noxious weeds recorded within the study area

Weed	Class	Legal requirements
Privet (Narrow-leaf/Chinese) (<i>Ligustrum sinense</i>)	4	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed.

Note: *

3.5 Species of animal

Eight species of animal were recorded during the site inspection through calls and observations (Appendix B). Fauna recorded included:

- One species of reptile
- Seven species of birds

3.6 Fauna habitat features

The study area contained a range of fauna habitats including:

- Open forest

3.6.1 Open Forest Habitat

The Open forest habitat, which dominates the study area, corresponds with the broader habitat by Blue Gum High Forest described in Sections 3.3.1.

Within this habitat, hollows were recorded most frequently within large *Eucalyptus pilularis* (Blackbutt) individuals, which were frequently occurring within the tree canopy of the Blue Gum High Forest. Hollows were also observed frequently within the large *Eucalyptus saligna* (Sydney Blue Gums). The Large *Eucalyptus pilularis* and *Eucalyptus saligna* individuals contained small-medium hollows providing suitable roosting habitat for threatened microbats such as the Greater Broad-nosed Bat (*Scoteanax rueppellii*), Yellow-bellied Sheath-tail Bat (*Saccolaimus flaviventris*), Eastern False Pipistrelle (*Falsistrellus tasmaniensis*), Eastern Freetail-bat (*Mormopterus norfolkensis*) and suitable foraging habitat for the Grey-headed Flying-fox (*Pteropus poliocephalus*).

No suitable roosting sandstone benches or rock wall crevices were observed within the study area for the following cave dwelling bats species the Large-eared Pied Bat (*Chalinolobus dwyeri*) and the Eastern Bent-wing Bat (*Miniopterus schreibersii*).

The Open forest did not provide any large breeding hollows for the Barking Owl (*Ninox connivens*) or the Powerful Owl (*Ninox strenua*), however the study area did provide marginal roosting and foraging habitat for these species.

No suitable foraging resources for the threatened Glossy Black-cockatoo (*Calyptorhynchus latham*) and the Gang-gang Cockatoo (*Callocephalon fimbriatum*) was identified within the study area.

The large Blackbutts within the study area provide a seasonal foraging resource for the migrating Swift Parrot during winter migration.

3.7 Threatened biodiversity

This section details the threatened biodiversity recorded or likely to occur within the study area. This is based on those species recorded or predicted to occur within the locality from database searches (section 2.2) and the nature of the habitats observed within the vicinity of the proposed works during field surveys (Appendices C and D).

For those species, populations and communities with a medium or high likelihood of occurrence within the study area, an impact of significance assessment has been prepared (Appendix E).

3.7.1 Threatened ecological communities

Two endangered ecological communities were identified from desktop review to occur within the locality of the study area, including:

- Sydney Turpetine Ironbark Forest - listed as Endangered under the NSW *Threatened Species Conservation Act 1995* and Critically Endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- Blue Gum High Forest - listed as Critically Endangered under the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The floristic characteristics for Sydney Turpetine Ironbark was absent from the study area. However the soil type and floristic structure of the open forest community was consistent with Blue Gum High Forest a threatened ecological community listed under both the *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*.

3.7.2 Endangered populations

One threatened populations were identified from the desktop review to occur within the locality of the site:

Gang-gang Cockatoo population in the Hornsby and Ku-ring-gai LGAs, suitable habitat was identified for the Gang-gang Cockatoo within the study area.

3.7.3 Threatened Flora

No threatened species of plant was recorded in the study area during this investigation, despite twenty-one threatened flora species having been identified as a result of the database searches within the locality. None were considered to have medium-high likelihood of occurrence based on the presence of suitable

habitat (Appendix C). No impact assessments have been prepared or a considered to be warranted for threatened flora species due to all species having a low likelihood of occurrence within the study area.

Forty-nine Rare or Threatened Australian Plants (ROTAP) species were identified within a 10km locality of the study area (Royal Botanic Gardens 2009). No ROTAP species were identified within the study area.

3.8 Threatened fauna

Twenty-seven threatened fauna species were identified as a result of the database searches as occurring or having potential to occur within the locality.

Based on the habitat assessment there is potential habitat within the study area for 10 threatened species that may be impacted through either the removal of roosting/ nesting or foraging habitat (Appendix D). Impact assessments have been prepared for these species (Appendix E).

3.8.1 Migratory species

Migratory species are protected under the international agreement to which Australia is a signatory, including the Japan-Australia Migratory Bird Agreement, the China-Australia Migratory Bird Agreement and the Bonn Convention on the Conservation of Migratory Species of Wild Animals. Migratory species are considered Matters of National Environmental Significance and are protected under the *Environment Protection and Biodiversity Conservation Act 1999*.

Eleven migratory species were identified from the Department of the Environment, Water, Heritage and the Arts Protected Matters Search Tool (Department of the Environment Water Heritage and the Arts 2009) within the locality. None were recorded during the site inspection. Three migratory species were considered to have suitable habitat: Swift Parrot (*Lathamus discolor*), White-throated Needletail (*Hirundapus caudacutus*) and the Rufous Fantail (*Rhipidura rufifrons*).

4. Impacts

The following discussion presents an assessment of the potential impacts of the proposal on biodiversity in the study area.

4.1 Vegetation clearing

Clearing of native vegetation is listed as a Key Threatening Process under both the NSW TSC Act and the Commonwealth *EPBC Act*. Under the *TSC Act*, native vegetation is made up of plant communities, comprising primarily indigenous species. Clearing is defined as the destruction of a sufficient proportion of one or more strata layers within a stand or stands of native vegetation so as to result in the loss, or long-term modification, of the structure, composition and ecological function of a stand or stands (NSW Scientific Committee 2001a). The proposal will result in very minor clearing of regenerated native species from within the Exotic/Re-vegetation community.

4.2 Weeds

The proposal has the potential to further disperse weeds into areas of bushland adjoining the study area. The most likely causes of weed dispersal associated with the project would include earthworks, movement of soil and attachment of seed (and other propagules) to vehicles and machinery. Mitigation and recommendation measures have been proposed to manage weed dispersal as a result of the proposal.

4.3 Impacts on threatened species or populations

A total of 10 threatened animal species and one endangered ecological community listed under the *TSC Act* and/or the *EPBC Act* were recorded, predicted to occur, or have habitat within the vicinity (10 km radius) of the subject site. Impact assessments have been prepared which has concluded that the proposal is not likely to have a significant impact upon threatened species, endangered population or endangered ecological communities.

4.4 Key threatening processes

Key Threatening Process under the *Threatened Species Conservation Act* (NSW National Parks and Wildlife Service 2003) that are likely to further increase within the subject site are:

- Clearing of native vegetation.
- Infection of native plants by *Phytophthora cinnamomi* - key threatening process listing. The proposal has potential to introduce or spread *Phytophthora cinnamomi* within the impact area and into adjacent bushland. Mitigations measures are to be implemented to prevent spread of *Phytophthora cinnamomi*.
- Invasion of native vegetation communities by exotic perennial grasses. A number of exotic perennial species such as *Pennisetum clandestinum* (Kikuyu) which was recorded within cleared area.

4.5 Edge effects

Edge effects are zones of changed environmental conditions (i.e. altered light levels, wind speed, temperature) occurring along the edge of habitat fragments. These new environmental conditions along the edges can promote the growth of different vegetation types (including weeds) and allow invasion by pest animals specialising in edge habitats (e.g. noisy miners).

4.6 Mitigation measures

4.6.1 Weed control

Target weed control should be undertaken within the construction zone, including staging areas, prior to the commencement of works to minimise the abundance of weed propagules in the construction zone. These works should be undertaken by suitably qualified bush regenerator and should be discussed with Ku-ring-gai Council's bushland management team to integrate with other bush regeneration works being undertaken in Wahroonga.

4.6.2 Fencing of the construction zone

The proposed construction zone is located in close proximity to sensitive habitats (Blue Gum High Forest). Accidental impacts to these habitats such as by vehicle must be avoided as far as practical.

When accessing construction sites, contractors are to use only the designated access track.

Suitable fixed fencing (e.g. three strand stock fencing) and colour tape or parawebbing should be used to delineate the maximum allowable extent of the construction zone (including sensitive areas identified in the field). If any tape is disturbed, it is to be immediately replaced along the appropriate alignment. Construction work outside this area will constitute a non-conformance with the contract terms.

Sedimentation fence is to be installed on the western side of the proposed park and remain in place for the duration of works.

Fences and parawebbing delineating the construction zone are to remain intact during construction period. If any of these barriers are disturbed, it is to be repaired or replaced as soon as practicable.

4.6.3 Proposed pathway within BGHF

A proposed crushed sandstone pedestrian path is to be located in the BGHF vegetation zone within the Water street road reserve, linking the existing Water St pathway with the proposed park.

The pathway will be located with the root zones of existing trees within this area, and will need to be constructed carefully to avoid root damage.

Mitigation measures would include:

- Pathway to be set out so as to avoid trees and other native vegetation.
- Avoidance of the use of machinery for construction of the path and construction work for the path to be undertaken by hand.
- The path to be constructed above existing ground levels to avoid exaction.
- No roots of greater than 30mm diameter to be severed or damaged during the construction.
- Avoidance of storage of any construction materials within the root zones of trees.
- Removal of residual cut weed stems and other vegetation within the footprint of the path by hand only.

4.6.4 Animal welfare

Animal injury has potential to occur throughout various construction operations. In the event that any sick, injured or orphaned native animals are located during construction, WIRES should be contacted to assist in capture, handling and welfare of the animal (contact No: 13000 WIRES or 1300 094 737).

4.6.5 Truck and machine wash down areas

Vehicles and other equipment to be used in clearing within the construction zone and general construction equipment (such as excavators etc) are to be received completely free of soil, seeds and plant material before entering the site to prevent the introduction of exotic plant species and pathogens. Equipment failing inspection should be sent away for cleaning. Appropriate records of inspections shall be maintained.

Build ups of mud, soil and organic matter present on vehicles during wet and muddy conditions shall be manually removed prior to vehicles entering/leaving the construction corridor.

Works and vehicular movements shall cease if wet and muddy conditions develop/persist during construction zone clearing to limit the movement of soil and organic matter onto, through and from the construction zones, minimising the potential for the spread of weeds.

4.6.6 Management of excavated soil

All excavated material is to be stockpiled in the construction zone or staging areas, or loaded directly into a truck for stockpiling offsite or disposed. No excavated soil should be stockpiled within Blue Gum High Forest where it can directly or inadvertently spill beyond the construction zone.

4.6.7 Staff inductions

The requirements of the for flora and fauna control measures should be outlined to all personnel working on site prior to the construction commencing. Information in relation to protection / impact minimisation will include the known locations of ecological sensitivity and specific access/protection

requirements. The requirements should be based on the requirements of the Construction Environmental Management Plan prepared for the project, however in relation to biodiversity should include:

- outline of the significance of construction site fencing (as per section 4.6.2)
- animal welfare and handling protocols and contact details for WIRES (as per section 4.6.3)
- truck and machine wash down requirements (as per section 4.6.4)
- procedure for management of excavated soil (as per section 4.6.5).
- Records of training completed by all staff should be kept.

4.7 Residual impacts

Residual impacts are those that remain after implementation of the project and all associated mitigation and other environmental management measures. The likely residual impacts associated with the proposed Water Street Park are the disturbance of the existing track and construction area which may be more susceptible to erosion, and disturbance of areas.

An Erosion and Sediment Control Plan (ESCP) is to be prepared for the project, implemented and maintained throughout construction and reinstatement of the park and vegetation as part of the Construction Environmental Management Plan (CEMP).

Upon completion of construction, any areas of native vegetation that are disturbed by the construction of the Park should be rehabilitated with plantings of native tube stock propagated from seed sourced from the locality (10km). Ground covers should be planted at a ratio of 4 tubes per square meter and trees and shrubs should be planted at a ratio of 1 tube stock per square meter. Plantings should be watered and monitored until an 80% establishment rate is achieved. Only Blue Gum High Forest species are to be planted within the proposed park see (Table 4-1). No monocultures are to be planted within regeneration areas (Figure 1-1) planting should be scattered to simulate natural community. Species mix should contain a mixture of Blue Gum High Forest canopy shrub and groundcover species. A Bushland Management Plan (BMP) should be prepared for the park.

Table 4-1 Suitable Blue Gum High Forest species for planting within the park

Scientific Name	Scientific Name
<i>Acmena smithii</i>	<i>Adiantum aethiopicum</i>
<i>Allocasuarina torulosa</i>	<i>Alphitonia excelsa</i>
<i>Angophora costata</i>	<i>Angophora floribunda</i>
<i>Asplenium flabellifolium</i>	<i>Backhousia myrtifolia</i>
<i>Blechnum cartilagineum</i>	<i>Breynia oblongifolia</i>
<i>Calochlaena dubia</i>	<i>Carex maculata</i>
<i>Cissus hypoglauca</i>	<i>Clematis aristata</i>
<i>Clerodendrum tomentosum</i>	<i>Dianella caerulea</i>
<i>Doodia aspera</i>	<i>Elaeocarpus reticulatus</i>
<i>Entolasia marginata</i>	<i>Entolasia stricta</i>
<i>Eucalyptus globoidea</i>	<i>Eucalyptus paniculata</i>
<i>Eucalyptus pilularis</i>	<i>Eucalyptus saligna</i>
<i>Eustrephus latifolius</i>	<i>Ficus coronata</i>
<i>Glochidion ferdinandi</i> var. <i>ferdinandi</i>	<i>Glycine clandestina</i>
<i>Hydrocotyle laxiflora</i>	<i>Leucopogon juniperinus</i>
<i>Lomandra longifolia</i>	<i>Marsdenia rostrata</i>
<i>Maytenus silvestris</i>	<i>Morinda jasminoides</i>
<i>Notelaea longifolia</i> forma <i>longifolia</i>	<i>Oplismenus aemulus</i>
<i>Oplismenus imbecillis</i>	<i>Oxalis perennans</i>
<i>Pandorea pandorana</i>	<i>Persoonia linearis</i>
<i>Pittosporum revolutum</i>	<i>Pittosporum undulatum</i>
<i>Platylobium formosum</i>	<i>Poa affinis</i>
<i>Polyscias sambucifolia</i> subsp. A	<i>Pratia purpurascens</i>
<i>Pseuderanthemum variabile</i>	<i>Pteridium esculentum</i>
<i>Rapanea variabilis</i>	<i>Smilax australis</i>
<i>Smilax glyciphylla</i>	<i>Tylophora barbata</i>
<i>Viola hederacea</i>	

5. Significance of impacts

Projects assessed under the *Environmental Planning and Assessment Act 1979* should consider the significance of impacts and the Department of Environment and Climate Change's *Threatened species assessment guidelines-The assessment of significance* (2007). The factors for consideration under this assessment address the likelihood and significance of the impacts on threatened species life cycle, habitat and recovery.

Threatened biodiversity listed under the *Environment Protection and Biodiversity Conservation Act 1999* are required to be assessed following the *Principal Significant Impact Guidelines (Department of the Environment and Heritage 2005)*. The factors for consideration under this assessment include considerable overlap with the state significance assessments. This assessment however also addresses conservation status, population size and area of occupancy, likelihood of the establishment of invasive species of introduction of disease in addition to species life cycle, habitat and recovery.

No threatened species or, populations were identified in the study area during the current surveys that would be directly or indirectly affected by the proposal. One Critically Endangered Ecological Community known as Blue Gum High Forest as well as a number of threatened species animal are considered likely to occur or utilise the habitats within the study area (Table 5-1). Significance assessments for these species and the Blue Gum High Forest concluded that the proposal is unlikely to result in a significant impact to any threatened species or ecological communities (refer Appendix E).

Table 5-1 Summary of threatened biodiversity for which significance assessments were undertaken and their likelihood of being significantly affected by the proposal

Name	Conservation Status ¹		Likely to be significantly affected
	State	National	
Endangered Ecological Communities			
Blue Gum High Forest	CE	CE	No
Mammals			
Eastern Bent-wing Bat (<i>Miniopterus schreibersii</i>)	V		No
Eastern Freetail-bat (<i>Mormopterus norfolkensis</i>)	V		No
Large-eared Pied Bat (<i>Chalinolobous dwyeri</i>)	V	V	No
Eastern False Pipistrelle (<i>Falsistrellus tasmaniensis</i>)	V		No
Greater Broad-nosed Bat (<i>Scoteanax rueppellii</i>)			No
Grey-headed Flying Fox (<i>Pteropus poliocephalus</i>)			No
Yellow-bellied Sheath-tail Bat (<i>Saccolaimus flaviventris</i>)	V		No
Birds			
Swift Parrot (<i>Lathamus discolor</i>)	V		No
Barking Owl (<i>Ninox connivens</i>)	V		No
Powerful Owl (<i>Ninox strenua</i>)	V		No

Conservation status. State: V= Vulnerable, E1 = Endangered (*Threatened Species Conservation Act 1995*). National: V = Vulnerable, E = Endangered, CE = Critically Endangered (*Environment Protection and Biodiversity Conservation Act 1999*).

6. Conclusions

Ku-ring-gai Council is proposing to construct a Park on the corner of Water and Mona Street within Wahroonga. No threatened flora or fauna species were identified within the subject site that would be directly affected by the proposed action. The proposal will impact upon a 0.06ha of Blue Gum High Forest.

Habitats within the study area however, are considered likely to support a range of threatened species of animal including three species of bird and seven species of microbats.

Potential impacts to biodiversity associated with the proposed action have been largely avoided through the development footprint selection process. Specifically, construction of the Water Street Park has been proposed within areas which are currently disturbed. As a result of the site selection process park walls, walkways and play equipment, and the small amphitheatre will result in the limited loss of native vegetation or key fauna microhabitat elements.

Significance assessments in accordance with section 5A of the *Environmental Planning and Assessment Act 1979* and *EPBC Act - Principal Significant Impact Guidelines 1.1. Matters of National Environmental Significance* (Department of the Environment and Heritage 2005) determined that the project was unlikely to result in a significant impact to any threatened biodiversity listed under the *Threatened Species Conservation Act 1995* or *Environment Protection and Biodiversity Conservation Act 1999*.

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Appendix A

Species of plant recorded

Table 7-1 Flora species recorded within the study area

Family	Scientific Name	Common Name
Trees		
Casuarinaceae	<i>Allocasuarina littoralis</i>	Black She-oak
Cunoniaceae	<i>Callicoma serratifolia</i>	Black Wattle
Mimosaceae	<i>Acacia elata</i>	Cedar Wattle
Mimosaceae	<i>Acacia parramattensis</i>	Sydney Green Wattle
Myrtaceae	<i>Angophora costata</i>	Smooth-barked Apple
Myrtaceae	<i>Eucalyptus pilularis</i>	Blackbutt
Myrtaceae	<i>Eucalyptus saligna</i>	Sydney Blue Gum
Myrtaceae	<i>Syncarpia glomulifera</i>	Turpentine
Pittosporaceae	<i>Pittosporum undulatum</i>	Sweet Pittosporum
Shrubs		
Araliaceae	<i>Polyscias sambucifolia</i>	Elderberry Panax
Asteraceae	<i>Ozothamnus diosmifolius</i>	Ball Everlasting
Fabaceae	<i>Pultenaea flexilis</i>	Graceful Bush Pea
Mimosaceae	<i>Acacia linifolia</i>	Flax Wattle
Mimosaceae	<i>Acacia suaveolens</i>	Sweet Scented Wattle
Ochnaceae	<i>Ochna serrulata*</i>	Mickey Mouse Plant
Oleaceae	<i>Ligustrum sinense*</i>	Small-leaved Privet
Poaceae	<i>Phyllostachys</i> sp.	Bamboo
Rutaceae	<i>Zieria smithii</i>	Sandfly Zieria
Groundcovers		
Asparagaceae	<i>Asparagus densiflorus*</i>	Asparagus Fern
Asteraceae	<i>Bidens pilosa*</i>	Cobbler's Pegs
Asteraceae	<i>Cirsium vulgare*</i>	Spear Thistle
Asteraceae	<i>Conyza albida*</i>	Fleabane
Asteraceae	<i>Conyza bonariensis*</i>	Flax-leaf Fleabane
Asteraceae	<i>Senecio madagascariensis*</i>	Fireweed
Asteraceae	<i>Sonchus oleraceus*</i>	Common Sow-thistle
Blechnaceae	<i>Blechnum cartilagineum</i>	Gristle Fern
Convolvulaceae	<i>Dichondra repens</i>	Kidney Weed
Davalliaceae	<i>Nephrolepis cordifolia*</i>	Fish-bone Fern
Dennstaedtiaceae	<i>Pteridium esculentum</i>	Bracken
Dicksoniaceae	<i>Calochlaena dubia</i>	False Bracken
Fabaceae	<i>Trifolium repens*</i>	White Clover
Geraniaceae	<i>Geranium homeanum</i>	Northern Cranesbill
Geraniaceae	<i>Geranium molle*</i>	Geranium
Juncaceae	<i>Juncus cognatus*</i>	-
Lomandraceae	<i>Lomandra longifolia</i>	Spiky-headed Mat-rush
Lomandraceae	<i>Lomandra multiflora</i>	Many-flowered Mat-rush
Phormiaceae	<i>Dianella caerulea</i> var. <i>caerulea</i>	Flax Lily
Poaceae	<i>Avena fatua*</i>	Wild Oats
Poaceae	<i>Pennisetum clandestinum</i>	Kikuyu
Poaceae	<i>Oplismenus aemulus</i>	Basket Grass
Poaceae	<i>Oplismenus imbecillis</i>	-
Poaceae	<i>Themeda australis</i>	Kangaroo Grass
Primulaceae	<i>Anagallis arvensis*</i>	Scarlet Pimpernel

Family	Scientific Name	Common Name
Verbenaceae	<i>Verbena rigida</i> *	Veined Verbena
Violaceae	<i>Viola hederacea</i>	Ivy-leaved Violet
Climbers		
Bignoniaceae	<i>Pandorea pandorana</i>	Wonga Vine
Fabaceae	<i>Desmodium varians</i>	-
Fabaceae	<i>Hardenbergia violacea</i>	False Sarsaparilla
Fabaceae	<i>Kennedia rubicunda</i>	Dusky Coral Pea
Fabaceae	<i>Vicia sativa</i> subsp. <i>sativa</i> *	Common Vetch
Luzuriagaceae	<i>Eustrephus latifolius</i>	Wombat Berry
Smilacaceae	<i>Smilax glyciphylla</i>	Sarsaparilla
Vitaceae	<i>Cissus antarctica</i>	Native Grape

***Denotes introduced species**

Appendix B

Species of animal recorded

Table 7-2 Fauna species recorded within the study area

Family Name	Scientific Name	Common Name	Survey Type
Reptiles			
Scincidae	<i>Lampropholis guichenoti</i>	Garden Skink	O
Birds			
Cinclosomatidae	<i>Psophodes olivaceus</i>	Eastern Whipbird	C
Coraciidae	<i>Eurystomus orientalis</i>	Dollarbird	O
Cacatuidae	<i>Cacatua galerita</i>	Sulphur-crested Cockatoo	O
Cacatuidae	<i>Cacatua sanguinea</i>	Little Corella	C
Megapodiidae	<i>Alectura lathamii</i>	Australian Brush-turkey	O
Psittacidae	<i>Platycercus elegans</i>	Crimson Rosella	C
Psittacidae	<i>Trichoglossus haematodus</i>	Rainbow Lorikeet	O

Key: O= Observed, C= Heard call

Appendix C

Threatened flora species recorded
in the locality

Appendix C Threatened Flora species recorded in the locality

This appendix details the threatened species of plant that have either been recorded in the local area based on records the *Atlas of NSW Wildlife* Department of Environment Climate Change and Water, 2009, data received 28 October 2009 and records from the Royal Botanical Gardens from *Bionet* Department of Environment and Climate Change, 2009, data received 28 October 2009. Threatened species with habitat likely to occur in the locality were also considered based on records from the *EPBC Protected Matters Search Tool* Department of the Environment Water Heritage and the Arts 2009, data received 28 October 2009.

Table 7-3 Threatened flora species recorded in the locality

Species Name	Conservation status			Habitat	Likelihood of occurrence
	State ¹	National ²	ROTAP ³		
<i>Acacia bynoeana</i> (Bynoe's Wattle)	E1			Occurs south of Dora Creek-Morriset area to Berrima and the Illawarra region and west to the Blue Mountains. It grows mainly in heath and dry sclerophyll forest on sandy soils (Harden 2002). Seems to prefer open, sometimes disturbed sites such as trail margins and recently burnt areas. Typically occurs in association with <i>Corymbia gummifera</i> , <i>Eucalyptus haemastoma</i> , <i>E. gummifera</i> , <i>E. parramattensis</i> , <i>E. sclerophylla</i> , <i>Banksia serrata</i> and <i>Angophora bakeri</i> (NSW National Parks and Wildlife Service 1999).	Low No suitable habitat was recorded from the study area for this species.
<i>Acacia pubescens</i> (Downy Wattle)	E1	E	2K	Restricted to the Sydney Region from Bilpin to the Georges River and also at Woodford where it usually grows in open sclerophyll forest and woodland on clay soils. Typically it occurs at the intergrade between shales and sandstones in gravely soils often with ironstones (Harden 2002; NSW National Parks and Wildlife Service 2003).	Low No suitable habitat was recorded from the study area for this species.
<i>Caladenia tessellata</i> (Thick-lipped Spider Orchid)	E	V	3V	Generally found in grassy sclerophyll woodland on clay loam or sandy soils, though the population near Braidwood is in low woodland with stony soil.	Low No suitable habitat was recorded from the study area for this species.

