



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 22 JULY 2008 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A
**** ** ***

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 24 June 2008

Minutes numbered 199 to 225

Minutes of Extraordinary Meeting of Council

File: S02131

Meeting held 15 July 2008

Minutes to be circulated separately

MINUTES FROM THE MAYOR

PETITIONS

- PT.1 **Culworth Avenue Car Park, Killara - Request that it be a Non-Paying Parking Area -(Fifty [50] Signatures)** 1

.
File: S02848

"We, the undersigned residents of 14 to 16 Lorne Avenue, Killara, request Ku-ring-gai Council to return the Culworth Avenue Car Park in Killara to a non-fee paying parking area.

This Car Park is the only fee paying car park in Ku-ring-gai and we believe this fact encourages commuters and others to park in surrounding streets, leaving the car park under-utilised.

The consequence is that residents have no parking spaces outside their own homes between 7:00am and 7:00pm, in addition to causing unnecessary obstructions, restricted vision for access and egress from driveways, and dangerous traffic conditions."

- PT.2 **Petition regarding Culworth Avenue Car Park, Killara - Request Removal of Charge Imposed & Parking Problems in Powell Street - (Seventeen [17] Signatures)** 2

.
File: S02848, 88/05944/03

"We, the undersigned residents of Powell Street, Killara, request Ku-ring-gai Council to remove the charge imposed upon commuters who park at the Culworth Avenue Car Park adjacent to Killara Station. It is the only commuter car park in Ku-ring-gai that attracts a daily charge, and as a consequence it is under-utilised. In addition, it pushes commuters' cars to be parked on the surrounding streets.

Also, Council to install parking restrictions in Powell Street, so that users of the street can navigate the street safely, and residents can access their own driveways without putting the lives of themselves and their passengers at risk."

- PT.3 **Culworth Avenue Car Park - Petition to Council for Non-Fee Paying Parking Area - (Sixty-Six [66] Signatures)** 3

.
File: S02848

"We, the undersigned, request Ku-ring-gai Council to return the Culworth Avenue Car Park in Killara to a non-fee paying parking area.

This Car Park is the only fee paying car park in Ku-ring-gai and we believe this encourages commuters and others to park in surrounding streets leaving no room for residents cars and causing unnecessary obstructions."

PT.4 **Petition for Moree Street, Gordon Car Park - Rubbish - (Twenty-Six [26] Signatures)** 4

.
File: 88/05821/01

"This petition is to notify the Council of the unacceptable conditions and health risk of open garbage bins and rubbish in the Moree Street Council Car Park and shopping trolleys left unattended for hours which affect surrounding businesses and customers in Gordon."

PT.5 **Turramurra Memorial Park & Karuah Park Draft Masterplan - Petition for Dog Off-Leash Area - (One Thousand, Four Hundred & Twenty-Eight [1,428] Signatures)** 5

.
File: S05920

"Turramurra Memorial Park in Eastern Road has been a wonderful facility for local residents for decades. It became a regular meeting place and provided a much needed 'sense of community', highly valued by residents of the area.

Over the years, the purpose built paved area that surrounds the Oval has proved to be an especially popular venue for residents with dogs. It provides a large facility for running and walking in a fairly contained area that enables dog owners, while exercising, to let their dogs off-leash but still control them.

Ku-ring-gai Council now insists all residents with dogs must keep them leashed. This has excluded many long-term users, including many elderly users, from this facility, leaving them with no similar alternative within the local area.

The undersigned call on Ku-ring-gai Council to:

1. Allow Turramurra Memorial Park to become an off-leash area each day between 6.30 am and 9.30 am.
2. Allow Turramurra Memorial Park to become an off-leash area each day between 4.30 pm and 7.30 pm.
3. Install Council signs to this effect, indicating the provision of proper collection facilities."

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 and without debate.*

GB.1 **Revised Model Code of Conduct for Local Councils in New South Wales** 6

.
File: S06344

For Council to consider adoption of the revised Model Code of Conduct as published by the Department of Local Government on 20 June 2008 [Circular Number 08-38].

Recommendation:

That Council adopt the revised Model Code of Conduct for local councils in New South Wales as prescribed by Department of Local Government (Circular 08-38).

GB.2 **9th International Cities, Town Centres & Communities Society Conference** 55

.
File: S02812

For Council to determine if it wishes to send delegates to the 9th International Cities, Town Centres & Communities Society Conference (ICTC).

Recommendation:

That Council register four delegates to attend the 9th International Cities, Town Centres & Communities Society Conference to be held 7 to 10 October 2008 at Sydney Olympic Park.

GB.3 **27 Miowera Road, North Turramurra - Piping Existing Open Channel Watercourse** 70

.
File: DA0415/08

To determine development application No.415/08, which seeks consent for the piping of the natural watercourse running through the rear garden using a 1050mm diameter stormwater pipe.

Recommendation:

Refusal.

GB.4 **Community Consultation Policy** 89

.
File: S02090

To seek Council's adoption of a revised Community Consultation Policy.

Recommendation:

That Council adopts the revised Community Consultation Policy and support the revised Community Consultation Guidelines.

GB.5 **Bushland, Catchments & Natural Areas Reference Group Meeting - Minutes of 16 June 2008** 117

.
File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 16 June 2008.

Recommendation:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 16 June 2008 and attachments be received and noted.

GB.6 **Sustainability Reference Group Meeting - Minutes of 23 June 2008** 155

.
File: S05396

To bring to the attention of Council the proceedings of the Sustainability Reference Group Meeting held on Monday, 23 June 2008.

Recommendation:

That the Minutes of the Sustainability Reference Group meeting held on Monday, 23 June 2008 be received and noted.

GB.7 **Turramurra Memorial Park & Karuah Park Masterplan - Exhibition Comments** 161

.
File: S05920

To seek Council's adoption of the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan.

Recommendation:

That Council adopt the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan as amended and identify funding opportunities to implement the plan in the development of forthcoming capital works budgets.

GB.8 Future Proposed Road Closure - Hall Street & Warner Avenue, South Turramurra 189

.
File: S02846

To consider the formal public road closure of two unformed roads, Hall Street and the unformed section of Warner Avenue, South Turramurra, to progress future development options for the abandoned B2 road corridor.

Recommendation:

That a formal road closure application for Hall Street and the unformed section of Warner Avenue, South Turramurra be submitted to the Department of Lands.

GB.9 Draft Acquisition of Land Policy 194

.
File: S05399

To seek Council's adoption of the draft Acquisition of Land Policy.

Recommendation:

That Council adopts the draft Acquisition of Land Policy.

GB.10 Killara Station Precinct Resident Survey 202

.
File: S04331

To consider resident responses to a survey ascertaining the level of support for Council to developing a new local neighbourhood shop precinct in the area around Killara Railway Station.

Recommendation:

That Council note the results of the Killara Station Precinct Resident's Survey.

GB.11 Graffiti in Business Centres 210

.
File: S04840

To advise Council on the options for the removal of graffiti from all property within each of the business centres and the possible funding sources to undertake the work.

Recommendation:

For Council's consideration.

GB.12 Road Maintenance & Repairs Policy & Procedures 215

.
File: S03467

To seek Council's adoption of the updated road maintenance and repairs policy.

Recommendation:

That Council adopts the policy for road maintenance and repairs as attached to the report.

GB.13 Footpath Maintenance & Repairs Policy & Procedures 242

.
File: S02627

To seek Council's adoption of the updated footpath maintenance and repairs policy.

Recommendation:

That Council adopts the Footpath Maintenance and Repairs Policy attached to this report.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Culworth Car Park, Killara 269

.
File: S04331

Notice of Motion from Councillor A Ryan dated 8 July 2008.

Following Council's survey of residents in the Culworth Avenue Precinct, many residents approached Council with their concerns about parking in the area. A meeting of residents

was held subsequently and all those present expressed a desire to see the Culworth Avenue Council Car Park become fee free. This Council car park is the only fee-paying car park in the LGA.

I move:

"That a report be prepared detailing;

1. Why Council charges for the use of the Culworth car park.
2. The financial implications of opening the car park for general use.
3. The process by which the car park could become fee free."

NM.2 Lindfield Business Centre Heritage Precinct

270

File: S04350

Notice of Motion from Councillor J Anderson dated 14 July 2008.

The Lindfield Town Centre precinct on the eastern side of the Pacific Highway has been earmarked for substantial planning in the lodged Draft Town Centre LEP.

This planning will bring about significant change to this side of the railway line. It would not be a realistic option for land owners or Council to undertake significant upgrades in much of this area due to the limited tenure of the existing development prior to expected demolitions and rebuilding of new retail, commercial and residential.

However, it is important to note that buildings 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 Lindfield Avenue, bordered by Tryon Road, Kochia Lane and Chapman Lane, are heritage-listed with no development planned and run the full length of one block. The buildings have been nominated for State heritage-listing.

I would like to support the aspirations of local residents and retailers to conserve these Lindfield shops with a village atmosphere, incorporating new street furniture, new planter boxes and renewed footpaths, in sympathy with the heritage features of the building. Additionally, attention should be given to cleaning up graffiti that is presently marring these heritage buildings. Some unsympathetic work to sections of the building has been apparent. South Sydney Council addressed similar issues by undertaking a Heritage MainStreet Colour Scheme project for King Street Newtown. That project identified unsympathetic work, addressed how to rectify it, suggested appropriate colour schemes, lighting and signage. A similar heritage project for 1 to 21 Lindfield Avenue Lindfield could be undertaken in conjunction with Council's current Public Domain Manual work and could then become a template for future sites in the LGA.

It should be noted that State Rail is commencing easy access and general street improvement works to Lindfield Station. Therefore, co-ordinating Council upgrades to this precinct would be very timely.

I propose plans be developed for this heritage block streetscape and also for the Council land directly opposite, which forms the entrance to the railway station and around the bus stop, allowing for Councillor and community involvement before any works are undertaken.

I ask that staff consider the use of paving as an alternative to concrete footpaths, sandstone – style planter boxes instead of the existing concrete pots and new street furniture that would suit this type of design.

Although this is a small area, I ask that our designers take into consideration the works undertaken on Willoughby Road, Crows Nest, as an example of a successful outcome, which has received much positive comment from our residents and retailers.

I move that:

- "A. Council undertake a business centre upgrade design process which will provide plans showing the proposed alterations and refurbishments to the heritage-listed precinct of 1 to 21 Lindfield Avenue, Lindfield. Such upgrade to include, but not limited to, street furniture, footpath, planter boxes and graffiti removal.
- B. Council undertake community and councillor consultation and provide draft plans to local residents, retailers, councillors and the Heritage Advisory Committee seeking feedback.
- C. Council look at funding options from the business centre funding program and other sources as appropriate.
- D. Council undertake a MainStreet Heritage Paint Colour and Refurbishment scheme to include, but not limited to, unsympathetic alterations, signage and lighting.
- E. Council staff liaise with the SRA regarding proposed upgrades in this precinct.
- F. That once a final design is approved and funding allocated these works be undertaken immediately."

NM.3 Model Code of Conduct 2008

272

.
File: S02554

Notice of Motion from Councillor Tony Hall dated 14 July 2008.

Following the General Manager's Memorandum of 4 July 2008

I move:

"That the Ku-ring-gai Council's adopted Code of Conduct and Guidelines of 13 June 2006, be replaced forthwith by the Model Code of Conduct for Local Councils in NSW, gazetted by the Minister for Local Government on 20 June 2008 and adopted as Council's Policy, pursuant to Section 440 of the Local Government Act 1993, as amended."

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

**** ** ** ** ****

**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.*

PETITION

CULWORTH AVENUE CAR PARK, KILLARA - REQUEST THAT IT BE A NON-PAYING PARKING AREA - (FIFTY [50] SIGNATURES)

"We, the undersigned residents of 14 to 16 Lorne Avenue, Killara, request Ku-ring-gai Council to return the Culworth Avenue Car Park in Killara to a non-fee paying parking area.

This Car Park is the only fee paying car park in Ku-ring-gai and we believe this fact encourages commuters and others to park in surrounding streets, leaving the car park under-utilised.

The consequence is that residents have no parking spaces outside their own homes between 7:00am and 7:00pm, in addition to causing unnecessary obstructions, restricted vision for access and egress from driveways, and dangerous traffic conditions."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

PETITION

PETITION REGARDING CULWORTH AVENUE CAR PARK, KILLARA - REQUEST REMOVAL OF CHARGE IMPOSED & PARKING PROBLEMS IN POWELL STREET - (SEVENTEEN [17] SIGNATURES)

"We, the undersigned residents of Powell Street, Killara, request Ku-ring-gai Council to remove the charge imposed upon commuters who park at the Culworth Avenue Car Park adjacent to Killara Station. It is the only commuter car park in Ku-ring-gai that attracts a daily charge, and as a consequence it is under-utilised. In addition, it pushes commuters' cars to be parked on the surrounding streets.

Also, Council to install parking restrictions in Powell Street, so that users of the street can navigate the street safely, and residents can access their own driveways without putting the lives of themselves and their passengers at risk."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

PETITION

CULWORTH AVENUE CAR PARK - PETITION TO COUNCIL FOR NON-FEE PAYING PARKING AREA - (SIXTY-SIX [66] SIGNATURES)

"We, the undersigned, request Ku-ring-gai Council to return the Culworth Avenue Car Park in Killara to a non-fee paying parking area.

This Car Park is the only fee paying car park in Ku-ring-gai and we believe this encourages commuters and others to park in surrounding streets leaving no room for residents cars and causing unnecessary obstructions."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

PETITION

PETITION FOR MOREE STREET, GORDON CAR PARK - RUBBISH - (TWENTY-SIX [26] SIGNATURES)

"This petition is to notify the Council of the unacceptable conditions and health risk of open garbage bins and rubbish in the Moree Street Council Car Park and shopping trolleys left unattended for hours which affect surrounding businesses and customers in Gordon."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

PETITION

TURRAMURRA MEMORIAL PARK & KARUAH PARK DRAFT MASTERPLAN - PETITION FOR DOG OFF-LEASH AREA - (ONE THOUSAND, FOUR HUNDRED & TWENTY-EIGHT [1,428] SIGNATURES)

"Turramurra Memorial Park in Eastern Road has been a wonderful facility for local residents for decades. It became a regular meeting place and provided a much needed 'sense of community', highly valued by residents of the area.

Over the years, the purpose built paved area that surrounds the Oval has proved to be an especially popular venue for residents with dogs. It provides a large facility for running and walking in a fairly contained area that enables dog owners, while exercising, to let their dogs off-leash but still control them.

Ku-ring-gai Council now insists all residents with dogs must keep them leashed. This has excluded many long-term users, including many elderly users, from this facility, leaving them with no similar alternative within the local area.

The undersigned call on Ku-ring-gai Council to:

1. Allow Turramurra Memorial Park to become an off-leash area each day between 6.30 am and 9.30 am.
2. Allow Turramurra Memorial Park to become an off-leash area each day between 4.30 pm and 7.30 pm.
3. Install Council signs to this effect, indicating the provision of proper collection facilities."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

REVISED MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NEW SOUTH WALES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider adoption of the revised Model Code of Conduct as published by the Department of Local Government on 20 June 2008 (Circular Number 08-38)..

BACKGROUND:

On 20 June 2008, the Department of Local Government issued a Circular to all Councils in New South Wales which makes revisions to the Model Code of Conduct which first came into effect on 1 January 2005. Details of the revised Code are outlined in this Report.

COMMENTS:

A detailed summary of major changes to the Model Code are outlined in the Departmental Circular which is attached.

RECOMMENDATION:

That Council adopt the revised Model Code of Conduct for local councils in New South Wales as prescribed by Department of Local Government (Circular 08-38).

PURPOSE OF REPORT

For Council to consider adoption of the revised Model Code of Conduct as published by the Department of Local Government on 20 June 2008 (Circular Number 08-38).

BACKGROUND

On 20 June 2008, the Department of Local Government issued a Circular to all Councils in New South Wales which makes revisions to the Model Code of Conduct which first came into effect on 1 January 2005. The revised Code is effective from 20 June 2008, and on the basis that the revised Code deals with political donation provisions and significant changes to the composition of Council's Conduct Committee, it is considered prudent that Council adopt the Model Code as published by the Department of Local Government prior to the upcoming election.

COMMENTS

The Circular from the Department of Local Government (08-38) dated 20 June 2008 is outlined in part as follows:

"Under Section 440 of the Local Government Act 1993, Councils must adopt a Code of Conduct that incorporates the provisions of the Model Code (or is consistent with the Model Code). In addition, Councils were required to establish Conduct Committees to consider relevant complaints about the conduct of Councillors and/or the General Manager.

The Department of Local Government has now completed a review of the Model Code.....the outcome of the review is a revised Model Code that will take effect from 20 June 2008. This is achieved by an amendment to the Local Government (General) Regulation 2005 that prescribes the Model Code....."

Changes to the Model Code

A detailed summary of major changes to the Model Code are outlined in the Departmental Circular which is attached.

A brief précis of these changes is summarised as follows:

Part 1 Context

- The Model Code has been strengthened to provide a direct reference to Section 440 of the Local Government Act.
- The definition of delegates of Council has been amended to ensure it applies to individual members of bodies that exercise a function delegated by Council.

Part 2 Standards of Conduct

Item 1

S06344
14 July 2008

- General Conduct obligations outlined in Clause 6.1 has been amended so that it applies to all Council officials and not just Councillors. This ensures consistency with Schedule 6A of the Local Government Act.
- The section of the Code covering conflicts of interest has been substantially amended as follows:
 - Clause 7.12 now provides that the political views of the Councillor do not constitute a private interest.
 - Clause 7.1 clarifies that the matter of a Conduct Review Committee/Reviewer Report to Council is not a private interest.
 - Clause 7.16 strengthens definitions of significant non-pecuniary conflicts of interest.
 - Clauses 7.17 and 7.18 clarify action to be taken if a Council official has a non-pecuniary conflict of interest.
 - Clause 7.19 (new) provides that Council staff should manage any non-pecuniary conflicts of interest in consultation with their Managers.
 - Political donations provisions now require Councillors to treat donations in excess of \$1,000 as a significant non-pecuniary conflict of interest.
- Personal Benefit – definitions of token gifts and benefits have now been provided in the Model Code to provide greater clarity around this issue.
- Relationship between Council officials – inappropriate interactions between Council officials previously contained in Clause 9.7 of the former Model Code have now been condensed and allow for discussion on broad industrial policy issues.
 - An additional clause has been provided advising that it is inappropriate for Councillors and Administrators to make personal attacks on Council staff in a public forum.

Part 3 Procedures

Part 3 of the Model Code outlines the framework for complaint handling procedures, complaint assessment criteria and the operating guidelines for the Conduct Review Committee/Reviewer.

The key change to this section of the Model Code is that the General Manager and Mayor are no longer able to be sitting members of the Conduct Committee. Whilst the General Manager or Mayor will still continue to assess whether complaints are to be referred to the Conduct Committee, their role will be limited to provision of procedural advice when requested, resourcing the committee, attendance at committee meetings if requested (in an advisory capacity only), advice concerning Council processes if requested.

The General Manager and/or Mayor will not be permitted to take part in the decision making process and must not be present at meetings of the Conduct Committee when decisions are taken.

Additionally, the General Manager is now required to report annually to Council on Code of Conduct complaints. This report should include as a minimum a summary of the:

Item 1

S06344
14 July 2008

- a) Number of complaints received
- b) Nature of the issues raised by complainants
- c) Outcome of complaints

It should be noted that this report will be forwarded to Council in August for its consideration.

Transitional Arrangements

Councils are now required to review their Codes of Conduct to ensure that they comply with the Model Code released by the Department of Local Government on 20 June 2008. Whilst Councils may include provisions that supplement the Model Code, given the proximity of the upcoming election, it is recommended that Council adopt the Model Code as released by the Department at this time. Once the elections are held in September, the new Council will be required to review Council's Code of Conduct as a matter of course.

In relation to matters currently before the Conduct Committee, the Circular makes it clear that Councils will need to deal with any current complaints in accordance with the procedures established in the current Code of Conduct. If the Model Code is adopted, any complaints about conduct that occurred prior to the new Model Code coming into effect will need to be dealt with in accordance with the provisions of the Code that applied previously. Councils may choose to use the new procedural arrangements for managing the complaint that are contained in the revised Model Code for those complaints.

Current Composition of Conduct Committee

Council's current Conduct Committee is comprised as follows:

- Mayor – Nick Ebbeck
- General Manager – John McKee
- Independent person with legal qualifications – Mr Chris Shaw
- Independent person – Ms Kath Roach
- Independent person – Ms Katherine Poolan

At the Council meeting held on 24 July 2007, Council adopted to establish a permanent Conduct Committee as outlined above. In accordance with the Code of Conduct committee guidelines, independents are appointed to the committee for a term of 12 months, the exception being that the legal independent may serve consecutive periods.

On the basis that the committee is yet to complete deliberation on matters that were referred to it prior to the release of the Model revised Code, and given that the 12 month term for the two independent persons is set to expire on 24 July 2008, it is considered prudent to seek Council resolution to extend their tenure to complete consideration of matters currently before it.

Should Council consider not to extend the tenure for the two independent members, the Conduct Committee will still be able to convene as the minimum quorum is the Mayor (or Deputy Mayor), General Manager and legal independent. It is considered more appropriate to enable additional independents to sit on the committee to increase transparency and accountability of decision making.

CONSULTATION

The General Manager has reviewed the departmental Circular in consultation with the Internal Ombudsman. Additionally, the Internal Ombudsman has sought clarification from the Department of Local Government that the transitional arrangements as outlined in this report are appropriate.

It is further noted that the General Manager has held discussions with the Executive Director of NSROC, Mr Dominic Johnson and General Managers across the NSROC region with a view to establishing a panel of independent Code of Conduct Committee members that will service the region as a whole. This approach is viewed as providing an opportunity to increase the number of independent committee members that Council may draw on and will ensure consistency in the manner by which Conduct Review Committee matters are dealt with across a number of Councils.

This report seeks Council endorsement to continue this approach, noting that a further report will be provided to Council for its consideration once a panel of independents has been established by the Regional Director of NSROC.

FINANCIAL CONSIDERATIONS

Independent members of the committee will be remunerated for time spent dealing with Conduct Review Committee business. Annual costs will be dependent on the number of matters referred to the committee, the number of independents who sit on any particular matter and their remuneration rates. This will be reported to Council under separate cover in the near future as outlined above.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The Department of Local Government has recently issued a Circular (08-38) which revised the Model Code of Conduct for local councils in New South Wales. The revised Model Code of Conduct comes into effect from 20 June 2008.

The Model Code is now arranged into three parts and key changes contained in the Code have been outlined in this report, together with attachments provided to Councillors.

The changes to the revised Code, particularly as they relate to the composition of the Conduct Committee, concurs with the position advocated by this Council for some considerable time. Additionally, Council has also advocated that Conduct Committees should be organised on a regional basis and the Department of Local Government has also given this concept its imprimatur as outlined in the Question and Answer attachment.

RECOMMENDATION

- A. That Council adopt the revised Model Code of Conduct for local councils in New South Wales as prescribed by Department of Local Government (Circular 08-38).
- B. That Council extend the tenure for independent members of the current Code of Conduct committee to enable it to finalise deliberations with respect to current matters before it.
- C. That Council endorse the concept to establish a panel of independent members to deal with Code of Conduct issues regarding the GM and Councillors on a regional level.
- D. That a further report be provided to Council outlining the composition of panel members and associated costs following an Expression of Interest to be conducted by NSROC.

John McKee
General Manager

Attachments:

- 1. Circular to Councils 08-38, Revised Model Code of conduct for Local Councils in NSW - 955366**
- 2. The Model Code of Conduct for Local Councils in NSW June 2008 - 955691**

Circular No. 08-38
Date 20 June 2008
Doc ID. A118731

Contact Lyn Brown
02 4428 4161
lyn.brown@dlg.nsw.gov.au

REVISED MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

The Model Code of Conduct for Local Councils in NSW (Model Code) first came into effect on 1 January 2005 and applies to general purpose councils and county councils.

Under section 440 of the Local Government Act 1993 councils must adopt a code of conduct that incorporates the provisions of the Model Code (or is consistent with the Model Code). In addition, councils were required to establish conduct committees to consider relevant complaints about the conduct of councillors and/or the general manager.

The Department of Local Government has now completed a review of the Model Code that included the establishment of a reference group to assist with the review, a call for written submissions, a survey of councils for feedback on the implementation of the Model Code and consultation through focus groups and telephone interviews with local council representatives and specific industry groups.

The outcome of the review is a revised Model Code that will take effect from 20 June 2008. This is achieved by an amendment to the *Local Government (General) Regulation 2005* that prescribes the Model Code. The amendment to the Regulation will appear in the Government Gazette on 20 June 2008. *

A separate email will be sent to all councils and county councils with a word version copy of the Model Code to assist councils with the changes to their codes.

The Model Code is available on the Department's website.

http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Model_Code_of_Conduct_June_2008.pdf

Changes to the Model Code

The following are the main changes to the Model Code:

Overall:

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

* Now see Government Gazette No. 76 of 27 June 2008

- The Code has been organised in three Parts: Context, Standards of Conduct and Procedures.
- Additional sections have been added on complaint handling, complaint assessment criteria, and operational guidelines for conduct review committees/reviewers. These sections are contained in Part 3, Procedures.
- Aspirational language is now only contained in the Part 1 section of the Model Code. The provisions in Part 2, Standards of Conduct, are now phrased in operational language.
- Administrators have been added to the provisions that apply to councillors and included in the definition of council officials.

Specific sections and Parts:

Part 1: Context

- The introduction has been amended to include a reference to the relationship of the Model Code to section 440 of the Act.
- Additional definitions have been added for the conduct review committee, conduct reviewer, conflict of interests, misbehaviour, person independent of council and personal information.
- The definition of delegates of council has been amended to clarify that it applies to individual members of bodies that exercise a function delegated by council.
- The key principle of 'objectivity' has been amended to 'impartiality'.
- Guide to ethical decision making has been moved from the general conduct obligations section into the context Part of the Model Code.
- The guide to ethical decision making now includes additional information to assist council officials with political donations and conflict of interests situations.

Part 2: Standards of Conduct

- Council officials are reminded of the sanctions for failure to comply with an applicable provision of the standards of conduct.

General Conduct Obligations

- Previous clause 5.1 (now clause 6.1) has been worded so that it applies to all council officials and not just councillors. It is consistent with Schedule 6A of the Act.
- An additional clause has been added (6.4) that requires councillors to comply with council resolutions requiring them to take action as a result of a breach.

Conflict of Interests

- This section of the Model Code has been substantially rewritten. The clauses have been re-ordered and duplicate clauses removed.
- New provisions relating to non-pecuniary conflicts of interests include the addition of a clause (7.12) to provide that the political views of a councillor do not constitute a private interest and a clause (7.11) that provides that the matter of a conduct review committee/reviewer report to council is not a private interest.

- The code provides a clearer definition of significant non-pecuniary conflicts of interests – clause 7.16.
- The code now clarifies the action that is required to be taken if a council official has a non-pecuniary conflict of interest. This provides actions for significant and less than significant non-pecuniary conflict situations, clauses 7.17 and 7.18.
- (New) clause 7.19 provides that council staff should manage any non-pecuniary conflicts of interests in consultation with their managers.
- The political donations provisions now require councillors to treat a political donation in excess of \$1000 in the same way as a significant non-pecuniary conflict of interest. Councillors are required to determine whether or not contributions below \$1000 create a significant conflict of interest.

Personal Benefit

- This section of the Model Code has also been substantially rewritten. The clauses have been re-ordered and duplicate clauses removed.
- Definitions of token gifts and benefits and gifts and benefits of value have been provided at the beginning of the section. These have been substantially rewritten to provide greater clarity around what is and what is not a gift/benefit of value or of token value.
- (Old) clauses 7.1, 7.2, 7.3 and 7.5 have been rewritten into (New) clause 8.3.
- (Old) clause 7.10 has been removed as the declaration of gifts totalling over \$500 by councillors and designated persons is a requirement in the Act and does not need to be replicated in the Model Code.

Relationship Between Council Officials

- The first four inappropriate interactions (clause 9.7) have been collapsed into two that advise about approaches between councillors, administrators and staff in relation to individual staffing matters and allow for discussion on broad industrial policy issues.
- An additional interaction has been provided that advises that it is inappropriate for councillors and administrators to make personal attacks on council staff in a public forum.
- Language has been changed to make it clear that inappropriate interactions are a breach of the code – this was previously implicit only.
- The clause on the role of the Mayor has been removed as it is no longer seen as necessary.

Access to Information and Council Resources

- (Old) clauses 9.1 to 9.13 have been tidied up to ensure they are clear.

Reporting Breaches

- The content of this section has changed. This section only contains provisions that relate to the reporting of allegations of breaches of the code of conduct. The previous section included complaint handling and sanction information. That information is now contained in Part 3 of the Model Code.
- A provision has been added to make it clear that anyone can make a complaint alleging a breach of the code of conduct.
- The protected disclosures clauses have been modified to ensure that they are consistent with the Protected Disclosures Act.

Part 3: Procedures

This is a new part of the Model Code. This Part contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer.

The complaint handling requirements and the complaint assessment criteria now provide for the use of a range of methods for the resolution of complaints, give clearer guidance about the referral of complaints to the conduct review committee/reviewer, clarify the role of the Mayor and the general manager in relation to complaint management and provide for annual reporting to council by the general manager on a summary of complaints under the code of conduct.

Councils can now have conduct review committees or individual reviewers undertake enquiries into breach allegations. Members of these committees or the sole reviewers will now be independent of council and can act in the role for more than one council.

Conduct review committees/reviewers are required to act in accordance with the operating guidelines that are provided in the Model Code.

The general manager is now required to report annually to council on code of conduct complaints.

Model Code Guidelines and Education Package Facilitator's Guide

The Department is currently updating the guidelines that assist in interpreting the Model Code. These will be re-issued shortly.

The Model Code Education Package Facilitator's Guide will also be updated to incorporate the new provisions. Only the changed sections and CD will be re-issued to councils to update the current resource that was distributed to all councils in 2005.

Transitional arrangements

Councils will now need to review their codes of conduct to ensure that they adopt the provisions of the Model Code that is effective from 20 June 2008. Councils are reminded that their codes may include provisions that supplement the Model Code and provisions more onerous than those contained in the

Model Code. However, any supplementary or more onerous provisions will have no effect to the extent that they are inconsistent with the Model Code.

Councils will need to deal with any complaints that are currently on foot in accordance with the procedures established in their current code of conduct. Once councils have adopted the provisions of the revised Model Code, any complaints received about conduct that occurred under their previous code of conduct will need to be dealt with in accordance with the standards that applied in the code at that time. However, councils may choose to use the new procedural arrangements for managing the complaints that are contained in the revised Model Code for those complaints.

A question and answer document is provided with this circular to assist councils in implementing the changes to the code of conduct complaint handling processes.

A handwritten signature in black ink, appearing to be 'Garry Payne', with a stylized flourish at the end.

Garry Payne AM
Director General

QUESTIONS AND ANSWERS

What standards of conduct have changed?

The following standards have been added or changed in the revised Model Code:

General conduct obligations:

- An additional clause has been added that requires councillors to comply with council resolutions directing them to take action as a result of a breach.

Conflict of interests obligations:

The clauses have been re-ordered and duplicate clauses removed. Key changes include:

- New provisions relating to non-pecuniary conflicts of interests that provide that the political views of a councillor do not constitute a private interest; and the matter of a conduct review committee/reviewer report to council is not a private interest.
- Clarification of the action that is required to be taken if a council official has a non-pecuniary conflict of interest. This provides actions for significant and less than significant non-pecuniary conflict situations.
- A definition of “significant non-pecuniary conflict of interest”.
- Provision that council staff should manage any non-pecuniary interests in consultation with their managers.
- Political donations provisions that require councillors to treat a political donation in excess of \$1000 in the same way as a significant non-pecuniary conflict of interest. Councillors must also determine whether or not contributions below \$1000 create a significant conflict of interest.

Personal benefit obligations:

The clauses have been re-ordered and duplicate clauses removed. The key change is:

- Definitions of token gifts and benefits and gifts and benefits of value have been included at the beginning of the section. These have been substantially rewritten to provide greater clarity around what is and is not, a gift/benefit of value or of token value.

Relationship between council officials obligations:

- Refinement of the provisions relating to inappropriate interactions that advise about interactions between councillors, administrators and staff in relation to individual staffing matters.
- The provisions allow for discussion on broad industrial policy issues.
- An additional provision that advises that it is inappropriate for councillors and administrators to make personal attacks on council staff in a public forum.
- Engaging in inappropriate interactions is now an express breach of the code.

Reporting breaches:

- A provision has been added to make it clear that anyone can make a complaint alleging a breach of the code of conduct.
- The protected disclosures clauses have been modified to ensure that they are consistent with the *Protected Disclosures Act 1994*.

Who receives complaints?

The general manager is the person responsible for receiving complaints alleging a breach of the code of conduct by councillors, council staff, council delegates or council committee members (clause 12.1).

The Mayor is the person responsible for receiving complaints alleging a breach of the code of conduct by the general manager (clause 12.2).

How have the complaint handling procedures changed?

Section 12 of the Model Code prescribes the complaint handling procedures to be used by the general manager, the Mayor and the conduct review committee/sole conduct reviewer.

The complaint handling procedures now provide a range of options for managing a complaint alleging a breach of the code of conduct (section 12). Alternate dispute resolution strategies are provided for. It is expected that the conduct review committee/sole conduct reviewer will deal with the more serious complaints and/or complaints about repeated conduct standards breaches.

In section 13, the Model Code prescribes a set of criteria that must be taken into account in determining how to deal with a complaint. The complaint assessment criteria are to be used by the general manager, the Mayor and the conduct review committee/sole conduct reviewer.

When is the complaint assessment criteria used?

The complaint assessment criteria are to be used by the general manager or Mayor when they first receive a complaint to determine the most appropriate course of action for handling the complaint (section 13).

Where it is assessed that the complaint shall be referred to the conduct review committee/sole conduct reviewer, then the conduct review committee/sole conduct reviewer must conduct its own assessment of the complaint using the criteria provided to determine the appropriate course of action.

What are the changes to the conduct review committee process?

The general manager or Mayor will no longer be members of the conduct review committee. They may only act in an advisory capacity to the conduct review committee or sole conduct reviewer.

Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council.

The council must appoint 3 or more persons to act in the role as conduct reviewers.

A sole conduct reviewer can now be chosen from the appointed persons to review complaints alleging breaches of the code of conduct.

If a conduct review committee is formed, it must consist of at least 3 members.

The conduct review committee/sole conduct reviewer must undertake its activities in accordance with the operating guidelines provided in the Model Code.

When are conduct reviewers appointed by council?

Council should ensure that it undertakes a process to appoint conduct reviewers even though it does not have any complaints on foot. This will ensure that appropriately appointed conduct reviewers are available should a complaint arise which requires referral to a conduct committee/reviewer.

On appointing conduct reviewers, council should determine the term of appointment. This could be on an annual basis and determined in September each year when council confirms its committee memberships.

Can conduct reviewers act for more than one council?

Conduct reviewers may act in that role for more than one council.

Conduct reviewers do not need to be residents of the local government area of the council that has appointed them.

Councils may decide to work with their regional organisation of councils or strategic alliance partners to appoint conduct reviewers to act for the member councils. Each member council will need to appoint the conduct reviewers for their council.

Should council appoint more than 3 conduct reviewers?

Conduct review committees must consist of 3 or more members. Council should consider appointing more than 3 persons to act as conduct reviewers as circumstances may arise when one or more conduct reviewers are not available to participate in a matter, or may be precluded from considering a matter because of a conflict of interests or a reasonable apprehension of bias.

In such instances, if the council has only appointed 3 conduct reviewers, it will have insufficient persons available to form a conduct review committee. By appointing more than 3 conduct reviewers, the risk of these circumstances arising is minimised.

Who decides who will comprise the conduct review committee or whether one reviewer will act as a sole conduct reviewer?

The general manager or Mayor will decide if the review will be undertaken by a sole conduct reviewer or a conduct review

committee and will select the reviewers from the persons appointed by council.

The number of persons who will undertake the review will depend on the nature, complexity and seriousness of the allegations.

For example, a council may have appointed 5 persons to act as conduct reviewers. The general manager or Mayor may receive a complaint that is assessed as requiring referral for review by a conduct review committee or reviewer.

If the matter is serious, the general manager or Mayor may determine to appoint all 5 persons to the conduct committee to determine that particular matter.

If the general manager or Mayor assesses the alleged breach as a reasonably straightforward matter, the general manager may determine to refer the complaint to a sole conduct reviewer.

The general manager or Mayor may then choose, from the persons appointed by council, a reviewer with expertise in relation to the nature of the conduct complained about.

Are conduct review committee members/sole conduct reviewers paid?

This is a matter for council. Council may undertake an expression of interest process to call for interested and suitably qualified persons of high standing in the community to nominate to be appointed as conduct reviewers. Council should determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

What happens if a conduct reviewer has a conflict of interests?

When a conduct reviewer cannot participate in a matter because of a conflict of interests, then the general manager or Mayor will select another person to be a member of the conduct review committee or to act as a sole conduct reviewer from those appointed by council.

How does the conduct review committee/sole conduct reviewer operate?

The conduct review committee/sole conduct reviewer is required to undertake its enquiries in accordance with the operating guidelines provided in section 14 of the Model Code.

The general manager or Mayor may only attend conduct review committee meetings when invited and then in an advisory capacity only. Adequate resources must be provided to ensure that the committee/conduct reviewer can operate effectively.

What should a report of the conduct review committee/sole conduct reviewer contain?

Where the conduct review committee/sole conduct reviewer makes enquiries or causes enquiries to be made into a matter, then it must report its findings in writing to the council on completion of these deliberations.

The conduct review committee/sole conduct reviewer should be mindful that there may be a need to protect the identity of the person making the complaint when preparing the report to council.

The report should be a summary of the enquiries undertaken while providing sufficient information for the council to make a determination as to whether the councillor or the general manager has breached the code of conduct.

It is suggested that, as a minimum, the report should contain:

- The nature of the complaint and the standard of conduct that is alleged to have been breached.
- The process undertaken by the conduct review committee/conduct reviewer in assessing and enquiring into the complaint.
- The facts of the matter.
- The findings and the reasons for those findings.
- Any recommendations to council (this now includes any recommendations for a revision of council's policies, procedures and/or the code of conduct).

The report will generally be dealt with in open session of council. Council can only close a meeting to the public if the matter is one that meets the requirements of section 10A(2) of the Act. In most cases, a report from the conduct review committee/sole conduct reviewer will not meet those requirements.

How are complainants kept informed?

The complaint handling procedures in section 12 of the Model Code now require complainants to be kept informed in writing of the outcome of their complaint. Complainants must be advised when:

- enquiries are not to be made into the complaint and why
- the complaint is to be resolved by use of alternative strategies
- the complaint is to be referred to another body or person
- the conduct review committee/sole conduct reviewer has made its findings, the nature and reasons of those findings.



THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

June 2008

ACCESS TO SERVICES

The Department of Local Government is located at:

Levels 1 & 2
5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Level 9, 323 Castlereagh Street
SYDNEY NSW 2000

Locked Bag A5045
SYDNEY SOUTH NSW 1235

Phone 02 9289 4000
Fax 02 9289 4099

Email dlg@dlg.nsw.gov.au
Website www.dlg.nsw.gov.au

OFFICE HOURS

Monday to Friday
8.30am to 5.00pm
(Special arrangements may be made if these hours are unsuitable)
All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Executive Branch on 02 9289 4000.

© NSW Department of Local Government 2008
ISBN 1 920766 72 3

Produced by the Department of Local Government
Graphic Design services provided by **CODFISH • DESIGN**



www.dlg.nsw.gov.au

TABLE OF CONTENTS

PART 1: CONTEXT.....	3
1 INTRODUCTION.....	3
2 DEFINITIONS	4
3 PURPOSE OF THE CODE OF CONDUCT	5
4 KEY PRINCIPLES.....	5
5 GUIDE TO ETHICAL DECISION MAKING	6
PART 2: STANDARDS OF CONDUCT	8
6 GENERAL CONDUCT OBLIGATIONS.....	8
7 CONFLICT OF INTERESTS	10
8 PERSONAL BENEFIT	14
9 RELATIONSHIP BETWEEN COUNCIL OFFICIALS.....	16
10 ACCESS TO INFORMATION AND COUNCIL RESOURCES	18
11 REPORTING BREACHES	21
PART 3: PROCEDURES	23
12 COMPLAINT HANDLING PROCEDURES & SANCTIONS	23
13 COMPLAINT ASSESSMENT CRITERIA	28
14 CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES..	29

PART 1: CONTEXT

This Part of the Model Code establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.

1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all Parts of this document.

The Code is made in three Parts: Context, Standards of Conduct and Procedures.

- Part 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- Part 2: Standards of Conduct, set out the conduct obligations required of council officials. These are the enforceable standards of conduct.
- Part 3: Procedures, contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

Councillors have two distinct roles under the *Local Government Act 1993*: as a member of the governing body of the council; and as an elected person. Councillors, as members of the governing body, should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. The Model Code sets the standard of conduct that is expected when council officials exercise these roles.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour. The *Local Government Act 1993* provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A set of guidelines has also been developed to assist councils to review and enhance their codes of conduct. The guidelines support this Code and provide further information and examples on the provisions in this Code.

2 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
conduct review committee	a committee of three or more persons independent of council who are selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in Sections 12, 13 and 14.
conduct reviewer	a person independent of council who is solely selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in Sections 12, 13 and 14.
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
council official	includes councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and delegates of council
delegate of council	a person or body, and the individual members of that body, to whom a function of council is delegated
designated person	see the definition in section 441 of the Act
misbehaviour	see the definition in section 440F of the Act
personal information	information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion

person independent
of council

a person who is not an employee of the council, has no current or ongoing contractual relationship with council in the nature of a contract for services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

The term “you” used in the Model Code of Conduct refers to council officials.

3 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

4 KEY PRINCIPLES

This Model Code of Conduct is based on a number of key principles. It sets out standards of conduct that meets these principles and statutory provisions applicable to local government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the Code, but do not themselves constitute separate enforceable standards of conduct.

4.1 Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

4.2 Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public’s trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

4.3 Selflessness

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

4.4 Impartiality

You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

4.5 Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

4.6 Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

4.7 Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

4.8 Respect

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

5 GUIDE TO ETHICAL DECISION MAKING

5.1 If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Conflict of interests

5.2 If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider these six points:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

Political donations and conflict of interests

5.3 Councillors should take all reasonable steps to identify circumstances where political contributions may give rise to a reasonable perception of influence in relation to their vote or support.

Seeking advice

5.4 Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Department of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

PART 2: STANDARDS OF CONDUCT

This Part of the Model Code sets out the conduct obligations required of council officials. These are the enforceable standards of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

6 GENERAL CONDUCT OBLIGATIONS

General conduct

6.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)

6.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)

6.3 You must treat others with respect at all times.

6.4 Where you are a councillor and have been found in breach of the code of conduct, you must comply with any council resolution requiring you to take action as a result of that breach.

Fairness and equity

6.5 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

- 6.6 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 6.7 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 6.8 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 6.9 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

7 CONFLICT OF INTERESTS

- 7.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 7.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 7.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 7.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 7.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 7.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 7.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 7.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What is a non-pecuniary conflict of interests?