Species Name	Conservation status			Habitat	Likelihood of occurrence
	State ¹	National ²	ROTAP ³		
<i>Cryptostylis hunteriana</i> (Leafless Tongue-orchid)	V	V	3Va	The larger populations typically occur in woodland dominated by Scribbly Gum (<i>Eucalyptus sclerophylla</i>), Silvertop Ash (<i>E. sieberi</i>), Red Bloodwood (<i>Corymbia gummifera</i>) and Black Sheoak (<i>Allocasuarina littoralis</i>); appears to prefer open areas in the understorey of this community and is often found in association with the Large Tongue Orchid (<i>C. subulata</i>) and the Tartan Tongue Orchid (<i>C. erecta</i>).	Low No suitable habitat was recorded from the study area for this species.
<i>Darwinia biflora</i>	V		2Va	Occurs from Cheltenham to Hawkesbury River where it grows in heath on sandstone or in the understorey of woodland on shale-capped ridges (Harden 2002). Occurs on the edges of weathered shale-capped ridges, where these intergrade with Hawkesbury Sandstone. Associated overstorey species include <i>Eucalyptus haemastoma</i> , <i>Corymbia gummifera</i> and/or <i>E. squamosa</i> . The vegetation structure is usually woodland, open forest or scrub-heath (Department of Environment and Climate Change 2008).	Low No suitable habitat was recorded from the study area for this species.
<i>Deyeuxia appressa</i>	E	E	2E	Grows on wet ground; in the Hornsby area (Harden 2002)..	Low No suitable habitat was recorded from the study area for this species.
<i>Epacris purpurascens</i>	V			Found in a range of habitat types, most of which have a strong shale soil influence.	Low No suitable habitat was recorded from the study area for this species.
<i>Eucalyptus camfieldii</i> (Heart-leaved Stringybark)	V		2Vi	Occurs from Tomago to the Royal National Park where it grows in coastal shrub heath in sandy soils on sandstone (Harden 2002).	Low No suitable habitat was recorded from the study area for this species.

Species Name	Conservation status			Habitat	Likelihood of occurrence
	State ¹	National ²	ROTAP ³		
<i>Grevillea caleyi</i> (Caley's Grevillea)		V	2Ei	Occurs in the Terrey Hills-Belrose area north of Sydney where it grows in woodland on laterized sandstone ridgetops (Harden 2002).	Low No suitable habitat was recorded from the study area for this species.
<i>Haloragodendron lucasii</i>	E1		2Ea	Confined to the Sydney area where it grows in dry sclerophyll open forest on sheltered slopes near creeks on sandstone (Harden 2002). Reported to grow in moist sandy loam soils in sheltered aspects, and on gentle slopes below cliff-lines near creeks in low open woodland. Associated with high soil moisture and relatively high soil-phosphorus levels (Department of Environment and Conservation 2005).	Low No suitable habitat was recorded from the study area for this species.
<i>Kunzea rupestris</i>	V	V	2VCa	Grows in shallow depressions on large flat sandstone rock outcrops.	Low No suitable habitat was recorded from the study area for this species.
<i>Lasiopetalum joyceae</i>	E1		2R	Occurs on lateritic to shaley ridgetops of the Hornsby Plateau where it grows in heath and open woodland in sandy soils on sandstone (NSW Scientific Committee 1999; Harden 2000; Fairley and Moore 2002).	Low No suitable habitat was recorded from the study area for this species.
<i>Leptospermum deanei</i>	E1		2V	Occurs near the watershed of Lane Cove River where it grows on forested slopes (Harden 2002). Also found within woodland on lower hills and slopes or near creeks, sandy alluvial soil or sand over sandstone. Occurs in Riparian Scrub- e.g. <i>Tristaniopsis laurina</i> , <i>Baechea myrtifolia</i> , Woodland- e.g. <i>Eucalyptus haemstoma</i> and Open Forest - e.g. <i>Angophora costata</i> , <i>Leptospermum trinervium</i> and <i>Banksia ericifolia</i> (Department of Environment and Climate Change 2009).	Low No suitable habitat was recorded from the study area for this species.

Species Name	Conservation status			Habitat	Likelihood of occurrence
	State ¹	National ²	ROTAP ³		
<i>Melaleuca deanei</i>	V	V	3R	Occurs in coastal districts, including western Sydney (e.g. Baulkham Hills, Liverpool shires) from Berowra to Nowra. The species grows in heath on sandstone (Department of Environment and Climate Change 2009).	Low No suitable habitat was recorded from the study area for this species.
<i>Melaleuca biconvexa</i> (Biconvex paperbark)	V	V		Biconvex Paperbark generally grows in damp places, often near streams or low-lying areas on alluvial soils of low slopes or sheltered aspects.	Low No suitable habitat was recorded from the study area for this species.
<i>Persoonia hirsuta subsp. hirsuta</i>	V		3Ki	The Hairy Geebung is found in sandy soils in dry sclerophyll open forest, woodland and heath on sandstone (NSW Scientific Committee 1998). Often occurs in areas with clay influence, in the ecotone between shale and sandstone (James 1997).	Low No suitable habitat was recorded from the study area for this species.
<i>Persoonia mollis subsp. maxima</i>	E1	E		Occurs in sheltered aspects of deep gullies or on the steep upper hillsides of narrow gullies on Hawkesbury Sandstone. These habitats support relatively moist, tall forest vegetation communities, often with warm temperate rainforest influences. Associated species: Smooth Barked Apple <i>Angophora costata</i> , Sydney Peppermint <i>Eucalyptus piperita</i> , Red Bloodwood <i>Corymbia gummifera</i> , Turpentine <i>Syncarpia glomulifera</i> , Coachwood <i>Ceratopetalum apetalum</i> and Black Wattle <i>Callicoma serratifolia</i> .	Low No suitable habitat was recorded from the study area for this species.
<i>Pimelea curviflora var. curviflora</i>	V	V		Occurs on shaley/lateritic soils over sandstone and shale/sandstone transition soils on ridgetops and upper slopes amongst woodlands.	Low Targeted survey was conducted during its flowering period which failed to detect this species within the study area.

Species Name	Conservation status			Habitat	Likelihood of occurrence
	State ¹	National ²	ROTAP ³		
<i>Prostanthera marifolia</i> (Seaforth Mintbush)	CE	E	2X	Woodland dominated by <i>Eucalyptus sieberi</i> and <i>Corymbia gumnifera</i> . In deeply weathered clay soil with ironstone nodules.	Low No suitable habitat was recorded from the study area for this species.
<i>Microtis angusii</i> (Angus's Onion Orchid)	E	E	1EK	It is not easy to define the preferred natural habitat of this orchid as the Ingleside location is highly disturbed. The dominant species occurring on the site are introduced weeds <i>Hyparrhenia hirta</i> (Coolatai grass) and <i>Acacia saligna</i> . The Ingleside population occurs on soils that have been modified but were originally those of the restricted ridgetop lateritic soils in the Duffys Forest - Terrey Hills - Ingleside and Belrose areas. These soils support a specific and distinct vegetation type, the Duffys Forest Vegetation Community which is listed as an endangered ecological community under the <i>TSC Act</i> and ranges from open forest to low open forest and rarely woodland.	Low No suitable habitat was recorded from the study area for this species.

Species Name	Conservation status			Habitat	Likelihood of occurrence
	State ¹	National ²	ROTAP ³		
<i>Tetratheca glandulosa</i>	E1	E	2V	Occurs from Mangrove Mountain to the Blue Mountains where it grows in sandy or rocky heath or scrub (Harden 1992). Associated with shale-sandstone transition habitat where shale-cappings occur over sandstone, with associated soil landscapes such as Lucas Heights, Gynea, Lambert and Faulconbridge. Topographically, the plant occupies ridgetops, upper-slopes and to a lesser extent mid-slope sandstone benches. Soils are generally shallow, consisting of a yellow, clayey/sandy loam. Stony lateritic fragments are also common in the soil profile on many of these ridgetops. Vegetation structure varies from heaths and scrub to woodlands/open woodlands, and open forest. Vegetation communities correspond broadly to Benson & Howell's Sydney Sandstone Ridgetop Woodland (Map Unit 10ar). Common woodland tree species include: <i>Corymbia gummiifera</i> , <i>C. eximia</i> , <i>Eucalyptus haemastoma</i> , <i>E. punctata</i> , <i>E. racemosa</i> , and/or <i>E. sparsifolia</i> , with an understorey dominated by species from the families Proteaceae, Fabaceae, and Epacridaceae (Department of Environment and Climate Change 2008).	Low No suitable habitat was recorded from the study area for this species.

1) V= Vulnerable, E1 = Endangered (*TSC Act*) E2= Endangered Population 2) V = Vulnerable, E = Endangered (*EPBC Act*). 3) ROTAP (Rare or Threatened Australian Plants, Briggs and Leigh 1996) is a conservation rating for Australian plants. Codes are: 1 = Species only known from one collection. 2 = Species with a geographic range of less than 100km in Australia. 3 = Species with a geographic range of more than 100km in Australia, X = Species presumed extinct; no new collections for at least 50 years. E = Endangered species at risk of disappearing from the wild state if present land use and other causal factors continue to operate, V = Vulnerable species at risk of long-term disappearance through continued depletion. R = Rare, but not currently considered to be endangered. K = Poorly known species that are suspected to be threatened. C = Known to be represented within a conserved area. a = At least 1,000 plants are known to occur within a conservation reserve(s). i = Less than 1,000 plants are known to occur within a conservation reserve(s). The reserved population size is unknown. t = The total known population is reserved. + = The species has a natural occurrence overseas.

Appendix D

Threatened fauna species recorded
in the locality

Appendix D Threatened fauna species recorded in the locality

This appendix details the threatened species of animal that have either been recorded in the local area based on records the *Atlas of NSW Wildlife* Department of Environment Climate Change and Water, 2009, data received 28 October 2009 and records from the Royal Botanical Gardens from *Bionet* Department of Environment and Climate Change, 2009, data received 28 October 2009. Threatened species with habitat likely to occur in the locality were also considered based on records from the *EPBC Protected Matters Search Tool* Department of the Environment Water Heritage and the Arts 2009, data received 28 October 2009.

Table 7-4 Threatened fauna species recorded in the locality

Species Name	TSC Act ¹	EP BC Act ²	Habitat	Likelihood of occurrence in study area
Frogs				
Giant Burrowing Frog (<i>Heleioporus australiacus</i>)	V	V	Preference for sandstone ridge top habitat and broader upland valleys. In these locations the frog is associated with small headwater creek lines and along slow flowing to intermittent creek lines. The vegetation is typically woodland, open woodland and heath and may be associated with 'hanging swamp' seepage lines and where small pools form from the collected water. Do not appear to inhabit areas that have been cleared for agriculture or for urban development. (Cogger 2000; NSW National Parks and Wildlife Service 2001).	Low Suitable habitat was absent.
Green and Golden Bell Frog (<i>Litoria aurea</i>)	E1	V	The Green and Golden Bell Frog inhabits marshes, dams and stream sides, particularly those containing bullrushes <i>Typha</i> spp. or spikerushes <i>Eleocharis</i> spp. Optimum habitat includes water bodies which are unshaded, free of predatory fish <i>Gambusia holbrooki</i> , have a grassy area nearby and diurnal sheltering sites available such as vegetation and/or rocks (NSW National Parks and Wildlife Service 1999).	Low No suitable habitat for this species within the study area.
Heath Frog (<i>Litoria littlejohni</i>)	V	V	Distributed along the eastern slopes of the Great Dividing Range from Watagan State Forest near Wyong, south to Buchan in north-eastern Victoria. It appears to be restricted to sandstone woodland and heath communities at mid to high altitude. It forages both in the tree canopy and on the ground, and it has been observed sheltering under rocks on high exposed ridges during summer. It is not known from coastal habitats (NSW Scientific Committee 2000).	Low No suitable habitat for this species within the study area.

Species Name	TSC Act ¹	EP BC Act ²	Habitat	Likelihood of occurrence in study area
Stuttering Frog (<i>Mixophyes balbus</i>)	E1	V	Terrestrial species, found in rainforest, Antarctic beech forest or wet sclerophyll forest. The species depends on freshwater streams and riparian vegetation for breeding and habitation. No records are known from riparian habitat that has been disturbed (Cogger 2000; NSW Scientific Committee 2003).	Low No suitable habitat for this species within the study area.
Red-crowned Toadlet (<i>Pseudophryne australis</i>)	V		Occurs within 160 km of Sydney where it is restricted to Hawkesbury Sandstone. It breeds in deep grass and debris adjacent to ephemeral drainage lines. When not breeding individuals are found scattered on sandstone ridges under rocks and logs (Cogger 2000).	Low No suitable habitat for this species within the study area.
Birds				
Glossy Black-cockatoo (<i>Calyptorhynchus lathamii</i>)	V		Occurs in eucalypt woodland and forest with <i>Casuarina</i> or <i>Allocasuarina</i> spp. Characteristically inhabits forests on sites with low soil nutrient status, reflecting the distribution of key <i>Allocasuarina</i> species. The drier forest types with intact and less rugged landscapes are preferred by the species. Nests in tree hollows (NSW National Parks and Wildlife Service 1999; Garnett and Crowley 2000).	Low No suitable habitat for this species within the study area.
Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>)	V		Occurs in wetter forests and woodland from sea level to an altitude over 2000 metres, timbered foothills and valleys, coastal scrubs, farmlands and suburban gardens (Pizzey and Knight 1997).	Low No suitable habitat for this species within the study area.
Fork-tailed Swift (<i>Apus pacificus</i>)		M	Breeds from central Siberia eastwards through Asia, and is migratory, wintering south to Australia. Individuals never settle voluntarily on the ground and spend most of their lives in the air, living on the insects they catch in their beaks (Higgins 1999).	Low No suitable habitat for this species was recorded within the proposal area.
Great Egret (<i>Ardea alba</i>)		M	Great Egrets occur throughout most of the world. They are common throughout Australia, with the exception of the most arid areas. Great Egrets prefer shallow water, particularly when flowing, but may be seen on any watered area, including damp grasslands. Great Egrets can be seen alone or in small flocks, often with other egret species, and roost at night in groups. In Australia, the breeding season of the Great	Low No suitable habitat within the study area.

Species Name	TSC Act ¹	EP BC Act ²	Habitat	Likelihood of occurrence in study area
			Egret is normally October to December in the south and March to May in the north. This species breeds in colonies, and often in association with cormorants, ibises and other egrets. (Australian Museum 2003).	
Barking Owl (<i>Ninox connivens</i>)	V		Occurs in dry sclerophyll woodland. In the south west it is often associated with riparian vegetation while in the south east it generally occurs on forest edges. It nests in large hollows in live eucalypts, often near open country. It feeds on insects in the non-breeding season and on birds and mammals in the breeding season (Garnett and Crowley 2000).	Medium Suitable habitat for this species was recorded from the study area.
Powerful Owl (<i>Ninox strenua</i>)	V		A sedentary species with a home range of approximately 1000 hectares. It occurs within open eucalypt, casuarina or callitris pine forest and woodland. It often roosts in denser vegetation including rainforest of exotic pine plantations. Generally feeds on medium-sized mammals such as possums and gliders but will also eat birds, flying-foxes, rats and insects. Prey are generally hollow dwelling and require a shrub layer and owls are more often found in areas with more old trees and hollows than average stands (Garnett and Crowley 2000).	Medium Suitable habitat for this species was recorded from the study area.
Superb Parrot (<i>Polytelis swainsonii</i>)	V	V	Mainly found in the Riverina where they nest in loose colonies in riparian woodland on River Red Gum. On the inland slopes, Superb Parrots both forage and feed within box woodland, mostly nesting in dead trees (Garnett and Crowley 2000).	Low No suitable habitat within the study area.
Superb Fruit-Dove (<i>Ptilinopus superbis</i>)	V		Occurs in rainforests and fringes, scrubs, mangroves and wooded stream-margins, lantana thickets, isolated figs, pittosporums, lilly pillies and blackberries (Pizzey and Knight 1997).	Low No suitable habitat within the study area.
White-bellied Sea-Eagle (<i>Haliaeetus leucogaster</i>)		M	Occurs in coastal areas including islands, estuaries, inlets, large rivers, inland lakes and reservoirs. Builds a huge nest of sticks in tall trees near water, on the ground on islands or on remote coastal cliffs (Pizzey and Knight 1997).	Low No suitable habitat for this species in the proposal area as defined under the <i>EPBC Act 1999</i> .
White-throated Needletail (<i>Hirundapus caudacutus</i>)		M	Occurs in airspace over forests, woodlands, farmlands, plains, lakes,	Medium Suitable

Species Name	TSC Act ¹	EP BC Act ²	Habitat	Likelihood of occurrence in study area
			coasts and towns. Breeds in the northern hemisphere and migrates to Australia in October-April (Pizzey and Knight 1997).	foraging habitat for this species was recorded from the study area. No important habitat for this species in the proposal area as defined under the <i>EPBC Act 1999</i> .
Swift Parrot (<i>Lathamus discolor</i>)	E1	EM	Occur in eucalypt forests and woodlands, particularly in box-ironbark forests. Prefer sites with flowering <i>Acacia pycnantha</i> or highly fertile soils where large trees have high nectar production (including drainage lines and isolated trees in rural or urban landscapes). Breeding occurs in Tasmania (Garnett and Crowley 2000). Migrates to the Australian south-east mainland between March and October. On the mainland they occur in areas where eucalypts are flowering profusely or where there are abundant lerp (from sap-sucking bugs) infestations. Favoured feed trees include winter flowering species such as Swamp Mahogany <i>Eucalyptus robusta</i> , Spotted Gum <i>Corymbia maculata</i> , Red Bloodwood <i>C. gummifera</i> , Mugga Ironbark <i>E. sideroxylon</i> , and White Box <i>E. albens</i> (Department of Environment and Climate Change 2007).	Medium Suitable foraging habitat for this species was recorded from the study area. No important habitat for this species in the proposal area as defined under the <i>EPBC Act 1999</i> .
Rainbow Bee-eater (<i>Merops ornatus</i>)		M	Usually occur in open or lightly timbered areas, often near water. Breed in open areas with friable, often sandy soil, good visibility, convenient perches and often near wetlands. Nests in embankments including creeks, rivers and sand dunes. Insectivorous, most foraging is aerial, in clearings (Higgins 1999).	Low No suitable habitat within the study area.
Black-faced Monarch (<i>Monarcha melanopsis</i>)		M	Occurs in rainforests, eucalypt woodlands, coastal scrubs, damp gullies in rainforest, eucalypt forest and in more open woodland when migrating (Pizzey and Knight 1997).	Low No important habitat for this species in the proposal area as defined under the <i>EPBC Act 1999</i> .
Satin Flycatcher (<i>Myiagra cyanoleuca</i>)		M	Occurs in heavily vegetated gullies, in forests and taller woodlands. During migration it is found in coastal	Low No important habitat for this

Species Name	TSC Act ¹	EP BC Act ²	Habitat	Likelihood of occurrence in study area
			forests, woodlands, mangroves, trees in open country and gardens (Pizzey and Knight 1997).	species in the proposal area as defined under the <i>EPBC Act 1999</i> .
Rufous Fantail (<i>Rhipidura rufifrons</i>)		M	Occurs in a range of habitats including the undergrowth of rainforests/wetter eucalypt forests/gullies, monsoon forests paperbarks, sub-inland and coastal scrubs, mangroves, watercourses, parks and gardens. When migrating they may also be recorded on farms, streets and buildings. Migrates to SE Australia in October-April to breed, mostly in or on the coastal side of the Great Dividing Range (Pizzey and Knight 1997).	Medium Suitable foraging habitat for this species was recorded from the study area. No important habitat for this species in the proposal area as defined under the <i>EPBC Act 1999</i> .
Painted Snipe (<i>Rostratula benghalensis</i>)	E1	VM	Inhabits shallow, vegetated, temporary or infrequently filled wetlands, including where there are trees such as <i>Eucalyptus camaldulensis</i> (River Red Gum), <i>E. populnea</i> (Poplar Box) or shrubs such as <i>Muehlenbeckia florulenta</i> (Lignum) or <i>Sarcocornia quinqueflora</i> (Samphire). Feeds at the water's edge and on mudflats on seeds and invertebrates, including insects, worms, molluscs and crustaceans. Males incubate eggs in a shallow scrape nest (Garnett and Crowley 2000).	Low No important habitat for this species was recorded within the proposal area.
Regent Honeyeater (<i>Xanthomyza Phrygia</i>)	E1	EM	Occurs mostly in box-ironbark forests and woodland and prefers the wet, fertile sites such as along creek flats, broad river valleys and foothills. Riparian forests with <i>Casuarina cunninghamiana</i> and <i>Amyema cambagei</i> are important for feeding and breeding. Important food trees include <i>Eucalyptus sideroxylon</i> (Mugga Ironbark), <i>E. albens</i> (White Box), <i>E. melliodora</i> (Yellow Box) and <i>E. leucoxylon</i> (Yellow Gum) (Garnett and Crowley 2000).	Low No suitable habitat for this species was recorded within the proposal area. This species was last recorded in the locality in 1990.
Mammals				
Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	V	V	Occurs in moderately wooded habitats and roosts in caves, mine tunnels and the abandoned, bottle-shaped mud nests of Fairy Martins. Thought to forage below the forest canopy for small flying insects (Churchill 1998).	Medium Suitable foraging habitat for this species was recorded from the study area.

Species Name	TSC Act ¹	EP BC Act ²	Habitat	Likelihood of occurrence in study area
Spotted-tailed Quoll (<i>Dasyurus maculata</i>)	V	E	Occurs in sclerophyll forests and rainforests. Nests in rock caves and hollow logs or trees. Feeds on a variety of prey including birds, terrestrial and arboreal mammals, small macropods, reptiles and arthropods (NSW National Parks and Wildlife Service 1999).	Low No suitable habitat within the study area.
Southern Brown Bandicoot (<i>Isodon obesulus obesulus</i>)	E	E	<i>Isodon obesulus</i> occurs in a variety of habitats in south-eastern Australia, including heathland, shrubland, dry sclerophyll forest with heathy understorey, sedgeland and woodland.	Low No suitable habitat within the study area.
Eastern False Pipistrelle (<i>Falsistrellus tasmaniensis</i>)	V		Usually roosts in tree hollows in higher rainfall forests. Sometimes found in caves (Jenolan area) and abandoned buildings. Forages within the canopy of dry sclerophyll forest. It prefers wet habitats where trees are more than 20 metres high (Churchill 1998).	Medium Suitable habitat for this species was recorded from the study area.
Eastern Bent-wing Bat (<i>Miniopterus schreibersii</i>)	V	V	Usually found in well timbered valleys where it forages on small insects above the canopy. Roosts in caves, old mines, stormwater channels and sometimes buildings and often return to a particular nursery cave each year (Churchill 1998).	Medium Suitable foraging habitat for this species was recorded from the study area.
Greater Broad-nosed Bat (<i>Scoteanax rueppellii</i>)	V		The preferred hunting areas of this species include tree-lined creeks and the ecotone of woodlands and cleared paddocks but it may also forage in rainforest. Typically it forages at a height of 3-6 metres but may fly as low as one metre above the surface of a creek. It feeds on beetles, other large, slow-flying insects and small vertebrates. It generally roosts in tree hollows but has also been found in the roof spaces of old buildings (Churchill 1998).	Medium Suitable foraging and roosting habitat for this species was recorded from the study area.
Eastern Freetail-bat (<i>Mormopterus norfolkensis</i>)	V		Thought to live in sclerophyll forest and woodland. Small colonies have been found in tree hollows or under loose bark. It feeds on insects above the forest canopy or in clearings at the forest edge (Churchill 1998).	Medium Suitable foraging and roosting habitat for this species was recorded from the study area.
Long-nosed Potoroo (<i>Potorous tridactylus</i>)	V	V	It occurs within coastal heath and sclerophyll forests generally in areas with rainfall greater than 760 millimetres. Relatively thick ground	Low No suitable habitat for this

Species Name	TSC Act ¹	EP BC Act ²	Habitat	Likelihood of occurrence in study area
			cover is a major habitat requirement and it seems to prefer areas with light sandy soils. Feeds at dusk on roots, tubers, fungi, insects and their larvae and other soft bodied animals in the soil (Johnston 1995).	species was recorded within the study area.
Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>)	V	V	Occurs in subtropical and temperate rainforests, tall sclerophyll forests and woodlands, heaths and swamps. Urban gardens and cultivated fruit crops also provide habitat for this species. Feeds on the flowers and nectar of eucalypts and native fruits including lilly pillies. It roosts in the branches of large trees in forests or mangroves (Churchill 1998; NSW National Parks and Wildlife Service 2001).	Medium Suitable foraging and roosting habitat for this species was recorded from the study area.
Yellow-bellied Sheathtail Bat (<i>Saccolaimus flaviventris</i>)	V		Occurs in eucalypt forest where it feeds above the canopy and in mallee or open country where it feeds closer to the ground. Generally a solitary species but sometimes found in colonies of up to 10. It roosts in tree hollows. Thought to be a migratory species (Churchill 1998).	Medium Suitable foraging and roosting habitat for this species was recorded from the study area.
Reptiles				
Broad-headed Snake (<i>Hoplocephalus bungaroides</i>)	E1	V	A nocturnal species that occurs in association with communities occurring on Triassic sandstone within the Sydney Basin. Typically found among exposed sandstone outcrops with vegetation types ranging from woodland to heath. Within these habitats they generally use rock crevices and exfoliating rock during the cooler months and tree hollows during summer (Webb and Shine 1994; Webb and Shine 1998).	Low No suitable habitat for this species was recorded within the study area.
Fish				
Macquarie Perch (<i>Macquaria australasica</i>)	V*	E	The natural range of Macquarie Perch included the upper and middle reaches of the Murray-Darling basin as well as the Shoalhaven and Hawkesbury Rivers. However, this species has recently been sighted in only a few localities within these river systems. Preferred habitat is deep holes covered with rocks, and spawning occurs above shallow running water. Macquarie Perch is a schooling species (Department of the Environment and Water Resources, 2007).	Low No suitable habitat for this species was recorded within the study area.
Australian Grayling		V	It is a mid-water, freshwater species	Low

Species Name	TSC Act ¹	EP BC Act ²	Habitat	Likelihood of occurrence in study area
<i>(Prototroctes maraena)</i>			that occurs most commonly in clear, gravelly streams with a moderate flow. Prefers deep, slow flowing pools (NSW Fisheries 2004).	No suitable habitat for this species was recorded within the study area.