7.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

7.11 The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.

7.12 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

7.13 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

7.14 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.13.

7.15 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

7.16 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

7.17 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

- 7.18 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 7.19 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 7.20 Despite clause 7.17(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) above.

Political donations exceeding \$1,000

- 7.21 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 7.22 Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.
- 7.23 Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:
- a) from a political or campaign donor or related entity in the previous four years; and
 - b) where the political or campaign donor or related entity has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 7.17(b).
- 7.24 Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 7.25 If a councillor has received a donation of the kind referred to in clause 7.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 7.20 above).

Other business or employment

7.26 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)

7.27 As a member of staff, you must ensure that any outside employment or business you engage in will not:

- a) conflict with your official duties
- b) involve using confidential information or council resources obtained through your work with the council
- c) require you to work while on council duty
- d) discredit or disadvantage the council.

Personal dealings with council

7.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

8 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Token gifts and benefits

8.1 Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.
- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

Gifts and benefits of value

8.2 Notwithstanding clause 8.1, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

Gifts and benefits

8.3 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of money, regardless of the amount.

8.4 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

- 8.5 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 8.6 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Improper and undue influence

- 8.7 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 8.8 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

9 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 9.1 Each council is a body corporate. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.
- 9.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors who, in the course of their work, may be provided with information by individual councillors.

Obligations of staff

- 9.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 9.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them.

Obligations during meetings

- 9.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

- 9.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 9.7 You must not engage in any of the following inappropriate interactions:

- a) Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
- b) Council staff approaching councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.
- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

- 9.8 It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy.

10 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 10.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under section 12 of the *Local Government Act 1993*.
- 10.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 10.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 10.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 10.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 10.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 10.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 10.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 10.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

10.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

10.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

10.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998*,
- b) *the Health Records and Information Privacy Act 2002*,
- c) the Information Protection Principles and Health Privacy Principles,
- d) council's privacy management plan,
- e) the Privacy Code of Practice for Local Government

Use of council resources

10.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

10.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

10.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 10.16 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, council crests and other information that could give the appearance it is official council material for these purposes.
- 10.17 You must not convert any property of the council to your own use unless properly authorised.
- 10.18 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 10.19 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 10.20 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 10.21 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

11 REPORTING BREACHES

- 11.1 Any person, whether or not a council official, may make a complaint alleging a breach of the code of conduct.
- 11.2 For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (section 440F)

Protected disclosures

- 11.3 The *Protected Disclosures Act 1994* aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.
- 11.4 The purpose of that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.¹
- 11.5 If a complaint under this code is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of the Protected Disclosures Act set out in section 22:

‘An investigating authority or public authority (or officer of an investigating authority or public authority) or public official to whom a protected disclosure is made or referred is not to disclose information that might identify or tend to identify a person who has made the protected disclosure unless:

- (a) the person consents in writing to the disclosure of that information, or*
- (b) it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or*
- (c) the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.’*

Reporting breaches of the code of conduct

- 11.6 You should report suspected breaches of the code of conduct by councillors, members of staff of council (excluding the general manager) or delegates to the general manager in writing.
- 11.7 Where you believe that the general manager has breached the code of conduct, you should report the matter to the Mayor in writing.

¹ Protected Disclosures Guidelines, 5th Edition, NSW Ombudsman, May 2004, Annexure 2.

- 11.8 Where you believe that an administrator has breached the code of conduct, you should report the matter to the Minister for Local Government in writing.
- 11.9 Councillors should not make allegations of suspected breaches of the code at council meetings or in other public forums.

PART 3: PROCEDURES

This Part of the Model Code contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

12 COMPLAINT HANDLING PROCEDURES & SANCTIONS

12.1 Complaints about the conduct of councillors, members of staff of council, members of council committees and delegates of council should be addressed in writing to the general manager.

12.2 Complaints about the conduct of the general manager should be addressed in writing to the Mayor.

Complaint handling procedures – staff, delegate and council committee member conduct (excluding the general manager)

12.3 The general manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the code of conduct regarding members of staff of council, delegates of council and/or members of council committees (other than councillors), and will determine such matters.

12.4 Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith.

12.5 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.

12.6 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

12.7 Sanctions for delegates and/or members of council committees depend on the severity, scale and importance of the breach and may include:

- a) censure
- b) requiring the person to apologise to any person adversely affected by the breach
- c) counselling
- d) prosecution for any breach of the law
- e) removing or restricting the person's delegation
- f) removing the person from membership of the relevant council committee
- g) revising any of council's policies, procedures and/or the code of conduct.

Complaint handling procedures – councillor conduct

12.8 The general manager is responsible for assessing complaints, made under Section 11.1, alleging breaches of the code of conduct by councillors, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

12.9 The general manager must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the conduct review committee/reviewer.

Complaint handling procedures – general manager conduct

12.10 The Mayor is responsible for assessing complaints, made under clause 11.1, alleging breaches of the code of conduct by the general manager, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

12.11 The Mayor must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the conduct review committee/reviewer.

Conduct review committee/reviewer

12.12 Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers.

- 12.13 The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.
- 12.14 The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.
- 12.15 The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:
- provide procedural advice when requested
 - ensure adequate resources are provided, including providing secretariat support
 - attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
 - provide advice about council processes if requested to do so but not so as to take part in the decision making process
 - if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.
- 12.16 Where a matter is to be considered by the conduct review committee/reviewer, then in each case, the general manager, or Mayor in the case of complaints about the general manager, acting in their capacity as advisor, will either convene a conduct review committee and select its members from those appointed by council or alternatively select a sole conduct reviewer from those appointed by council.
- 12.17 The conduct review committee/reviewer will operate in accordance with the operating guidelines at Section 14 of this code.
- 12.18 The conduct review committee/reviewer operating guidelines (Section 14) are the minimum requirements for the operation of conduct review committees/reviewers. Council may supplement the guidelines, but any additional provisions should not be inconsistent with the guidelines.
- 12.19 The conduct review committee/reviewer is responsible for making enquiries into complaints made under clause 11.1 alleging breaches of the code of conduct by councillors and/or the general manager and must determine either to:
- a) not make enquiries into the complaint and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, making recommendations to the general manager, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) make enquiries into the complaint, or

- d) engage another appropriately qualified person to make enquiries into the complaint, or
- e) not make enquiries or discontinue making enquiries where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing. Despite any other provision of this code, this will constitute finalisation of such matters and no further action is required.

12.20 Where the conduct review committee/reviewer conducts enquiries or causes enquiries to be conducted, the conduct review committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.

12.21 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer may recommend that council take any actions provided for in this code of conduct that it considers reasonable in the circumstances.

12.22 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.

12.23 The conduct review committee/reviewer will report its findings and any recommendations to council only when it has completed its deliberations.

Sanctions

12.24 Before a council can impose a sanction it must make a determination that a councillor or the general manager has breached the code of conduct.

12.25 Where the council finds that a councillor or general manager has breached the code, it may decide by resolution to:

- a) censure the councillor for misbehaviour in accordance with section 440G of the Act
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of law.

Councillor misbehaviour

12.26 Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.

12.27 Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.

12.28 The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.

12.29 Council cannot request suspension on this ground unless during the period concerned the councillor has been:

- formally censured for incidents of misbehaviour on two or more occasions, or
- expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.

12.30 The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.

12.31 Council cannot request suspension on this ground unless the councillor has been:

- formally censured for the incident of misbehaviour concerned, or
- expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

12.32 Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

Reporting on complaints

12.33 The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:

- a) number of complaints received,
- b) nature of the issues raised by complainants, and
- c) outcomes of complaints.

13 COMPLAINT ASSESSMENT CRITERIA

- 13.1 The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:
- a) whether there is any prima facie evidence of a breach of the code of conduct
 - b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct
 - e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
 - f) whether there is an alternative and satisfactory means of redress
 - g) how much time has elapsed since the events the subject of the complaint took place
 - h) how serious the complaint is and the significance it has for council
 - i) whether the complaint is one of a series indicating a pattern of conduct.
- 13.2 Complaints that are assessed as not having sufficient grounds to warrant referral to the conduct review committee/reviewer or that are to be referred to a more appropriate person or body can be finalised by the general manager or the Mayor, in the case of complaints about the general manager.
- 13.3 If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the above criteria in clause 13.1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.

14 CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES²

14.1 Jurisdiction of the conduct review committee/reviewer

The complaint handling function of the conduct review committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under clause 11.1, about councillors and/or the general manager.

Complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the conduct review committee/reviewer.

Sole reviewers and members of the conduct review committee are subject to the provisions of this code of conduct.

14.2 Role of the general manager and Mayor

The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:

- provide procedural advice when requested
- ensure adequate resources are provided, including providing secretariat support
- attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
- provide advice about council processes if requested to do so but not so as to take part in the decision making process
- if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.

Where the general manager, or in the case of complaints about the general manager, the Mayor, is unable to act as advisor to the conduct review committee/reviewer due to a conflict of interests in relation to a complaint, they are to nominate a senior council officer or councillor (in the case of complaints about the general manager) to perform this role.

14.3 Composition of the conduct review committee

Where council has a conduct review committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the council, convened and selected as provided in clause 12.16.

In the circumstances where a member of the conduct review committee cannot participate in a matter, the general manager, or Mayor in the case of complaints about the general manager, should select another person as provided in clause 12.16.

² The operating guidelines have been adapted from the Ku-ring-gai Council Conduct Committee Guidelines – 25 October 2006

The chairperson is to be elected by the members of the conduct review committee.

The general manager, or in the case of complaints about the general manager, the Mayor, will act in an advisory capacity to the committee when requested.

14.4 Quorum of the conduct review committee

A quorum for a meeting of the conduct review committee is the majority of the members of the conduct review committee.

If a quorum is not present at a meeting of the conduct review committee it must be adjourned to a time and date that is specified.

Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

Business may be conducted by video-conference or teleconference.

14.5 Voting of the conduct review committee

Each member of the conduct review committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the chairperson shall have the casting vote.

If the vote on a matter is not unanimous, then this should be noted in any report to council on its findings.

In relation to any procedural matters relating to the operation of the conduct review committee, the ruling of the chairperson shall be final.

14.6 Procedures of the conduct review committee/reviewer

The general manager or Mayor, in the case of a complaint about the general manager, will be responsible for convening the initial meeting of the conduct review committee when there is a complaint to be referred to it.

The conduct review committee/reviewer will conduct business in the absence of the public.

The conduct review committee/reviewer will keep proper records of deliberations.

The conduct review committee shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.

14.7 Procedural fairness

In conducting enquiries, the conduct review committee/reviewer or the person engaged to do so should follow the rules of procedural fairness and must -

- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation
- b) provide the person the subject of the complaint with an opportunity to place before the conduct review committee/reviewer or person undertaking the enquiry any information the person considers relevant to the enquiry
- c) provide the person the subject of the complaint with an opportunity to address the conduct review committee/reviewer in person
- d) hear all parties to a matter and consider submissions before deciding the substance of any complaint
- e) make reasonable enquiries before making any recommendations
- f) act fairly and without prejudice or bias
- g) ensure that no person decides a case in which they have a conflict of interests
- h) conduct the enquiries without undue delay.³

Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the conduct review committee/reviewer should proceed to finalise the matter.

14.8 Complaint handling procedures

In addition to complying with these operating guidelines, the conduct review committee/reviewer will ensure it deals with all complaints in accordance with the provisions of Section 12 of this Code.

All persons who are the subject of complaints that are referred to the conduct review committee/reviewer will receive written information about the process being undertaken to deal with the matter.

The conduct review committee/reviewer will only deal with matters that are referred to it by the general manager or the Mayor.

Where the conduct review committee/reviewer determines to make enquiries into the matter, such enquiries should be made without undue delay.

In circumstances where the person the subject of the complaint meets with the conduct review committee/reviewer, they are entitled to bring a support person or legal adviser. That person will act in an advisory and support role to the person affected. They will not speak on behalf of the subject person.

³ NSW Ombudsman, Investigating complaints, A manual for investigators, June 2004.

14.9 Findings and recommendations of the conduct review committee/reviewer

Where the conduct review committee/reviewer determines, in its view that the conduct referred to it comprises a breach of this code of conduct it may, in its report to the council, make recommendations, that the council take any of the following actions:

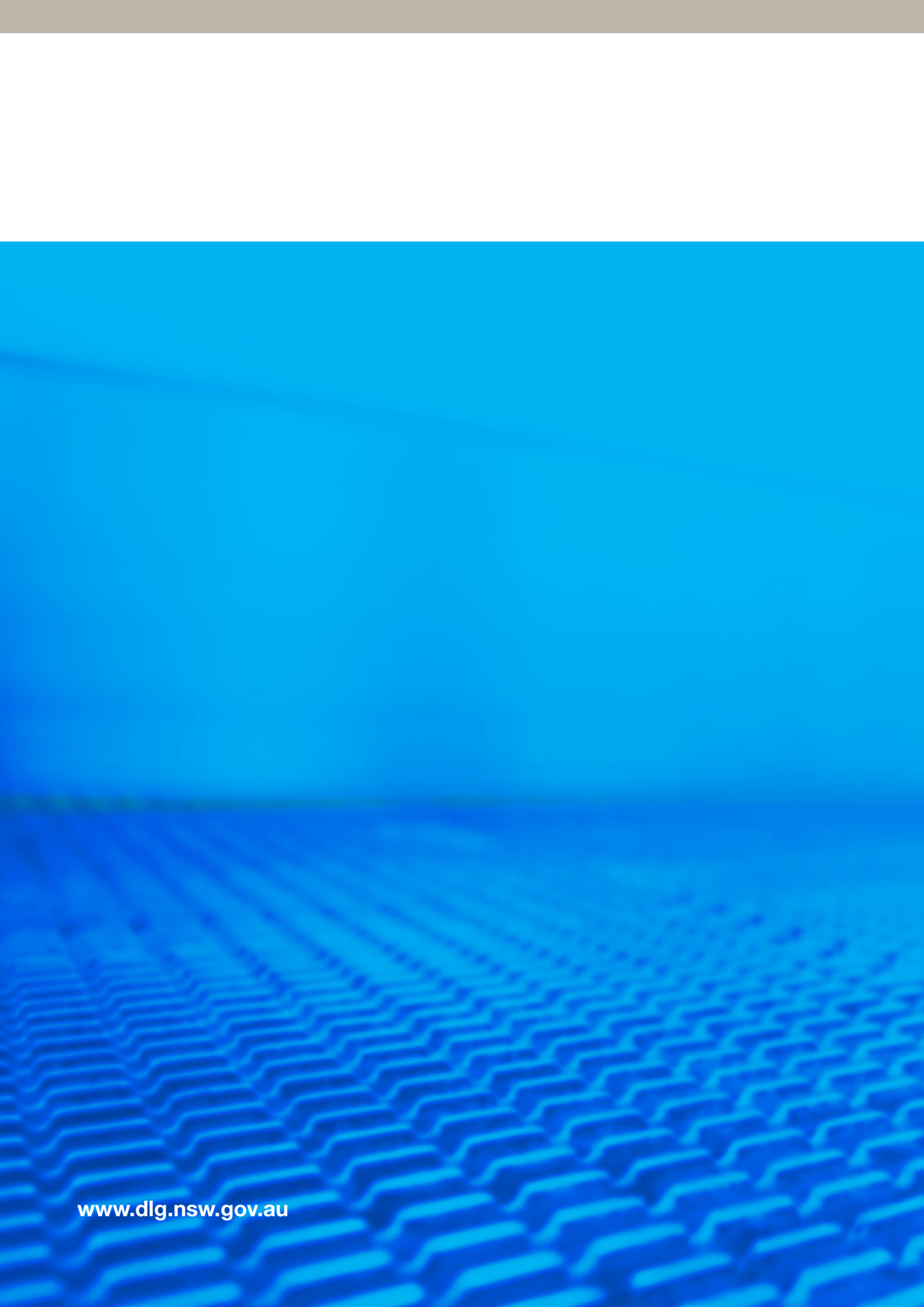
- a) censure the councillor for misbehaviour
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of the law
- f) revise any of council's policies, procedures and/or the code of conduct.

Before making any such recommendations, the conduct review committee/reviewer shall have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the subject has remedied or rectified their conduct
- d) whether the subject has expressed contrition
- e) whether the breach is technical or trivial only
- f) whether the breach represents repeated conduct
- g) the age, physical or mental health or special infirmity of the subject
- h) the degree of reckless intention or negligence of the subject
- i) the extent to which the breach has affected other parties or the council as a whole
- j) the harm or potential harm to the reputation of local government and of the council arising from the conduct
- k) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- l) whether an educative approach would be more appropriate than a punitive approach
- m) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
- n) what action or remedy would be in the public interest
- o) where to comply with a councillor's obligations under this code of conduct would have had the effect of depriving the council of a quorum or otherwise compromise the capacity of council to exercise its functions

14.10 Amendment of the operating guidelines

The conduct review committee/reviewer guidelines may be added to and any additional requirements may be further amended or repealed by resolution of the council.



9TH INTERNATIONAL CITIES, TOWN CENTRES & COMMUNITIES SOCIETY CONFERENCE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to determine if it wishes to send delegates to the 9th International Cities, Town Centres & Communities Society Conference (ICTC).

BACKGROUND:

The Conference and workshop are to be held from 7 to 10 October 2008 at Sydney Olympic Park.

The theme of this year's Conference is "Creating a Gold Medal Community".

COMMENTS:

The Conference will include presentations from representatives of leading organisations in the areas of town planning, architecture, urban design, built environment, retailing and commercial and industrial redevelopment.

RECOMMENDATION:

That Council register four delegates to attend the 9th International Cities, Town Centres & Communities Society Conference to be held 7 to 10 October 2008 at Sydney Olympic Park.

PURPOSE OF REPORT

For Council to determine if it wishes to send delegates to the 9th International Cities, Town Centres & Communities Society Conference (ICTC).

BACKGROUND

The Conference will be held from 7 to 10 October 2008 at Sydney Olympic Park.

The International Cities, Town Centres & Communities Society has the following aims:

- To enhance the quality of life of inhabitants of cities, towns and communities.
- To assist cities, towns and communities to be as environmentally, socially and economically sustainable as possible.
- To bring together the required visionary professionals to discuss the challenges of replacing sprawl with compact environmentally, socially and economically acceptable environments.
- To facilitate World best practices in the planning, development and management of cities, town and communities and particularly the planning, development and management of public spaces and infrastructure.

COMMENTS

With Local Government elections scheduled for 13 September 2008, it is not possible at this time to nominate specific Councillor attendees for the Conference. However, it is possible to register a specific number of representatives with names to be advised following the Council elections.

The Conference theme is "Creating A Gold Medal Community". The keynote speakers are Karsten Gerkens (Director, Office of Urban Regeneration & Residential Development, Leipzig City Council, Germany), Kate Joncas (President of the Downtown Seattle Association, Seattle, USA) and Phil Wood (Partner Comedia, United Kingdom).

The Conference will also include presentations from representatives of leading organisations in the areas of town planning, architecture, urban design, built environment, retailing and commercial and industrial redevelopment. Presentations will also be made by a number of Australian councils including Latrobe City, City of Sydney, City of Whitehorse (Melbourne), Auburn, Sunshine Coast, Waverley and Fairfield.

This Conference represents an opportunity for Council representatives to gain an increased understanding of best practice in sustainable development, town centre revitalisation and public space redevelopment.

A copy of the Conference brochure is **attached**.

CONSULTATION

None required.

FINANCIAL CONSIDERATIONS

The cost of attending the Conference is \$995. These are the 'Early Bird' figures which apply to registrations received by 1 August. For registrations after 1 August the cost is \$1,095. The Policy on Payment of Expenses and Provision of Facilities to Councillors provides for Council to meet the reasonable costs of Councillors attending conferences authorised by resolution of Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None required.

SUMMARY

The 9th International Cities, Town Centres & Communities Society Conference "Creating a Gold Medal Community" to be held from 7 to 10 October 2008 at Sydney Olympic Park represents an opportunity for Council representatives to gain an increased understanding of best practice in sustainable development, town centre revitalisation and public space redevelopment.

RECOMMENDATION

- A. That Council register four delegates to attend the 9th International Cities, Town Centres & Communities Society Conference to be held 7 to 10 October 2008 at Sydney Olympic Park.
- B. That a report be brought back to Council following Local Government elections in September, at which time specific delegates be determined.

John Clark
Director Corporate

Attachments: ICTC Conference Brochure - 957481



9th International Cities
Town Centres & Communities Society Conference

Creating A Gold Medal Community

Sydney Olympic Park
7-10 October 2008

Registration Brochure
www.ictcsociety.org

Proudly hosted by:



Welcome – from the Chief Executive Officer – Sydney Olympic Park Authority

Sydney Olympic Park is delighted to be hosting the International Cities, Town Centres & Communities (ICTC) 2008 Conference and Trade Exhibition.

Sydney Olympic Park is a dynamic and vibrant township in the heart of metropolitan Sydney.

Sydney Olympic Park Authority is responsible for managing and developing Sydney Olympic Park, and maintaining it as a lasting legacy for the people of New South Wales.

We are building on Sydney Olympic Park's considerable strengths – including our unique parklands, outstanding sports and entertainment venues, and strong record in environmental sustainability – to create a best practice example of innovative place making and sustainable urban development.

This unique township will include commercial, residential, retail and educational developments, and accommodate a significant local

population, while maintaining our Olympic legacy of world-class sports and entertainment venues.

Already our internationally-recognised initiatives in energy, water and ecological management; green building design; and the healthy lifestyle offered by the Park's wide array of sporting facilities and 425-hectares of urban parkland make Sydney Olympic Park a great place to work, live and have fun.

Please take advantage of our world-class sports, entertainment and business infrastructure, and our beautiful parklands during your stay. I look forward to welcoming you to Sydney Olympic Park in October for the ICTC 2008 Conference & Trade Exhibition.