Notes:

1. V = Vulnerable, E1 = Endangered, E2 = Endangered Population (*Threatened Species Conservation Act 1995*).

2. V = Vulnerable, E = Endangered, M = Migratory, C = Conservation Dependent (*Environment Protection and Biodiversity Conservation Act 1999*).

Appendix E

Assessments of Significance

Assessment of Significance

Council is required to consider the impact upon threatened species from any development or activity via the process of an 7 part test of significance in accordance with section 5A of the *Environmental Planning and Assessment Act 1979*. The significance of the assessment is then used to determine the need for a more detailed Species Impact Statement (SIS).

The following 7 part test of significance relies on the ecological assessment provided in Sections 3.6, 3.7.1 & Appendices C & D above and should be read as such. It is considered that the subject site provides potential habitat for the following threatened species and will be assessed accordingly in the following seven-part test:

Threatened Ecological Communities

- Blue Gum High Forest (BGHF)

Threatened Fauna

- Swift Parrot
- Barking Owl
- Powerful Owl
- Grey-headed Flying-fox
- Yellow-bellied Sheathtail-bat
- Little Bentwing-bat
- Eastern Bentwing-bat
- Eastern Freetail-bat
- Eastern False Pipistrelle
- Greater Broad-nosed Bat
- Large-eared Pied Bat

The '7 part test of significance' is as follows.

a) In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

Detailed flora investigations of the study area, together with habitat assessments, have resulted in the identification of potential habitat for a variety of threatened species. An assessment of these species is as follows:

Swift Parrot

The Swift Parrot inhabits eucalypt forests and woodlands foraging on winter flowering eucalypts including the local Mugga Ironbark. It is considered that the subject site provides potential foraging habitat for this species. Despite the presence of potential foraging habitat for the Swift Parrot, this species was not observed during the fauna survey. The proposed development will retain all suitable habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Barking Owl

The Barking Owl utilises eucalypt forests, woodlands and adjacent cleared areas for foraging and large hollows for nesting and breeding (Schodde & Tidemann, 1986). Potential nesting and foraging habitat for this species occurs throughout the subject site. Despite the presence of potential nesting and foraging habitat for the Barking Owl, this species was not observed during the fauna survey. The proposed development will retain suitable habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Powerful Owl

The Powerful Owl utilises eucalypt forests, woodlands and adjacent cleared areas for foraging and large hollows for nesting and breeding (Schodde & Tidemann, 1986). Potential nesting and foraging habitat for this species occurs throughout the subject site. Despite the presence of potential nesting and foraging habitat for the Powerful Owl, this species was not observed during the fauna survey. The proposed development will retain suitable habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Grey-headed Flying-fox

The Grey-headed Flying-fox is found in a variety of habitats including rainforest, mangroves, paperbark swamps, wet and dry sclerophyll forests and cultivated areas (Churchill, 2008). Grey-headed Flying Foxes congregate in large camps of up to 200,000 individuals, depending on availability of surrounding blossoming plants, from early until late summer (Churchill, 2008). Camps are commonly formed in gullies, typically not far from water and in vegetation with a dense canopy. Roost sites are an important resource where mating, birth and rearing of young occurs as well as providing refuge (Strahan, 1995). These bats eat the fruit or blossoms of more than 80 species of plants. Their major food source is eucalypt blossom and native fruits from a variety of tree species. Native figs (*Ficus* spp) account for a large percentage of the fruit eaten. They are also known to eat rain orchids and cultivated fruit. The Grey-headed Flying-fox has a nightly feeding range of 20 to 50km from their camp (Churchill, 2008).

The proposed development will retain suitable foraging habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Yellow-bellied Sheath-tail Bat

The Yellow-bellied Sheath-tail-bat inhabits rainforests, sclerophyll forests and woodlands. This species has been noted to forage and breed throughout these habitats where suitable tree hollows are available for roosting. It is considered that the subject site provides potential roosting and foraging habitat for this species. Despite the presence of potential roosting and foraging habitat for the Yellow-bellied Sheath-tail Bat, this species was not recorded during extensive fauna survey. The proposed development will retain suitable habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Little Bentwing-bat

The Little Bentwing-bat forages below the canopy within open forests and woodlands, feeding on small insects. The Little Bentwing-bat roosts in caves, tunnels and occasionally within old buildings. It is considered that the subject site provides potential foraging habitat for this species. The subject site does not provide suitable breeding habitat for the Little Bentwing bat. Despite the presence of potential habitat, this species was not recorded during extensive fauna survey. The proposed development will retain suitable foraging habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Eastern Bentwing-bat

The Eastern Bentwing-bat inhabits areas where there are caves, old mines, old buildings, stormwater drains for shelter and well-timbered areas for foraging. It is considered that the subject site provides potential foraging habitat for this species. The subject site does not provide suitable breeding habitat for the

Eastern Bentwing-bat. Despite the presence of potential habitat, this species was not recorded during extensive fauna survey. The proposed development will retain suitable foraging habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Eastern Freetail-bat

The Eastern Freetail-bat inhabits open forests and woodlands foraging above the canopy and along the edge of forests. This species is known to roost in tree hollows, under bark and buildings. It is considered that the subject site provides potential roosting and foraging habitat for this species. Despite the presence of potential roosting and foraging habitat for the Eastern Freetail-bat, this species was not recorded during extensive fauna survey. The proposed development will retain suitable habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Eastern False Pipistrelle

The Eastern False Pipistrelle has been recorded roosting in caves, old buildings and tree hollows. This species forages throughout woodlands and open forest. This species was recorded foraging along the main vehicular track through the centre of the subject site. The local area contains extensive areas of habitat suitable for this species. It is considered that the subject site provides potential roosting habitat for this species in tree hollows observed throughout the subject site. Similar suitable foraging and nesting habitat for this species is present throughout adjoining bushland areas. The proposed development will retain suitable habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Greater Broad-nosed Bat

The Greater Broad-nosed Bat inhabits areas containing moist river & creek systems especially tree-lined creeks for foraging and breeding. It is considered that the subject site provides potential roosting and foraging habitat for this species. Despite the presence of potential roosting and foraging habitat for the Greater Broad-nosed Bat within the subject site, this species was not recorded during extensive fauna survey. The proposed development will retain suitable habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

Large-eared Pied Bat

The Large-eared Pied Bat has a restricted distribution from south central Queensland to central and northern NSW and is localised and uncommon throughout its range occurring in Rainforest, wet sclerophyll forest to dry sclerophyll forest and woodland habitats (State Forests of NSW, 1997). It is considered that the subject site provides potential roosting and foraging habitat for this species. Despite the presence of potential foraging habitat for the Large-eared Pied Bat within the subject site, this species was not recorded during extensive fauna survey. The proposed development will retain suitable foraging

habitat for this species. It is considered that the proposal is unlikely to have an adverse effect on the life cycle of this species such that a viable local population of the species is likely to be placed at risk of extinction.

b) In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,

A Gang-gang Cockatoo population occurs in the Hornsby and Ku-ring-gai LGAs, suitable habitat was identified for the Gang-gang Cockatoo within the study area. The proposal will not remove or impact upon any suitable foraging or nesting habitat for this species. As such it is considered that the proposal is unlikely to have an adverse affect such that a viable local population of this species is placed at risk of extinction.

c) In the case of a critically endangered or endangered ecological community, whether the action proposed:

i. Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

ii. Is likely to substantially and adversely modify the composition such that its local occurrence is likely to be placed at risk of extinction,

1.) The proposed action will result not result in the removal of 0.06ha of the Critically Endangered Blue Gum High Forest from within the subject site. The proposed development layout has been cited to mitigate and avoid the good quality Blue Gum High Forest.

Due to the retention of 97% of Blue Gum High Forest within the site it is therefore considered that the proposed action is not likely to have an adverse effect on the local extent of the BGHF such that its local occurrence is likely to be placed at risk of extinction.

2.) The proposed action will result in the direct loss 0.06ha of the EEC, Blue Gum High Forest (BGHF) from within the subject site.

Despite the removal of 0.06ha of BGHF 97 % will be retained on site and managed by Council.

It is therefore considered that the proposed action is not likely to substantially and adversely modify the composition such that its local occurrence is likely to be placed at risk of extinction.

d) In relation to the habitat of threatened species, populations or ecological community:

i. The extent to which habitat is likely to be removed or modified as a result of the action proposed, and

ii. Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

iii. The importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality

It is considered that the proposal will not remove or modify a significant area of habitat for Blue Gum High Forest, Powerful Owl, Barking Owl, Grey-headed Flying-fox, Yellow-bellied Sheathtail-bat, Eastern Bentwing-bat, Little Bentwing-bat, Eastern False Pipistrelle, Eastern Freetail-bat, Greater Broad-nosed Bat, Large-eared Pied Bat and Yellowbellied Sheathtail-bat within the local area or region.

i.) The subject site has an area of 0.14 ha. The proposed development is likely to remove or modify approximately on 0.06 ha of potential habitat for the aforementioned species.

ii.) The subject site is bound to the south by Mona and Water Street, west and north by vegetation and to the east partially by native vegetation and residential development.

The proposal will result in the removal of a small area of disturbed cleared land with weeds and a small area of understorey of Blue Gum High Forest which has been disturbed from past weed management practices. Some works are proposed within the root zones of trees. No hollow-bearing trees or canopy trees are to be removed as a result of the proposal.

It is considered that known habitat for a threatened species, and the ecological community Blue Gum High Forest within the local area is unlikely to become fragmented or isolated from other areas of habitat as a result of the proposed action.

iii.) The removal of 0.06 ha of Blue Gum High Forest (disturbed understorey only) and the removal of a 0.1 ha of exotic/Re-vegetation community is of little importance to the survival of threatened fauna and the Blue Gum High Forest community within the locality due to the retention of 97% of suitable habitats for threatened biodiversity within the site.

The removal of vegetation from the subject site is unlikely to create an important impact on the long-term survival of threatened fauna and Blue Gum High Forest in the locality and is not considered to be significant.

e) Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),

The site has not been identified as critical habitat within the provisions of the *TSC Act* (1995).

Therefore this matter does not require any further consideration.

f) Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,

There are current or draft recovery plans for the following threatened species with potential habitat within the subject site: Barking Owl, The Large Forest Owls.

The subject site provides only marginal potential habitat for this species. The proposed development is considered generally consistent with the objectives or actions of the Recovery Plan.

Barking Owl and Large Forests Owls

The proposed development is consistent with the objectives or actions of the Barking Owl and Large Forest Owls Recovery Plans. However these plans emphasise the need for protection of suitable habitat for these species. The proposed action will retain suitable foraging and shelter habitat for large forest owls.

g) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

The proposal is likely to include clearing of native vegetation and removal of dead wood. "Clearing of native vegetation" and "Removal of dead wood and dead trees" are listed as Key Threatening Processes under the *TSC Act* (1995) and as such the proposal is of a class of development or activity that is recognised as a threatening process. All dead wood and logs are to be retained.

WATER STREET PARK, WAHROONGA
Community Consultation - Summary of Comments and Responses

Comments	Responses
<p>No.1 - oppose</p> <p><i>No advice that the land was going to be used as a park.</i></p> <p><i>Safety - Park too hidden away and difficult for people to find.</i></p> <p><i>Access – limited access, difficult for strollers. Too difficult to take small children.</i></p> <p><i>Proposed hospital in Water Street for patients with drug and alcohol additions.</i></p> <p><i>Patients able to use the park.</i></p> <p><i>Fear for children using the park.</i></p> <p><i>Site is in a bushfire zone</i></p> <p><i>The only group of children near enough to use the park is the bush school which already has an amphitheatre, bush and bush study area</i></p> <p><i>No toilet facilities proposed for the park</i></p> <p><i>No parking, double lines at the entry to the park.</i></p> <p><i>Eastern Road a major road</i></p> <p><i>Clearing land to make a park – unthinkable</i></p> <p><i>Request for footpath from Hillcrest Road to the lane for mothers with strollers</i></p> <p><i>The cement path is cracked</i></p> <p><i>Privacy - request for no access opposite residence kitchen window</i></p>	<p>The area of land has been purchased by Council for embellishment as a local park using Section 94 development contribution funds</p> <p>Consideration in the design to improve visibility between the road, laneway and site by creating and maintaining clear sightlines for passive surveillance</p> <p>Consideration in the design to improve pedestrian access allowing stroller and access for parents with young children</p> <p>The design aims to encourage the gathering of small groups, such as young mothers groups and play groups.</p> <p>Toilets are not generally included in a local park of this size</p> <p>Typically, users of local parks are residents of the immediate area, usually living within 500m of the site.</p> <p>The design will consider improved pathways to encourage users to walk to the park where possible, reducing the need to drive and park</p> <p>The design will consider a sensitive design responding to the vegetation which protects and rehabilitates the areas of Blue Gum High Forest.</p> <p>The comment regarding the footpath in Water Street has been discussed with the operations department.</p> <p>They have advised that Council has a list of proposed footpath works. Footpath works in Water Street and Mona Street, Wahroonga between Hillcrest Street and Billyard Avenue is already included in the list of proposed footpath works. The list has been prioritised using criteria such as volumes of vehicular and pedestrian traffic, accessibility and the proximity of shops, rail stations, schools hospitals, nursing homes and parks.</p> <p>The proximity to new parks has been included in criteria for these sections of footpath. This list was used to develop a footpath construction program for the years 2009-2012 which was adopted by Council on 9 June 2009.</p> <p>Water Street and Mona Street are not included in this program because there are many other locations within Ku-ring-gai with a higher priority based on the above criteria. The footpath program is reviewed annually, however at this time they are not able to predict when this work</p> <p>The location of the access path between the lane and the park will be considered in respect to privacy and proximity to the resident's kitchen window</p>

WATER STREET PARK, WAHROONGA
Community Consultation - Summary of Comments and Responses

<p>No.2 - oppose</p> <p><i>Corner of Mona Street and Water Street are not easily accessible to park. No footpath between corner and Billyard Avenue and the same to Hillcrest Avenue.</i></p> <p><i>Not suitable for parking, traffic problems down the narrow winding bend and steep incline. Eastern Road entry opposite Trentino not easy to cross with strollers, very little parking space.</i></p> <p><i>Hospital planned on the other side opposite from the bush school. Major construction, patients suffering from various conditions. Parking problems particularly when schools are finished for the day.</i></p>	<p>The comment regarding the footpath in Water Street has been discussed with the operations department. They have advised that Council has a list of proposed footpath works. Footpath works in Water Street and Mona Street, Wahroonga between Hillcrest Street and Billyard Avenue is already included in the list of proposed footpath works. The list has been prioritised using criteria such as volumes of vehicular and pedestrian traffic, accessibility and the proximity of shops, rail stations, schools hospitals, nursing homes and parks. The proximity to new parks has been included in criteria for these sections of footpath. This list was used to develop a footpath construction program for the years 2009-2012 which was adopted by Council on 9 June 2009.</p> <p>Water Street and Mona Street are not included in this program because there are many other locations within Ku-ring-gai with a higher priority based on the above criteria. The footpath program is reviewed annually, however at this time they are not able to predict when this work The design for the park considers improved pedestrian access from Eastern Road and the laneway for strollers and access for parents with young children. Users of local parks/playgrounds are generally residents of the immediate area, usually living within 500m of the site. These proposed users therefore have the opportunity to walk to the park, reducing the need to drive and for on-street parking.</p> <p>Parking and traffic issues associated with the Bush School are not expected to have an impact on the proposed park in Water Street.</p>
<p>No.3 - oppose</p> <p><i>Surprised that Council had acquired this land and that they were going to spend money on a park. Unsure who will use the facilities and will it be worth spending all this money. It would be better for Council to spend money on clearing up the weeds in the Blue Gum High Forest. Parking will be a serious problem as the corner of Water St is dangerous and frankly no one will know that there is a children's play area in a small park. I assume that Council bought the land from Mirvac, and wonder why Council decided to buy the land. I suppose it is another example of people in the area pushing their own agenda as they spent enough time and applied pressure on Mirvac on the Glenwood Close subdivision to frustrate the</i></p>	
<p>No.4 - support</p> <p><i>Generally in favour of the park and think it will get a lot of use by the locals. Apart from the amphitheatre the concept of the park is excellent Not sure about the purpose of the amphitheatre. Seems a waste of resources to build one when there is an amphitheatre in the Bush School - but perhaps this is out of bounds to local residents.</i></p>	<p>Currently the site includes an excavated terrace and steep embankment. The concept is to build a series of stepped retaining walls to stabilise and soften the embankment. Where a more gradual slope is created, there is opportunity for a series of stepped seats linked by smaller steps. The shape creates a natural amphitheatre. Hence there is opportunity for groups of children (maybe with the local playgroup or mothers group) to create their own informal plays or performances. Alternatively the steps create a relaxed sitting area with views directed towards the bush.</p>

WATER STREET PARK, WAHROONGA
Community Consultation - Summary of Comments and Responses

<p>No.5 - support</p> <p>Park is a great idea, build it as soon as possible. We wish it had been there when our children were young enough to use it. As it now stands, children in our neighbourhood or district need to go to Turramurra Park or Wahroonga Park, which are quite a distance away.</p>	
<p>No.6 - support</p> <p>The park plans look good.</p> <p><i>Suggestion that the plan address an absence of connecting footpaths to the south in Mona St and west in Water St, as any visitors (i.e. kids) from those directions are required to wander across or along the road. This has also long been an issue for kids walking to and from the Bush School.</i></p>	<p>The comment regarding the footpath in Water Street has been discussed with the operations department.</p> <p>They have advised that Council has a list of proposed footpath works. Footpath works in Water Street and Mona Street, Wahroonga between Hillcrest Street and Billyard Avenue is already included in the list of proposed footpath works. The list has been prioritised using criteria such as volumes of vehicular and pedestrian traffic, accessibility and the proximity of shops, rail stations, schools hospitals, nursing homes and parks. The proximity to new parks has been included in criteria for these sections of footpath. This list was used to develop a footpath construction program for the years 2009-2012 which was adopted by Council on 9 June 2009. Water Street and Mona Street are not included in this program because there are many other locations within Ku-ring-gai with a higher priority based on the above criteria. The footpath program is reviewed annually, however at this time they are not able to predict when this work will be undertaken.</p>
<p>No.7 - support</p> <p>I think your proposal is very good, provided there is no detrimental impact to the Blue Gum High Forest.</p>	
<p>No.8 - oppose</p> <p><i>Understanding that Council had purchased this block of land in order to preserve the BGHF on the site (Summary of the residents understanding of the history of the site pre Council purchase)</i></p> <p><i>Following the purchase of the site by Council, they were told by a Councillor that he thought a public park could be established there and that a proper bush regeneration program would be set up. Expected as soon as feasible regeneration would commence to the whole of Turiban Reserve, that the old path would be restored and a few benches placed along it to enable people to enjoy the BGHF.</i></p> <p><i>Not a good location for a children's playground. Too isolated, not safe enough. Larger playgrounds in Wahroonga Park, Turramurra Memorial Park, Cameron Park in more appropriate locations. BGHF is protected by law and playground equipment cannot be permitted in BGHF. Site has potential to be regenerated into BGHF. Could be used to educate the community and in particular children.</i></p> <p><i>As much BGHF should be conserved as possible.</i></p> <p><i>Refers to a letter from Council in 1988 stating that 'Your local bushland Reserve at Burns Road has been assigned a high priority for long term bush regeneration treatment by Council'</i></p>	

WATER STREET PARK, WAHROONGA
Community Consultation - Summary of Comments and Responses

No.9 - oppose (same address as No.8)	
<p><i>Objection to the proposed new park on the following grounds:</i></p> <p><i>Sited within BGHF - critically endangered ecological community - as such any impact on BGHF remnants must be considered unacceptable. An area with an intact BGHF seed bank still constitutes the critically endangered ecological community even when the above ground layers of the community are either absent or disturbed and that where regeneration is seen to be occurring, the ecological community is clearly present.</i></p> <p><i>Location of Subject Site - Forms part of a broader complex of BGHF comprising Clive Evatt Reserve, Mona Street Reserve, Turiban Reserve, Wahroonga Public School and former John Williams Hospital site.</i></p> <p><i>BGHF and the Subject Site - Previous mapping and studies show the subject site forms a valuable part of Turiban Reserve and the wider BGHF complex in the area and is capable of being regenerated to high quality BGHF.</i></p> <p><i>Need to refer to DECC and DEH - any proposed works on the land must be referred to both the State Department of Environment and Climate Change (DECC) and the Commonwealth Department of Environment and Heritage (DEH) for consideration prior to any works being undertaken.</i></p> <p><i>Need for a 7 Part test, SIS and formal DA - a 7-part Test and accompanying Species Impact Statement must be prepared for any development or works proposed on land containing listed species or ecological communities. Not aware that this documentation or DA documentation has been prepared or exhibited.</i></p> <p><i>Native fauna observed in the area - The site provides a haven for a great diversity of native fauna. The playground area, as proposed, will bring noise and disturbance to this fauna. Instead of a playground area, the subject site should be rehabilitated and regenerated to provide further habitat for this fauna, fauna which has already suffered increased pressure from the development of the adjoining land at 134-138 Eastern Road Wahroonga.</i></p> <p><i>Dangerous example and precedent for Council to set - until the site was exposed to recent disturbance it was populated with BGHF. Despite this disturbance, the site still has a viable seed bank that is allowing significant natural regeneration to occur. A precedent would be set if Council considers a disturbed area of BGHF no longer suitable for restoration or protection giving the green light for development in disturbed areas. The way to get around environmental protection would be to damage the area and then claim it was no longer worthy of protection and so can be developed. Council must set an example for respecting, rehabilitating and restoring and managing critically endangered communities. This is a perfect opportunity for Council to demonstrate such a commitment.</i></p>	<p>The area of land has been purchased by Council for embellishment as a local park using Section 94 development contribution funds.</p>

WATER STREET PARK, WAHROONGA
Community Consultation - Summary of Comments and Responses

Long term POM required for these areas of BGHF - A long-term vision and Plan Of Management is required for the regeneration and maintenance of the BGHF reserve complex including Clive Evatt Reserve, Mona Street Reserve, Turiban Reserve, Wahroonga Public School and former John Williams Hospital site. The establishment of a playground on an area of mapped and noted BGHF is unacceptable. This is particularly the case when expert ecological advice proves the resilience of the site despite recent disturbance, with the presence of a viable seed bank which is providing significant and documented natural regeneration.

Council acquired land to protect BGHF - The intention of Council in acquiring the land was to protect this important area of BGHF. The plan as proposed does not achieve the objective of protecting and regenerating the BGHF on the subject site or adjoining reserve. Instead it involves the construction of numerous paths, cycle ways, paved areas and playground equipment which will effectively destroy the seed bank and regeneration occurring on the site. This is counter productive to the long term effective management of BGHF and would in fact entail Council enacting a number of the Key Threatening Processes identified by the NSW Scientific Committee that are known causes of destruction of BGHF

Unsuitable location for a playground - The site is not an appropriate location for a playground. From experience, there is little likelihood of the site being well patronised as a playground and park of the type proposed. Other sportsfields in the vicinity suitable for a children's playground. Residents of the area would much rather see the bush areas properly maintained and rehabilitated. Residents would enjoy the re-opening of a walking track between Burns Road, The Wahroonga Public School and Water Street, as used to exist, but they would not appreciate the loss of their bushland to an unwanted playground and performance amphitheatre. The community outcry regarding the development at 134-138 Eastern Road and the associated impact on the bushland in the area should be sufficient for Council to understand that the local community values the BGHF reserves in the area. Although there is Wahroonga Public School in close proximity to the site, children attending the school come from a wide area and many live closer to existing parks.

Almost no children walk to the school past the subject site (they are driven to school these days) and it is highly unlikely children from the school would patronise the proposed playground.

How to rehabilitate and regenerate the site - Suggestions as to how the subject site could be rehabilitated and regenerated to BGHF including re establishment of natural ground levels and use of the existing seed bank for regeneration. Retaining walls are not appropriate.

WATER STREET PARK, WAHROONGA
Community Consultation - Summary of Comments and Responses

Proposed planting and landscaping - it appears the plantings proposed are not consistent with BGHF species. A series of low tiers could be established, retaining walls of the type proposed are not appropriate as they would prevent the gradual re-establishment of a natural ground level over time. Cycle ways and paved areas are inappropriate as they prevent regeneration occurring. Playground equipment, paved areas and performance amphitheatres are not appropriate. As much ground area as possible should be available for regeneration to occur and to discourage activity that may impact the BGHF.

An appropriate plan - A more appropriate use of the subject site would be as a quiet bushland area where local residents can pause during their walks around the neighbourhood. A few benches could be installed to allow residents to spend time enjoying the BGHF and fauna. A walking path could be created that allowed pedestrians to move down to the creek and a small bridge could be installed to allow the creek to be crossed. The old walking path connecting to Burns Road and the Wahroonga Public School and to Water Street could be reopened allowing residents of the area to stroll through Turiban Reserve. Signage and displays detailing the history and importance and ecology and fauna of the BGHF could be incorporated. This would inform the local community regarding BGHF and be an educational facility for children at Wahroonga Public School.

ST IVES VILLAGE GREEN MASTERPLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval to place a draft St Ives Village Green Landscape Masterplan on public exhibition.

BACKGROUND:

In 2006 Council resolved to prepare landscape masterplans for each of its 15 district parks. This is the fourth plan and incorporates an upgrade of the BMX and skate facility as resolved by Council on 10 June 2008.

COMMENTS:

The draft St Ives Village Green Landscape Masterplan has been developed with community input to provide a vision for the park to guide future use and development over the next ten years. This plan is intended to allow Council to carry out staged improvements as funding becomes available and to link with the future development of the St Ives Town Centre.

RECOMMENDATION:

That Council place the draft St Ives Village Green Landscape Masterplan on public exhibition until the end of January 2010 for public comment and report back to Council in February 2010 for further consideration.

PURPOSE OF REPORT

To seek Council's approval to place a draft St Ives Village Green Landscape Masterplan on public exhibition.

BACKGROUND

The draft St Ives Village Green Landscape Masterplan is the fourth district park masterplan to be undertaken since Council resolved in 2006 to progressively prepare masterplans for all 15 of Council's district parks. The three district plan masterplans adopted to date include Sir David Martin Reserve, The Swain Gardens, and Turramurra Memorial Park and Karuah Park.

On 10 June 2008 when considering a report into the Strategic Review of BMX Facilities, Council resolved, inter alia:

- a. to support a proposal for a combined BMX and skate facility at St Ives Village Green as part of a broader youth precinct, subject to the outcomes of community consultation during preparation of the concept design for the facility and the Landscape Masterplan for St Ives Village Green;*
- b. that a concept design for the facility be undertaken in 2008/09 to be funded from the Parks Development component of the capital works program; and*
- c. that subject to community support of the facility as part of the St Ives Village Green Landscape Masterplan, construction follow Council adoption of the landscape masterplan, with to be allocated from a combination of adopted section 94 Contributions Plan 2004-2009 funding and the 2009/10 Parks Development capital works program.*

The master planning process commenced in March 2009 and has involved consultation with local residents and representatives from key stakeholder groups including: the St Ives Progress Association; sporting and community groups; Scouts, Guides; BMX and skateboard riders; the St Ives Shopping Centre; NSW Police; and Council's own internal stakeholders from Operations, Strategy and Community Departments.

This consultative process involved the preparation of background material, a park user survey, five on-site workshops and individual meetings held with various representatives of key stakeholder groups. The park user survey was made available on Council's website and distributed to approximately 1750 residents in streets surrounding the park and to key stakeholder groups. A total of 456 or 26% of surveys were completed and returned to Council.

The information gained from the initial workshops, user surveys and meetings was used to prepare a preliminary draft landscape masterplan which was presented back to workshop participants during September and October 2009 for discussion, review and comment. The preliminary draft proposals were also placed on Council's website and put on display at the St Ives Library for a further three week period during which time participants were able to provide further written comments.

Feedback received during the consultation process has had a significant impact on the direction of the draft landscape masterplan and whilst it is not possible to implement all ideas, the draft plan has sought to represent the best solution where the community has been divided on issues.

A copy of the draft St Ives Village Green Landscape Masterplan is provided as **Attachment 1**.

COMMENTS

The draft St Ives Village Green Landscape Masterplan aims to:

- respect the natural, social and cultural values of the park
- balance the demand for both active and passive recreation facilities
- rationalise use patterns, built forms and facility locations to enhance proposed site layouts and park design outcomes
- create a more family friendly youth precinct including a multipurpose BMX and skate park
- provide a visual link with the future town square proposals of the St Ives Town Centre redevelopment, including a strong urban edge to Village Green Parade
- improve public amenity, accessibility, safety and security within the park
- rationalise vehicular access and parking for site activities; and
- promote sustainable design outcomes.

The plan proposes to provide a stronger link between the upper and lower precincts of the park to enable the central area of open space to be visually unified and expanded. It also proposes to relocate various park facilities, pathways and layouts to physically separate conflicting site uses in order to better integrate facilities with the surrounding parkland setting.

Improved and additional park facilities are proposed for a wider range of potential users, including provision for older people, women and youth who may not choose to actively participate in organised sport. The draft plan seeks to provide youth with unstructured recreational opportunities within a context which will also be designed to encourage the interaction of genders, age groups and cultural backgrounds.

Key aspects of the draft landscape masterplan which were developed in response to specific issues raised during the consultation process are discussed below.

1. Open space

Consultation highlighted the importance of retention and enhancement of the existing open space, aesthetic and environmental qualities of the park.

Plan response is to:

- maintain an overall balance of active and passive recreation facilities
- relocate certain activities and facilities to expand the central area of open space
- retain open grass areas for passive recreation and community events
- reunite the divided upper and lower park precincts with a graded embankment to create an informal grassed amphitheatre for passive seating/viewing of community events
- retain and protect the existing arboretum planting and the endangered ecological community of Sydney Turpentine Ironbark Forest [STIF] located along the eastern edge of the park and
- retain all healthy mature trees where possible and increase the extent of evergreen tree planting along Village Green Parade.

Item 9

S07533
20 October 2009

2. Historical sensitivity

Consultation highlighted the need to respect and enhance the identified historical character, aesthetic qualities and social importance of the park. St Ives Village Green is representative of the activities associated with the interactions between residents, society and the shaping of physical community surroundings.

In 1997 the National Trust of Australia [NSW] classified St Ives Village Green and included it on its Register. The statement of significance identified St Ives Village Green as being *"...of historic and social value at a local level, being an example of strong and successful community organisation, begun in the early days of the residential development of the suburb..." and that the park "...is of great streetscape and recreational value to the suburb, being an open treed and grassed area, centrally located and functioning as an important component of the public identity of St Ives."* In previous correspondence to Council the Trust also identified that much of the park's significance stemmed from the existing mix of active and passive recreation.

In developing the draft landscape masterplan reference has been made to the original 1947 masterplan and to the 1997 statement of significance prepared by the National Trust, as part of its listing.

Plan response is to:

- maintain an overall balance of active and passive recreation facilities;
- reunite the divided upper and lower park precincts;
- provide formal pathway connections throughout the park;
- relocate the tennis courts adjacent to the bowling club;
- allow for a sports pavilion on the western edge of Cowan Oval;
- maintain a general balance of parking to open space but consider a more appropriate distribution of parking around the park;
- retain and protect all identified memorials; and
- retain all healthy mature trees wherever possible and increase the extent of evergreen tree planting along Village Green Parade.

3. Pedestrian access and circulation

Consultation highlighted issues with site accessibility and the need for a park-wide pedestrian circulation network.

Plan response is to:

- formalise park entry points and delineate pedestrian circulation;
- provide accessible pathways suitable for all levels of mobility;
- provide graded paths to discourage inundated/muddy access;
- link all park precincts with a 1.2km dual pathway network approximately 3m wide, suitable for walking, running, cycling, and for maintenance and special event vehicle access;
- provide wider gates onto courts for wheelchair access;
- formalise a 'nature trail' through the Sydney Turpentine Ironbark Forest (STIF);
- allow for a junior children's bicycle circuit surrounding the lower Village Green precinct;

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- provide a minimum 3m wide footpath and safe crossing points along Village Green Parade; and
- limit public access to the grass walkway located along western edge of bowling club.

4. Safety and surveillance

Consultation highlighted perceptions and instances of antisocial behaviour in the vicinity of the existing skate facility and a general belief in the need to improve safety and surveillance within the overall park, both during the day and at night. The responses in the draft plan drew heavily from comments by the Police who attended each of the public meetings.

Plan response is to:

- apply accepted principles of Crime Prevention Through Environmental Design [CPTED] to all proposed new site layouts and facilities;
- improve site access to encourage pedestrian movement and passive surveillance of the park;
- provide adequate lighting of all pathways at levels suitable for night-time security in accordance with Australian Standards as a minimum;
- provide floodlighting of various facilities to promote evening use of the park;
- increase passive visual surveillance of key locations by strategically removing non-significant trees; under-pruning/crown lifting tree canopies and thinning/removing shrubbery;
- separate conflicting site uses by rearranging park facilities, pathways and layouts; and
- create family friendly spaces to promote inter-generational activity.

5. Organised sporting activities

Sports groups raised a number of operational issues and suggestions including problems with drainage, the need for better floodlighting, the need for secure storage and change rooms for players and officials, the need for clubhouse facilities, spectator seating and adequate parking. The perception of the broader community was that existing organised sports facilities were well used by clubs. Some residents raised concerns regarding the future use of the lower Village Green precinct and that sporting clubs were dominating use of the park and available parking.

Plan response is to:

- maintain an overall balance of active and passive recreation facilities;
- retain current use of the existing St Ives Bowling and Recreation Club leased area;
- retain current use of Cowan Oval as a formal sportsfield for softball and cricket;
- retain current use of the lower Village Green precinct as a dual active/passive recreation area and reconfigure softball diamonds to suit the new site layout;
- relocate the tennis/netball courts to be directly south of the bowling club with a slightly increased perimeter footprint of approx. 1.5m along the length of the courts to suit 4 x full size combined tennis/netball courts;
- provide 2 x petanque courts within the arboretum area for informal passive recreational use
- upgrade/relocate sports infrastructure including amenities/clubhouse/storage, floodlighting and fencing to compliment new park layouts;
- provide seating for spectators and other users including terraced embankment seating to Cowan Oval; and
- improve overall availability and access to parking for park users.

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6. Children's playspace

Consultation highlighted that the existing playground was well used and valued by the community. It was suggested that play equipment suitable for a wider range of age groups and abilities could be provided together with more shade and surface treatments as appropriate.

Plan response is to:

- relocate the playground and integrate it with the surrounding parkland setting;
- make the playground easily accessible and in close proximity to natural shade/shelter, seating, car parking and amenities;
- create a unique interactive playspace experience in which landscape treatments are utilized to encourage sensory development and adventure;
- provide a range of equipment suitable for a variety of age groups and abilities;
- develop a play space of sufficient size to meet the anticipated increased level of demand expected for a district park facility; and
- create a family friendly setting to promote inter-generational activity.

7. Youth precinct and BMX skatepark

Consultation confirmed that the existing skate park was heavily used and that there were issues with the current location and poor condition of the facility.

Community concerns were raised regarding ongoing problems with vandalism, litter and under-age drinking within the park. There was also a general perception of antisocial behaviour being associated with the skate facility (though not necessarily from skaters) and many respondents considered the existing skate park area was intimidating for non-skaters.

Council maintenance staff advised that the levels of vandalism and litter in this area were comparable with other heavily used parkland areas. Representatives of the NSW Police also indicated that the incidence of crime within the park was considered to be of a petty nature, tended to occur late at night and could not be directly attributed to regular skate park users. BMX/skateboard representatives and Council's youth workers maintained that the majority of legitimate riders who used the skate park regularly and responsibly, should not be penalised because of the illegal actions of unknown persons who used the unlit park at night.

Consultation highlighted the need to improve the overall perception of community safety and user behaviour. It also highlighted the need to apply the principles of Crime Prevention Through Environmental Design [CPTED] to any new facilities and layouts proposed within the park:

Plan response is to:

- demolish and remove the existing skate facility;
- construct a new integrated skate space in a more appropriate location closer to the youth centre and well clear of the primary pedestrian entry and pathway through the park;
- develop a skate space of sufficient size to meet the anticipated level of demand expected for a district park facility;

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- design a skate space that meets the current needs of BMX, skateboard, scooter and rollerblade users and caters for a range of skill levels including beginners;
- design a skate space which sits into the landscape embankment setting with an appropriate buffer to adjacent pathways and park entries;
- design a youth precinct which is family friendly and promotes inter-generational activity;
- provide integrated terraced landscape areas within the skate facility to encourage passive public viewing and increased surveillance;
- incorporate in-built media outlets for integrated Youth Activities – ie. power, lighting, visual art displays, music, sound, etc to facilitate local youth programs and community events;
- incorporate stage areas suitable for local performances, competitions and events; and
- develop a mixed-use recreation area with possible half court basketball and climbing wall.

8. On-site built facilities

Consultation revealed a general feeling that existing on-site buildings and facilities were dated and poorly located across the park. It was also suggested that any building works should be designed to integrate with the site to minimise scale and lessen any visual impact on the park.

Concern was raised regarding the size of the indicative buildings depicted on the plans. It should be noted that the building forms are conceptual and would be subject to further detailed design, development assessment and consultation if and when they were to proceed to construction.

Plan response is to:

- provide a central open space area free of buildings and structures;
- remove the existing Scout Hall and Guides Hall and relocate these activities to an expanded community building or alternatively off-site to a more suitable less urban area;
- allow for construction of a new community sports pavilion to be integrated into the existing embankment on the western edge of Cowan Oval, to include public amenities, change rooms, club rooms, kitchenette/canteen and storage areas;
- construct a small storage/amenities building and all weather shelters adjacent to the new tennis/netball courts;
- allow for existing community building be modified/extended to provide extra public amenities, storage and meeting space for sports clubs and community groups; and
- consider extra kiosk/canteen facility overlooking Village Green to service the eastern end of the park

The plan allows for the short-medium term community needs for a public hall/building to be met by an expansion of the existing hall. In the long-term the need for a large community building on the Village Green can be reassessed with the possible relocation of some or all activities to a new purpose built facility to be located south of the Village Green Parade as identified within the Town Centres Development Control Plan and Public Domain Manual.

The plan currently allows for the possible relocation of the Scout and Guide activities to an expanded community hall. Both these groups have advised that their preference would be to relocate to an alternative less urban site. Demolition of the existing halls and relocation of these activities is therefore subject to the provision of suitable alternative facilities. It should be noted that if these activities can be successfully accommodated off-site then the size of any proposed extension to the existing community building could be reduced.

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9. Environmental considerations

Consultation outlined the importance of environmental considerations in ensuring the long term sustainability of the park.

Plan response is to:

- o retain and protect the existing arboretum planting and the endangered ecological community of Sydney Turpentine Ironbark Forest located along the eastern edge of the park
- o retain all healthy mature trees wherever possible;
- o consider a storm water run-off collection, storage and treatment facility beneath the relocated courts for irrigation;
- o adopt water sensitive urban design [WSUD] principles as part of all new works;
- o use sustainable/recycled materials within all new facilities where appropriate; and
- o provide interpretive information incorporated into elements where appropriate.

10. Car parking and vehicular access

Consultation highlighted parking as a major issue with concerns raised over traffic and a lack of available parking at and surrounding the park. The community also raised concerns regarding potential loss of open space to parking and the possible escalation of traffic and parking issues with the proposed St Ives Town Centre redevelopment. The community also sought clarification on the nature and extent of proposed facilities for taxis and buses in Memorial Avenue with concerns raised that they should not unnecessarily impact on the park.

Parking of vehicles within the park is currently limited. Daily parking needs for approximately 700 patrons of the Bowling and Recreation Club are serviced by the existing sealed car park. During special club events additional capacity is also provided via a restricted width driveway to a grassed overflow area located south of the clubhouse. These car park areas are also informally used by non-members accessing other park facilities.

A small formal car park is also located in the south-east corner, adjacent to Memorial Avenue and the Village Green Parade. Use of this area is currently restricted to staff of the shopping centre and is therefore not currently readily available for the park. Parking for regular park users and visitors is mainly provided within the adjoining residential streets and the adjoining Council owned car park fronting Village Green Parade.

Parking demand during weekend sporting activities is high and often coincides with peak demand for shopper parking. This also contributes to local traffic congestion. Due to the limited available parking, unauthorised vehicle access and illegal car parking within the park has been an ongoing problem as current users need to access the various site facilities such as for loading/unloading of equipment.

In November 2006, when considering issues relating to the reclassification of Council land including parking, Council resolved to ensure that there would be no loss of publicly available car parking within the town centres.

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In April 2009 Council resolved not to proceed with the purchase of a property adjacent to the park for car parking purposes. It also resolved to further investigate angle parking in Cowan Road and Memorial Avenue and include the proposal in the draft Landscape Masterplan for community consultation. The report indicated that Council would be advised of results prior to the draft Landscape Masterplan being placed on exhibition.

Council should also note that the ongoing issues surrounding the provision of parking will be further considered in detail as part of the draft Ku-ring-gai Parking Management Plan which is currently being prepared to support the Town Centres Local Environment Plan and Development Control Plan.

Irrespective of the anticipated future demands for parking as part of the St Ives Town Centre redevelopment, there is currently a pressing need to improve the safety, accessibility and availability of parking for users of the park.

Plan response is to:

- o maintain the general balance of parking to open space within the parkland but consider a more appropriate distribution to improve overall safety, access and availability for park users;
- o retain approximately 6 spaces for short-stay/drop-off area and disabled parking at the corner of Memorial Ave and Village Green Parade;
- o strategically relocate 12 car spaces from the south-east corner car park to more appropriate locations to maximise access and availability for park users [less 12 spaces];
- o provide 90° parking bays along Cowan Road for approximately 18 cars [extra 9 spaces];
- o provide 90° parking bays along Memorial Ave for approximately 40 cars [extra 20 spaces];
- o provide short stay parallel parking along Village Green Parade for approximately 24 extra cars;
- o investigate safer access, an improved parking layout and a possible joint use of a formalised parking area located south of the bowling clubhouse for patrons and general park users;
- o maintain the current level of publicly available car parking as a minimum requirement for any redevelopment of Council's car park fronting Village Green Parade, in accordance with any future outcomes of the Ku-ring-gai Parking Management Plan;
- o retain the existing Memorial Avenue taxi rank in the short term and allow for its relocation to Denley Lane as part of any future redevelopment of the St Ives Shopping Village; and
- o allow for new bus shelters as required to suit service upgrades but maintain existing kerb alignments at bus stops adjoining the park.

It should be noted that all proposed changes to existing parking layouts are subject to further review of existing lease arrangements and the outcomes of detailed design, and consideration of the Ku-ring-gai Traffic Committee.

11. St Ives Town Centre Redevelopment

Consultation highlighted community concerns over traffic and the lack of vehicle parking at and surrounding the park. The community also raised ongoing concerns regarding any potential loss of open space to parking and the possible escalation of traffic and parking issues if the St Ives Shopping Village site were to be redeveloped in the future, as per the draft *Ku-ring-gai Development Control Plan (Town Centres) 2009* (Town Centres DCP).

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Issues relating to parking and vehicular access have been discussed under Item 8 above and will be further considered in detail as part of the draft Ku-ring-gai Parking Management Plan which is currently being prepared by Council.

The draft Ku-ring-gai DCP (Town Centres) 2009 outlines various design objectives, principles and controls for the St Ives Shopping Village site and for the adjoining Council owned lands including the reconstruction of Village Green Parade, a new town square, a pedestrian promenade, and a new Council community building incorporating a library, neighbourhood centre and youth centre. The DCP 2009 aims to maximize community benefit and improve the relationship between the St Ives Village Green and the St Ives Shopping Village to create a strong interaction between these two important sites. With the future development of a town square, community building and pedestrian promenade the intention is that the interface will become a vibrant focus for community facilities, events, celebrations and outdoor dining.

In December 2006, Council adopted design controls, objectives and concepts for the St Ives Village Green as part of the Town Centres DCP. The DCP identified the need to re-organise some areas and activities within the park in order to allow for more flexible and varied use. Key elements depicted in the broad concept plan prepared for the park as part of the DCP included:

- o new pedestrian and cycle paths around edges of the Village Green;
- o maintain the oval as an active zone for sporting activities;
- o define edges of the oval with seating terraces and plantings;
- o Village Green passive zone for sitting, socialising and walking;
- o existing playground to be retained;
- o new enlarged and centrally located children's playground;
- o existing tennis courts to be retained; and
- o a new Community and Youth Centre on the Village Green adjacent to the promenade area

The DCP concept plan also depicted a new skate park facility, removal/relocation of the Scout and Guides halls, development of a passive terraced sitting area off Village Green Parade and provision of a consolidated reorganised carpark adjacent to a new Community and Youth Centre within the south-east corner of the park.

A revised plan which proposes that the Community Building be located to the south of Village Green Parade has been incorporated as part of the Town Centres Public Domain Manual which is currently under preparation. It should be noted however, that the site layouts prepared for the Town Centres Public Domain Manual are conceptual in nature and intended to be subject to further community consultation as part of the design process.

In preparing the draft St Ives Village Green Landscape Masterplan detailed site specific consultation has now been undertaken with the local community and the currently proposed layouts for the park and adjoining areas are a reflection of consultations to date.

Whilst the original design controls and objectives for the park remain unchanged, the detailed consultation undertaken has suggested that an alternative design concept be adopted for St Ives Village Green to ensure that identified community expectations for the park can be accommodated both in the short and long term.

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The major differences between the concepts include:

- the proposed relocation of a number of existing facilities within the park including the tennis courts, playground, skate park, amenities building and parking;
- the creation of a visually expanded central open space area free of buildings and structures;
- the consolidation of urban elements within the south-east corner of the park;
- the short to medium term retention/expansion of the existing community building; and
- the redistribution of available parking.

The relative benefit of these proposed changes has been separately discussed as part of this report. The following is an outline of the key elements of the alternative design concept proposed for St Ives Village Green.

Plan response is to:

- improve the quality of the park for both active and passive recreational use;
- maintain an overall balance of active and passive recreation facilities within the park;
- retain open grass areas for passive recreation and community events;
- provide a central open space area free of buildings and structures;
- consolidate proposed urban elements within the south-east corner of the park to strengthen the visual and physical relationship between the park, Village Green Parade and the future town square;
- formalise park entry points, delineate pedestrian circulation and improve site access to encourage pedestrian movement and passive surveillance of the park;
- provide integrated terraced landscape areas off Village Green Parade as part of the skate space to encourage public viewing and increase passive surveillance of park activities;
- design a youth precinct and skate space which sits into the parkland setting and incorporates elements to facilitate local youth programs, inter-generational activity and community events
- apply accepted principles of Crime Prevention Through Environmental Design [CPTED] to all proposed new site layouts and facilities;
- maintain the general balance of parking to open space within the parkland but consider a more appropriate distribution to improve overall safety, access and availability for park users;
- maintain the current level of publicly available car parking as a minimum requirement for any redevelopment of Council's car park fronting Village Green Parade in accordance with any future outcomes of the Ku-ring-gai Parking Management Plan;
- retain and protect the existing arboretum planting and the endangered ecological community of Sydney Turpentine Ironbark Forest [STIF] located along the eastern edge of the park;
- retain all healthy mature trees wherever possible and increase the extent of evergreen tree planting along Village Green Parade;
- allow the short to medium term community needs for a public hall/building to be met by an expansion of the existing community hall; and
- allow the long term need for a large community building on the Village Green to be reassessed with the possible relocation of some or all activities to a new purpose built facility to be located south of the Village Green Parade as identified within the Town Centres DCP and Public Domain Manual.

CONSULTATION

The preparation of the draft St Ives Village Green Landscape Masterplan has involved an extensive and thorough consultation process. To date this has included a technical workshop with BMX and skateboard riders (March 2009), two stages of consultation with the residents, key community stakeholders and council staff (6 workshops held June 2009 and October 2009), a park user survey (456 responses or 26% return), an information briefing to the Open Space Reference Committee (August 2009), a media release and radio interview, web page and library displays, separate meetings with various individuals and representatives from key stakeholder groups.

Public exhibition of the draft plan is the next stage of community consultation for all stakeholders. This is intended to commence early November 2009 and run through to the end of January 2010 and will involve advertising and displaying the draft landscape masterplan for comment via the local papers, shopping centre, libraries, web site and related council buildings.