Yours sincerely

Alan Marsh

*Chief Executive Officer
Sydney Olympic Park Authority*

Master of Business (Property) at University of Southern Queensland (USQ)

USQ has commenced a new postgraduate program to cater for a wide range of professionals involved in the property industry. In recognition of the business and management focus of this program, the Master of Business (Property) provides a concise, focused program that considers all aspects of property, including the development of new property projects, ownership and management of property assets, and consideration of the legal environment in which such projects are managed.

Study either by intensive workshop mode or in flexible distance education mode.

No undergraduate degree required for entry.

Information about Property studies at USQ can be obtained from <http://www.usq.edu.au/business/studyareas/property.htm> and the details of the Master of Business (Property) program are available at <http://www.usq.edu.au/handbook/current/bus/MBIS>.

For further information or enquiries about enrolment, contact Barrie Todhunter on 07 3470 4537 or email todhunter@usq.edu.au.

Conference Manager

Krys Henshaw, ICTC Society

PO Box 1380, Palm Beach Qld 4221, Australia

T +617 5520 4288 F +617 5508 2175

E krys@ictcsociety.org W www.ictcsociety.org

The ICTC Society would like to thank all the people who have contributed to the organisation of ICTC 2008. In particular, we would

like to thank the team from Sydney Olympic Park Authority. The ICTC Society would like to thank Kate Joncas, Phil Wood and Karsten Gerkens, our keynote speakers, who have travelled all the way here from the USA, United Kingdom and Germany. We would also like to thank our sponsors and exhibitors and our session speakers who sacrificed their valuable time to prepare their presentations.

Committee

Mr Ross Barker, *Planning Information & Forecasting Unit Manager, Department of Local Government & Planning, Brisbane, Queensland*

Ms Sarah Beaman, *Director, Strategic Reality, North Shore City, New Zealand*

Ms Jillian de Beer, *Managing Director, De Beer Marketing & Communications, Auckland, New Zealand*

Mr Richard Brecknock, *Director, Brecknock Consulting, Adelaide, South Australia*

Mr Kevin Luten, *Director, Urbantrans ANZ, Melbourne, Victoria*

Mr Robert Prestipino, *Director, Vital Places, Brisbane, Queensland*

Mr David West, *Principal Consultant, Premier Retail Marketing, Adelaide, South Australia*

Exhibition

The conference will feature a 2 day trade exhibition consisting of suppliers of goods and services to industry. Further information regarding sponsorship and exhibition opportunities can be downloaded

from the web at <http://www.ictcsociety.org/?D=55> or contact Rob Henshaw on +61 7 5520 4288 or at rob@ictcsociety.org.

Invited Keynote Speakers



Karsten Gerkens,

Director, Office of Urban Regeneration and Residential Development, Leipzig City Council, Germany

Karsten Gerkens has been the Director of the Office of Urban Regeneration and Residential Development for Leipzig City Council, Germany, since 1991. The office operates national and European funding programs within 15 reconstruction areas

comprising 550 ha of inner city "Gründerzeit" areas and several large scale prefabricated housing developments.

The 3 phases of Urban Renewal Karsten has been involved with for the City of Leipzig, include Reconstruction of Buildings, Investment in Residential Environment and Redevelopment of the City.

Some of the main tasks have been to save the old housing stock which had seen no repair since the end of the second world war. 75% of the apartments in the city needed reconstruction. This apartment renovation work also required a total upgrading of the environmental and infrastructure systems.

Leipzig had become a "shrinking city" - one of Karsten's main objectives was to turn that around - Leipzig is now growing again.



Kate Joncas,

President of the Downtown Seattle Association, Seattle, USA

Kate Joncas has been President of the Downtown Seattle Association since 1994. Kate has over 30 years experience in downtown revitalization in the private, public and nonprofit sectors in communities around the world.

Ms. Joncas has written workbooks on market analysis, business recruitment, business improvement districts and Downtown housing. She has won awards in national competitions for urban designs in Boston and St. Paul.

Ms Joncas is the past Chair of the International Downtown Association and current chair of their International Committee. She is past Chair of SEAFair, serves on the Seattle Police Partnership Foundation and Executive Alliance Boards, is a Commissioner on the Seattle Center Advisory Commission and is on the Leadership Team for the Cascade Agenda. Ms. Joncas is active on the United Way Seattle Community Council, Interagency Council to End Homelessness and the Seattle Art Museum Community Advisory Committee.



Phil Wood,

Partner Comedia, United Kingdom

Phil Wood has been a partner in COMEDIA since 2000. Previously he was the Director of the Creative Town Initiative, an Urban Pilot Project of the European Commission. He also worked for 15 years in local government in community development, urban regeneration and cultural policy.

He has advised the UK government on creative industries and also on cultural diversity and integration. He is currently expert advisor to the Council of Europe's Intercultural Cities programme.

He holds a MA with distinction in European Cultural Planning. His book, The Intercultural City: Planning for Diversity Advantage was published in 2008 by Earthscan.

Special Interest Groups

Tuesday 7th May, 2008: 2.30pm – 4.30pm

These informal sessions provide the opportunity for individuals to come together as a group to discuss a common topic or issue of interest. Special Interest Groups sessions are inclusive for full conference delegates only and should be booked via the registration form.

Special Interest Groups are as follows:

1. Business Improvement Districts (BIDs)
2. Transit Oriented Design (TOD).
3. Place Making.

Further information regarding these Special Interest Groups can be found on the web at <http://www.ictcsociety.org/?D=39>. Suggested topics to be discussed at these SIGs can be emailed to krys@ictcsociety.org. It will be at the discretion of the chairpersons of the SIG's to choose the topics to be discussed at that meeting.

Should you wish to suggest and chair any additional SIG's at the conference please email krys@ictcsociety.org.

ICTC2008 Preliminary Program

Wednesday 8th October, 2008

0900-1030	Session 1: Official Opening and Keynote Presentations - Proudly sponsored by Sydney Olympic Park Authority	
0900-0910	Official Welcome	
0910-0945	Sydney Olympic Park - Past, Present and Future Mr Alan Marsh , Chief Executive Officer, Sydney Olympic Park Authority, Sydney, AUSTRALIA	
0945-1030	Leipzig - Turning a Shrinking City into a Growing City (p39) Mr Karsten Gerkens , Director of the Office of Urban Regeneration and Residential Development for Leipzig City Council, GERMANY	
1030-1100	Morning Tea & Trade Exhibition	
1100-1230	Session 2A: New Town Centres & Mainstreets	Session 2B: Transit Oriented Design
1100-1130	Unveiling Rouse Hill Town Centre - a New Community Hub for North West Sydney (p8) Mr Mark Kirkland , The GPT Group, Sydney, AUSTRALIA	TOD: The Critical Link for Sustainable Transport in Australian Cities (p60) Mr Kevin Luten , UrbanTrans ANZ Pty Ltd, Melbourne, AUSTRALIA
1130-1200	What's So Good about Main Streets? Testing the Main Street Model (p10) Mr Rob Doak , Stockland, Sydney, AUSTRALIA	Moe or Moet? Implementing Transit Oriented Development in the Latrobe Valley (p15) Ms Jane Burton , Latrobe City Council, Morewell, AUSTRALIA & Mr David Bullpitt , Tract, Melbourne AUSTRALIA
1200-1230	Town Making Today and Wrestling with Retail (p65) Ms Gabrielle Morrish , GM Urban Design & Architecture Sydney, AUSTRALIA	Integrated Highway Design and the New Zealand Urban Design Protocol, Using Christchurch Southern Motorway as a Case Study (p31) Mr David McKenzie , Opus International Consultants Ltd, Christchurch, NEW ZEALAND
1230-1330	Lunch and Trade Exhibition - Proudly Sponsored by Sydney Olympic Park Authority	
1330-1500	Session 3A: Business Improvement Districts	Session 3B: Transport & Urban Communities
1330-1400	What am I BID? (p70) Ms Ilona Van Galen & Ms Nicole Sheridan , City Marketing Pty. Ltd, Sydney, AUSTRALIA	I am Sick of Traffic (p36) Mr Steven Burgess , Parsons Brinckerhoff, Brisbane, AUSTRALIA
1400-1430	The Urban Geography of Business Improvement Districts (p9) Dr Donald McNeill , Urban Research Centre, University of Western Sydney, Sydney, AUSTRALIA	Liveable Arterials in Auckland City - the Challenge and the Process (p42) Mr Ian Munro , Urbanismplus Ltd & Mr Matthew Rednall , Auckland City Council, Auckland, NEW ZEALAND
1430-1500	Local Business Engagement in Community Development Through Business Improvement Districts - Which Hat are they Wearing? (p48) Ms Sue Campin , Queensland University Of Technology Brisbane, AUSTRALIA	Liveable Arterials in Auckland City - the Outcomes and Way Forward (p43) Mr Ian Munro , Urbanismplus Ltd & Mr Matthew Rednall , Auckland City Council, Auckland, NEW ZEALAND
1500-1530	Afternoon Tea and Trade Exhibition	
1530-1700	Session 4A: Community Building/Consultation	Session 4B: Transport & Urban Communities
1530-1600	The Greater Dandenong Edible Gardens Project - An Innovative Approach to Partnership Based Community Building (p17) Mr Bill Underwood , The Dandenong Development Board, Melbourne, AUSTRALIA	The Essential Connection: Transport and Parking Management Strategies for Improvement Districts (p59) Mr Kevin Luten , UrbanTrans ANZ Pty Ltd, Melbourne, AUSTRALIA
1600-1630	Many Voices Make a Better Plan. (p52) Ms Stephanie Luyks , Parsons Brinckerhoff, Sydney, AUSTRALIA	The Place of Infrastructure: Solutions for Local Situations (p28) Mr Richard Reid , Richard Reid Architect & Landscape Architect, Auckland, NEW ZEALAND
1630-1700	Building Sustainable Settlements with Communities in Mind - A Review of Approaches to Involving Communities in Growth Management Planning (p13) Ms Lisa Perry & Dr Anna Johnson Opus International Consultants, Dunedin, NEW ZEALAND	Survival or Decline in Local Shopping: A Wellington Case Study (p50) Mr Vince Dravitzki , Opus Central Laboratories, Wellington, NEW ZEALAND
1730-1900	Welcome Reception	

Thursday 9th October, 2008

0900-1030	Session 5: Keynote Presentations	
0900-0945	Revitalizing Downtown Seattle - Lessons Learned (p74) Ms Kate Joncas , Downtown Seattle Association, Seattle, USA	
0945-1030	Building a Creative Community (p1) Mr Phil Wood , Comedia, Huddersfield, UK	
1030-1100	Morning Tea & Trade Exhibition	
1100-1230	Session 6A: Place Making	Session 6B: Climate Change
1100-1130	On the Waterfront - Revisited OSCAR or Odium for Renewal of our Foreshores? (p71) Mr Leonard Lynch , Clouston Associates, Sydney, AUSTRALIA	Retrofitting Cities for Climate Change (p47) Ms Caroline Stalker , Architectus Brisbane, AUSTRALIA
1130-1200	Place Making at Rouse Hill Town Centre (p35) Ms Kate Mackarell , The GPT Group, Sydney, AUSTRALIA	Sustainability and the Residential Sector - Meeting the Challenges of Climate Change and Peak Oil (p33) Mr Brett Pollard , Hassell Pty Ltd, Sydney AUSTRALIA

ICTC 2008 Creating a Gold Medal Community

ICTC2008 Preliminary Program

Wednesday 8th October, 2008

Session 1: Official Opening and Keynote Presentations - Proudly sponsored by Sydney Olympic Park Authority		0900-1030
Official Welcome		0900-0910
Sydney Olympic Park - Past, Present and Future Mr Alan Marsh , Chief Executive Officer, Sydney Olympic Park Authority, Sydney, AUSTRALIA		0910-0945
Leipzig - Turning a Shrinking City into a Growing City (p39) Mr Karsten Gerkens , Director of the Office of Urban Regeneration and Residential Development for Leipzig City Council, GERMANY		0945-1030
Morning Tea & Trade Exhibition		1030-1100
Session 2C: Housing Affordability	Session 2D: Master Planned Communities	1100-1230
Preliminary Findings Related to the Conceptualisation, Sensitivity and Measurement of Holding Costs and Impact on Housing Affordability (p3) Mr Gary Garner , THG Resource Strategists, Brisbane, AUSTRALIA	The Challenge of Size: Developing Great Places on a Smaller Scale (p54) Mr Martin Udale , McConnell Property, Auckland, NEW ZEALAND	1100-1130
Long Term Property Prices: Implications for Sydney Residential Development (p4) Dr Garrick Small , HillPD, Sydney, AUSTRALIA	The Leederville Masterplan (p18) Mr Robert Boardman , Town of Vincent, Perth, AUSTRALIA	1130-1200
Housing Affordability - Informing the Debate with Some Facts and Evidence (p40) Mr Ivan Motley , id (informed decisions), Melbourne, AUSTRALIA	Green Square Public Domain - Sustaining a Major Urban Centre (p5) Mr Adrian McGregor , mcgregor+partners, Sydney, AUSTRALIA	1200-1230
Lunch and Trade Exhibition - Proudly sponsored by Sydney Olympic Park Authority		1230-1330
Session 3C: Regional Strategic Planning	Session 3D: Energy/Water/Green	1330-1500
Strategic Growth Management Planning in New Zealand - A Review of Practice (p14) Dr Anna Johnson , Opus International Consultants, Dunedin, NEW ZEALAND	Delivering Sustainable Retail Solutions (p41) Mr Colin Reay & Ms Tina Morrison , The GPT Group, Sydney, AUSTRALIA	1330-1400
Retail Growth: Making an Old Community a Gold Community (p26) Mr Rimu Nelson , Urban Economics, Brisbane AUSTRALIA	Millennium Parklands - a Lasting Legacy? (p34) Mr Tony McCormick , Hassell Pty Ltd, Sydney, AUSTRALIA	1400-1430
Planning for Food Production within the Sydney Metropolitan Region (p55) Mr Andrew Docking , NSW Primary Industries, Sydney, AUSTRALIA	Creating Water Smart Use for Long-term Sustainability (p23) Dr Judy Lambert , Community Solutions, Sydney, AUSTRALIA	1430-1500
Afternoon Tea and Trade Exhibition		1500-1530
Session 4C: Urban Lifestyles	Session 4D: Creating Liveable Neighbourhoods	1530-1700
Inner City Brisbane Reinvents Itself (p63) Ms Alison Taylor , Queensland Department of Infrastructure and Planning, Brisbane, AUSTRALIA	Understanding Coastal Character - Enhancing the South Coast Context (p66) Ms Gabrielle Morrish , GM Urban Design & Architecture, Sydney, AUSTRALIA	1530-1600
City West - Strategic Urban Design for a Sophisticated Urban Renewal Vision (p53) Dr Helena Piha , Arup, Brisbane, AUSTRALIA	Living with Our Neighbours (p20) Ms Hannah Burgess , Opus International Consultants, Wellington, NEW ZEALAND	1600-1630
Revitalising the Heart of the City: Business Development in the Laneways and 'Fine Grain' Precincts of the Sydney CBD (p72) Ms Andrea Tattam , City of Sydney, Sydney, AUSTRALIA & Mr Craig Allchin , Six Degrees Pty Ltd Architects, Sydney, AUSTRALIA	Sustainable Improvement and Management of Urban Residential Core as Strategies for Millennium City Realisation in Nigeria (p61) Prof. Joseph Fadamiro & Mrs Sunday Bobadoye , Federal University of Technology, Akure, NIGERIA	1630-1700
Welcome Reception		1730-1900

Thursday 9th October, 2008

Session 5: Keynote Presentations		0900-1030
Revitalizing Downtown Seattle - Lessons Learned (p74) Ms Kate Joncas , Downtown Seattle Association, Seattle, USA		0900-0945
Building a Creative Community (p1) Mr Phil Wood , Comedia, Huddersfield, UK		0945-1030
Morning Tea & Trade Exhibition		1030-1100
Session 6C: Development of Creative Cities	Session 6D: Successful Case Studies	1100-1230
Cultural Planning and Urban Regeneration: The Oxford Street Cultural Quarter, Sydney (p69) Dr John Montgomery , Urban Cultures, Kingscliff, AUSTRALIA & Ms Jan Campbell , City of Sydney, Sydney, AUSTRALIA	Approaching Heritage Holistically (p46) Mr Gerard Gilfedder , City of Whitehorse, Melbourne, AUSTRALIA	1100-1130
Urban Vitality and Viability: a Framework for City Planning (p16) Mr Richard Brecknock , Brecknock Consulting Pty Ltd, Adelaide, AUSTRALIA	Having Fun but Making it Count: Triple Bottom Line Evaluation of Festivals and Events (p2) Ms Jenny Coppock , Auburn Council, Sydney, AUSTRALIA	1130-1200

Sydney Olympic Park 7 - 10 October 2008

1100-1230	Session 6A: Place Making (continued)	Session 6B: Climate Change (continued)
1200-1230	Shopping in a Placeless World: Shopping in a World of Places Are we being inappropriately malled? (p75) Mr Robin Bradley & Mr Paul Drechsler , Hames Sharley, Sydney, AUSTRALIA	Climate Change Adaptation for Local Government (p64) Mr Tim Rodgers , Mornington Peninsula Shire Council, Melbourne, AUSTRALIA
1230-1330	Lunch and Trade Exhibition	
1330-1500	Session 7A: Place Management	Session 7B: Sustainable Communities/Cities
1330-1400	Turning a Town Around - "Relocalisation in Action" (p27) Ms Libby Ozinga , Sunshine Coast Regional Council, Nambour, AUSTRALIA	Creating Environments that Support Physical Activity and Healthy Eating - the Role of Local Government in Queensland (p29) Mr Johan Pretorius , Plan Associates, Brisbane, AUSTRALIA
1400-1430	My Bondi Summer: A Carrot and Stick Approach to Successfully Managing 'Places' During Peak Season (p25) Ms Bobbi McIlwraith & Ms Lorna Bussell , Waverley Council, Sydney, AUSTRALIA	Planning for Health: Healthy Planning Outcomes for the Built Environment (p44) Ms Charlotte Crack & Mr Greg Pollock , Beca Carter Hollings & Ferner Ltd, Wellington, NEW ZEALAND
1430-1500	Place Management - Past_! and Future_? (p73) Mr Tony Walker , Fairfield City Council, Sydney, AUSTRALIA	Improving City Performance Through Benchmarking (p51) Mr Christopher Wajzer & Ms Alison Holloway , SGS Economics and Planning, Melbourne, AUSTRALIA
1500-1530	Afternoon Tea and Trade Exhibition	
1530-1700	Session 8A: Community Building/ Consultation	Session 8B: Sustainable Communities/ Cities
1530-1600	Beyond 'Rocks, Rabbits and Rubbish': Caroline Springs Town Centre (p37) Mr Mark van den Enden , Suters Prior Cheney, Melbourne, AUSTRALIA	From Sustain-obabble to Sustain-ability: Coherent Policy and Practice (p19) Ms Skye Rose , Manly Council & Dr Judy Lambert, Community Solutions, Sydney, AUSTRALIA
1600-1630	So You Think You Know the Community? (p6) Ms Caroline Wratt , MWH, Auckland, NEW ZEALAND	Alternative Models for Increasing Densities in our Cities and Suburbs (p30) Ms Diana Griffiths , Urban Designer, Sydney, AUSTRALIA
1630-1700	Just Communities: A National Community Engagement Project (p49) Presenter has withdrawn this presentation	Universal Housing Design - Towards a National Ageless and Universal Housing Design Initiative in Australia (p57) Ms Amelia Starr , Australian Network for Universal Housing Design, Sydney, AUSTRALIA
1900-2300	Conference Dinner - Proudly sponsored by Auburn Council	

The ICTC Society gratefully acknowledges the support provided by the University of Southern Queensland for the ICTC 2008 conference. USQ staff reviewed those papers submitted where the presenters/authors requested their papers to be academically reviewed.

Sydney Olympic Park Field Trip

(This field trip is limited to 75 full conference delegates only and will be accepted on a first in first booked basis)

Friday 10th May, 2008: 9.00am - 2.30pm



The Sydney 2000 Olympic Games were applauded as the 'best Games ever' and tagged the first 'green Games'. The vision for Sydney Olympic Park is to become an internationally admired example of sustainable urban renewal and development, as it moves from the gold medal sporting and events precinct to a vibrant township.

Development of the town centre is proceeding rapidly with \$1 Billion committed for commercial and residential development. Over the next 10 to 15 years, a further \$7 Billion in spending is anticipated on new developments for commercial, residential, educational, retail and venue purposes.

On this field trip, delegates will get the chance to examine Sydney Olympic Park from three different perspectives:

1. the planning process involved in creating the Masterplan for the site's development;

2. the business development of the site as a Sports Town and Education Campus; and
3. the initiatives of environmental sustainability built into the site which enabled delivery of the Green Games.

The Park's environmentally sustainable initiatives will be covered by a coach tour around the 620 hectare site with expert commentary provided. The other two information sessions (the Masterplan and Sports Town/ Education campus) will be a mix of seminar and short walking tour.

A maximum of 75 participants in total will be divided into three groups which will each rotate through the different (1.5 hour) information sessions (two before lunch and one after).

Morning tea and lunch will be provided.

Participants will be confirmed on a first in first selected basis and then from a waiting list.