FINANCIAL CONSIDERATIONS

Adopted District Park Masterplans are used to establish priorities within the Parks Development component of Council's annual Capital Works Program and the future development contributions plans.

Implementation of each District Landscape Masterplan is aimed to occur over a 10 year time frame and is subject to available funding. The actual financial commitment for each Landscape Masterplan is dependent on competing priorities and funding availability, including recurrent budget, development contributions, external grants, partnerships with stakeholders and/or local business, and future Environmental Levy plans.

Funding for the preparation of the St Ives Village Green Landscape Masterplan and for the BMX/skate park design and construction has been provided as part of an initial allocation of \$120,000 (s.94 \$100,000, General Funds \$20,000) in the 2008/09 Capital works program, of which \$91,000 unspent funds has been carried over to 2009/10.

Subject to community support for the project the following funding sources have been identified for the future implementation of the plan:

- \$426,150 through the adopted 2009/10 Capital Works Budget for district park masterplan and BMX skate park construction (S.94 \$308,000 General funds \$154,050);
- \$516,581 through the adopted 2009/10 Capital Works Budget for implementation of high priority works identified in the district park masterplan (all S.94 funds);
- \$37,607 projected receipts (\$60,000 estimated cost with \$22,393 shortfall) through the 2008 Ku-ring-gai Town Centres Development Contributions Plan – for relocation of existing community facilities on the Village Green;
- \$1,595,980 projected receipts (\$2,546,297 estimated cost with \$950,317 shortfall) through the 2008 Ku-ring-gai Town Centres Development Contributions Plan – for embellishment of Village Green and William Cowan Oval;

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- part of \$1,196,744 projected receipts (\$1,909,338 estimated cost with \$712,594 shortfall) through the 2008 Ku-ring-gai Town Centres Development Contributions Plan – for the new Village Green Promenade on Village Green Parade;
- part of \$303,991 projected receipts (\$485,000 estimated cost with \$181,009 shortfall) through the 2008 Ku-ring-gai Town Centres Development Contributions Plan for streetscape works including paving, street trees, pavilions, furniture and lighting in Village Green Parade;
- part of \$695,360 projected receipts (\$1,109,408 estimated cost with \$414,048 shortfall) through the 2008 Ku-ring-gai Town Centres Development Contributions Plan for streetscape works including paving, street trees, pavilions, furniture and lighting in Cowan Road
- part of \$406,959 projected receipts (\$649,280 estimated cost with \$242,321 shortfall) through the 2008 Ku-ring-gai Town Centres Development Contributions Plan for streetscape works including paving, street trees, pavilions, furniture and lighting in Memorial Avenue.
- part of \$511,394 projected receipts (\$815,900 estimated costs with \$304,506 shortfall) through the 2008 Ku-ring-gai Town Centre Development Control Plan for new cycle ways (off-road) between Village Green Parade, Village Green/Collins Road and Killeaton Street (east of Mona Vale Road);
- part of \$62,678 projected receipts (\$100,000 estimated cost with \$37,322 shortfall) through the 2008 Ku-ring-gai Town Centre Development Control Plan for stormwater detention and other works to address local flooding issues with Village Green and Killeaton Road area;
- \$18,804 projected receipts (\$30,000 estimated cost with \$11,196 shortfall)
- through the 2008 Ku-ring-gai Town Centre Development Control Plan for stormwater harvesting in parks at Village Green and William Cowan Oval
- \$296,000 through the adopted Council 2009/13 Management Plan – for 2 new playgrounds and associated landscaping; and
- the draft 2009 Development Contributions Plan – currently being prepared

It should be noted that not all works identified in the masterplan are able to be funded through development contributions and that alternative sources of funding may need to be identified for all identified works to be implemented.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development of the draft Landscape Masterplan has included consultation with internal stakeholders consisting of relevant staff from the Strategy and Environment, Operations and Community Departments who participated in two presentation/workshops held June 2009 and October 2009.

SUMMARY

The draft St Ives Village Green Landscape Masterplan provides a guide for the development of the park over the next ten years. It will allow council to carry out improvements at the park in stages, as funding becomes available, with the knowledge that all works are in keeping with and will contribute to a long term community vision for the park.

The draft Landscape Masterplan has been developed in consultation with residents and user groups. Initial research including park user survey information was compiled into broad strategies and themes which were presented to the community. Feedback and ideas from workshop sessions were used to produce a preliminary draft plan which was presented back to the community for

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review and discussion. The preliminary draft plan has now been amended to produce the current draft plan which is being considered for exhibition.

While it is not possible to implement everyone's ideas, the draft plan has sought to find the best solution where the community has been divided on issues, such as the provision of parking for park users, the development of a youth precinct including a BMX/skate space and the need to balance both active and passive recreational uses.

The draft plan aims to respect the natural, social and cultural values of the park and to enhance the unique open space qualities and character of St Ives Village Green which provide a defined 'sense of place' for St Ives and its community, as recognised through its National Trust listing.

As part of the plan it is proposed to relocate a number of park facilities to provide a stronger link between the upper and lower precincts of the park to enable the central area of open space to be visually unified and expanded. Relocation of various facilities, pathways and layouts also serves to physically separate conflicting site uses and better integrate facilities with the surrounding parkland setting.

Improved and additional park facilities are proposed for a wider range of potential users, including provision for older people, women and youth who may not choose to actively participate in organised sport. The draft plan seeks to provide youth with unstructured recreational opportunities within a context which will also be designed to encourage the interaction of genders, age groups and cultural backgrounds.

Proposals will improve public amenity, accessibility, safety and security within the park. The site layout aims to consolidate urban elements within the south-east corner of the park to strengthen the visual and physical relationship between the park, Village Green Parade and the future town square. It is also proposed to rationalise vehicular access and parking to maintain a general balance of parking to open space and to consider a more appropriate distribution of parking for improved overall availability, accessibility and safety for park users.

The importance of environmental considerations and sustainable design outcomes has also been considered in the development of long term solutions for the park.

If the plan is ultimately adopted by Council, the St Ives Village Green Landscape Masterplan will represent a long term vision for the park, developed in collaboration with the community to guide future capital works and use of this important public space.

RECOMMENDATION

- A. That Council place the draft St Ives Village Green Landscape Masterplan on public exhibition immediately until the end of January 2010 for public comments.
- B. That Council publicly advertise the public exhibition to the wider community and inform all individuals, community groups, sporting clubs and stakeholders who participated in the consultation process of the public exhibition of the draft Landscape Masterplan.

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- C. That Council consider a report, following the period of public exhibition, in February 2010 to formally adopt the St Ives Village Green Landscape Masterplan.

Lino Querin
Landscape Planner

Roger Faulkner
**Sport and Recreation
Planner**

Andrew Watson
**Director Strategy &
Environment**

Attachments: **Draft St Ives Village Green Landscape Masterplan - 2009/191542**

KEY DESIGN PROPOSITIONS

- 1

PROVIDE 1.2km PEDESTRIAN CIRCUIT PATHWAY APPROXIMATELY 3m WIDE. PATH TO CONNECT ALL PRECINCTS OF THE VILLAGE GREEN AND ALLOW DUAL ACCESS. PROVIDE APPROX 2m WIDE PERMEABLE PATH THROUGH SYDNEY TURPENTINE IRONBARK FOREST (S.T.I.F)
- 2

PROVIDE SUPPORTING PARK-WIDE INFRASTRUCTURE TO ACCOMMODATE PEDESTRIAN CIRCUIT. ALLOW FOR SEATING, DRINKING FOUNTAINS, LIGHTING, RUBBISH DISPOSAL FACILITIES, ETC.
- 3

PROVIDE OFF-STREET 90 DEGREE CAR PARKING LOCATIONS ON WESTERN (18 SPACES) & EASTERN (40 SPACES) EDGE OF RESERVE TO PROVIDE FOR 'VILLAGE GREEN' AWAY FROM SHOPPING CENTRE. PROVIDE APPROX 24 ADDITIONAL CAR SPACES ALONG VILLAGE GREEN PDE. CAR PARKING TO INCORPORATE WSUD PRINCIPALS & TO BE LOCATED NO FURTHER THAN 11.6M FROM CENTRELINE OF ROAD.
- 4

ALLOW SERVICE VEHICLE ACCESS ONLY THROUGH ALLOCATED ENTRY POINT. PROHIBIT ACCESS BY GENERAL PUBLIC WITH REMOVABLE BOLLARDS WHEN NOT IN USE.
- 5

PROVIDE NEW COMMUNITY SPORT PAVILION LOCATED ON THE WESTERN EDGE OF COWAN OVAL TO SERVICE SPORTING USE WITH CHANGE ROOMS, PUBLIC AMENITIES, CLUB ROOMS, KITCHENETTE, COMMUNITY KIOSK, ETC. PAVILION SET INTO EMBANKMENT TO MINIMISE VISUAL IMPACT ALONG COWAN ROAD. APPROX 8m X 20M (320sqm)
- 6

ADJUST EXISTING CONTOURS TO PROVIDE A MODERATE SLOPE SUITABLE FOR PASSIVE SEATING AND VIEWING.
- 7

COMPLEMENT GRADE CHANGES WITH REMOVABLE INFRASTRUCTURE WHICH MAY BE UTILISED BY THE PUBLIC FOR COMMUNITY EVENTS / FESTIVALS / FUNCTIONS / CONCERTS, ETC.
- 8

RELOCATE EXISTING TENNIS / NETBALL COURTS TO ENABLE AN OPEN CENTRAL CORRIDOR CONNECTING THE VILLAGE GREEN AND COWAN OVAL. 4 x TENNIS / NETBALL COURTS ARE TO BE REALIGNED TO END OF BOWLS CLUB PRECINCT. ALLOW FOR ADDITIONAL SEATING, SHADE STRUCTURES AND SPORT LIGHTING FOR SAFETY & SPECTATORS.
- 9

RELOCATE AND RECONFIGURE EXISTING CHILDREN'S PLAY SPACE. PROVIDE AN INTERACTIVE PLAYGROUND WHICH ENCOURAGES ADVENTURE & DEVELOPMENT AND IS SUITABLE FOR A VARIETY OF AGE GROUPS AND ABILITIES. PLAY SPACE LOCATION TO BE WITHIN CLOSE PROXIMITY TO CAR PARKING, HALL, PUBLIC AMENITIES, BBQ / PICNIC FACILITIES, SHELTER, ETC.
- 10

EXTEND EXISTING COMMUNITY HALL TO PROVIDE ADDITIONAL PARTITIONS OF SPACE TO ALLOW SIMULTANEOUS USE OF INDOOR SPACE BY A VARIETY OF GROUPS. 15m x 30m (450sqm)
- 11

FORMALISE MULTIPLE PARK ENTRANCES FROM VILLAGE GREEN PARADE.
- 12

ONSITE UNDERGROUND WATER STORAGE TANKS TO ASSIST IN WATER COLLECTION, TREATMENT & REUSE OF EXCESS RUNOFF. ALLOW ACCESS GRATE FOR MAINTENANCE.
- 13

RE-VEGEATE ALONG RESIDENTIAL BOUNDARY. CHANEL EXCESS WATER TO PROPOSED WATER TREATMENT & STORAGE AREA
- 14

STAGED REMOVAL OF DEGRADED EXISTING SPECIES. STRATEGICALLY REPLANT WITH S.T.I.F (Sydney Turpentine Ironbark Forest) SPECIES TO ENCOURAGE UNDERSTORY WHILST MAINTAINING OPEN AREAS FOR SAFETY AND SECURITY.
- 15

YOUTH PRECINCT WITH BMX / SKATE FACILITY RELOCATED CLOSER TO EXISTING YOUTH CENTRE. ALLOW FOR THE PLACEMENT OF A SKATE BOWL AND EXTENSIVE STREET COURSE SECTION WHICH IS SENSITIVE OF SURROUNDING PEDESTRIAN MOVEMENT. PROVIDE REFUGE AREAS, SHELTER, SUITABLE INFRASTRUCTURE FOR STAGING EVENTS /COMPETITIONS AND LANDSCAPE TREATMENTS SUCH AS PLANTING & GRASSED AREAS.

- 16

POSSIBLE INTERACTIVE MEDIA PANELS, CLIMBING WALLS, AND CONTEMPORARY HALF COURT BASKETBALL.
- 17

PROVIDE BBQ / SHADE / PICNIC FACILITIES WHICH OVERLOOK VILLAGE GREEN.
- 18

PROVIDE DIRECT ACCESS TO COMMUNITY HALL
- 19

CONSOLIDATE HARD SCAPE SURFACES AND FACILITIES IN THE SOUTH/EAST CORNER OF THE VILLAGE GREEN. GROUP FACILITIES TO CONTAIN SPRAWL AND CREATE A FRONT URBAN EDGE.
- 20

RELOCATE 12 CAR SPACES AND RE-GREEN ENTRY AREA. PROVIDE 6 CAR SPACES FOR SHORT STAY CAR PARKING AND 'DROP OFF' AREA. ALLOW FOR DISABLE PARKING.
- 21

REMOVE EXISTING SCOUT & GUIDES HALLS AND RELOCATE ACTIVITIES TO THE EXPANDED COMMUNITY HALL FACILITY OR TO A MORE SUITABLE LESS URBAN LOCATION OFF-SITE.
- 22

SOFTBALL DIAMONDS TO BE REALIGNED.
- 23

INFORMAL PETANQUE AREAS WITH SEATING SET BENEATH TREES 2 x COURTS PROVIDED.
- 24

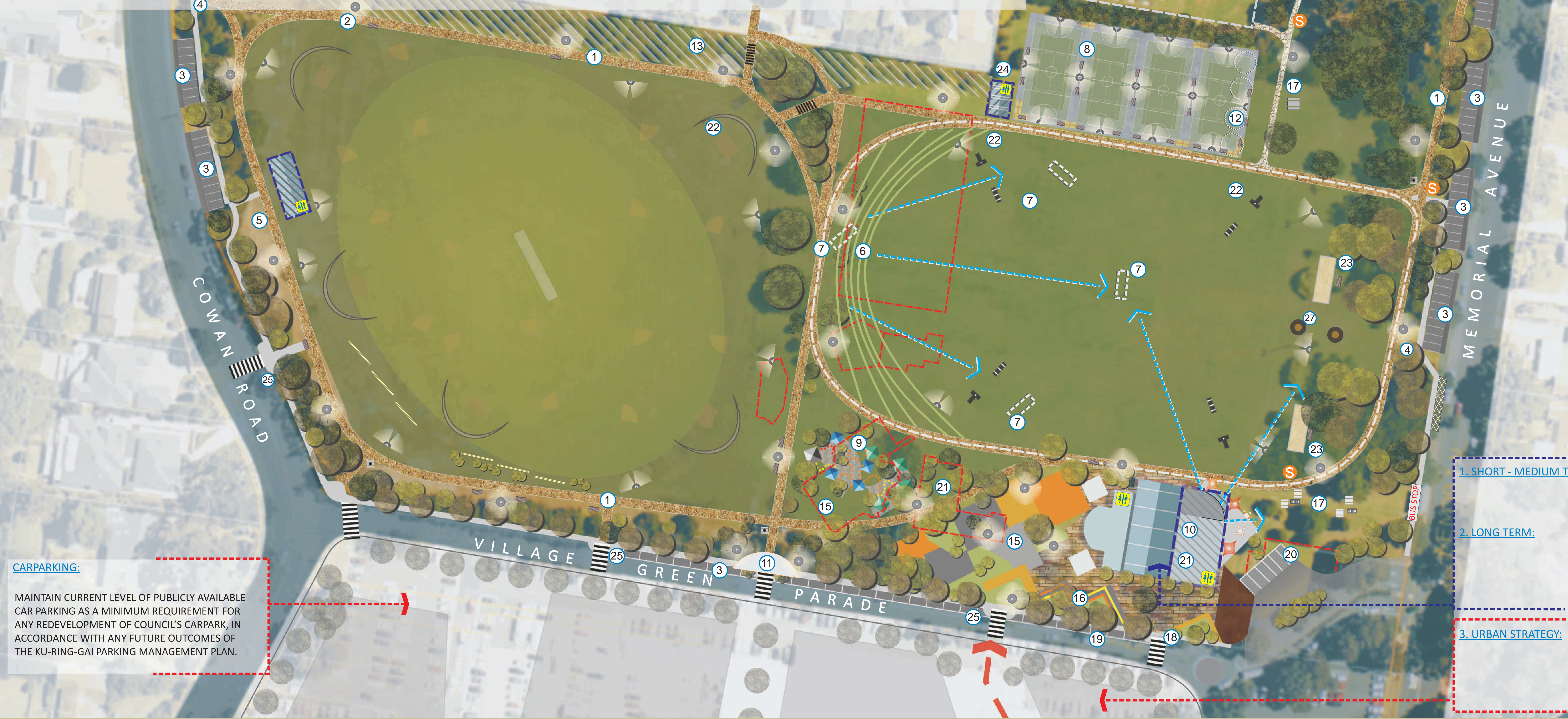
ALLOW FOR SMALL STORAGE / AMENITIES APPROX 12M X 8M (95sqm)
- 25

3m WIDE PEDESTRIAN FOOTPATH TO OUTER PERIMETER OF VILLAGE GREEN. FOOTPATH TO PROVIDE SAFE PEDESTRIAN PASSAGE CLEAR OF VEHICLES AND CAR PARKING BAYS ALONG VILLAGE GREEN PDE.
- 26

INVESTIGATE IMPROVED PARKING LAYOUT & ACCESS EXISTING OVERFLOW CAR PARK AREA SOUTH OF EXISTING BOWLS CLUBHOUSE.
- 27

RETAIN AND PROTECT EXISTING FLAGPOLE, MEMORIAL AND ARBORETUM PLANTING.
- 28

LIMIT PUBLIC ACCESS TO GRASS WALKWAY LOCATED ALONG WESTERN EDGE OF BOWLING CLUB.



CARPARKING:

MAINTAIN CURRENT LEVEL OF PUBLICLY AVAILABLE CAR PARKING AS A MINIMUM REQUIREMENT FOR ANY REDEVELOPMENT OF COUNCIL'S CARPARK, IN ACCORDANCE WITH ANY FUTURE OUTCOMES OF THE KU-RING-GAI PARKING MANAGEMENT PLAN.

LEGEND

- ENDEMIC PLANTING
- SPORT LIGHTING
- PEDESTRIAN PARK-WIDE LIGHTING
- BBQ FACILITIES
- PEDESTRIAN VIEW LINES
- PICNIC / SEATING FACILITIES
- BENCH SEATING
- INFORMATIVE SIGNAGE
Signage to educate and promote awareness regarding the ecological significance of site vegetation
- UNDERGROUND WATER RETENTION TANKS
Tanks to store and treat water collected onsite.
- PROPOSED PEDESTRIAN SEATING / VIEWING
- PROPOSED BUILDING
- EXISTING BUILDING
- INFRASTRUCTURE TO BE REMOVED
- TEMPORARY INFRASTRUCTURE LOCATION
Temporary infrastructure to support community events and festivals, i.e: temporary shade structures, stage, lighting, sound, etc.
- TAXI RANK
Short term: Taxi Parking suitable for 3 car spaces.
Long term: Relocate to Denley Lane
- BUS STOP
Existing bus stop locations. Allow for new shelters as required to suit service upgrade. Maintain existing kerb alignment.
- EMBANKMENT TREATMENT
Revise existing levels to provide terraced spectator viewing with integrated planting.
- JUNIOR BICYCLE CIRCUIT
Provide integrated dual pathway suitable for junior bicycle circuit
- PERIMETER FOOTPATH
3M Wide Pedestrian Interface with road and proposed car parking bays.
- TERRACED GRASSED PLATFORMS
Terraced grassed platforms provide green outcrops for passive surveillance integrated with youth activities area & skate facility.
- TOILET AMENITIES

1. SHORT - MEDIUM TERM:

MODIFY AND EXTEND HALL TO ACCOMMODATE EXTRA STORAGE & MEETING SPACE FOR SCOUT, GUIDE, SOFTBALL & CRICKET. POSSIBLE CANTEN / KIOSK FACILITY TO SERVICE EAST END OF PARK.
2. LONG TERM:

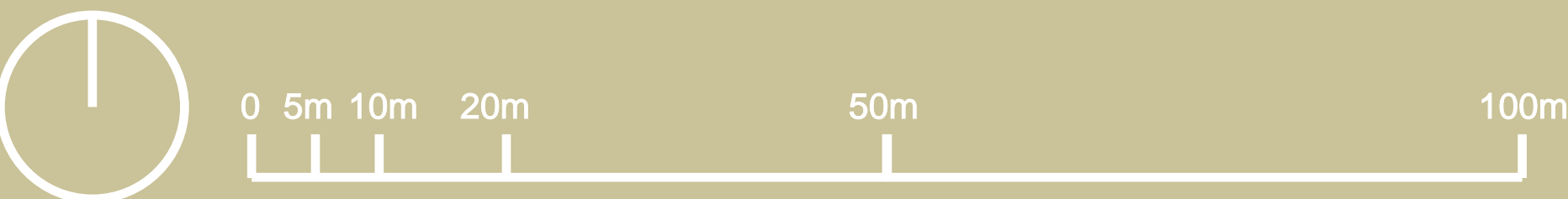
REASSESS NEED FOR COMMUNITY BUILDING IN THIS LOCATION AND CONSIDER POSSIBLE RELOCATION TO A NEW PURPOSE BUILT COMMUNITY BUILDING SOUTH OF VILLAGE GREEN PARADE AS IDENTIFIED IN THE TOWN CENTRES DCP & PUBLIC DOMAIN MANUAL.
3. URBAN STRATEGY:

MASTERPLAN IS CONSIDERATE OF THE PUBLIC DOMAIN STRATEGY FOR ST IVES TOWN CENTRE. THE PROPOSED LOCATION OF YOUTH PRECINCT PROVIDES DIRECT LINKS WITH COMMUNITY FACILITIES, AND RELATES WELL TO THE PROPOSED URBAN EDGE AND ALIGNMENT OF FUTURE TOWN SQUARE & BUILT FORMS.



st ives village green landscape masterplan
draft landscape masterplan

sheet no. 92004_SA_1 status: DRAFT FOR DISCUSSION date: August 2009 scale: 1:500 (A0) 1:1500 (A3) north



FEDERAL GOVERNMENT REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - STAGE 2

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the funding from the Federal Government Regional and Local Community Infrastructure Program for the Stage 2 grant and for Council to determine which project or projects that it wishes to nominate for this grant.

BACKGROUND:

On 9 October 2009, the Australian Government announced an additional \$220 million program for local government to stimulate growth and economic activity across Australia.

COMMENTS:

The Federal Government's Regional and Local Community Infrastructure Program Stage 2 grant to Ku-ring-gai Council of \$151,000 has provided additional funding for worthwhile projects to complement Council's capital works program.

A list of projects has been nominated for Council's consideration and it is considered that the preferred option is to fund one project that is consistent with Council's strategy for the upgrading of its community or park facilities.

RECOMMENDATION:

That Council advises which project or projects it wishes to nominate for the grant by 20 November 2009.

PURPOSE OF REPORT

To advise Council of the funding from the Federal Government Regional and Local Community Infrastructure Program for the Stage 2 grant and for Council to determine which project or projects that it wishes to nominate for this grant.

BACKGROUND

On 9 October 2009, the Australian Government announced an additional \$220 million program for local government to stimulate growth and economic activity across Australia. Attached as **Attachment 1** is a copy of the letter from the Minister advising of the \$100 million allocated to local government councils under Round 2 of the Regional and Local Community Infrastructure Program. Ku-ring-gai Council will receive \$151,000, subject to the nomination of appropriate projects consistent with the guideline and subsequent funding agreement.

Under the funding guidelines for the program (**Attachment 2**), projects must be for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. community recreation spaces, playgrounds, skate parks, swimming pools, walking and bicycle tracks);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

Funding can not be used for activities such as ongoing costs (e.g. operational costs and maintenance); transport infrastructure, such as roads; or related infrastructure covered by the Roads to Recovery or Black Spots programs.

As part of the funding arrangements, each Council is required to provide the Department of Infrastructure, Transport, Regional Development and Local Government details of projects that it intends to fund by 20 November 2009. Councils will be required to enter into an agreement prior to receipt of the payment.

A key aspect of the project is that funding must be expended and therefore projects completed by 31 December 2010 and all funding needs to be expended by this date.

COMMENTS

Under the terms of the guidelines for this program and the timeframe for expenditure, a number of projects have been identified as summarised in the table below and further described. The basis for their inclusion builds on adopted future capital works or would provide significant local community benefit. Dollar figures are estimates and a detailed design and costing would be necessary as part of the submission to the Federal Government following a decision by Council.

Item 10

S06957
26 October 2009

In the development of a list of potential projects, a key consideration is how the funding could complement existing works at a site. This is particularly relevant to capital works projects given that the grant specifically excludes funding ongoing or operational costs (section 2.2).