Session 6C: Development of Creative Cities (continued)	Session 6D: Successful Case Studies (continued)	1100-1230
Arts, Culture and Events as a Key Placemaking Strategy at Sydney Olympic Park (p38) Mr Scott O'Hara , Sydney Olympic Park Authority, Sydney, AUSTRALIA	Palmerston Safe Community (p7) Mr Brendan Cabry , City Of Palmerston Council, Palmerston, NT, AUSTRALIA	1200-1230
Lunch and Trade Exhibition		1230-1330
Session 7C: Projects in Partnership/ Demographics	Session 7D: Development Challenges/ Tourism	1330-1500
Ipswich Regional Centre Strategy (p62) Mr Andrew Antonioli , Ipswich City Council, Ipswich, AUSTRALIA & Mr Colin Cassidy , Department of Infrastructure and Planning, Brisbane, AUSTRALIA	Challenges in Implementing Urban Infill Development Policy (p32) Ms Kerry Riethmuller & Mr Tony Duncan , PB, Brisbane, AUSTRALIA	1330-1400
Strengthening Local Communities: Integrated Local Area Planning in Growth Suburbs (p22) Mr Maurie Heaney , Melton Shire Council & Mr Michael Tudball , Department of Planning & Community Development, Melbourne, AUSTRALIA	Managing Change Through Design in a Coastal Setting (p24) Ms Noni Ruker , Ruker Urban Design, Sydney, AUSTRALIA	1400-1430
Is Queensland Australia's Growth State? - Facts and Fallacies (p56) Mr Ross Barker , Department of Infrastructure & Planning, Brisbane, AUSTRALIA	Australian Cities as Tourism Destinations (p68) Ms Angela Smith , Roy Morgan Research, Sydney, AUSTRALIA	1430-1500
Afternoon Tea and Trade Exhibition		1500-1530
Session 8C: City Infrastructure/ Policy	Session 8D: Other Topics	1530-1700
The City of Sydney Floor Space and Employment Survey - Urban Analysis Informing City Policy (p67) Mr Steven Hillier , Council of the City of Sydney, Sydney, AUSTRALIA	Deliberative Sustainability Assessment and its Application for Land Use Planning (p21) Ms Caroline Raphael , Murdoch University, Perth, AUSTRALIA	1530-1600
Benchmarking on Environmental Infrastructure Management in Selected Cities of Southeast Asia (p58) Dr Vilas Nitivattananon , Asian Institute of Technology, Pathumthani, THAILAND	Speaker Withdrawn this Presentation Mr Poul Tvermoes , L7 Development Cooperative, Wellington, NEW ZEALAND	1600-1630
Planning for Innovative Cities in a Knowledge Economy (p11) Mrs Kirsten Martinus , Curtin University of Technology, Perth, AUSTRALIA	Urban Water Management Problem: Bangladesh Perspective (p76) Prof. Sawar & Mr Wahldour Rahman Khan , Institute for Environment and Development Studies, Dhaka, BANGLADESH	1630-1700
Conference Dinner (proudly sponsored by Auburn City Council)		1900-2300

The ICTC Society gratefully acknowledges the support provided by the University of Southern Queensland for the ICTC 2008 conference. USQ staff reviewed those papers submitted where the presenters/authors requested their papers to be academically reviewed.

Social Functions & Activities

NRL Grand Final - ANZ Stadium, Sydney Olympic Park Sunday 5th October, 2008

ICTC2008 begins on Tuesday 7th October so why not include, as part of your itinerary, the NRL Grand Final which will be held at ANZ Stadium at Sydney Olympic Park on Sunday 5th October. Limited accommodation rooms for Sunday 5th October are available for full conference delegates only and can be booked via the registration form. Book early to avoid disappointment as this night will be sold out very quickly.

Welcome Reception

Wednesday 8th October, 2008: 5.30pm - 7.00pm
Sin Bin Bar and Terrace – ANZ Stadium

Catch up with your colleagues and meet other conference delegates as you relax with a drink and enjoy mouth watering canapes whilst overlooking the spectacular ANZ Stadium Arena.

Additional tickets \$60 each. (Inclusive for full conference delegates)



Conference Dinner - proudly sponsored by Auburn Council Thursday 9th October, 2008: 7.00pm - 11.00pm Millenium Room – ANZ Stadium



Enjoy a tantalising 3 course dinner and fine wines whilst looking at the spectacular views across the Sydney Olympic Park precinct. Then for the more energetic, kick up your heels and dance the night away.

Additional tickets \$100 each. (Inclusive for full conference delegates)

Educational Bike Tour

Tuesday 7th October, 2008: 2.30pm - 4.15pm

Hop on a bike and be escorted along the trails and through the beautiful parklands. An educational and fun tour guided by your hosts from Sydney Olympic Park Authority. The trail and talk takes in the iconic venues, parklands, riverside, wetlands and Bicentennial Park. Bike and helmet provided. Numbers are limited to 30 so please book early.

Tickets \$26.00 per person

Sydney Olympic Park 7 - 10 October 2008

Attendees

- Academia
- Developers
- Energy Managers
- Engineers
- Financiers
- Home Builders
- Landscape Architects
- Planners
- Property Consultants
- Retail Managers
- Transport Managers
- Urban Designers
- Architects
- Economic Development Managers
- Environmentalists
- Government (local, state, federal)
- Legal Professionals
- Project Managers
- Resource Managers
- Surveyors
- Town Centre Managers

Registration Fees

All rates are quoted in Australian dollars unless otherwise stated. To be eligible for the early bird rate, your registration form must be returned with full payment by Friday 1st August, 2008. If early bird payment is not received with the registration form by 1st August, 2008, then the standard payment will be required to be paid. Members of the ICTC Society are entitled to a discounted registration fee for early bird and standard registrations.

NOTE: Registrations are for individuals only and cannot be shared.

Full delegate registration for speakers, members and non-members include:

- Attendance at all conference sessions
- Special Interest Group session
- All conference day catering
- Attendance at the Sydney Olympic Park Field Trip (limited to first 75)
- Welcome reception
- Conference dinner
- Conference satchel, handbook & CD of Proceedings
- Entry to trade exhibition
- Delegate list #

Speakers: Please note that subsidised Speaker registrations are limited to 1 presenter per presentation.

Day delegate registration for members and non-members include:

- Attendance to sessions for nominated day
- Conference day catering for nominated day
- Conference satchel, handbook & CD of Proceedings
- Entry to trade exhibition for nominated day
- Delegate list #

#Due to privacy laws, delegate lists include only name and organisation. If you do not wish to be included in this list, please tick the appropriate box on the registration form.

Payment

All prices quoted in this brochure are in Australian dollars and are inclusive of GST (unless otherwise stated). Registrations will not be processed until payment is received. Payment can be made by the following methods:

- Credit card – Visa or MasterCard.
- Cheque
 - Australian delegates: personal or company cheques made payable to "ICTC Society No 2 Account".
 - New Zealand and International delegates: bank draft or international money order in Australian dollars, drawn on an Australian bank and made payable to "ICTC Society No 2 Account".

Conference Venue

Novotel, Olympic Boulevard, Sydney Olympic Park NSW 2127

Tel: +61 2 8762 1111 Fax: +61 2 8762 1211

Located in the heart of Sydney Olympic Park, Novotel offers superb conference facilities and 4.5 star accommodation and facilities.

Personal insurance & liability

Participants shall be regarded in every aspect as carrying their own risk for personal injury and loss or injury to property, including baggage, during the conference. We strongly recommend that you take out a travel insurance policy to cover your registration, travel and tours. The organisers will be in no way responsible for any claims concerning insurance.

In the event of industrial disruptions or force majeure, the ICTC Society and organising committee accept no responsibility for losses incurred by delegates and/or partners.

Special needs

Every effort is made to cater for people with special needs. Should you require any specific assistance, including dietary requirements or wheelchair access, please include this in the relevant section of the registration form.



Travel



CORPORATE TRAVEL MANAGEMENT
Tailored Travel Solutions.

The longer you wait to book travel - the more you will pay!

Want to see ALL flight options to the ICTC Conference 2008, being held in Sydney on a single computer screen? Use the latest delegate flight booking technology at: www.travlectm.com/bookings and enter in your booking code: ICTC2008

Alternatively, contact Corporate Travel Management (CTM) direct for the best airfare rates available on 1800 630 866 or e-mail: groups@travlectm.com. Remember to quote your event code: ICTC2008

Airport Transfers

Taxis are available at both the domestic and international terminals. The cost for a taxi from Sydney Airport to Novotel Sydney Olympic Park is approximately \$50.00 at the time of printing and takes approximately 45 minutes and is dependent upon the day and time you arrive in Sydney. Taxi phone number is 131451.

sydneydriver.com is an accredited hire car operator who provides door to door passenger transfers for individuals or groups using the latest vehicles and providing an excellent chauffeured limousine service. John provides a very personalised and comfortable service and will, if requested, provide commentaries of the highlights of Sydney during your transfer. Contact John on 0408 987 788 or email info@sydneydriver.com to obtain costs for personal transfers or for the Shuttle Bus Express.

Accommodation

Bookings & Payment

All bookings must be made on the official booking form to receive the negotiated conference rate. In order to secure a reservation, all hotel bookings must be accompanied by a minimum deposit of one (1) night's room rate. The deposit is non-refundable and will be forfeited if you do not arrive on the date for which you have booked. If payment is to be made by cheque, please make cheque payable to "ICTC Society No 2 Account". If payment is made by credit card, the details, including cardholder's signature, will be forwarded to your chosen accommodation venue as security for your booking. Delegates are responsible for any damage they cause and must settle the balance of their account with the accommodation venue upon departure.

SydneyOlympicPark

A living legacy
for the people of Australia



Eight years on from the 'best games ever', Sydney Olympic Park continues to attract more than 8.2 million visitors annually to enjoy the Park's diverse range of sporting, leisure, entertainment and business experiences.

Today the Park supports over 60 businesses with more than 6,000 daily workers and hosts over 2,040 business events annually.

Sydney Olympic Park, in its evolution as an important economic centre and urban parkland in metropolitan Sydney, is building on considerable strengths. These include its outstanding sports and entertainment venues,

diverse parklands and riverside settings, heritage areas, strong record in environmental sustainability including remediation of landfill areas, location in the heart of Western Sydney, and proximity to the city, airport and Parramatta CBD.

Sydney Olympic Park is continuing to attract major investment in commercial, sporting, education and hospitality development, with confidence in the precinct demonstrated by the number of significant post-Olympic developments completed and underway.

To find out more, visit www.sydneyolympicpark.com.au/development

For more information call +61 2 9714 7300, email info@sydneyolympicpark.com.au or visit www.sydneyolympicpark.com.au

Sydney Olympic Park 7 - 10 October 2008

All rooms will be released from sale on 6th September, 2008. The ICTC Society will accept accommodation bookings after this date but is unable to guarantee that accommodation will be available at the selected hotels or at the printed room rates.

Changes and cancellations

Any changes to or cancellations of reservations made through the ICTC Society must be notified to the ICTC Society in writing either via email (krys@ictcsociety.org) or to PO Box 1380, Palm Beach QLD 4221, Australia and not directly to the accommodation venue.

Hotels

Novotel – Sydney Olympic Park (4.5 star)



The Novotel is the conference hotel and is located in the heart of Sydney Olympic Park. Novotel offers uninterrupted panoramic views of Sydney Olympic Park and beyond. Facilities include Air conditioning, in house movies, Foxtel 1 and 2, in room safe, mini bar, 24 hour room service, high speed broadband internet access, tea & coffee making facilities and operable windows. Services include 24 hour reception and concierge, high speed and wireless internet access, car parking on site (\$20 per day subject to availability).

- Guest rooms include either (a) Queen bed and Sofa Bed; or (b) twin 2 x double beds
- Terrace Room includes Queen Bed only with a balcony
- Studio King Room includes King Bed only
- Executive Spa Suites which offer a spacious balcony, a separate bedroom with king bed, kitchenette, living room and large spa bath.

Hotel Ibis – Sydney Olympic Park (3.5 star accommodation and facilities).

Located adjacent to and joined to the Novotel via a lift, this 3.5 star hotel includes airconditioning, in house movies, Foxtel 1 and 2, in room safe, work desk, high speed internet access, tea & coffee making facilities



and operable windows. Hotel Ibis utilises all Novotel facilities, including business centre and Arena Restaurant, 17th Level Observation Centre and the Homebush Bay Brewery.

- Hotel rooms include a king bed which can be split into two king singles for a twin configuration or some rooms have queen beds only.

Pullman - Sydney Olympic Park (5 star)



Newly completed luxurious and upscale 5 star Pullman is located adjacent to the conference venue. Enjoy panoramic views of Sydney whilst in the chic wine bar and savour contemporary International cuisine in the Bacar Restaurant. All rooms exude style, while incorporating high-tech functionality.

This 100% non smoking hotel includes airconditioning, cable TV, 24 hour front desk, business centre, In-house movies, internet access, valet parking, wireless internet, fitness centre, mini bar, bathtub, bathrobe and much, much more.

Limited executive suites which have access to the Executive Lounge are also available on request. Special rates have been obtained for these rooms. Please advise if you wish to book these rooms.

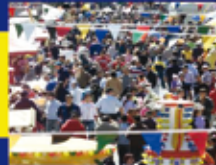
- Superior rooms include a queen/king bed whilst twin rooms include two double beds.



Auburn

many cultures one community

A proud sponsor of the 9th ICTC Conference 2008



Situated in the geographical heart of Greater Western Sydney, Auburn is home to people from over one hundred nations.

The Auburn area offers excellent opportunities for business development, cultural and sporting pursuits, academic excellence and a high quality of life for residents.

Delegates of ICTC 2008 will experience first hand characteristics of our distinctive and vibrant city which supports one of the world's fastest growing economies.

Auburn is a place for all people.

www.auburn.nsw.gov.au

T: (02) 97351240 F: 96431120 1 Susan Street, Auburn NSW 2144 e: auburncouncil@auburn.nsw.gov.au

Interested in the Benefits of Hosting an ICTC Conference?



An invitation is extended to your Council/Convention Bureau to nominate to host the 10th International Cities, Town Centres & Communities (ICTC) Conference in 2009.

The 8th ICTC Conference was held at the Bruce Mason Centre, North Harbour, Auckland New Zealand, in June 2007 and attracted in excess of 400 delegates - the 9th ICTC Conference is being held at Sydney Olympic Park in October 2008.

Some of the benefits for your Council/Community to host the 2009 conference may include:

- Showcase your community to your peers:
- Provide a mechanism via feedback from your peers to offer appraisals and constructive suggestions for consideration by your community
- Planners, architects, project managers and developers may see the possibility for projects they were previously unaware of.

Your community could reap the economic benefits gained by having several hundred visitors injecting funds of approximately \$500,000.00 by way of:

- Accommodation, food and beverage
- Audiovisual services
- Entertainment
- Tourist services
- Taxis, rental cars etc.

Provide a platform for future tourism.

The Host City Nomination Document outlines the aims of the ICTC Society and the key selection criteria to host the 2009 ICTC Conference and can be found on the ICTC website at www.ictcsociety.org/?D=6

We look forward to your participation in the 2008 conference as a speaker, sponsor, exhibitor or delegate and welcome your nomination to host the 10th International Cities, Town Centres and Communities Conference, 2009.

Sydney Olympic Park 7 - 10 October 2008



Registration Form – ICTC2008

ABN: 4517 5717 285

Please complete and return this form along with your full payment to ICTC Society, PO Box 1380, PALM BEACH QLD 4221 AUSTRALIA

Phone: +61 7 5520 4288 Fax: +61 7 5508 2175 Email krys@ictcsociety.org

Personal Details - Please print clearly

Title _____ Surname _____

Given Name _____

Organisation _____

Position _____

Postal Address _____

Suburb _____ State _____

Country _____ Post Code _____

Phone _____ Fax _____

Email _____

Please print clearly as confirmation of receipt will be sent via email

Preferred Name on Badge _____

Dietary/Special Requirements _____

Please indicate by ☒ the boxes below if you:

☐ **DO NOT** wish to be included on the symposium delegate list. The delegate list will be given to all participants at ICTC2008.

☐ are a member of the ICTC Society

1. Registration Fees - Please tick appropriate boxes below

Payment must be received by 5pm on 1 August, 2008 to qualify for early bird rate.

Early bird ☐ by 01/08/08
Standard ☐ After 1/08/08

*Speaker Registration **R01** ☐ \$695

**Only one presenter per paper at subsidised fee*

Full Registration (Member) **R02** ☐ \$895 **R03** ☐ \$995

Full Registration (Non-Member) **R04** ☐ \$995 **R05** ☐ \$1095

Wednesday Day Registration **R06** ☐ \$495 **R07** ☐ \$595

Thursday Day Registration **R08** ☐ \$495 **R09** ☐ \$595

Total: \$ _____

2. Social Functions & Activities

Welcome Reception - Wednesday 8 October (Inclusive for full conference

registrations only)

Please indicate ☒ if you will be attending ☐ Yes ☐ No

S01 Extra Tickets @ \$60 \$ _____

Guest Name(s) _____

Conference Dinner - Thursday 9 October (Inclusive for full conference registrations only)

Please indicate ☒ if you will be attending ☐ Yes ☐ No

S02 Extra Tickets @ \$100 \$ _____

Guest Name(s) _____

Educational Bike Tour - Tuesday 10 October

Please indicate ☒ if you will be attending ☐ Yes ☐ No

S03 No of Tickets _____ @ \$26 \$ _____

Guest Name(s) _____

Total: \$ _____

3. Special Interest Groups (SIG's) Tuesday 7 October (Inclusive for full conference registrations only) Please indicate ☒ appropriate box below

SG1 ☐ Not attending any **SG2** ☐ Business Improvement Districts

SG3 ☐ Transit Oriented Design **SG4** ☐ Place Making

4. Sydney Olympic Park Field Trip Friday 10th October, 2008 (inclusive for full conference registrations only but limited to the first 75 booked only). Please indicate ☒ appropriate box below.

F1 ☐ Do not wish to attend

F2 ☐ Sydney Olympic Park (limited to first 75)

5. Accommodation

Please indicate your 1st & 2nd preference and then tick option within each room type. Credit Card details will be forwarded to your chosen hotel. Prices are per room per night.

Novotel - Sydney Olympic Park

_____ **A01 Guest Room** Queen bed

☐ 1 breakfast \$226

☐ Room Only \$210

☐ 2 breakfasts \$242

_____ **A02 Guest Room** Twin beds

☐ 1 breakfast \$226

☐ Room Only \$210

☐ 2 breakfasts \$242

_____ **A03 Terrace**

☐ 1 breakfast \$276

☐ Room Only \$260

☐ 2 breakfasts \$292

_____ **A04 Studio King**

☐ 1 breakfast \$276

☐ Room Only \$260

☐ 2 breakfasts \$292

_____ **A05 Executive Suite**

☐ 1 breakfast \$426

☐ Room Only \$410

☐ 2 breakfasts \$442

Hotel Ibis - Sydney Olympic Park

_____ **A06 Guest Room**

☐ 1 breakfast \$180

☐ Room Only \$164

☐ 2 breakfasts \$196

Pullman Hotel - Sydney Olympic Park

_____ **A07 Guest Room**

☐ 1 breakfast \$277

☐ Room Only \$260

☐ 2 breakfasts \$294

_____ **NRLGrand Final Surcharge**

☐ 5th Oct. only \$100

☒ Please indicate your room type Single ☐ Queen/King ☐ Twin ☐

No of persons in room _____ Sharing with _____

Special requests _____

Arrival date: _____ Arrival Time: _____

Departure date: _____ No. of nights: _____

6. Registration Payment Summary

1. Registration AUD\$ _____

2. Social Functions AUD\$ _____

3. Accommodation (if paying by cheque only) AUD\$ _____

Registration Total AUD\$ _____

Credit Card Authority - Registration Only

☒ Please indicate your Credit Card type ☐ MasterCard ☐ Visa

Cardholder Name _____

Card Number _____

Expiry Date: _____ *Verification number is: _____

**Verification number is the last three digits on the reverse of your card in the signature section*

Signature _____

Credit Card Authority - Accommodation Only

☒ I authorise the hotel to debit my credit card for the following:-

☐ 1 night's deposit

☐ All accommodation (excluding incidentals)

☐ All accommodation (including incidentals)

☐ Other _____

☐ Amex ☐ Diners ☐ MasterCard ☐ Visa

Cardholder Name _____

Card Number _____

Expiry Date: _____ *Verification number is: _____

**Verification number is the last three digits on the reverse of your card in the signature section*

Signature _____

Item 3

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	27 MIOWERA ROAD, NORTH TURRAMURRA - PIPING EXISTING OPEN CHANNEL WATERCOURSE
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	0415/08
SUBJECT LAND:	27 Miowera Road, North Turramurra
APPLICANT:	D Atkinson, Cardno (NSW) Pty Ltd
OWNER:	N S Silva
DESIGNER:	Cardno (NSW) Pty Ltd
PRESENT USE:	Dwelling house
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance (KPSO)
COUNCIL'S POLICIES APPLICABLE:	DCP 38 –Residential Design Manual, DCP 47 - Water Management, DCP 56 – Notification, DCP 40 – Waste Management, Riparian Policy,
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55 – Remediation of Land, SREP 20 – Hawkesbury Nepean River
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	9 May 2008
40 DAY PERIOD EXPIRED:	18 June 2008
PROPOSAL:	Piping existing natural watercourse
RECOMMENDATION:	Refusal.

Item 3

DEVELOPMENT APPLICATION N^o 0415/08
PREMISES: 27 MIEWERA ROAD, NORTH
TURRAMURRA
PROPOSAL: PIPING EXISTING NATURAL
WATERCOURSE
APPLICANT: D ATKINSON, CARDNO (NSW) PTY LTD
OWNER: N S SILVA
DESIGNER CARDNO (NSW) PTY LTD

PURPOSE FOR REPORT

To determine development application No.415/08, which seeks consent for the piping of the natural watercourse running through the rear garden using a 1050mm diameter stormwater pipe.

The application was called to full Council by the Mayor, Councillor Nick Ebbeck on 18 June 2008.

EXECUTIVE SUMMARY

Issues: Riparian corridor, unauthorised works, tree impacts, residential amenity

Submissions received: 1 submission received

Land & Environment Court Appeal: No

Recommendation: Refusal

HISTORY

The site is currently used for residential purposes. The following matters are of relevance to the subject site.

Site history:

The owner of No. 27 Miowera Road wrote to Council on 29 March 2006 seeking approval to pipe the existing natural watercourse. On 13 April 2006 Council advised the property owner that permission to pipe the natural watercourse would not be granted in accordance with Council's Stormwater Management Policy. The property owner was also advised that the Department of Natural Resources (DNR) was not in support of the proposal.

On 9 August 2007 Council investigated reports of unauthorised piping of the natural watercourse at the development site where the property owner was advised to cease work by Council's Compliance Officer. However, further unauthorised works were carried out at the site and the matter was referred to Council's solicitors.

Item 3

The site has been subject to the following applications:

DA No.	Description	Decision	Date
804/02	Demolition & construction of an attached dual occupancy.	Withdrawn	17/12/02
1736/02	Alterations and additions to the existing dwelling.	Approved	20/5/03
1736/02A	S.96 application	Approved	29/3/04
994/07	Piping of the watercourse within the rear setback	Refused	7/12/08
REV0018/08	Review of DA0994/07	Rejected under clause 51 of Environmental Planning & Assessment Regulation 2000	4/3/08

The applicant lodged an appeal in the Land & Environment Court (Appeal No. 10320 of 2008) against Council's refusal of Development Application No. 0994/07. This appeal was subsequently withdrawn by the applicant on 26 May 2008.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	Between 1945-1968
Lot Number:	A
DP Number:	376018
Area:	1309m ²
Heritage Affected:	No
Integrated Development:	Yes
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The subject site is located on the eastern side of Miowera Road in close proximity to the junction of Miowera Road and Normurra Avenue. A part one/part two storey dwelling is located on the site with a garage on the southern side of the dwelling. The land has a steep fall from the road reserve (RL140.87) towards to the rear of the property (RL133.53) and has a steep cross-fall (north-south) of approximately five metres. Most of the rear setback has been cleared with few trees remaining.

Item 3

A Council drainage easement, some 2.44 metres in width, cuts across the south-eastern corner of the property.

Unauthorised earthworks have occurred and pipes have been laid within the easement area (refer Figure 2). This matter has been referred to Council's Compliance Team for investigation.



Figure1 – The development site

A piped watercourse runs through No. 24 Normurra Avenue which is the corner property to the south of the subject site. The watercourse then flows through the development site to the north-western corner of No. 26 Normurra Avenue. The watercourse is not piped through adjacent downstream properties (No. 26 Normurra Avenue, Nos. 29a and 31 Miowera Road) but piped from No. 3 Stephanie Place to Cowan Creek to the east of the subject property, which was completed many years ago and therefore predates the adoption of Council's Riparian Policy (14 December 2004).

SURROUNDING DEVELOPMENT

Surrounding development is predominately residential comprising one and two storey dwelling houses. The subject site is in close proximity to the North Turrumurra Shopping Village, Turrumurra North Primary School on Bobbin Head Road and Orange Green facing Allara Avenue.

THE PROPOSAL

The applicant is seeking development consent for the piping of the natural watercourse running through the rear setback to north western corner of the adjoining property (No. 26 Normurra Avenue) where the watercourse is not piped. The proposed 1050 mm pipe would connect to the existing upstream pipe within No. 24 Normurra Avenue.

Development consent is required as the proposal constitutes integrated development pursuant to the Environmental Planning and Assessment Act 1979 and Water Management Act, 2000 for works within the core riparian zone of a natural watercourse and entails a concurrent approval from the consent authority, the Department of Water and Energy.

The applicant's reasoning to pipe the open water course is as follows:

1. The existing open water course has caused the surrounding area to become eroded. Piping the water course will prevent further erosion and allow for reinstatement of the lost material.

Item 3

2. Safety concerns over the existing open channel

The applicant concludes his Statement of Environmental effects that piping and filling of the water course will remove the above two issues.

The plans indicate that the pipe would not be located within the existing drainage easement and this would require a resolution from Council granting an approval for the relocation of the easement.

The works carried out to date comprise unauthorised earthworks and the subsequent installation of a 1050mm pipe within the water course as can be seen in Figure 2.

These works are in breach of Condition 53 of the development consent to DA1736/02 (alterations and additions to the existing dwelling house) issued on 20 May 2003. Condition 53 states:

"A riparian zone is to be established for a width of 5 metres measured from the top of the bank of the watercourse. Plant species used in this area are to consist of a diverse range of native plant species appropriate to the site and local to the area."

It was noted that the Department of Natural Resources also issued a Part 3A Permit with numerous conditions to preserve and rehabilitate the watercourse for the subdivision of the adjoining property No 29 Miowera Road to the north east (DA404/04).

The applicant's concerns regarding the erosion of the open watercourse could have been resolved by the planting of riparian species along the banks of the watercourse and the placement of rocks within the watercourse.

The applicant's concerns about safety over the existing open channel could have been resolved by appropriate fencing of the channel.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, adjoining owners were given notice of the application.

In response, one submission was received from the following property owner who raised the issues listed below:

1. I & H Clohessy, 26 Normurra Ave, North Turramurra

previous application was refused by Council

Council did refuse a previous application for the piping of a natural watercourse at the subject site on 7 December 2007.

works commenced without consent

The proposed works have already been substantially undertaken as indicated in Figure 2. A new driveway has also been installed without development consent. Both matters have been referred to Council's Compliance Team for investigation as indicated earlier in this report.

Item 3

CONSULTATION - WITHIN COUNCIL

Engineering

Council's Development Engineer, Kathy Hawken, made the following comments:-

The applicant has submitted a new DA for the piping of the watercourse. An updated report was submitted with the application prepared by Cardno Willing Report No. W4721-2, dated January 2008.

The application is not consistent with Council's Riparian Policy.

The proposed pipe would not be within the existing easement particularly at the upstream boundary. Consequently, Council's approval for the relocation of the easement would be required by a resolution from Council.

Landscaping

Council's Landscape Development Officer, Robyn Askew, commented on the proposal as follows:

History of development on the site

DA1736/02 for alterations and additions was approved on 20 May 2003. The Department of Land & Water Conservation (DLWC) now known as the Department of Environment and Climate Change (DECC) approved the development subject to various conditions under a Part 3A Permit. A special condition (Condition 53) was imposed stating that;

"A riparian zone is to be established for a width of 5 metres measured from the top of the bank of the watercourse. Plant species used in this area are to consist of a diverse range of native plant species appropriate to the site and local to the area."

An inspection by Council officers on 15/06/04 revealed that the landscape works had been carried out in accordance with the approved plan.

piping of the watercourse

The watercourse is a tributary of Cowan Creek and flows across the south eastern (rear) section of the property into the adjoining properties to the north east.

It was noted that the DNR also issued a Part 3A Permit with numerous conditions to preserve and rehabilitate the watercourse for the subdivision of the adjoining property No 29 Miowera Road to the north east (DA404/04).

At a recent site inspection it was noted that almost all of the landscaping along the western, southern and eastern boundaries installed pursuant to the previous approved DA 1736/02 on the subject site has either been removed or has died due to lack of care. The majority of the rear yard has been disturbed due to the recent unauthorised works.

Item 3

The applicant's concerns regarding the erosion of the open watercourse would have been resolved by the planting of riparian species along the banks of the watercourse and the placement of rocks within the watercourse.

Impact on trees

The proposed works will have a detrimental impact on the Eucalyptus sp (13 metres high) and an Acacia sp (9 metres high) with both trees being in good condition and located within 3 metres of the watercourse.

No arborist's report has been provided to justify the potential adverse impacts on the subject trees.

Landscape proposal

No landscape plan has been submitted with the DA.

CONCLUSION

Landscape Assessment finds the proposal unacceptable for the following reasons;

- *The proposal does not comply with the Conditions 32, 49, 51, 52, 53, 55, 56, 63 & 64 of the previous development consent DA1736/02.*
- *The proposal does not comply with the Part 3A Permit issued by the Department of Land & Water Conservation.*
- *The piping of the watercourse is not supported by the Department of Natural Resources.*
- *The proposal will adversely impact on a Eucalyptus sp and an Acacia sp located within 3 metres of the watercourse.*

EXTERNAL REFERRALS

Department of Water & Energy

The subject application constitutes Integrated Development pursuant to section 91 of the EP & A Act due to works to a natural water course, and the requirement to obtain the General Terms of Approval from the NSW Department of Water and Energy. Accordingly, the application was referred to the Department of Water and Energy for assessment and the following comments were provided:

- *The Department supports Council's Riparian Policy and therefore requires that the policy be implemented for this proposal.*
- *Piping of watercourses is contrary to Council policy, State government policy and general Ecological Sustainable Development objectives. Such piping increases negative impacts by over-streamlining the hydrological response, and by sterilising*

Item 3

the biology and ecology of the watercourse. On-site impacts include decreased water quality, and decreased biodiversity. Downstream impacts include flooding, erosion and sedimentation, decreased water quality and reduced biodiversity through altering riparian habitat and by obstructing riparian corridors.

- *The Department does not support the proposal to pipe this watercourse and requires more information in relation to the treatment of the watercourse. In particular, the Department is concerned with the likely outcome of the proposed piping that is likely to lead to bank instability for downstream properties due to increased water velocities.*
- *There does not seem to be a significant reason for the proposed piping of such a short section of watercourse and the likely benefits of the piping do not appear to outweigh the negative impacts. If safety is the key concern, it is recommended that an open 'pool' style fence be constructed to minimise unnecessary access to the watercourse area.*
- *Owner's consent from the downstream property owner is also required as works are proposed on their property boundary.*

The last point was discussed with council's engineer and it was confirmed that the works only need to be undertaken on the upstream property. The applicant submitted a letter from the owners of the upstream property, 24 Normurra Avenue, giving their consent for these works.

PROVISIONS OF RELEVANT LEGISLATION

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River

The aim of this Plan is to protect and provide total catchment management for the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context.

The Department of Water & Energy has indicated that the proposal is likely to have a detrimental impact upon the greater catchment that is contrary to the aims and objectives of the Sydney Regional Environmental Plan.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Pursuant to section 76A (1) of the EPA Act and clause 23 of the KPSO, development can only be carried out in residential 2(c) zones with the consent of Council. The applicant, however, has substantially undertaken the works at the site as indicated below in Figure 2.

Item 3

Legal opinion was sought with regard to the unauthorised works and the following advice was provided by Council's solicitors:

"Neither the Council or the Court can grant retrospective approval for construction which has already been undertaken (Ireland v Cessnock City Council [1999] NSWLEC 153; Steelbond (Sydney) Pty Limited v Marrickville Council 83 LGERA 192).

Further, the works can not be defined as a "building" so a Building Certificate pursuant to section 149A of the Environment Planning and Assessment Act 1979 (NSW) can not be issued (Cariste Pty Limited & Anor v the Council of the City of Blue Mountains [1996] NSWCA 92; Williams v Blue Mountains City Council [2001] NSWLEC 73)."



Figure 2 – The unauthorised works at the site

The piping of the watercourse also frustrates the achievement of the following planning objectives for residential zones and is therefore considered to be unsatisfactory:

1. (a) *To maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and*
(b) *to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.*
2. (c) *any building or development work shall maintain or encourage replacement of tree cover whenever possible to ensure the predominant landscape quality of the Municipality is maintained and enhanced*

POLICY PROVISIONS

Development Control Plan No. 38 - Ku-ring-gai Residential Design Manual

Part 3.1.6 of DCP 38 is concerned with the natural landscape and requires the retention of existing natural features, including canopy trees and watercourses. The proposal, however, would cause the loss of the natural watercourse and have a negative impact upon existing trees which is contrary to the planning objectives specified in part 3.1.6 of DCP 38.

Item 3

There would also be a loss of amenity for adjoining properties as a result of the loss of vegetation and impacts upon existing trees in terms of privacy and outlook which is contrary to the requirements of part 4.4.1 in DCP 38.

Development Control Plan No. 47 – Water Management

Part 7.4 of DCP 47 is concerned with water management in Ku-ring-gai and does not support the straightening, relocation, widening, narrowing, piping, lining or reprofiling of a natural waterbody. Part 4.5 of DCP 47 also requires the retention of existing vegetation around watercourses. The proposal, however, removes the natural watercourse on the site and is contrary to DCP 47.

Riparian Policy

Council's Riparian Policy, adopted on 14 December 2004, aims to protect, remediate urban streams with a view to ensuring the long term viability and sustainability of the creeks and riparian corridors in Ku-ring-gai. The proposal is also contrary to Council's Riparian Policy.

LIKELY IMPACTS

The proposal would have a detrimental impact upon the natural environment for the reasons stated throughout the report.

SUITABILITY OF THE SITE

The proposal would have an undesirable impact upon the environment as indicated in the comments from the Department of Water & Energy so the development is considered to be unsuitable for the site.

ANY SUBMISSIONS

The submission in relation to the subject application has been addressed.

PUBLIC INTEREST

The proposal is not considered to be in the public interest for the reasons stated above.

OTHER RELEVANT CONSIDERATIONS

There are no other relevant matters for consideration.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposal is considered to be unsatisfactory. It is recommended therefore, that Council refuse consent to Development Application No. 0415/08.

Item 3

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, refuse development consent for Development Application No. 0415/08 for piping of a natural watercourse on land at 27 Miowera Road, North Turrumurra, as shown on plan no. 600155-D-001 & 600155-D-002 Revision C, 600155-D-003 Revision B prepared by Cardno (NSW) Pty Ltd lodged with Council on 9 May 2008 for the following reasons:

1. Unauthorised works

Council is unable to grant retrospective consent as the works have already been substantially undertaken.

Particulars: Section 76A of the EPA Act (1979) and Clause 23 of the KPSO.

2. Integrated development

Council is unable to grant consent to the application because the NSW Department of Water & Energy is not in support of the application.

Particulars: Section 91A(2) of the EPA Act (1979) as amended.

3. Riparian zone

The piping of watercourses is contrary to the objectives of Council's Riparian Policy and DCP 47 that aim to protect and remediate urban streams in Ku-ring-gai.

Particulars: The objects of the EPA Act 1979 (as amended) 5(a)(i), (vii); Aims of DCP 38 – Parts 1.2.3, 1.2.4, 1.2.5, 1.2.6; Objective 3.1(i); Parts 4.5, 7.4(a), 9.3.4 (h) in DCP 47; the aims of the Riparian Policy (14 December 2004)

4. Impacts on trees and landscaping

The proposal has had a detrimental impact upon the landscaped area at the subject site which is contrary to the aims and objectives in the KPSO, DCPs 38 and 47. In addition, a landscape plan was not submitted with the application.

The works also have a negative impact upon the trees (Eucalyptus sp. & Acacia sp.) in close proximity and an arborist report was not provided with the application.

Particulars: Aims & objectives 1(a), (b), 2(c), of the KPSO in schedule 9; Aims & objectives of DCP 38 – Parts 1.2.2, 1.2.4, 1.2.10, 3.1 (c), 3.1.(d), 3.1 (g); 4.3.4; DCP 47 – Part 4.5.

Item 3

5. Residential amenity

There would be a loss of amenity for adjoining properties as a result of the loss of vegetation causing a loss of privacy and outlook.

Particulars: Aims & objectives 1(a), (b), 2(b) of the KPSO in schedule 9, Aims & objectives of DCP 38 – Parts 1.2.1, 1.2.7, 4.3.4

R. Pearson
Executive Assessment Officer

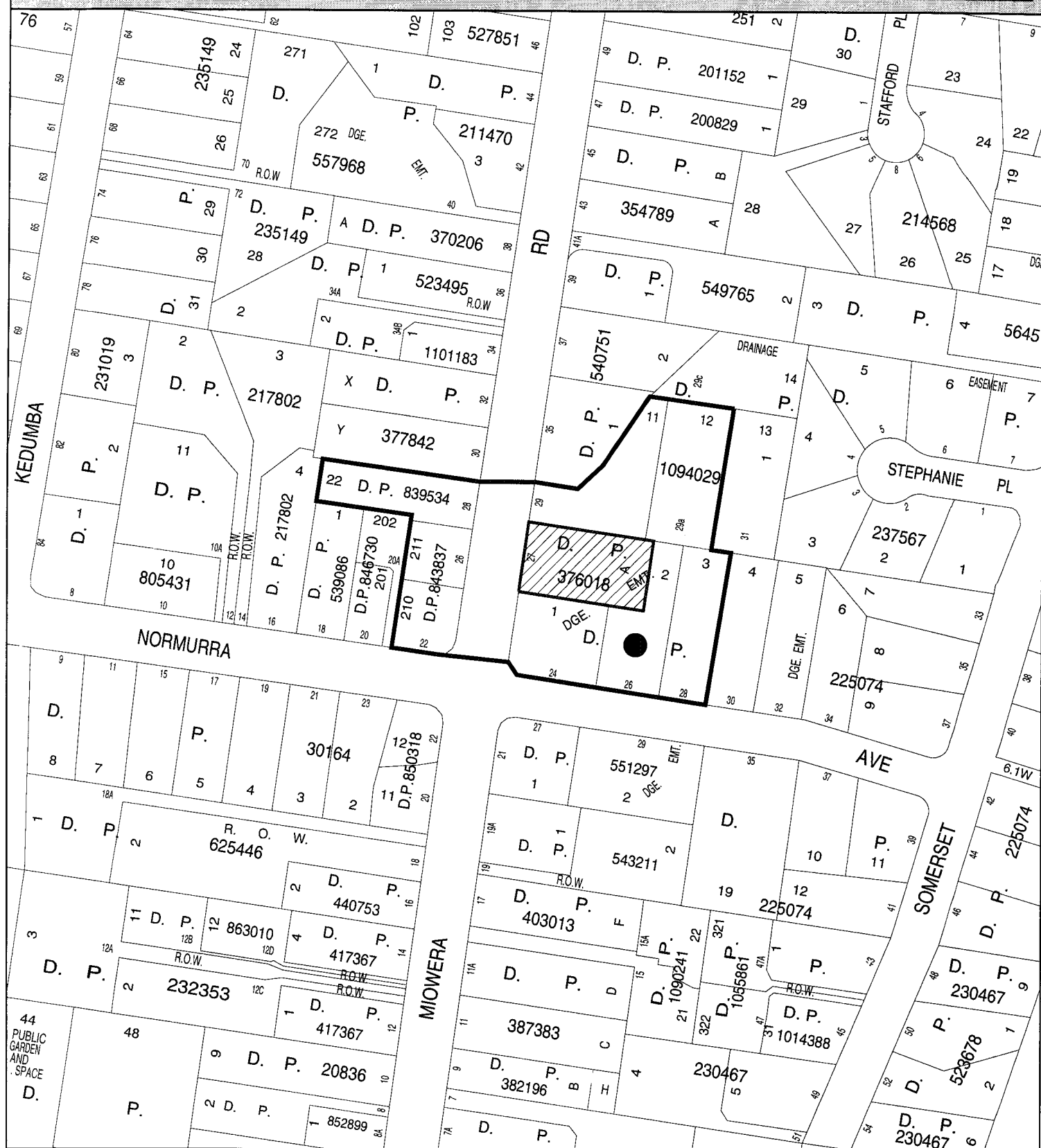
S. Segall
Team Leader
Development Assessment - North

C. Swanepoel
Manager
Development Assessment Services

M. Miocic
Director
Development & Regulation

Attachments:
Location Sketch 966925
Zoning Extract - 966925
Survey Plan - 966929
Site Plan - 966929
Drainage Design Plan - 966929
Sediment Control Plan - 966929

DEVELOPMENT APPLICATION No 0415/08



Scale : 1:2000

10-07-2008



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



SUBMISSION



CIRCULATED AREA



27 NIOWERA RD NORTH TURRAMURRA DA 0415/08



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

B1	1.0:1
B2	1.0:1

- ## 5. SPECIAL USES

- | | |
|-------------------------------------|--------|
| (a) SPECIAL USES A
(Schools etc) | SCHOOL |
| (a1) SPECIAL USES A1 | 5(a1) |
| (b) SPECIAL USES (Railway) | |