However, while it is considered appropriate to use the whole of the funding on one project that is consistent with Council's strategy for upgrading its facilities and with the current master planning process, a number of other projects have been identified for Council's consideration, those being:

Site and ward	Project	\$
Water Street Reserve. Wahroonga Ward	Construction of new playground and landscaping	\$151,000
Old School Building Meeting Rooms - Gordon	Upgrade of meeting rooms for community purposes	\$20,000
Tulkiyan Building Gordon	Heritage Interpretative Centre	\$80,000
Ku-ring-gai Wildflower Gardens, St Ives Ward	Installation of a new kitchen and upgrade facilities to allow for functions and community use.	\$50,000
St Ives Showground	Construction of new Men's shed	\$151,000
Blackburn Street Reserve, St Ives Ward	New playground	\$65,000
Golden Jubilee Reserve, Wahroonga Ward	New SES and RFS headquarters – part funding	\$151,000
Golden Jubilee Reserve, Wahroonga Ward	Construction of mountain bike trail	\$45,000
Wombin Reserve, Roseville Ward	Construction of a boardwalk to link existing formal walking tracks	\$30,000

Water Street Reserve:

Council purchased land at the rear of the Mirvac development in Eastern Road and adjacent to the bushland area at Turiban Reserve in Water Street. The proposal will involve the installation of a new play ground as there are limited play grounds around this area and also landscaping works which will involve the planting of native vegetation consistent with the endangered ecological community on site.

Old School Building Meeting Rooms

With the relocation of the staff training rooms to 31 Bridge Street and ultimately to the new Council depot, the existing training rooms in the Old School building will become vacant and therefore can be used to accommodate community facilities. To enable community groups to occupy the building the existing rooms will need to be upgraded.

Tulkiyan Building Gordon

The work will involve the reconstruction of the existing garage to allow it to operate as an Interpretation Centre and can be used as a multi function centre. This will provide an area for heritage study and training with an opportunity for class work without adversely impacting on the vulnerable artefacts and the property. Also, it will include facilities that cater for the disabled.

Item 10

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26 October 2009

Ku-ring-gai Wildflower Gardens:

The existing kitchen area does not provide for suitable catering facilities for functions and training and if this area was upgraded it would attract more users to the education centre and provide better facilities. An upgrade of the facilities will enable the centre to be used for functions such birthday parties, weddings and Council functions and increased community use.

St Ives Showground:

The construction of a men's shed at St Ives Showground has been adopted by Council with funding to be partly provided by Section 94 community facilities and possibly a State Government Grant. At this stage, it is not known whether the state funding is available so it may be prudent to include the project in the list of candidate projects.

Blackburn Street:

A new play ground at Blackburn Reserve is identified in Council's future capital works programs, though would enable the facility to be completed ahead of schedule.

Golden Jubilee Reserve:

The relocation of the SES headquarters is now a priority for Council now that the existing building has been demolished and a new headquarters is proposed to be built on stable ground adjacent to the old building. Additional funding using the grant will assist Council in reducing its obligation for the funding of a new building.

Golden Jubilee Reserve:

The provision of mountain bike recreation facility could also be considered at the northern end of Golden Jubilee Oval. This would complement the additional capping of the retired tip undertaken as part of the construction of the new fire trail. This facility could be integrated within a network of trails linking the existing recreational trails extending from Wahroonga to St Ives Showground. It is estimated that \$45,000 could be utilised to construct a series of connected loops and circuit.

Wombin Reserve

Wombin Reserve at Lindfield, adjacent to Swain Gardens was recently extended as a result of a parcel of land transferred to Council from the State Government. Containing Sydney Turpentine Ironbark Forest, the site connects through to Garigal National Park. The existing walking track is unformed, though used frequently by local residents and would form part of the regional Sydney Harbour Foreshore Walk. It is proposed to construct a boardwalk over the minor tributary flowing to Gordon Creek to improve recreational access in all weather and reduce riparian damage. The estimated cost of these works would be \$30,000 and the project would fall within the recreation and access facilities criteria.

CONSULTATION

Consultation has been undertaken with some community groups such as the Friends of Tulkiyan and the Cavalcade of Fashion on the nominated projects at this stage.

FINANCIAL CONSIDERATIONS

Funding for the projects identified from part of the grant from the Federal Government's Regional and Local Community Infrastructure Program Stage 2. The grant is to fully fund projects and there is no requirement for Council to contribute any of its funding to the nominated projects.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with all other departments in the preparation of a list of suitable projects.

SUMMARY

The Federal Government's Regional and Local Community Infrastructure Program Stage 2 grant to Ku-ring-gai Council of \$151,000 has provided additional funding for worthwhile projects to complement Council's capital works program.

A list of projects has been nominated for Council's consideration and it is considered that the preferred option is to fund one project that is consistent with Council's strategy for the upgrading of its community or park facilities.

RECOMMENDATION

That Council advises which project or projects it wishes to nominate for the grant by 20 November 2009.

Greg Piconi
Director Operations

Attachments:

- 1. Letter from the Minister for Infrastructure, Transport, Regional Development and Local Government - 2009/179552**
- 2. Guidelines - 2009/186840**



The Hon Anthony Albanese MP

Minister for Infrastructure,
Transport, Regional Development
and Local Government
Leader of the House

Reference: 09/12509



9 OCT 2009

Cr Elaine Malicki
Mayor
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073

Dear Mayor,

I am pleased to formally advise that Ku-ring-gai Council is eligible to receive \$151,000 under Round Two of the Regional and Local Community Infrastructure Program (RLCIP).

On 25 June 2009 at the second meeting of the Australian Council of Local Government, the Prime Minister, the Hon Kevin Rudd MP, announced an additional \$220 million for Round Two of the RLCIP in 2009-10. This additional funding demonstrates an ongoing commitment to a partnership between the Australian Government and local government.

This funding will be distributed to all local governments, to support jobs whilst building and modernising infrastructure in communities across Australia. The investment builds on the \$800 million already provided to local councils and shires through Round One of the RLCIP in 2008-09.

The \$100 million component of this funding will be provided to local governments by way of a non-competitive allocation. This allocation will be provided subject to a number of conditions. These conditions include a requirement to enter into a funding agreement with the Commonwealth and to complete projects no later than 31 December 2010.

To claim your allocation, you are required to provide details of your proposed projects for Round Two of the RLCIP via an online application form. The Australian Government Department of Infrastructure, Transport, Regional Development and Local Government (my Department) will organise for further details on the application process to be emailed to your council in the near future.

Please note that funding will only be released for projects that meet the requirements of the RLCIP Round Two Guidelines.

Local governments are encouraged to include projects in their application that address the needs of the local Indigenous population. Local governments are also encouraged to consider

environmental sustainability when preparing project proposals, with particular focus on how activities will promote green building technologies, design practices and operations.

The Australian Government's additional funding for Round Two of the RLCIP will continue to address the substantial backlog in local infrastructure and improve the quality of life of residents in local communities.

Some examples of community infrastructure eligible for funding under Round Two of the RLCIP include:

- social and cultural infrastructure, such as town halls, community centres, libraries, parks, and public squares;
- sport and recreation facilities, such as sporting grounds, stadiums, pools, walking tracks and playgrounds;
- tourism infrastructure, such as walkways and tourist information centres;
- access facilities, such as bus shelters, jetties and boat ramps; and
- environmental initiatives, such as water conservation infrastructure and recycling plants.

A copy of the new Guidelines for Round Two of the RLCIP, along with a list of frequently asked questions and answers can be downloaded from my Department's website at <http://www.infrastructure.gov.au/local/index.aspx>.

Please contact the RLCIP Information Line on 1800 005 494 if you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anthony Albanese', written in a cursive style.

ANTHONY ALBANESE

Guidelines

Regional and Local Community Infrastructure Program

Round 2 – 2009/10 – \$100 Million

1. INTRODUCTION

On the 25th June 2009, the Australian Government made an additional \$220 million available to boost the Regional and Local Community Infrastructure Program (RLCIP). This investment is intended to support local jobs during the global economic recession and provide long-term benefits to communities by assisting councils to build and modernise local infrastructure. Under the RLCIP there are two components: a non-competitive, direct allocation of \$100 million shared amongst all local governments; and a competitive component where \$120 million will be made available for a limited number of large strategic projects seeking a minimum Commonwealth contribution of \$1 million. (For further detail about the RLCIP \$120 million program please visit <www.infrastructure.gov.au/local/cip/index.aspx>)

Funds under the RLCIP \$100 million will be provided directly to councils as a one-off payment. The funding will be administered by the Department of Infrastructure, Transport, Regional Development and Local Government (the Department). Eligible projects must be additional, ready to proceed, or additional stages of current projects. Additional projects are those which have not been included in the local government's financial budget for 2009/10 and can be brought forward as a result of RLCIP funding. Projects that are ready to proceed are those that will begin construction within three months of signing the Funding Agreement (contract).

Local governments are responsible for community consultation and determining the priority given to potential infrastructure projects within their jurisdictions. Councils are encouraged to include projects in their application that address the needs of the local indigenous population. Councils are also encouraged to consider environmental sustainability when preparing project proposals, and how their RLCIP activities will promote green building technologies, design practices and operations.

2. PROJECT ELIGIBILITY

2.1 Eligible categories of infrastructure

Funding will be provided to councils for community infrastructure, including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. swimming pools, sports stadiums);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

Projects that can be funded need to be consistent with the attached list at Annexure A.

Funding can be used for:

- construction for new or upgraded facilities; and
- refurbishment and fit out. Fit out is defined by the Department as internal construction of a facility to enable its functional use, for example, the installation of electrical sockets and lighting, or the painting of walls.

Where they are minor components of the RLCIP project, funding may be used for the following activities:

- engineering, geotechnical, or architectural works; and
- land surveys and site investigations.

2.2 Ineligible projects and activities

Projects must provide a clear and direct benefit to the local communities within a council's jurisdiction. Examples of projects that are ineligible for this reason include those which support council operations (such as an upgrade of council offices), those which make a direct contribution to private businesses, or those which benefit specific individuals (such as the renovation of a caretaker's residence).

Funding will not be approved to bolster funding for existing projects which have exceeded their original budget forecasts.

Funding cannot be used for artworks, or for Information Technology and Communications hardware and software. Further information and examples of ineligible projects will be provided as part of the RLCIP Frequently Asked Questions.

Funding cannot be used for:

- ongoing costs (e.g. operational costs and maintenance);
- roads or related infrastructure covered by the Roads to recovery or Black Spots programs; and
- project management costs.

3. APPLICATION SUBMISSION

The closing date for applications is expected to be early November 2009. The Department will contact Local Governments to provide details on the exact deadline for submissions and how to submit applications.

4. FUNDING ARRANGEMENTS

Each council receives a minimum payment of \$30,000. Those with populations greater than 30,000 and categorised as 'urban fringe' or 'urban regional' according to the Australian Classification of Local Government Code will receive an additional growth component of \$150,000. All councils with at least 5,000 residents will share in the remaining funds proportionate to their 2008-09 general purpose Financial Assistance Grant.

As part of the application process, councils will be required to submit project application(s) that account for the entirety of their funding allocation. Councils are encouraged to submit a number of prioritised projects, the aggregate value of which may exceed their allocation. Should the Department find that a higher priority project is ineligible, a lower priority yet eligible project may then be substituted in its place.

All project proposals will be appraised by the Department to ensure their consistency with the Guidelines. Following the appraisal of project proposals, the Department will provide councils with a Funding Agreement for execution.

Councils' Funding Agreements may not be available for execution until councils have completed and properly acquitted their projects under the original \$250 million allocated component of the RLCIP.

Once projects are approved and a Funding Agreement has been executed, councils are reminded that they are legally committed to delivering these projects in accordance with the terms of their Funding Agreement.

Councils should exercise particular care when compiling project budgets. Where a council undertakes to deliver a project for an agreed budget and the project exceeds that budget, councils are still required to deliver that project and will need to pay for any funding shortfall.

When submitting an application, councils should exercise extra care and diligence, ensuring they are in a position to deliver their projects within the program's timeframes. Councils should also ensure that project managers are fully aware of the requirement to complete projects and expend all funding by 31 December 2010.

As part of the application process, Councils will be required to provide details of any partnership funding in respect of each of their projects.

4.1 Payments

Requests for additional funding from the Australian Government will not be approved.

Payments will be structured to schedule the release of 100 per cent of funds to councils on execution of the Funding Agreement.

Payment of council allocations will commence early in 2010. Councils should be mindful that the timeliness of payments will be influenced by the quality of their project proposals and their responsiveness when executing Funding Agreements. High quality applications and prompt execution of Funding Agreements will shorten the Department's processing timelines significantly, making a large contribution towards early payment.

Projects must be completed with all funding expended by **31 December 2010**, unless an extension of time has been agreed in writing by the Minister for Infrastructure, Transport, Regional Development and Local Government.

5. PROGRESS REPORTS

Once funding is confirmed the council will be required to actively manage the project.

It is recommended that councils consider appropriate project management arrangements proportionate to the size and nature of the project.

The Department will monitor the project's progress through reports received under the Funding Agreement and may conduct site visits.

By **31 May 2010**, councils will be required to provide a progress report on their projects.

A second progress report will be due by **31 July 2010**.

A third progress report will be due by **31 October 2010**. Councils may also be required to provide progress reports at other times.

By **28 February 2011**, councils will be required to provide a final report on the expenditure of Australian Government funding and demonstrate that they have spent the funding in accordance with the Guidelines.

Irrespective of the requirement to provide progress reports at nominated times, councils are required to provide the Department with immediate notice whenever their ability to deliver approved projects and meet the terms of their Funding Agreement is compromised.

Councils are required to maintain true, accurate and up to date plans and records, tracking and documenting the progress and history of each of their projects.

As part of progress reporting and final reporting activities, the Department may require councils to provide any or all of the following information:

- An itemised budget for each project, including estimates for individual project components at the time of application, and how these estimates compare with the actual costs incurred by the council.
- Receipts for all expenditure in relation to each of the council's project(s).
- A detailed timeline for each project, including but not limited to community consultation, design, planning, construction and fit out activities. The timeline should estimate dates for the completion of milestones and track progress against these targets.
- At the Department's discretion, councils may be required to provide audited financial statements in relation to their project(s).

Updates to the Guidelines will be published on the website as an amendment addendum. It is the responsibility of each Council to keep monitoring the site to stay informed.

Annexure A

Examples of Community Infrastructure

Social and cultural infrastructure

- Town halls
- Community centres
- Libraries
- Local heritage sites
- Museums
- Cultural centres
- Enhancement of main streets & public squares
- Theatre/music/art spaces
- Historic buildings
- Parks and gardens
- Internet kiosk infrastructure
- Kitchens for organisations
- Community market areas
- Resources for cultural facilities
- Public marketplaces and saleyards

Recreation facilities

- Sports grounds and facilities
- Sports stadiums
- Community recreation spaces
- Playgrounds
- Rail trails
- Swimming pools
- Walking tracks and bicycle paths
- Skate Parks
- BMX/Mountain Bike parks/trails
- Surf lifesaving clubs

Tourism infrastructure

- Convention or trade centres
- Memorial halls/walkways
- Tourism information centres
- Community public attractions
- Buildings for exhibits
- Local infrastructure to support or provide access to tourist facilities

Children, youth and seniors facilities

- Playgroup centres
- Youth centres
- Scout/guide halls
- Senior citizens' centres
- Community childcare centres

Access facilities

- Disabled access infrastructure
- Footbridges
- Bus/rail terminal upgrade
- Jetties/wharves/piers/pontoons/bollards
- Foreshore development
- Boat ramps
- Airport infrastructure and terminals

Environmental Initiatives

- Water source and treatment
- Drain and sewerage upgrades
- Water conservation infrastructure
- Waste management and processing infrastructure
- Wastewater infrastructure
- Water recycling plants
- Water catchments
- Recycling plants

NEW KU-RING-GAI SES AND RFS HEADQUARTERS

Ward: Wahroonga

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the status with the design of the new SES and RFS Headquarters and to make a determination on the preferred footprint option.

BACKGROUND:

Following the relocation of the SES headquarters to the old waste building at Council's depot, Council resolved in April 2008 to set up a Working Party to progress the relocation of the SES building.

COMMENTS:

To enable the new Ku-ring-gai SES headquarters to be built on the site of the previous headquarters, building of a new Ku-ring-gai RFS building is required so that both service agencies could co-exist on the same site on stable land.

A number of options were developed and Council staff have provided suitable options for the both parties to consider.

RECOMMENDATION:

That Council advises the SES and RFS that the preferred option for the new Ku-ring-gai Headquarters is Option 9i and that Council's designers be requested to prepare detailed designs for the construction of the new headquarters.

PURPOSE OF REPORT

To advise Council of the status with the design of the new SES and RFS Headquarters and to make a determination on the preferred footprint option.

BACKGROUND

At the far northern end of Golden Jubilee Oval, Wahroonga, are two separate buildings, used by the Ku-ring-gai Volunteer Bush Fire Brigade (KVBFB), and Ku-ring-gai State Emergency Services (SES).

A portion of the land comprising the Golden Jubilee Oval, parking area and building sites is a known landfill area.

The KVBFB building has not undergone any settlement, whereas the SES building had undergone considerable settlement and failure. At Council's meeting on 12 December 2006, it was resolved to approve the temporary relocation of the SES operations, for the safety of SES personnel, based upon advice from structural and geotechnical investigations.

In April 2008, Council resolved to set up a SES Working Party to progress the relocation of the SES to a permanent building. The Working Party consisted of interested Councillors, relevant staff and representatives of the local Ku-ring-gai SES.

Following several meetings and investigation of alternative sites, it was agreed by the Working Party that the preferred location be at the existing site on the Golden Jubilee Reserve area at Wahroonga with the building to be located on stable ground.

In November 2008, Jeffery & Katauskas were commissioned to undertake geophysical and geotechnical investigation in areas to the west and south of the KVBFB building to determine the extent of fill and depth to sandstone. The results of the testing and investigation confirmed that the boundary of the former landfill runs in an approximate north to south alignment between the KVBFB and the SES building.

In March 2009, following a review of the survey and geotechnical results, the SES Working Party concluded that the available site for a new SES HQ was in the area situated west of the KVBFB building. It was also decided that there was an opportunity of reconstructing the KVBFB building to coincide with the new SES HQ building, given economies of reconstruction of both and to optimise usable land area.

The SES Working party also agreed to demolish the former SES HQ building immediately and the ground slab to be retained in-situ. This building was demolished during August and September 2009. It is intended that the KVBFB building would be fully demolished just prior to construction.

COMMENTS

The working party that was established by Council examined a number of location options for the siting of the new SES headquarters. However, the existing location at the rear of Golden Jubilee Reserve was considered to be the preferred option.

Geotechnical and ground penetrating radar investigation was carried out to determine the extent of stable and unstable ground. For the new Ku-ring-gai SES headquarters to be built on the site of the previous headquarters, would result in the building of a new Ku-ring-gai RFS building so that both service agencies could co-exist on the same site on stable land.

The RFS were contacted with regard to their existing building and plans for the future and following discussions with the Regional Manager for the RFS it was proposed by the RFS to fund the construction of a new Category 4 Brigade station on the site.

Given that a new SES and RFS headquarters was to be built on the site, Architects were commissioned to develop conceptual plans showing proposed locations of the building footprint for the SES HQ, their garage and the KVBFB building. A number of options were developed and Council staff have provided suitable options for the both parties to consider.

In order to progress the building of a new headquarters for both the RFS and SES, a determination is required on the best compromise option which will enable both parties to co-exist and work together on the site.

As can be seen in **Attachment 1**, the SES Region Controller for the Sydney Northern Region has provided Council with a position paper on the advantages and disadvantages for the SES requirements for the future and the likely funding assistance that the SES will provide for the new building.

Given the constraints of the site to accommodate both buildings on sound ground, the negotiations have been difficult to find a solution that would satisfy both agencies and the option that is considered to be the best compromise is option 9i as shown in **Attachment 1**.

CONSULTATION

Consultation has taken place with representatives of both the SES and RFS in the development of suitable options for the siting of the new headquarters. Also, representatives from the Bendigo Community Bank at Turramurra have advised Council that they would be willing to contribute to the construction or fit out of the new buildings.

Operations has also consulted with Ericsson Australia, as the property managers of the Telecommunications tower and equipment shelter, to negotiate the relocation of the shelter currently linked by overhead cable trays to the tower. This will enable greater space for the operations of the SES.

FINANCIAL CONSIDERATIONS

The preliminary estimated cost for the construction of the new SES and KVFBF buildings and fit out is \$1.1 million and \$0.65 million but this will need to be further assessed when the detail design is complete. Ericsson has advised the estimated cost to move the Hutchison 3G shelter would be \$41,000.

Council has allocated \$820,000 for the construction of the new SES buildings. SES has indicated financial support for the construction of their new buildings up to \$350,000 depending on the option selected.

RFS will place a bid of \$400,000 for the construction of a new RFS Brigade headquarters to be funded under the 2010/11 Rural Fire Fighting Fund (RFFF) and a further bid, if required, in subsequent financial years. Through the RFFF, Council contributes 11% of the costs under this program. Also, the RFS brigade has indicated that they will contribute \$160,000 of their own funds towards the building.

Bendigo Bank, Turrumurra, has also indicated that they are willing to provide funding for both construction or fit out of the new buildings possibly up to \$100,000 and possibly run a community collection campaign.

Consequently, with all the available funding sources, there should be sufficient funding to provide for the construction of the new headquarters and the fit out of the buildings.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Operations have consulted with Development and Regulations with regard to demolition of the former SES building on requirements for consent conditions, notification or any approvals. Indications are that the buildings can be built under the provisions of the new Infrastructure SEPP.

SUMMARY

To enable the new Ku-ring-gai SES headquarters to be built on the site of the previous headquarters, building of a new Ku-ring-gai RFS building is required so that both service agencies could co-exist on the same site on stable land.

Although prolonged negotiations have taken place, given the constraints of the site to accommodate both buildings on sound ground and satisfy both agencies, option 9i as shown in **Attachment 1** is considered to be the best compromise.

In order to progress the building of a new headquarters for both the RFS and SES, a determination is required on the best compromise option which will enable both parties to co-exist and work together on the site.

Available funding sources in addition to Council from the SES, RFS and Bendigo Bank, indicate there should be sufficient funding to provide for the construction of the new headquarters and the fit out of the buildings.

RECOMMENDATION

That Council advises the SES and RFS that the preferred option for the new Ku-ring-gai Headquarters is Option 9i and that Council's designers be requested to prepare detailed designs for the construction of the new headquarters.

Ian Taylor
Manager Engineering Services

Greg Piconi
Director Operations

Attachments: 1. Letter from SES Regional Controller - 2009/175005
 2. Email from RFS regarding the preferred option - 2009/182450

Sydney Northern Region
Cnr Leonard & Hornsby St
HORNSBY NSW 2077
PO Box 91
HORNSBY NSW 1630
Phone: (02) 9987 3000
Fax: (02) 9987 3030
Email: admin@sydneynorthern.ses.nsw.gov.au



7th October 2009

Mr. Ian Taylor
Manager – Engineering Services
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Cc: Greg Piconi – Director of Technical Services, Ku-ring-gai Council
Dieter Gescke – Acting Deputy Commissioner, NSW State Emergency Service
Andrew Betty – Local Controller, Ku-ring-gai Unit, NSW State Emergency Service

Dear Ian

Re: Proposed Site Plan for Jubilee Oval

Over the last several weeks the NSW SES has participated in discussions with Ku-ring-gai Council in relation to the proposed site plan for the future Ku-ring-gai Local Headquarters to be situated with Ku-ring-gai Rural Fire Brigade next to Jubilee Oval. This letter articulates the current position of NSW SES based on these discussions. With consideration of this letter, the NSW SES now welcomes Council to make a decision in the best interest of the community.

Our current position is based on the following decision-making tenants:

- that service delivery requirements of the Ku-ring-gai Unit of the NSW State Emergency Service will significantly grow over the next 15 – 20 years based on the NSW SES Service Standards of Cover (incorporating risk, legislative requirements and population/demographic forecasts) as documented in the original business case to council;
- that as the authority with the legislated mandate for the management of storm and flood operations in the Ku-ring-gai LGA, the SES requires an LHIQ that provides current and future utility as both the central operational management facility for the Ku-ring-gai Local Government Area and the central administrative office for the management of the unit and its increasing volunteer labour force;
- that the site plan must be in the overall public interest and provide optimal value to the local community, tax payers and council stakeholders; and
- that above all, the site plan must place greatest value on the attainment of public safety outcomes for the community of Ku-ring-gai over subjective interests of the individual agencies housed on the site.



The order of preference for the designs provided to the NSW SES is (in order of preference):

- 1) Option 8 (amended)
- 2) Option 9a (with amendment detailed below)
- 3) Option 9i (both 9i amended and 9i(2)).

The drawings have been attached for your reference.

I am pleased to confirm that the following funding structures are available to Ku-ring-gai Council for the options tabled. The funding available to each option reflects the utility and sustainability to the NSW SES based on the future needs outlined in our business case as well as the overall value to the community of New South Wales.

1) Option 8 Amended (attached)

The NSW SES supports the adoption of an amended Option 8 which accommodates an increased perimeter for the brigade to the back of the SES Garage and LHQ, exclusive of the SES chill-out area. The NSW SES recommends that the fence be removed to open up space on the site.