6. OPEN SPACE

- (a) RECREATION EXISTING 
- (b) RECREATION PRIVATE 
- (c) RECREATION PROPOSED 

RESERVATIONS

OPEN SPACE

- (a) OPEN SPACE (Public Parks & Recreation)
- (b) COUNTY OPEN SPACE

SPECIAL USES

SPECIAL USES (Parking etc) **PARKING**

ROADS

- (a) COUNTY ROAD PROPOSED
- (b) COUNTY ROAD WIDENING
- (c) LOCAL ROAD PROPOSED
- (d) LOCAL ROAD WIDENING

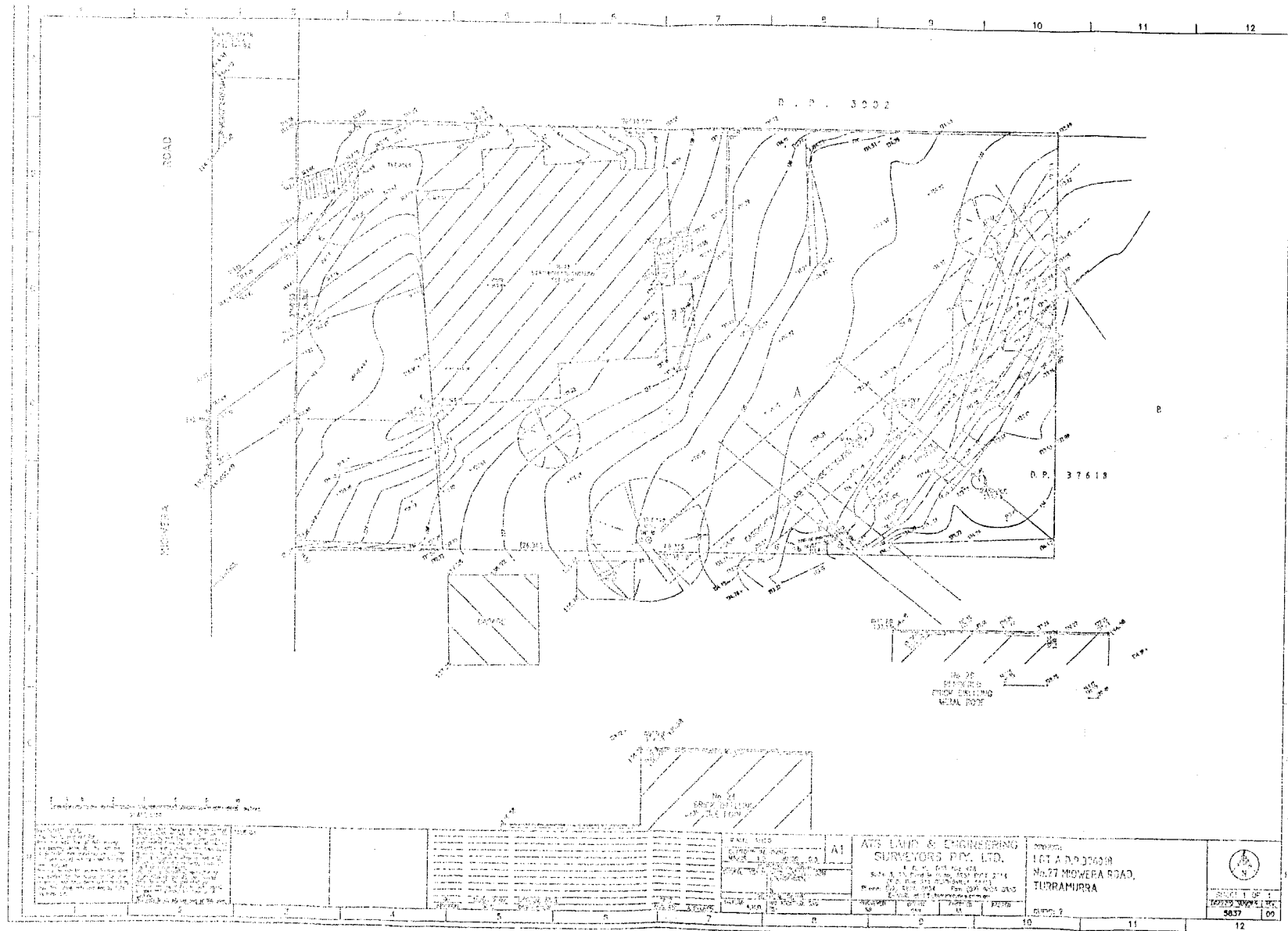
GENERAL

EXISTING COUNTY ROAD

OTHER PLANNING INSTRUMENTS



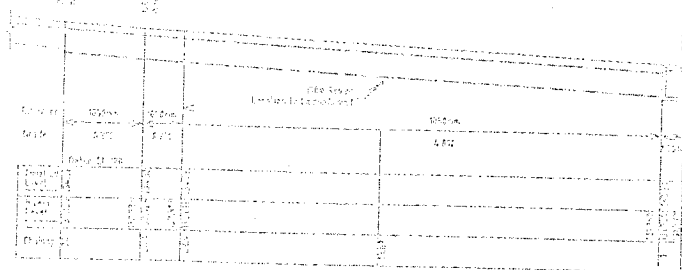
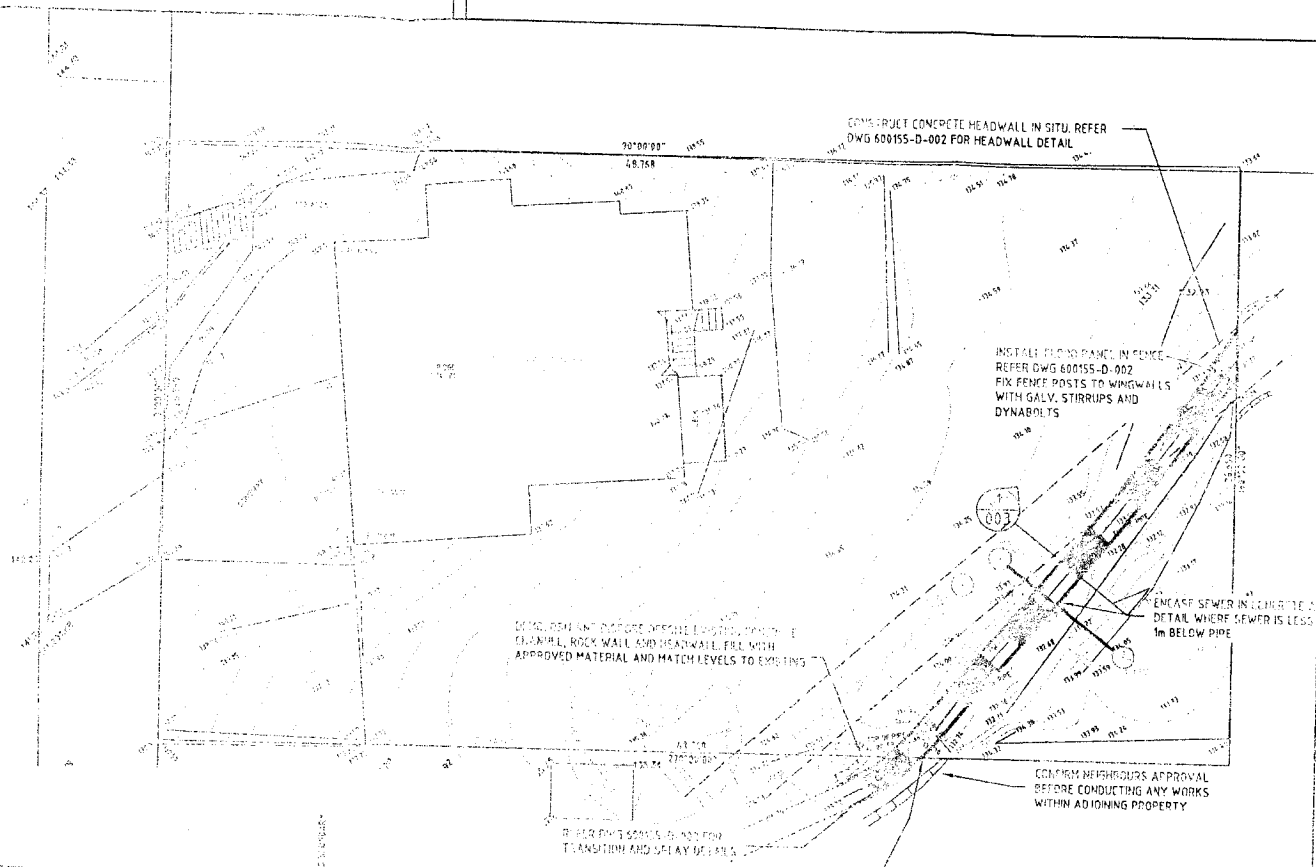
Scale:1:2000
Date:10-07-2008



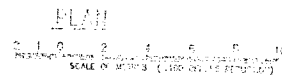
- 9 MAY 2000

CUSTOMER SERVICE CENTRE

- 101 THE RESEARCHER'S FIRST RESPONSIBILITY IS TO OBTAIN INFORMED CONSENT FROM THE
102 PARTICIPANTS IN THE RESEARCH. THIS IS A CRUCIAL STEP IN THE RESEARCH PROCESS
103 THAT MUST BE CAREFULLY FOLLOWED.
- 104 THE RESEARCHER MUST INFORM THE PARTICIPANTS OF THE PURPOSES, PROCEDURES,
105 RISKS, AND BENEFITS OF THE RESEARCH. THE PARTICIPANTS MUST UNDERSTAND
106 THE INFORMATION AND AGREE TO PARTICIPATE VOLUNTARILY.
- 107 CONSENT SHOULD BE OBTAINED FROM EACH PARTICIPANT INDIVIDUALLY, AND
108 THE PARTICIPANTS SHOULD BE INFORMED OF THEIR RIGHT TO WITHDRAW AT ANY TIME
109 WITHOUT PENALTY.
- 110 THE RESEARCHER SHOULD OBTAIN CONSENT FROM THE PARTICIPANTS IN A MANNER
111 THAT IS APPROPRIATE TO THE RESEARCH AND THE PARTICIPANTS.
- 112 THE RESEARCHER SHOULD OBTAIN CONSENT FROM THE PARTICIPANTS IN A MANNER
113 THAT IS APPROPRIATE TO THE RESEARCH AND THE PARTICIPANTS.
- 114 THE RESEARCHER SHOULD OBTAIN CONSENT FROM THE PARTICIPANTS IN A MANNER
115 THAT IS APPROPRIATE TO THE RESEARCH AND THE PARTICIPANTS.
- 116 THE RESEARCHER SHOULD OBTAIN CONSENT FROM THE PARTICIPANTS IN A MANNER
117 THAT IS APPROPRIATE TO THE RESEARCH AND THE PARTICIPANTS.
- 118 THE RESEARCHER SHOULD OBTAIN CONSENT FROM THE PARTICIPANTS IN A MANNER
119 THAT IS APPROPRIATE TO THE RESEARCH AND THE PARTICIPANTS.
- 120 THE RESEARCHER SHOULD OBTAIN CONSENT FROM THE PARTICIPANTS IN A MANNER
121 THAT IS APPROPRIATE TO THE RESEARCH AND THE PARTICIPANTS.



RELONG SECTION

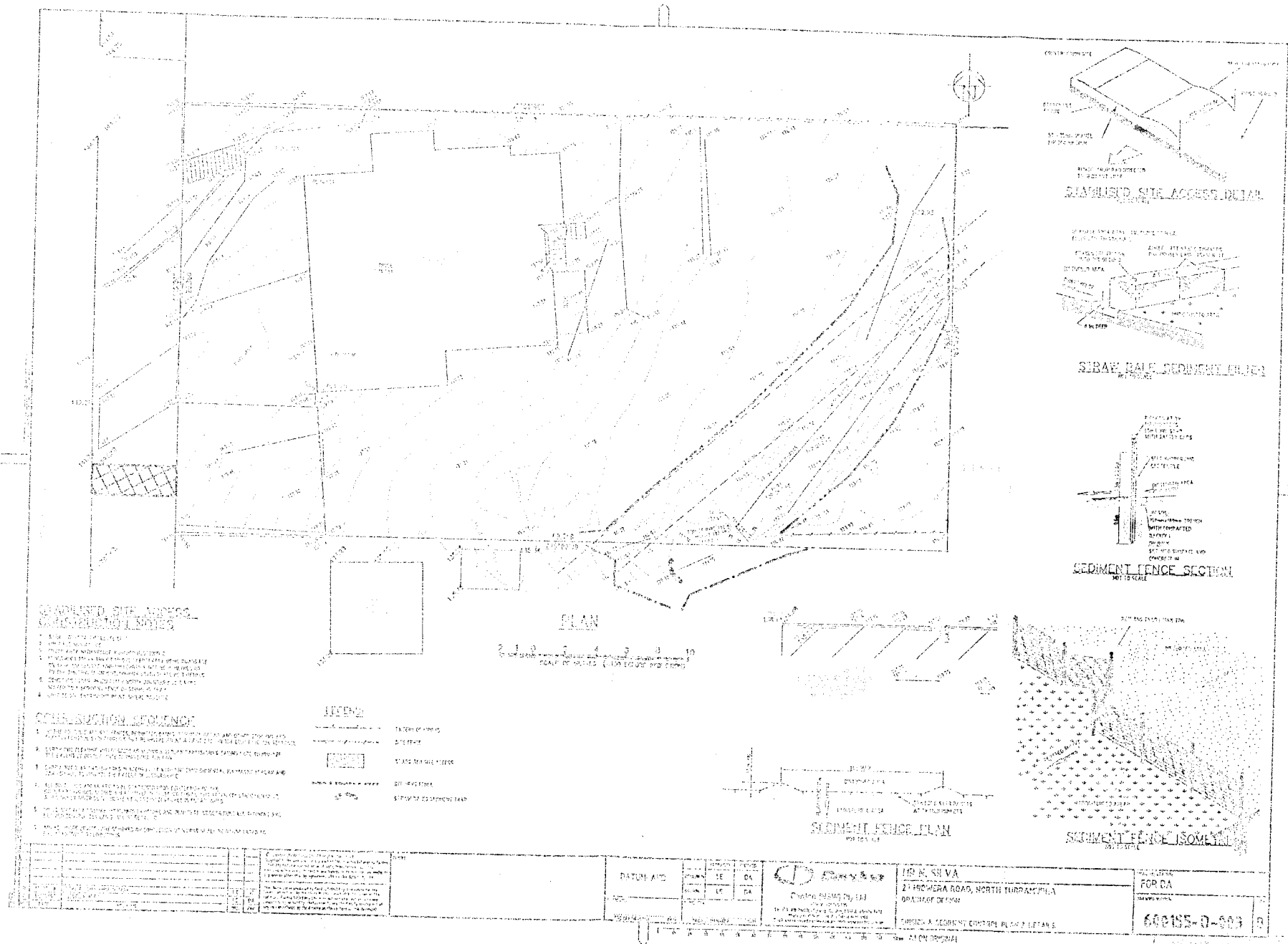


4054

-----PROPOSED PIPE
-----EXISTING PIPE
---DRAINAGE EASEMENT

36572

1. Name of the person or organization: 2. Address: 3. City: 4. State: 5. Zip: 6. Country: 7. Telephone: 8. Fax: 9. E-mail: 10. Website: 11. Other: 12. Date: 13. Signature: 14. Title: 15. Name of the person or organization: 16. Address: 17. City: 18. State: 19. Zip: 20. Country: 21. Telephone: 22. Fax: 23. E-mail: 24. Website: 25. Other: 26. Date: 27. Signature: 28. Title: 29. Name of the person or organization: 30. Address: 31. City: 32. State: 33. Zip: 34. Country: 35. Telephone: 36. Fax: 37. E-mail: 38. Website: 39. Other: 40. Date: 41. Signature: 42. Title: 43. Name of the person or organization: 44. Address: 45. City: 46. State: 47. Zip: 48. Country: 49. Telephone: 50. Fax: 51. E-mail: 52. Website: 53. Other: 54. Date: 55. Signature: 56. Title: 57. Name of the person or organization: 58. Address: 59. City: 60. State: 61. Zip: 62. Country: 63. Telephone: 64. Fax: 65. E-mail: 66. Website: 67. Other: 68. Date: 69. Signature: 70. Title: 71. Name of the person or organization: 72. Address: 73. City: 74. State: 75. Zip: 76. Country: 77. Telephone: 78. Fax: 79. E-mail: 80. Website: 81. Other: 82. Date: 83. Signature: 84. Title: 85. Name of the person or organization: 86. Address: 87. City: 88. State: 89. Zip: 90. Country: 91. Telephone: 92. Fax: 93. E-mail: 94. Website: 95. Other: 96. Date: 97. Signature: 98. Title: 99. Name of the person or organization: 100. Address: 101. City: 102. State: 103. Zip: 104. Country: 105. Telephone: 106. Fax: 107. E-mail: 108. Website: 109. Other: 110. Date: 111. Signature: 112. Title: 113. Name of the person or organization: 114. Address: 115. City: 116. State: 117. Zip: 118. Country: 119. Telephone: 120. Fax: 121. E-mail: 122. Website: 123. Other: 124. Date: 125. Signature: 126. Title: 127. Name of the person or organization: 128. Address: 129. City: 130. State: 131. Zip: 132. Country: 133. Telephone: 134. Fax: 135. E-mail: 136. Website: 137. Other: 138. Date: 139. Signature: 140. Title: 141. Name of the person or organization: 142. Address: 143. City: 144. State: 145. Zip: 146. Country: 147. Telephone: 148. Fax: 149. E-mail: 150. Website: 151. Other: 152. Date: 153. Signature: 154. Title: 155. Name of the person or organization: 156. Address: 157. City: 158. State: 159. Zip: 160. Country: 161. Telephone: 162. Fax: 163. E-mail: 164. Website: 165. Other: 166. Date: 167. Signature: 168. Title: 169. Name of the person or organization: 170. Address: 171. City: 172. State: 173. Zip: 174. Country: 175. Telephone: 176. Fax: 177. E-mail: 178. Website: 179. Other: 180. Date: 181. Signature: 182. Title: 183. Name of the person or organization: 184. Address: 185. City: 186. State: 187. Zip: 188. Country: 189. Telephone: 190. Fax: 191. E-mail: 192. Website: 193. Other: 194. Date: 195. Signature: 196. Title: 197. Name of the person or organization: 198. Address: 199. City: 200. State: 201. Zip: 202. Country: 203. Telephone: 204. Fax: 205. E-mail: 206. Website: 207. Other: 208. Date: 209. Signature: 210. Title: 211. Name of the person or organization: 212. Address: 213. City: 214. State: 215. Zip: 216. Country: 217. Telephone: 218. Fax: 219. E-mail: 220. Website: 221. Other: 222. Date: 223. Signature: 224. Title: 225. Name of the person or organization: 226. Address: 227. City: 228. State: 229. Zip: 230. Country: 231. Telephone: 232. Fax: 233. E-mail: 234. Website: 235. Other: 236. Date: 237. Signature: 238. Title: 239. Name of the person or organization: 240. Address: 241. City: 242. State: 243. Zip: 244. Country: 245. Telephone: 246. Fax: 247. E-mail: 248. Website: 249. Other: 250. Date: 251. Signature: 252. Title: 253. Name of the person or organization: 254. Address: 255. City: 256. State: 257. Zip: 258. Country: 259. Telephone: 260. Fax: 261. E-mail: 262. Website: 263. Other: 264. Date: 265. Signature: 266. Title: 267. Name of the person or organization: 268. Address: 269. City: 270. State: 271. Zip: 272. Country: 273. Telephone: 274. Fax: 275. E-mail: 276. Website: 277. Other: 278. Date: 279. Signature: 280. Title: 281. Name of the person or organization: 282. Address: 283. City: 284. State: 285. Zip: 286. Country: 287. Telephone: 288. Fax: 289. E-mail: 290. Website: 291. Other: 292. Date: 293. Signature: 294. Title: 295. Name of the person or organization: 296. Address: 297. City: 298. State: 299. Zip: 300. Country: 301. Telephone: 302. Fax: 303. E-mail: 304. Website: 305. Other: 306. Date: 307. Signature: 308. Title: 309. Name of the person or organization: 310. Address: 311. City: 312. State: 313. Zip: 314. Country: 315. Telephone: 316. Fax: 317. E-mail: 318. Website: 319. Other: 320. Date: 321. Signature: 322. Title: 323. Name of the person or organization: 324. Address: 325. City: 326. State: 327. Zip: 328. Country: 329. Telephone: 330. Fax: 331. E-mail: 332. Website: 333. Other: 334. Date: 335. Signature: 336. Title: 337. Name of the person or organization:	
--	--



ADJUSTED SITE ACCESS PLAN

1. ADJUSTED SITE ACCESS PLAN
2. ADJUSTED SITE ACCESS PLAN
3. ADJUSTED SITE ACCESS PLAN
4. ADJUSTED SITE ACCESS PLAN
5. ADJUSTED SITE ACCESS PLAN
6. ADJUSTED SITE ACCESS PLAN
7. ADJUSTED SITE ACCESS PLAN
8. ADJUSTED SITE ACCESS PLAN
9. ADJUSTED SITE ACCESS PLAN
10. ADJUSTED SITE ACCESS PLAN

CONSTRUCTION SPECIFICATIONS

1. CONSTRUCTION SPECIFICATIONS
2. CONSTRUCTION SPECIFICATIONS
3. CONSTRUCTION SPECIFICATIONS
4. CONSTRUCTION SPECIFICATIONS
5. CONSTRUCTION SPECIFICATIONS
6. CONSTRUCTION SPECIFICATIONS
7. CONSTRUCTION SPECIFICATIONS
8. CONSTRUCTION SPECIFICATIONS
9. CONSTRUCTION SPECIFICATIONS
10. CONSTRUCTION SPECIFICATIONS

INDEX

- 1. INDEX
- 2. INDEX
- 3. INDEX
- 4. INDEX
- 5. INDEX
- 6. INDEX
- 7. INDEX
- 8. INDEX
- 9. INDEX
- 10. INDEX

DATUM AND

SE DA

CD

SEBAY

FOR DA

660155-D-000

COMMUNITY CONSULTATION POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's adoption of a revised Community Consultation Policy.

BACKGROUND:

On 29 April 2008, Council resolved to place the draft Community Consultation Policy and associated Guidelines on public exhibition for 28 days with a further 14 days for public comment.

COMMENTS:

No comments regarding the draft Community Consultation Policy were received during the public exhibition period. Minor revisions to the policy have been made by staff following the exhibition and arising from participation in the Just Communities Project and following the appointment of a Consultation and Community Planner within Council.

RECOMMENDATION:

That Council adopts the revised Community Consultation Policy and support the revised Community Consultation Guidelines.

PURPOSE OF REPORT

To seek Council's adoption of a revised Community Consultation Policy.

BACKGROUND

On 7 May 2002, Council adopted its first Community Consultation Policy. This policy contained two key elements. First, a summary of why Council undertakes consultation and its responsibilities when undertaking consultation. Second, guidelines that set out the various methods of consultation available. The policy recommended regular reporting to Council on the results of consultations and this was later incorporated into the standard Council report template.

The policy developed in 2002 underpins community consultation at Ku-ring-gai Council. In 2007 the need to revise the policy become apparent through the review of all policies as part of the Department of Local Government Health Check. The review of the 2002 policy identified:

- a) that it no longer reflected Council's increasing level of commitment to community consultation;
- b) that best practice, the use of technology and innovation in the field of community consultation was not up to date; and
- c) that it no longer meet community expectations regarding opportunities to participate in consultation.