Option 8 remains the favoured option for the NSW SES as it rates highly in terms of sustainability and operational suitability and carries the lowest likelihood of future SES/Council expenditure for training and other facilities.

Funding available for Option 8

FY10/11 \$150K

FY11/12 \$200K

Total \$350K

Council would need to fund the relocation of the Telstra box out of the above funds should it be required.

2) Option 9A (attached)

NSW SES considers Option 9A highly feasible as per the drawing provided dual access is established from both sides of the SES garage. SES would also accommodate dual access from the brigade station if this was so desired.

Funding available for Option 9A

FY10/11 \$150K

FY11/12 \$50K

FY11/12 SES funding up to \$70K for the removal of the Telstra box only.

Total \$270K

2) Option 9i (amended) and 9i (2) (attached)

The proposed 9i is an amendment from the original drawing. The brigade station has been shifted south and limited access (one roller door) provided through the SES garage to the old slab. This option is viewed as the least desirable of the current options by the NSW SES. Given the proposed limited access to the slab, the SES is willing to partially fund the removal of the Telstra box. Should full access (2 – 3 roller doors through the side of the garage with a tarmac) be granted to the NSW SES, the contribution may be renegotiated. The NSW SES recognises that this would require the establishment of a NSW RFS “chillout area” elsewhere on the site and would work with council to accommodate this.

The NSW SES is indifferent between 9i and 9i (2).

Once again, the NSW SES recommends to council that fenced areas be minimised in order to open up the site.

Funding Available for Option 9i

FY10/11 \$150K

FY11/12 \$35K (negotiable depending on access to slab)

Total \$185K

I would like to take this opportunity to thank yourself and Greg Piconi for your efforts to date in discussions and reaffirm the great value that the NSW SES places on its partnership with Ku-ring-gai Council. I understand that Ku-ring-gai Council would not compromise the operational amenity of either agency in order to indulge whims or secondary requirements and I look forward to a decision by Ku-ring-gai Council based on the present and future needs of the SES/RFS and the provision of public safety value to the community. As always, I'm happy to discuss on the phone or in person and look forward to your call or future correspondence.

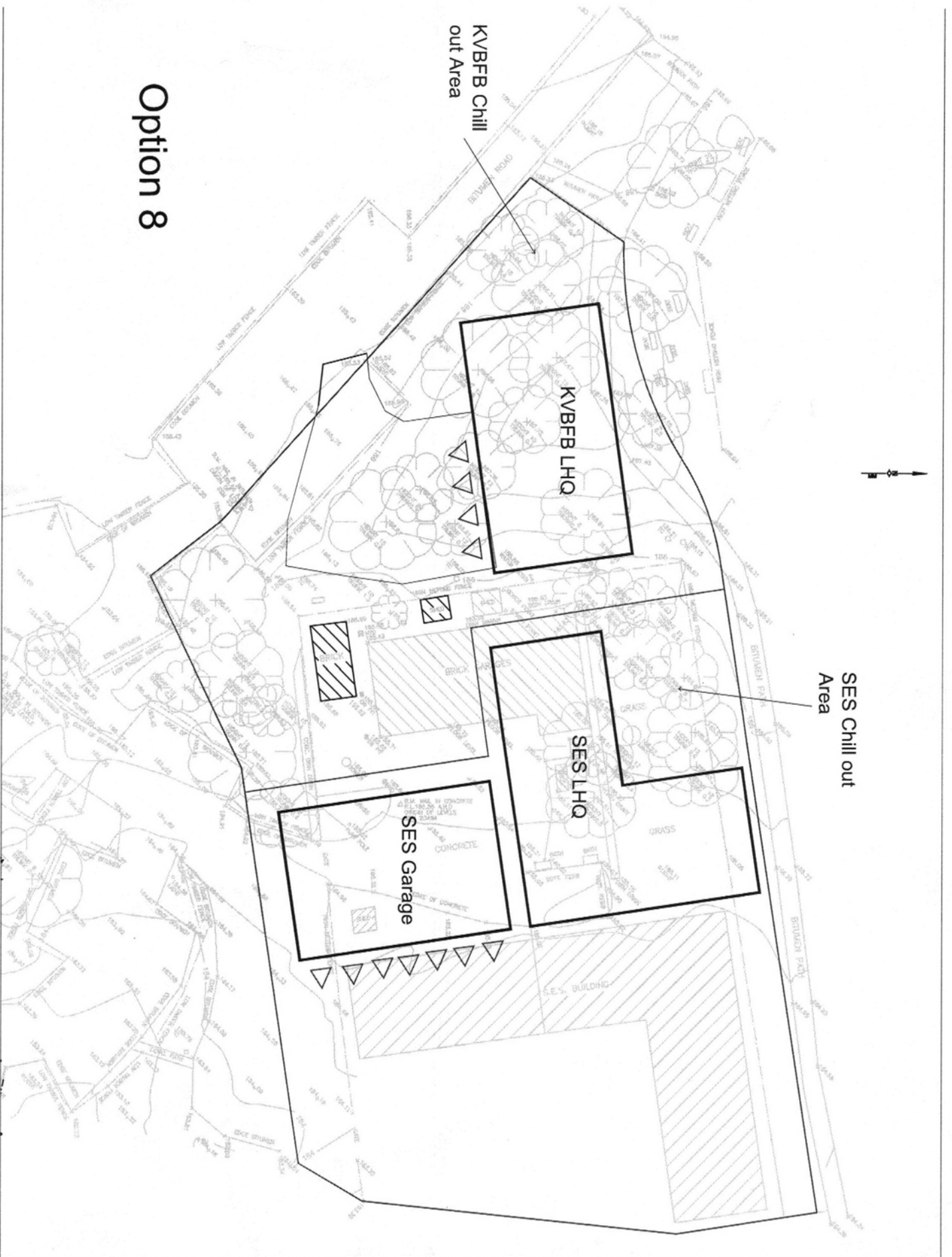
Yours sincerely



Marnie Hillman

Region Controller – Sydney Northern

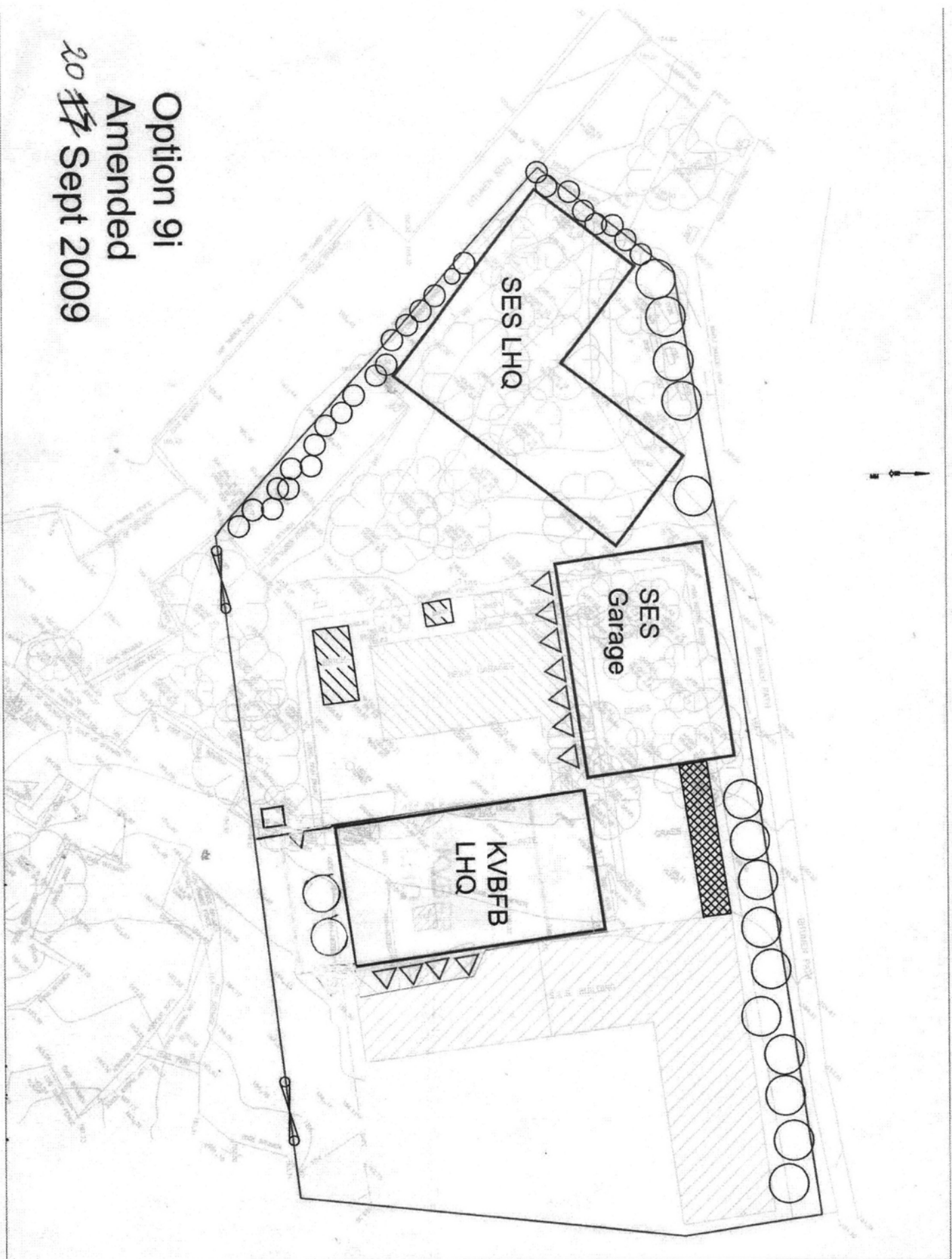
Attachments: Option 8 (amended)
 Option 9a (with amendment detailed below)
 Option 9i (amended) and 9i(2))



Option 8



Option 9a



Option 9i
Amended
20 ~~17~~ Sept 2009



Option 9i (2)
Amended
17 Sept 2009

From: Mark Unsworth
Sent: 19/10/2009 at 10:55 PM
To: Ian Taylor; Chris Hunter; Dave Koorey; Neil Cameron Smith; Ian Hall
Cc: Peter McKechnie; Greg Piconi
Subject: Re: Ku-ring-gai Bushfire Brigade - Approval of Site Plan

Ian,
I can confirm the Brigade can commit up to \$160,000 for the new station.

Regards

Mark Unsworth

Ian Taylor wrote:

> Thanks Mark.
>
> We are now in the process of reporting to council, for a meeting early
> November, with a view to this recommendation. Can you please advise of
> the monetary contribution from KVBFB to the project.
>
> I recall it was approx. \$160,000 and given discussions held with Bendigo
> Community Bank had indicated their funding preference maybe towards the
> fit out which they considered as more tangible.
>
> Regards
>
> Ian
>
> -----Original Message-----
> From: Mark Unsworth [mailto:marku027@bigpond.net.au]
> Sent: Sunday, 11 October 2009 9:43 PM
> To: Ian Taylor; Peter McKechnie; Chris Hunter; Dave Koorey; Neil Cameron
> Smith (Work); Ian Hall; Don Burnett
> Subject: Ku-ring-gai Bushfire Brigade - Approval of Site Plan
>
> Ian,
> I am happy to advise at the Brigade's General Meeting today, the
> Brigade approved the motion put to it by the Building Committee, to
> endorse the new station site plan as shown on Option 9i Amended 20 Sept
> 09.PDF (a copy of which is attached to this email).
> I look forward to now working with you to further refine the
> details of the site plan and to begin working on the details of the
> building itself.
>
> Regards
>
> Mark Unsworth
> Chairman
> KBFB Building Committee
>

=====

> CONFIDENTIAL COMMUNICATION

>
> The information in this email is confidential. It is intended solely for the person to whom
> it is addressed.

>
> IF YOU RECEIVE THIS EMAIL BY MISTAKE

1 HAMPDEN AVENUE, WAHROONGA - RELOCATION OF COUNCIL PIPE & EASEMENT

Ward: Wahroonga

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a request by the applicant of 1 Hampden Avenue, Wahroonga, to relocate a Council stormwater pipeline and easement traversing the property.

BACKGROUND:

On 28 August 2008, Council granted a deferred commencement consent for a dual occupancy development (DA 566/08) subject to conditions in Schedule A.

COMMENTS:

Easement relocation involves reconstructing approximately 35 m of new 750mm diameter pipe. The redundant pipelines of approximately 28 m are to be removed. The existing easement is to be extinguished and a new easement 1.83m wide to be created pursuant to Section 88B of the Conveyancing Act 1919.

RECOMMENDATION:

That the proposal be approved subject to Conditions A to E noted in the recommendation.

PURPOSE OF REPORT

To consider a request by the applicant of 1 Hampden Avenue Wahroonga, to relocate a Council stormwater pipeline and easement traversing the property.

BACKGROUND

A deferred commencement consent was granted by Council on 28 August 2008 for DA 566/08 comprising demolition of an existing dwelling and construction of a detached dual occupancy development. Granting the development was subject to standard conditions relating to stormwater covered under Schedule "A".

Schedule "A" required the applicant to obtain a resolution from Council to give consent for the relocation for the existing Council easement for drainage and underground pipe. Council's approval is to be obtained prior to the operation of the consent.

The applicant has submitted an Overland Flow Conveyance Report and concept stormwater drainage plans prepared by ACOR Appleyard (refer Job No. 382986, Issue 1, dated 5/2008), which includes the drainage layout plan and details of the proposed stormwater system (**Attachment B**).

Council's Landscape Development Officer has assessed the potential impacts on surrounding trees and is in support of the drainage easement relocation.

Previous approval has been granted by Council on 28/7/2007 to relocate a downstream portion of this subject Council easement on 126A Burns Road Wahroonga (DA 370/07).

COMMENTS

Current Situation

The existing drainage easement 1.83m wide within the subject property is shown in **Attachment A**. The easement traverses the property in a diagonal direction.

Proposal

The applicant proposes to relocate the section of the easement approximately 28m in length which traverses the property in a diagonal direction. The new proposed easement would traverse along the northern and eastern boundaries as shown on **Attachment B**.

The width of the easement will be maintained at 1.83m and a new 750mm diameter pipeline approximately 35 m in length would be reconstructed within the new easement. The existing 525mm diameter pipe would become redundant and be removed.

Extinguishment and creation of a new easement to drain water

The site is burdened by an existing drainage easement, covered under a legal document LD 4097 as shown in **Attachment A**.

Item 12

DA 566/08
6 October 2009

Of mutual benefit to Council and the applicant, is a requirement to extinguish the existing easement and create a new 1.83m wide pursuant to Section 88B of the Conveyancing Act 1919.

Assessment of proposed stormwater drainage

Based on the submitted plans by ACOR Appleyard (refer Job No. 382986, Issue 1, dated 5/2008) and the hydraulic consultants report, the proposed alteration to the existing stormwater system is considered satisfactory.

Council's Landscape Development Officer has assessed the potential impacts on surrounding trees and is in support of the drainage easement relocation.

CONSULTATION

Consultation has been held with the applicants consulting hydraulic engineer (Mr. Bruce Kenny).

FINANCIAL CONSIDERATIONS

There is no community benefit in granting approval to alter the terms of the easement, therefore legal, survey and administrative costs should be borne by the applicant.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been carried out with Council's Drainage Asset Engineer and Landscape Development Officer.

SUMMARY

A deferred commencement consent was granted by Council on 28 August 2008 for DA 566/08 to the applicants of 1 Hampden Ave Wahroonga. The application is for the demolition of the existing dwelling and construction of a detached dual occupancy, with a pre-commencement condition in relation to the drainage easement. Prior to the operation of the consent, the applicant is to obtain a resolution from Council to give consent for the relocation of the existing Council easement for drainage and underground piping.

The proposed concept stormwater drainage plans ACOR Appleyard (refer Job No. 382986, Issue 1, dated 5/2008) and associated hydraulic studies are considered satisfactory.

RECOMMENDATION

- A. That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement 1.83m wide over the new pipeline.

Item 12

**DA 566/08
6 October 2009**

- B. That authority be given to affix the Common Seal of the Council to the appropriate instrument for the extinguishment, amendment, alteration or creation of the drainage easement as necessary.
- C. That all costs associated with the extinguishment, amendment, alteration or creation of the drainage easement be borne by the applicant.
- D. That all landscape consent conditions imposed on DA 566/08, including but not limited to, cutting of tree roots, treatment of tree roots, canopy/root pruning and hand excavation requirements be fully complied with under the supervision of a suitably qualified and experienced arborist/horticulturist.
- E. That Council approves the proposal to modify the stormwater pipelines in accordance with the submitted concept drainage plans by ACOR Appleyard (refer Job No. 382986, Issue 1, dated 5/2008) and subject to the following conditions:
 - 1. The applicant carry out all drainage works in accordance with the plans and specification approved by Council and at no cost to Council.
 - 2. The applicant carry out all drainage works in accordance with Council's standard conditions of construction.
 - 3. The works are subject to inspections. The applicant or their engineer is to give Council at least 24 hours notice (to allow inspection) at the following stages:
 - i. After completion of excavation and prior to pipe laying commencing.
 - ii. After completion of pipe laying prior to backfilling.
 - iii. On completion of pipeline installation.

Kathy Hawken	Greg Piconi
Team Leader – Engineering Assessment Unit	Director Operations

Attachments: **A. Location Plan - 2009/153239**
 B. Relocation Plan - 2009/153475



NORTH

Scale:1:2000

DATE:09-09-2009

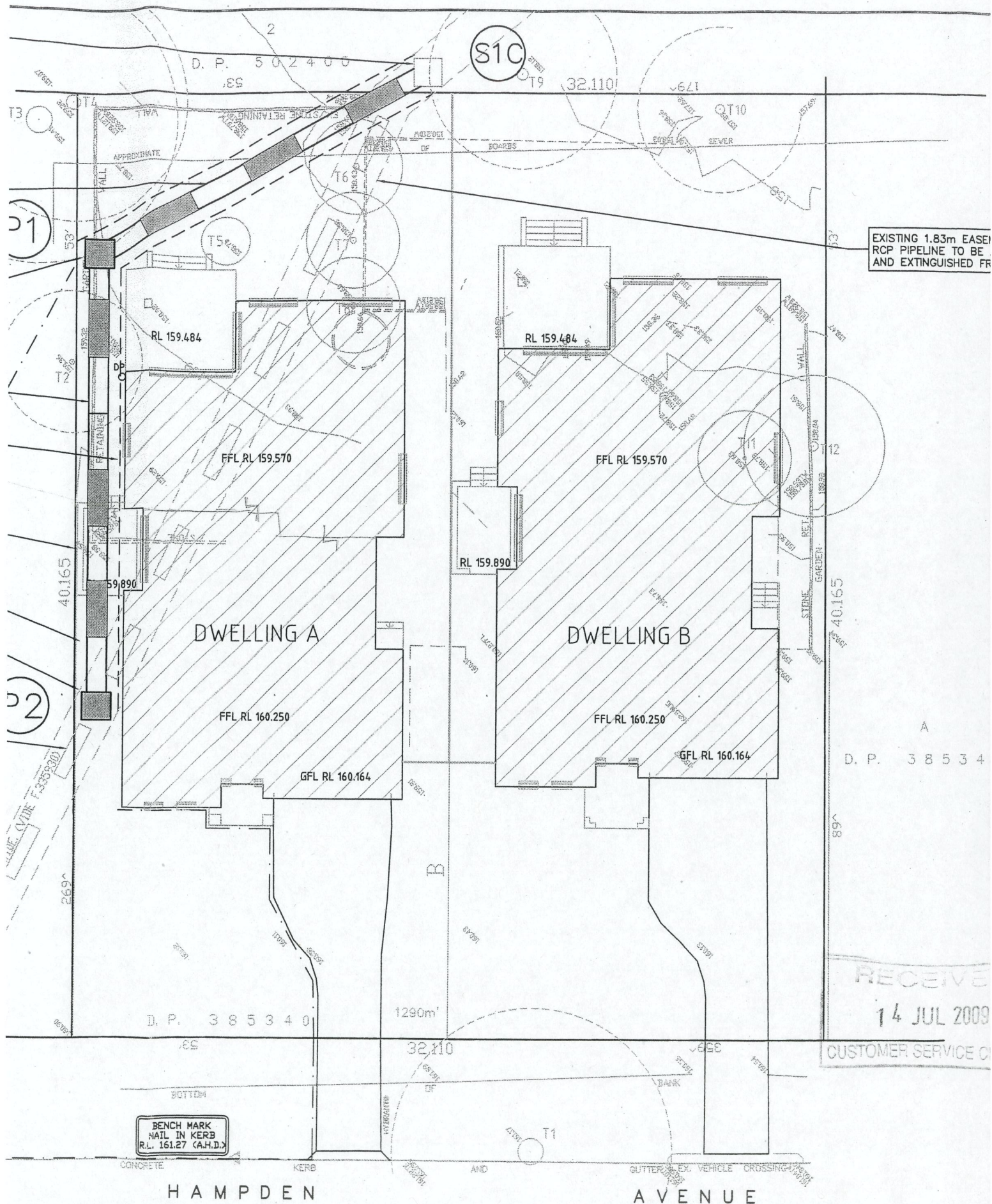
Development Constraints

- | | | | |
|--|---------------|--|--------------------------|
| | SUBJECT LAND | | DEVELOPMENT CONTROL PLAN |
| | HERITAGE ITEM | | CONTAMINATION CONDITION |

1 Hampden Avenue, WAHROONGA

**Ku-ring-gai
Council**





NOTICE OF MOTION

TULKIYAN PLAN OF MANAGEMENT

**Notice of Motion from Councillor Elise Keays and Councillor Cheryl Szatow
dated 21 October 2009**

We move:

"That the General Manager undertakes an investigation of the budgetary and auxiliary requirements for the operation of Tulkiyan in order for it to be a showcase for heritage in Ku-ring-gai as its only Museum. Following these results, the General Manager is to undertake in a timely manner, the new Plan of Management for Tulkiyan.

The current Plan of Management (2001) does not address the issues listed in a to g and we believe for Tulkiyan to contribute significantly to the heritage landscape of Ku-ring-gai, it needs a more professional approach to its management.

These investigations and a new plan of management will assist the wonderful volunteers who currently work so hard to keep Tulkiyan a working museum.

- A. Assessment of Budgetary and auxiliary requirements for
 - 1. Marketing.
 - 2. Staffing – especially a Permanent Part Time Person to assist The Friends in the overall running of the Museum.
 - 3. Exploration of Grants.
 - 4. Event management.
 - 5. Incorporation of "The Friends of Tulkiyan".
 - 6. Expanding the volunteer base of "The Friends".
 - 7. A new committee structure.
- B. Clear Guidelines as to what events are allowed in Museums of this type
- C. New Plan of Management."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elise Keays
Councillor for Gordon Ward

Cheryl Szatow
Councillor for Gordon Ward

Attachments: Background Information under separate cover:
Tulkiyan Plan of Management, adopted 6 February 2001 - 865172

KU-RING-GAI MUNICIPAL COUNCIL

PLAN OF MANAGEMENT

**TULKIYAN
707 PACIFIC HIGHWAY, GORDON**



ADOPTED 6 FEBRUARY 2001

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SECTION 1

INTRODUCTION

INTRODUCTION

This Plan of Management has been prepared in accordance with the requirements of the Local Government Act 1993 (as amended). It covers the property known as Tulkiyan and its curtilage. The area covered by this Plan is shown in Figure 1.

Tulkiyan is located at 707 Pacific Highway, Gordon, Lot 3, Section 1, DP 3267 and is owned by Ku-ring-gai Municipal Council. 'Tulkiyan' is zoned Residential 2(d) and is listed as an item of Environmental Heritage in Schedule 7 - Heritage Items - in the Ku-ring-gai Planning Scheme Ordinance.

This Plan of Management provides a strategic framework for the future management of Tulkiyan. Specific details about how works or actions are to be performed or achieved are not included. This approach allows innovation and flexibility in the implementation of the Plan.

The Plan closely follows the objectives and recommendations of the Conservation Management Plan prepared by Noel Bell Ridley Smith & Partners, June 1998.

1.2 PLAN OBJECTIVES

This Plan of Management has been developed to meet the following aims:

- To meet Council's obligations in respect to Public Land Management under the requirements of the Local Government Act 1993.
- To maximise opportunities for appropriate management and use of Tulkiyan.
- To provide a framework for the sustainable management of Tulkiyan.
- To enable Council to enter into contracts, leases, licences, hire or occupancy agreements which relate to appropriate development, maintenance or use of Tulkiyan and its curtilage.
- To meet the objectives of Council's Corporate Strategic Plan.

In accordance with the requirements of the Local Government Act 1993 the following core objectives (as specified in the Act) for land categorised as "General Community Use" and "Area of Cultural Significance" are also applicable and form part of the aims of the Plan of Management.

6JE Core objectives for management of community land categorised as an area of cultural significance.

- (1) *The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present and future generations by the active use of conservation methods.*
- (2) *Those conservation methods may include any or all of the following methods:*
 - (a) *The continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,*
 - (b) *The restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by resembling existing components without the introduction of new material.*
 - (c) *The reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state.*
 - (d) *The adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no change to the cultural significance of the physical material of the area, changes that are substantially reversible or changes that require a minimum impact).*
 - (e) *The preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.*

6JF Core objectives for management of community land categorised as general community use.

The core objective for management of community land categorised as general use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) *in relation to public recreational and the physical, cultural, social and intellectual welfare or development of individual members of the public and;*
- (b) *in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

1.3 BRIEF HISTORY

Tulkiyan was built in 1913. It was the third house on the Mackintosh estate, which was subdivided in 1895, five years after the coming of the railway. Its land title is Lot 3, Section 1, DP 3267, a rectangular block of – .452 of an acre (1830m²), with a frontage of 100 feet (30.48m) to the Pacific Highway and a depth of 197 (60.243m) feet approximately.

'Tulkiyan' was erected as the family home of Mr William Donaldson and designed by B.J. Waterhouse of the architectural firm of Waterhouse and Lake. It is a two storey brick house, with stylistic influences from the British Arts and Crafts and Freestyle architectural movements of the late Victorian and Edwardian periods. It was the home of the Donaldson family from its construction until Miss Margaret Donaldson's death in 1993.

The house and grounds have been well cared for throughout their life, with very few changes compared with places of similar age, and the house retains its furniture and contents.

The adjoining properties on the Pacific Highway are three storey multi-unit developments.

Brief Chronology Relating to Ownership

- | | |
|------|---|
| 1913 | Land transferred to Mary Donaldson, house constructed. Donaldson family -William and Mary and three children, Margaret Helen Scott Donaldson, then ten years old (born 1903) and her older brother and sister, William Scott and Mary Isabella (Maisie). Sarah Peters, who was engaged by the family at the time of Margaret's birth, also lived in the house as a maid / factotum. |
| 1915 | Property mortgaged to Permanent Trustee. |
| 1927 | Mortgage discharged Trustee Company of NSW |
| 1950 | Following the death of Mary Donaldson (William having died earlier) property transferred to the three children, none of whom had married. |
| 1972 | William Scott Donaldson dies. |
| 1973 | Mary Isabella Donaldson dies. |
| 1975 | Margaret Helen Scott Donaldson became the registered proprietor of the property. |
| 1985 | By Deed of Trust, property transferred to Ku-ring-gai Council. |

The Deed of Trust provides that:

the donee covenants and agrees that it shall upon the death of the donor or upon her sooner vacating the property permanently, use the property for a purpose which in the discretion of the donee shall be in the best interests of the residents of the Ku-ring-gai Municipality as a worthwhile community enterprise.

1994 Death of Margaret Donaldson.

At the time of exhibition of the Draft Plan, Tulkiyan is unoccupied but is occasionally opened for inspection

1.4 OUTLINE OF THE DOCUMENT STRUCTURE

The Plan of Management comprises of three (3) major sections;

- a. Basis for Management (Chapter 2)
- b. Performance Targets(Chapter 3)
- c. Strategy Plan and Monitoring Program (Chapters 4 and 5).

The **Basis for Management** is the driving force of the plan which will guide management for Tulkiyan over the next fifteen (15) years or so. The basis for management incorporates the protection of the heritage identity of Tulkiyan and its role in the community as well as Council's need to find a viable use which will secure the conservation and revitalisation of the building and its immediate curtilage.

The Performance Targets have been developed in response to identified key issues which will affect the management of Tulkiyan as identified through the Conservation Management Plan, the Discussion Paper and consultation with the community and relevant staff.

The **Strategy Plan and Monitoring Program** defines and timetables the strategies which will be implemented to achieve the • Performance Targets of this Plan.

1.5 CATEGORISATION

Under division 2, Section 36, Clause 4 of the Local Government Act 1993 Plans of Management for Community Land must categorise the land covered by this Plan. The Act provides the following choices for categorisation;

- A sports ground
- A park
- General community use
- An area of Cultural Significance
- Natural Area

For the purposes of Section 36, Clause 4 this Plan of Management categorises Tulkiyan as an area of Cultural Significance and General Community Use.

1.6 DESCRIPTION OF THE LAND

The Local Government Act 1993 as amended requires that Plans of Management for a specific area include a description of the condition of the land and any buildings or improvements on the land.

“Tulkiyan is a substantial two storey brick residence (Figure 2) located on the north eastern side of the Pacific Highway at Gordon NSW, dating from 1913. The house is designed in the Federation Arts and Crafts Style by B.J. Waterhouse. It is a heritage property complete with original furniture and contents.

Tulkiyan is a face brick building with a steeply pitched terra cotta shingled roof and tall chimneys finished with gabled shingled caps. The roof gables are either hung with terra cotta shingles or half timbered with bracketed eaves. The main entry is on the northern side of the house via a covered porch which opens under the staircase.

The ground floor includes a stair hall, morning room, living room, dining room, kitchen, pantries and maids room, while the first floor contains the four bedrooms, a bathroom and lavatory. A wide verandah on the eastern side of the house opens off the dining room and overlooks the side garden and former tennis court lawn. Each of the four bedrooms on the first floor has ‘built-in’ cupboards and opens onto a separate balcony.

The front fence of brick and timber is designed to complement the house. The original timber entry gate is located below a brick arch with a terra cotta shingled hood detail similar to that on the chimneys. A matching pair of timber vehicular gates at the driveway entry is engraved with the name, ‘Tulkiyan’ an aboriginal word meaning happy memories. The driveway is located at the south western corner of the site. The original layout of the front garden and pea gravel driveway remain together with remnants of the original garden and early plantings around the house.”

(Source: Tulkiyan – Conservation Management Plan, June 1998)

The curtilage surrounding the building is identified in Figure 1 and includes the gardens and former tennis court.

1.7 USE OF THE LAND – CURRENT AND PERMITTED

The property covered by this Plan of Management is currently unoccupied and is not used for any designated activity.

In March 1999 Council resolved to place on public exhibition a Discussion Paper which provided for a range of future management options for Tulkiyan. As a result of this community consultation process this Plan of Management permits the following uses:

- ❖ House museum *
- ❖ Partial house museum*
- ❖ Residential caretaker lease with contents *
- ❖ Community venue/events*
- ❖ Joint venture *
- ❖ Recreation/Leisure activities

The following criteria apply to any proposed use of Tulkiyan:

- Contents house and curtilage are maintained as a unit in relation to any proposed use.
- Any proposed use shall provide for community access for at least limited period (eg. Heritage Week).
- Recognition of the cultural asset value of Tulkiyan to Council and the community.

* The Ku-ring-gai Planning Scheme Ordinance includes a heritage incentives clause which allows a heritage listing building or listed land to be used for any purpose with consent. This means that even uses normally prohibited by a zoning can take place, if the conservation of the building or structure depends on that use and if there is no adverse amenity effect.

The clause reads:

Conservation incentives relating to heritage items

(Clause 61H added by Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 1 vide Government Gazette No 99 of 6 October 1989)

61H (1) Nothing in this Ordinance prevents the Council from granting consent to -

- (a) the use, for any purpose, of a building that is a heritage item or the land on which the building is erected; or*
- (b) the use, for any purpose, of a building, within a conservation area or the land on which the building is erected,*

if it is satisfied that -

- (c) the proposed use would have little or no adverse effect on the amenity of the area; and*
- (d) conservation of the building depends on the Council granting consent under this clause.*

1.8 FUTURE DEVELOPMENT OF THE LAND

Any future development of the site must be in accordance with the management objectives of this Plan and the recommendations listed in the Conservation Management Plan prepared by Noel Bell Ridley Smith & Partners (1998).

1.9 SCALE AND INTENSITY OF PERMITTED USES

USE	SCALE & INTENSITY
House museum	To be consistent with the principles and recommendations of the Tulkiyan Conservation Management Plan, prepared by Noel Bell Ridley Smith & Partners, June 1998 and aims and objectives of this Plan
Partial house museum	To be consistent with the principles and recommendations of the Tulkiyan Conservation Management Plan, prepared by Noel Bell Ridley Smith & Partners, June 1998 and aims and objectives of this Plan
residential/caretaker lease with contents	To be consistent with the principles and recommendations of the Tulkiyan Conservation Management Plan, prepared by Noel Bell Ridley Smith & Partners, June 1998 and aims of this Plan.
Community venue Events	To be consistent with the principles and recommendations of the Tulkiyan Conservation Management Plan, prepared by Noel Bell Ridley Smith & Partners, June 1998 and aims of this Plan.
Recreation/Leisure Activities	To be consistent with the principles and recommendations of the Tulkiyan Conservation Management Plan, prepared by Noel Bell Ridley Smith & Partners, June 1998 and aims and objectives of this Plan

SECTION 2

BASIS FOR MANAGEMENT

2.1 INTRODUCTION

The **Basis for Management** is the driving force of the Plan which will guide management of Tulkiyan over the next ten (10) to fifteen (15) years.

2.2 LOCAL AND REGIONAL CONTEXT

Tulkiyan is significant within a local and regional context for the following reasons:

- ❖ The house and garden, contents and social history of its occupation combine to form an ensemble of individually significant parts which together create a unique and even more significant whole.
- ❖ The style and materials of the house, its well known architect B.J. Waterhouse, the common use provenance of the furniture, chattels and documents, and the original and uninterrupted occupation and use by one family form the historical and cultural entity which is Tulkiyan today.
- ❖ It is one of only a few houses of such historical integrity and fabric quality retained in the metropolitan area and one of the few which has community ownership.
- ❖ Tulkiyan is listed in the Register of the National Estate which is established under the Australian Heritage Commission Act, the Register of the National Trust of NSW and in Schedule 7 – Heritage Items of the Ku-ring-gai Planning Scheme Ordinance.
- ❖ The common reasons used for listing Tulkiyan in all the registers is that; urban houses with contents and domestic records from their first occupation are rare; it is an outstanding example of the Arts and Crafts Style both in the house and many of the contents; it has been in continual occupation by one family throughout its history and has had very little alteration to either the building fabric or the contents.

2.3 VALUES AND ISSUES

The following values of the site and issues relating to its management have been identified:

TULKIYAN	
VALUES	MANAGEMENT ISSUES
Heritage/Cultural Significance	<ul style="list-style-type: none"> ◆ Effective and appropriate heritage significance management and interpretation within financial constraints. ◆ Uses to be compatible and consistent with the principles and recommendations of the Conservation Management Plan and this Plan.
Community Asset	<ul style="list-style-type: none"> ◆ Community ownership of item of high heritage and cultural significance. ◆ Asset Management for potential uses, including repairs and maintenance. ◆ Full recording and curation of contents in situ (ie that the contents remain in the house generally arranged in the spaces and locations that they were originally placed by the owners)
Appropriate Uses/ Risk Management	<ul style="list-style-type: none"> ◆ Risk management including addressing upgrade of building for any future use, building requires expenditure for upgrade – need for improved facilities, impact on adjoining land uses. ◆ Traffic and parking ◆ Access and egress - ange, scale and intensity of appropriate access to be identified within conservation and financial constraints. ◆ Health and safety requirements ◆ Licences/leases ◆ Curation of the building ◆ Contents and materials conservation on site
Landscape	<ul style="list-style-type: none"> ◆ Provides contribution to landscape character of locality and effective boundary screening.

2.4 LEASES/LICENCES

The grant of a lease, licence, or other estate in respect of so much of the land to which this land applies, as comprises Tulkiyan and Curtilage as defined in figure 1 is hereby expressly authorised:

- (a) for any purpose for which the land was being used at the date this plan was adopted (or, for any purpose referred to a Clause 1.7 of this Plan); or
- (b) for any other purpose prescribed by Section 46 of the Local Government Act, 1993, or the Regulation made there under.

The granting of leases licenses and other estates must be consistent with the core objectives of the land's categorisation by this Plan of Management (General Community Use and Area of Cultural Significance) as referred to in Section 1.2 of this Plan.

2.5 LEASES/LICENCES/OTHER ESTATES PROHIBITED BY THE PLAN

The Plan of Management prohibits leases, licences and other estates being granted at Tulkiyan for the following:

- Activities prohibited by the zoning of the land unless otherwise enabled through the operation of 6IH(1) of the Ku-ring-gai Planning Scheme Ordinance. (Refer to section 1.7)
- Activities which are inconsistent with the objectives or performance targets of this Plan
- Activities inconsistent with the principles and recommendations of the Conservation Management Plan.

2.6 ROLE

The role of this plan is to facilitate in providing a viable use of the land which produces a positive contribution to the local environment and maintains the historical, social and cultural significance of the site.

2.7 VISION

To manage and interpret the heritage value of Tulkiyan and to facilitate its use for worthwhile community enterprises.

2.8 MANAGEMENT COMMITTEE

Council recognises the value of ongoing Community and user input into management of Community Lands as a key to successfully managing these areas. A number of

advisory committees are already in existence and provide ongoing advice to Council on Management of a wide spectrum of Community Lands across Ku-ring-gai.

A Management Committee will be established to assist Council with on-going management of Tulkiyan.

The overall role of the committee will be:

- Provide advice to Council on Policy, Planning and Management issues relating to Tulkiyan and
- Annually review implementation of this Plan and report to Council

The committee shall comprise a mix of Community Representatives, users, Local Historical Society, relevant specialist (eg historians, architects) and interested Councillors and relevant staff.

The Charter and Terms of Reference will be as adopted by the Council of the day.

SECTION 3

PERFORMANCE TARGETS

3.1 INTRODUCTION

These Performance Targets have been developed in response to issues identified as being important in terms of either the values identified for Tulkiyan or in relation to issues effecting it's management.

3.2 HERITAGE/CULTURAL SIGNIFICANCE

Issues

Any future use of Tulkiyan must not decrease the heritage significance of the building and its contents. Any future use of Tulkiyan should include appropriate opportunities for the public interpretation of the building and its contents

Performance Targets

To retain, promote and interpret the heritage value of Tulkiyan.

3.3 COMPATIBLE USES

Issues

Council requires any use for Tulkiyan to be compatible with the – objectives and performance targets of this Plan and the principles and recommendations of the Conservation Management Plan. It is desirable that any future use – take into consideration sources of funding for the maintenance costs of the building and surrounds.

Performance Targets

To find a compatible use for Tulkiyan which is consistent the Performance Targets and objectives in this Plan and the principles and recommendations of the Conservation Management Plan.

3.4 COMMUNITY ASSET

Issues

Tulkiyan is a community asset of high heritage and cultural significance. An asset management plan is required for the management and interpretation (including curation) of Tulkiyan. It should include • plans for repairs, maintenance and full recording and curation of the contents consistent with the principles and recommendations of the Conservation Management Plan.

Performance Targets

Provide effective asset management for Tulkiyan consistent with the principles and recommendations of the Conservation Management Plan and permitted uses.

Ensure that the contents of Tulkiyan are fully recorded and curated in a manner that is consistent with the principles and recommendations of the Conservation Management Plan and permitted uses.

3.5 APPROPRIATE USES/ RISK MANAGEMENT

Issues

Safety and risk management issues are inter-related as the objectives and strategies to effectively deal with both issues are complementary. Both issues primarily relate to providing a safe environment, •, for the permitted uses of Tulkiyan.

Essentially, positive management of these issues relates to:

- Identification of user needs in terms of building access and egress, traffic, parking, health and safety.
- Appropriate design and construction techniques if upgrading is required.
- Identification of possible risks and development of plans to minimise these risks, particularly those associated with contents and materials conservation.
- A fully documented inspection and maintenance cycle appropriate to the permitted uses.
- A fully costed depreciation schedule based on major repairs / replacement to the built structure over the projected life of the building.

Performance Targets

To minimise the risks associated with the usage of Tulkiyan.

To provide a safe environment for the permitted uses and subsequent users of Tulkiyan.

To monitor the effect of the permitted uses on the fabric of the building to ensure that the uses are consistent with the principles and recommendations of the Conservation Management Plan.

To ensure that the range, scale and intensity of permitted uses are consistent with the principles and recommendations of the Conservation Management Plan.

3.6 REPAIR AND MAINTENANCE

Issues

Maintenance falls into three (3) broad categories – maintenance of the gardens and curtilage, building / infrastructure maintenance and long term major repairs / replacement to the building -. All works are currently carried out by the Operations Group of Council.

The maintenance of the grounds is carried out on a quarterly basis. The service level is regarded as very basic.

The Council shall set up and manage a Tulkiyan Trust Fund to which the Lessee will contribute an annual fee equal to the estimated true depreciation rate on the Tulkiyan Estate.

The service providers may change over time.

Responsibility for the maintenance of the building and gardens including setting aside future funds for future major repairs may become the responsibility of the proposed lessee and shall be maintained in accordance with this Plan and the Conservation Management Plan.

Performance Targets

To provide agreed levels of service in a competent and cost-effective manner for the maintenance of Tulkiyan that are consistent with this Plan and the Conservation Management Plan.

3.7 TRAFFIC/PARKING

Issues

Traffic and parking is not currently an issue for Tulkiyan. Future uses permitted by this Plan have the potential to generate an increase in local traffic. This in turn may have an impact on the amenity of local residents. However, as Tulkiyan is located on the Pacific Highway, this impact should be minimal.

Tulkiyan is located in close proximity to the Gordon Shopping Centre and associated public parking.

Performance Target

To minimise any adverse impacts which may be caused by potential increases in traffic and parking generated from the future use of Tulkiyan.

3.8 ACCESS

Issues

Access to this site is an issue in the following respects:

- pedestrian access
- vehicular access
- disabled access, especially to the 2nd floor
- access for minority or ethnic groups
- signage
- community access to interpretive material regarding the significance of Tulkiyan
- Provision of access that does not unduly compromise heritage values.

The *Disability Discrimination Act 1992* and *Anti Discrimination Act 1977* makes it law for public places, such as this site, to be accessible to persons with disabilities. In response, Council's Access Policy provides the following relevant objectives and strategies:

Objective 3 – Provide Access to Public and Recreational Facilities

- 3.1 *Seek a commitment from public authorities to systematically audit property so that access meets the intent of the Local Approvals Policy or AS1428 – 1988 whichever is the better.*
- 3.2 *make all appropriate authorities aware of Council's Access Committee and its Policy requirements.*
- 3.3 *Ensure all new Council recreational facilities (eg. Parks, walking tracks etc.) access meets the intent of the Local Approvals Policy or AS1428 – 1988 whichever is the better.*
- 3.4 *Ensure all existing Council recreational facilities (eg. Parks, walking tracks etc.) are systematically audited so that access meets the intent of the Local Approvals Policy or AS1428 – 1988 whichever is the better.*

Performance Targets

To maximise access to Tulkiyan within the constraints of approved uses in a manner that is compatible with the retention of its heritage significance.

3.9 IMPACT ON ADJOINING LANDUSES

Issues

Tulkiyan is surrounded by residential flat buildings. Future uses may have an impact on adjoining landuses with regard to issues such as noise, over looking and privacy.

Performance Targets

To minimise any adverse impacts caused by future usage of Tulkiyan on adjoining landuses.

3.10 LANDSCAPE**Issue**

The landscape character of Tulkiyan contributes to the locality and provides effective boundary screening. The grounds are currently only maintained to a very basic service level and a consequence of this has been the establishment of self sown trees which have obscured key viewlines.

Performance Targets

To minimise any adverse impacts caused by the future use of Tulkiyan on the landscape character.

To ensure that an appropriate service level is provided for the maintenance of the gardens and that this is consistent with the future permitted uses of Tulkiyan.

SECTION 4 STRATEGY PLAN

4.1 INTRODUCTION

This Section outlines the strategies that will be implemented as the means of achieving Council's performance targets and objectives of this Plan in respect to Tulkiyan.

The priority assigned to each strategy gives an indication of Council's intended timing to implement the strategies as follows:

High – within 12 months.

Medium – within 3 years.

Low – within 5 years.

Ongoing – throughout time whilst the plan of management is in force.

ISSUE	PERFORMANCE TARGETS	STRATEGY	PRIORITY
4.2 Heritage/Cultural Significance	To retain, promote and interpret the heritage value of Tulkiyan within financial constraints.	Activities and uses must be consistent with the principles and recommendations of the Conservation Management Plan.	ONGOING
4.3 Compatible Uses	To find a compatible use for Tulkiyan which is consistent with the management guidelines and objectives in this Plan and the principles and recommendations of the Conservation Management Plan.	Prepare and implement an interpretative/curation/ maintenance plan for Tulkiyan.	HIGH AND ONGOING
		Investigate and identify compatible uses for Tulkiyan consistent with this Plan of Management.	HIGH AND ONGOING
		Compatible uses must enable the contents to remain, in situ with the house. Consult with local community during the process of determining preferred use(s). Should any signage be required externally or internally it should be designed to take into consideration the fabric of the building and it should complement the architectural character of the building. Fixtures should not damage the building fabric.	ONGOING HIGH AND ONGOING

4.4 Community Asset	<p>Provide effective asset management for Tulkiyan consistent with the principles and recommendations of the Conservation Management Plan and permitted uses.</p> <p>Ensure that the contents of Tulkiyan are fully recorded and curated in a manner that is consistent with the principles and recommendations of the Conservation Management Plan.</p>	<p>Develop and implement an asset management plan for Tulkiyan.</p> <p>Undertake inventory of the contents by a suitably qualified High Conservator,</p> <p>Develop a management strategy for the recording and curation of the contents.</p> <p>Implement a strategy that would allow removal and storage of contents for specific events and display at Tulkiyan</p> <p>Ensure any future leases/licences meet the requirements of the asset management plan.</p>	<p>HIGH AND ONGOING</p> <p>HIGH</p> <p>HIGH</p> <p>HIGH AND ONGOING</p> <p>HIGH AND ONGOING</p>
4.5 Appropriate Uses/ Risk Management	<p>To minimise the risks associated with the usage of Tulkiyan.</p> <p>To provide a safe environment for the permitted uses and subsequent users of Tulkiyan.</p> <p>To monitor the effect of the permitted uses on the fabric of the building to ensure that the uses are consistent with the principles</p>	<p>Audit the property to identify the range and magnitude of potential risks.</p> <p>Formulate and implement a risk management plan for Tulkiyan.</p> <p>Provide to agreed service levels a system that monitors the effect of the permitted uses on the fabric of the</p>	<p>HIGH</p> <p>HIGH AND ONGOING</p> <p>HIGH AND ONGOING</p>

	and recommendations of the Conservation Management Plan. To ensure that the range, scale and intensity of permitted uses are consistent with the principles and recommendations of the Conservation Management Plan.	building. Ensure any future leases/licences meet agreed service levels for monitoring of the building fabric and the requirements of the risk management plan.	HIGH AND ONGOING
4.6 Repair and Maintenance	To provide agreed levels of service in a competent and cost-effective manner for the maintenance of Tulkiyan that are consistent with this Plan and the asset management plan and /or risk management plan.	Develop and implement an asset management and risk management plan for Tulkiyan that is consistent with the principles and recommendations of the Conservation Management Plan and permitted uses. Identify agreed levels of maintenance and prepare a Maintenance Plan for Tulkiyan.	HIGH AND ONGOING HIGH
4.7 Traffic/Parking	To minimise any adverse impacts which may be caused by potential increases in traffic and parking generated from the future use of Tulkiyan.	Implement the maintenance plan in a cost effective and competitive manner. Restrict and/or control activities on the site to minimise adverse impacts on adjoining landuses.	ONGOING ONGOING

4.8 Access	To maximise access to Tulkiyan within constraints of approved uses in a manner that is compatible with the retention of its heritage significance.	Identify constraints and opportunities to maximise access. Develop and implement an Access Action Plan in accordance with council's Access Policy and consistent with the principles and recommendations of the Conservation Management Plan to maximise access to and within Tulkiyan.	HIGH HIGH AND ONGOING
4.9 Impact on Adjoining Landuses	To minimise any adverse impacts caused by future usage of Tulkiyan on adjoining landuses.	Consider potential impacts on adjoining properties when assessing uses or applications for Tulkiyan.	ONGOING
4.10 Landscape	To minimise any adverse impacts on the landscape character caused by the future use of Tulkiyan. To ensure that an appropriate service level is provided for the maintenance of the gardens and that this is consistent with the future permitted uses of Tulkiyan.	Activities which will adversely effect the desired landscape character are prohibited Develop and implement a landscape management plan for Tulkiyan that leads to low maintenance gardens with appropriate trees.	ONGOING

SECTION 5 MONITORING PROGRAM

5. MONITORING PROGRAM

The strategy plan will be reviewed every two years • The review will include:

- A report on the progress of the Plan Measured against the plan aims, core objectives, specific objectives and Performance Targets.
- Recommendations for alterations (if applicable) to the strategy plan.
- Any other necessary changes due to new usage trends.

The objectives will be reviewed at every 5 years. However, if significant changes take place in the intermittent period then this Plan would need to be significantly revised in accordance with those changes as soon as possible.

The core values held by the community are unlikely to change over the 15 year time frame however, the relative importance of each value may increase or decrease. These changes in importance of each value may increase or decrease. These changes in importance of core values needs to be reflected in -.bi-annual review of the timing of Performance Targets. However, significant changes in the relative importance of core values will necessitate the need for a completely new plan to be prepared.

**SECTION 6
REFERENCES**

6. REFERENCES

Noell Bell Ridley Smith & Partners. *Tulkiyan Conservation Management Plan*. McMahon's Point. 1998.

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