Through the review and revision process these considerations have been incorporated into the policy and supporting guidelines to ensure that it reflects both current consultation opportunities and future trends in community consultation and engagement.

COMMENTS

The consultative processes used by Ku-ring-gai Council have actively sought the involvement of our community, interest groups, businesses, commercial property owners and other stakeholders. The draft Community Consultation Policy (**Attachment 1**) has been amended in response to a need to combine current activities with future initiatives in order to better reflect Council's commitment to consultation, to meet community expectations and to ensure that our activities strive to be innovative, equitable, objective and based upon sound principals. These notions are encapsulated within the six objectives:

1. to ensure that Council is informed of and able to respond to community needs and aspirations;
2. to provide all sectors of the community with opportunities to participate in decision making on both present and future issues;
3. to provide unbiased, objective and accurate research and subsequent reporting to our community, Councillors and managers on the results of relevant consultations so as to aid decision making and priority setting for Ku-ring-gai;
4. to incorporate a range of engagement methods that identify and report on key issues and that allow for equitable and accessible opportunities to participate for all members of the community;
5. to ensure staff understand and effectively implement the Community Consultation Policy and Guidelines; and

Item 4

S02090
13 June 2008

6. to regularly review the Community Consultation Policy and Guidelines to ensure that these remain in-line with best practice methods and continue to meet the needs of Council and the Ku-ring-gai community.

In addition to the Policy a set of Community Consultation Guidelines has been developed (**Attachment 2**). This outlines a series of principals, and recommends consultative processes to assist and inform staff of appropriate approaches. Importantly the guidelines are deliberately flexible so as to take into account unique information needs, resources and opportunities across Council service areas.

CONSULTATION

On 31 March 2008, a discussion paper on consultation was presented to the Policy Forum. The forum discussed current community consultation processes and potential options for community consultation including the expansion of the e-register supported by written and phone surveys as necessary.

On 29 April 2008 the draft policy was reported to Council and it was resolved to place it on public exhibition for 28 days with a further 14 days for comment. During this time, copies of the draft Community Consultation Policy were placed at Council Chambers, Council Libraries and on Council's website. Council undertook this public exhibition, however no comments were received.

In June 2008, Council's Manager Corporate Planning & Sustainability and Consultation & Community Planner participated in the Just Communities Network Project meeting (a national program involving 14 councils across Australia) to discuss themes around how community consultation relates to good governance and management within local government. The thinking resulting from this workshop has led to some small revisions within the draft Community Consultation Policy and Guidelines. These include:

- a) an affirmation of the purpose of community consultation; to inform the decision making processes within Council by making available community opinion and feedback which can be considered as part of a transparent and accountable process;
- b) an acknowledgement that by utilising both traditional methods of consultation and emerging technologies that Council may ensure that consultation opportunities are equitable and accessible; and
- c) a commitment that Council will regularly review the Policy and Guidelines to ensure these remain in line with best practice methods and continue to meet the needs of Council and community.

FINANCIAL CONSIDERATIONS

Implementation of the Community Consultation Policy and Guidelines is expected to cost in the vicinity of \$30,000 per year. This figure has been incorporated into the operational expenditure of the Strategy Department. Individual departments across Council already bear costs associated with community consultation and no significant increases are anticipated as a result of either the policy or guidelines. The dedicated position of a Community Consultation & Community Planner

Item 4

S02090
13 June 2008

within the Strategy Department is anticipated to result in efficiencies in relation to the development, implementation, review and discrimination of results of consultations.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This matter has been discussed with all Managers and Directors of Council.

SUMMARY

The revised Community Consultation Policy is intended to supersede the current policy adopted by Council in 2002. The policy builds on Council's continued commitment towards community consultation in decision making. It seeks to optimise the use of traditional and emerging technologies to build community interest and confidence in decision making processes by ensuring processes are transparent and accountable. The accompanying guidelines have been prepared to assist staff to ensure that the appropriate level and method of the consultation is matched to the impact and scale of the matter under consideration.

RECOMMENDATION

- A. That Council adopts the revised Community Consultation Policy.
- B. That Council endorses the Community Consultation Guidelines as an operational document to assist staff in implementing the policy.

Alison Reilly
**Consultation & Community
Planner**

Peter Davies
**Manager Corporate Planning
& Sustainability**

Andrew Watson
Director Strategy

Attachments:

- 1. Community Consultation Policy - 957475**
- 2. Community Consultation Guidelines - 957492**

Ku-ring-gai Council

Community Consultation Policy

Policy Statement

Ku-ring-gai Council will provide all sectors of the community with a broad range of opportunities to participate in consultation activities which will inform decision making on both present and future issues affecting both Council and the community.

Purpose

This policy has been developed to support Council's willingness to actively engage the community of Ku-ring-gai in order to contribute to accountable and transparent decision making processes.

Context

Ku-ring-gai Council's commitment to community engagement and consultation reflects a growing trend towards participatory decision making by government. This is notable with leading international, Federal, State and local government agencies recognising the value of local democracy, inclusive participation and the important connection between elected representatives, staff and the community.

Ku-ring-gai Council has actively sought the involvement of all sectors of our community in contributing towards decision making including residents, interest groups, businesses, commercial property owners and others. The success of this has and will continue to rely on utilising a diverse range of consultation techniques both traditional and emerging to ensure that consultation with our community remains equitable and accessible.

Consultation is an integral part of the reality of community engagement. It is about engaging the community so that Council can better understand local needs and aspirations. It also provides the community with an opportunity to participate in and contribute towards better decisions and gives Council an avenue to accurately report on the decision making process and findings. Confidentiality, reliability and respect for privacy must be at the forefront of all consultation practices in order to uphold Council's reputation and ensure community confidence. This will guide what information can be reported, how it is reported and to whom it is reported.

Genuine engagement with the community underpins sustainable decision-making. Sustainable decisions should be technically feasible, economically viable, environmentally compatible, and publicly acceptable (within legal and legislative frameworks). As participation in consultation opportunities increases, the community through consultation will direct us toward a more sustainable society.

A commitment to continuous improvement in this area will help ensure that decisions reflect the needs and aspirations of both present and future generations.

One of the outcomes of this policy is to build the 'social capital' of the community. Bringing the community together to jointly share in the responsibilities of decision making can translate to an increased level of trust in public administration and help clarify Council's levels of responsibility.

Doc Distribution	Internal & Public Exhibition	Doc Status	Not approved	File #	S02090
Doc Owner	Mgr Corp Planning & Sustainability	DRAFT			
Approval date		Approved by			
Effective date		Review period	2 years	Review date	

Objectives

Our objectives are to:-

- ensure that Council is informed of and able to respond to community needs and aspirations;
- provide all sectors of the community with opportunities to participate in decision making on both present and future issues;
- provide unbiased, objective and accurate research and subsequent reporting to our community, Councillors and managers on the results of relevant consultations, to aid decision making and priority setting for Ku-ring-gai;
- incorporate a range of engagement methods that identify and report on key issues and that allow for equitable and accessible opportunities to participate for all members of the community;
- ensure staff understand and effectively implement the Community Consultation Policy and Guidelines; and
- regularly review the Community Consultation Policy and Guidelines to ensure that these remain in line with best practice methods and continue to meet the needs of Council and the Ku-ring-gai community.

Associated Documents

Ku-ring-gai Council Community Consultation Guidelines 2008.

Others:

International Association for Public Participation (2005) *Planning for Effective Public Participation*.

NSW Department of Environment and Conservation (2006), *A Guide for Engaging Communities in Environmental Planning and Decision Making*. July 2006.

Definitions

In this policy:-

Community means residents, business owners, employees and visitors to and within the Ku-ring-gai Local Government Area

Consultation refers to the act of consulting or conferring; deliberation of two or more persons on some matter, with a view to a decision.

Legislative Framework

The following policies and legislation affect this policy:

- *Local Government Act (NSW) 1993*
- *Environmental Planning & Assessment Act (NSW) 1979*
- *Privacy and Personal Information Protection Act (NSW) 1998*
- *Privacy Act (Cth) 1988*

Doc Distribution	Internal & Public Exhibition	Doc Status	Not approved	File #	S02090
Doc Owner	Mgr Corp Planning & Sustainability	DRAFT			
Approval date		Approved by			
Effective date		Review period	2 years	Review date	

Community Consultation Guidelines

Purpose

These guidelines have been prepared to assist council staff in undertaking community consultation. They should be read in conjunction with the Community Consultation Policy.

Background

Ku-ring-gai Council's commitment to community consultation and engagement reflects a growing trend nationally and internationally towards participatory decision making by government. This is in line with the policy direction of the NSW Department of Local Government and many councils across Australia.

In 2002 Ku-ring-gai Council adopted its first Community Consultation Policy. This policy summarised why Council undertakes consultation, its responsibilities when consulting and various methods of consultation available. In 2005 Council introduced a Residents Feedback Register (RFR) followed by a Town Centres Register in 2006.

Consultative outcomes

That decision making processes reflect a commitment to including the results of community consultation remains critical to the transparency and accountability of Council's decision making process. This applies whether the objective of the consultation has been to keep the public informed through to placing the final decision in their hands. Consultative outcomes need to be clearly identified at the beginning of the consultation in order to manage participant and community expectations around the outcomes

Representation and sample size

The issue of inclusiveness that encapsulates representativeness and sample size is critical for effective consultation. Carefully selected respondents are able to provide statistical representativeness (as used as the basis for RFR), it can also be more persuasive to have more responses as a larger and statistically valid sample size can be confidently engaged to represent the broader community. Larger consultative registers can also help overcome consultation fatigue through rotating or selecting participants depending on the issue, its significance and effect. This however is balanced against the administrative functions of maintaining up to-date contact lists, analysing the results of the consultation and ensuring representativeness.

Where consultation is necessary for specific issue based topics or minority groups such as Culturally and Linguistically Diverse and access-impaired sectors, targeted consultation is required to elicit the necessary feedback and to engage these parties. It is always necessary to consider carefully which sector of the community is going to be consulted and the most appropriate engagement method as part of the consultation planning process.

Effectiveness

While consensus is rare in any consultation, it is necessary that the outcomes as well as the process be made known to the participants and the broader community where appropriate. Potential disenchantment relating to participant input must be a key consideration and clear expectations must be set up front to ensure that participants

consider their input has “made a difference”. Similarly the investment of individuals’ time must be considered when determining the method of consultation and the decision making processes.

Governance

Each consultative technique has strengths and weaknesses (refer to attachment 1). Underlying most of these are the need for accurate and unbiased reporting as well as protecting the privacy and confidentiality of participant records and responses.

In some cases legislation sets minimum levels of consultation and reporting, such as development application notification pursuant to the *Environmental Planning and Assessment Act 1979*. Similarly the *Privacy and Personal Information Act 1998* requires observing strict protocols in the collection of individuals’ information (refer to attachment 2). In other cases, industry best practice guidelines or the demands of the community shape the consultation, decision making and reporting processes¹

Survey methods and reporting results must be cognisant of privacy legislation to ensure the reputation of Council and individuals is respected, and that Council is able to foster trust and credibility within the community. In this respect, individuals’ responses should not be able to be identified unless consent is clearly given. In all cases individuals should not be able to be identified by published results or responses and contact details should never be reported publicly. Individuals will have the right to obtain copies of their responses and withdraw their participation under the *Freedom of Information Act 1982*.

Council has a legislative requirement to store all records relating to community consultation in a safe and secure fashion within the nominated corporate record keeping system (TRIM) for the appropriate period of time. All Council staff have an obligation to protect the privacy of individuals participating in community consultation.

Consultation strategy

The intent of the draft consultation policy is to ²:

- establish standard practices for community engagement;
- ensure these practices are implemented by Council officers and external consultants employed by Council;
- ensure that decision-making processes faithfully report outcomes of community engagement process; and
- comply with relevant legislative requirements and other Council policies.

¹ Refer to Community Consultation Resource Guide. Published by Victorian Local Government Association (www.vlga.org.au) and Community Engagement in the NSW Planning System. Published by Planning NSW (2003).¹¹

² Ideas for Community Consultation - A discussion on principles and procedures for making consultation work: A report prepared for the NSW Department of Urban Affairs and Planning February 2001 - Dr Lyn Carson and Dr Katharine Gelber.

On adoption of a new policy a requirement to formally revisit the policy and guidelines every 2 years is necessary so as the policy continues to reflect the directions of Council, the interest and aspirations of the community, impact of emerging technologies and local and international trends in participatory democracy and consultation.

Objectives

The objectives of the policy and these guidelines are to:

1. loyally, faithfully and impartially report to our community, Councillors and managers on the results of relevant consultations, to aid their decision making and priority setting for Ku-ring-gai;
2. provide all sectors of the community opportunities to participate through appropriate consultation activities in contributing to decision making on both present and future issues;
3. ensure staff understand and effectively implement the community consultation policy and guidelines; and
4. incorporate a range of engagement methods that:
 - identify and report on key issues;
 - where necessary provide access in different community languages and use the National Association of Australian Translators & Interpreters (NAATI) and/or AUSLAN (Australian sign language)³ ;
 - provide the community opportunities to give feedback, including feedback on the consultation process itself;
 - proactively and regularly inform the community about outcomes from consultations;
 - ensure that Council is informed of and able to respond to community needs and aspirations – recognising difficulties in balancing increased representation of the silent majority and those who regularly contribute feedback to Council through formal and informal means;
 - ensure that the consultation method is able to contribute to objective and impartial research
 - ensure adequate notice and time is given for consultations; and
 - recognise the role of emerging technologies.

Council's commitment

Council is committed to building partnerships with a range of stakeholders, and seek greater community involvement on Council projects and in our decision-making processes. Council will adhere to the following principles and standards to maintain a high quality of community engagement. These principles are⁴:

Clarity of Purpose

Clearly define why the engagement is occurring and its context, in order to plan and resource an effective process.

³ predominant language of the Australian deaf community

⁴ adapted from the NSW Planning System Handbook 2003: Community Engagement (ISBN 0 7347 0403 8.) accessible at <http://203.147.162.100/pia/engagement/intro/print.htm>

Commitment

Demonstrate commitment to establish and maintain credibility and accountability.

Communication

Establish a two-way process of providing accurate and timely information, and demonstrate that feedback is being valued.

Evidence

Establish good engagement practices that are based on sound research and quality information.

Flexibility & Responsiveness

Establish engagement plans that are flexible during the engagement process e.g. time and venue may change due to changes of circumstances and the political environment.

Timeliness

Ensure that participants know how long an engagement process is expected to last and when feedback is expected during the process.

Inclusive

Ensure that a good cross-section of the community participates in community engagement.

Collaboration

Establish partnerships with community groups, state and federal government and with internal areas of Council at an appropriate level to make engagement thorough, ongoing and meaningful.

Continuous Learning

Establish a quarterly reporting system to ensure that Council is aware of the outcomes of community engagement activity and is able to include outcomes in its ongoing deliberations.

When would community engagement occur?

Council will engage the community on a range of issues including:

Strategic planning

This refers to the development of strategic plans and projects that informs the Management Plan and Business Plans. It reflects service satisfaction.

Policy Development and/or implementation

This includes any policy development that has a direct impact on the community.

Urban planning

This refers to any changes to a site that may have impact on the community. It would include land-use and town centre plans.

Service planning

This includes the development and for improvement of our works or services.

Areas of improvement

This refers to any improvement required to increase the quality of lifestyle for the community e.g. shopping areas, open space etc.

Legislative requirements, including planning and development issues

This refers to all prescribed plans and projects under the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979* and other relevant legislation.

Engagement will also depend on importance or significance of the issue to Council, the community or staff in the delivery of operational programs. Table 1 provides a guide as to the how to determine the level of impact of particular changes and how it may affect all or parts of the community.

Table 1. Level of impact affecting consultation⁵

<i>Scale</i>	<i>High level of impact</i>	<i>Low level of impact</i>
<i>Whole of LGA</i>	Impacts on Council's vision and values (management plan, sustainable strategy, urban planning, natural environment) Impacts on health, safety and well being of community (climate change) Potential for controversy or conflict (preparation of new local environment plan or broad reaching development control plan) High level of community interest (social plan, regional recreation facility)	Review or survey of recurrent operational programs (satisfaction surveys for various services) Program planning (community events, youth services) Program delivery (capital works upgrades to regional facilities)
<i>Local area</i>	Vision and values affecting local area or community group (town centre studies, suburban sustainability strategy) Potential for local controversy or conflict (removal or relocation of local park, spot rezoning or local development control plan) High level of local community interest (park master planning)	Changes to operational services (minor changes to service delivery, local park upgrades) Local program planning (specific local events such as village fairs) Low risk conflict (temporary local traffic or parking changes)

What level of engagement would occur?

Council will seek different levels of engagement depending on the issue, impact and immediacy. Engagement with the community may extend to one or more of the following 5 levels (refer to table 2).

⁵ Adapted from Blue Mountains City Council Community Consultation Matrix 2004.

Table 2. Level of community participation⁶

Level 1	Inform	Giving information to the community
Level 2	Consult	Obtaining community feedback
Level 3	Involve	Participating directly with the community
Level 4	Collaborate	Partnering with the community to create solutions
Level 5	Empower	Placing final decision making in the hands of the community

The type of consultation for each of the levels of engagement and the strengths and challenges is summarised in attachment 2.

Table 3 illustrates how the level of engagement may be influenced by impact of the issue requiring consultation. The darker the shading represents the preferred methods. The type of consultation and methods will depend on the degree to which decision-making is devolved to the community.

Table 3. Impact and preferred engagement methods

Impact	Inform	Consult	Involve	Collaborate	Empower
High LGA					
High local					
Low LGA					
Low local					

Exceptions to the above would occur such as emergency situations or where the Government imposes immediate reforms where Council or staff (via delegation) must act with immediacy.

In all cases it would proposed that the identified level of engagement, impact and its financial implications for each project will be included within Council Business Papers and other briefing notes as presently occurs.

How will community engagement activities be managed?

1. Each community engagement activity will be the responsibility of the relevant divisional manager.
2. Managers will need to ensure that consultation activities are planned well in advance as proponent on their business plans to ensure engagement occurs in a timely fashion at the appropriate stage of a project or activity.
3. Managers need to ensure that engagement resources (staff and finance) for engagement activities across Council are effectively allocated and managed as part of their business and works plans.

⁶ Ideas for Community Consultation - A discussion on principles and procedures for making consultation work: A report prepared for the NSW Department of Urban Affairs and Planning February 2001 - Dr Lyn Carson and Dr Katharine Gelber and adapted from the NSW Planning System Handbook 2003: Community Engagement (ISBN 0 7347 0403 8.) accessible at <http://203.147.162.100/pia/engagement/intro/print.htm>

4. Managers will ensure that they report back to the participants the results of any decision arising from the consultations.
5. All consultations and subsequent decision will be summarised in a report outlining the community engagement outcomes, considerations and recommendations made by Council.
6. Council's Annual Report would include a summary of key consultations undertaken throughout the year.
7. Managers are to inform prior to consultation planning and provide a report on the outcomes to the Strategy Department.
8. The Consultation and Community Planner will have responsibility to coordinate and corporately report on all consultations quarterly in association with the respective managers.

Evaluation of community engagement

Upon completion of a community engagement activity, a written evaluation would be conducted to assess:

- community representation;
- communication methods;
- consultation method/s;
- timing;
- findings;
- proposed reporting back to community and
- how the information gathered from the consultation is being used within the project, activity or service

These results will be used to improve future engagement plans and processes. Summary data from these will be included in the General Manager's Quarterly Report to Council and where relevant the consultation sections in the relevant reports to council.

Staff skills and training

Council should look to staff skills development to devise and conduct community engagement activities for key program areas. Based on this skills review, training needs will be identified. This will be coordinated by the Strategy Department and Human Resources section.

Community Consultation Guidelines

1.0 Preparing a Consultation Plan

The first step in undertaking a community consultation is to prepare a Consultation Plan. This assists in identifying key issues that need to be addressed during the consultation process and clarifying the purpose of the consultation, desired outcomes, who should be involved, and what methods of consultation should be used.

The following information is a checklist of questions that need to be answered to form the basis of the Consultation Plan.

1.1 Background of the consultation

- What is the issue you are consulting about?

- What has happened up to this stage?
- What events/considerations have led to the decision to consult?
- Are there important dates, legislative requirements or other information that need to be taken into account in the planning stage?

1.2 Who is undertaking the consultation?

- Who will carry out the consultation?
- What is their function/role in council?
- Are consultants or outside facilitators being used/ considered?

1.3 The purpose of the consultation

- Why are you undertaking the consultation?
- What do you want to achieve?

1.4 Desirable outcomes

- What outcomes need to be achieved from the consultation process?

1.5 Who should be consulted and should they be selected and invited

- Who are the stakeholders?
- Does the issue have potential impacts on health, safety or well-being of any community members?
- Does the issue have the potential to affect the rights or entitlements of community members, including minority groups?
- How can participation be maximised?
- Do specific groups need to be targeted?
- What are the different needs, limitations and interests of participants and will this affect the consultation?

1.6 Deciding the method(s) of consultation

- How large is the potential impact of the project — does it affect the whole community or only a small portion?
- What level of involvement is required from the community?
- Do you need to provide information to stakeholders, seek information from them, involve them in discussion and debate or establish ongoing involvement?
- How do restrictions in time, money or resources affect which methods are appropriate?
- Are there legislative or regulatory requirements?

1.7 Limits to what is negotiable in the consultation

- What is the focus of the consultation?
- How will you handle the raising of issues that are linked, but are outside the scope of the consultation?

1.8 Equal participation

- How will you ensure that everyone participating has a fair and equal opportunity to give input?

1.9 How the decisions and recommendations will be used

- What will happen to ensure that the opinions and views of those consulted will be taken into account when the decisions are made?
- What is the next step after the consultation has finished?
- Who will make the final recommendations and decisions?

- How will the recommendations and decisions be reported to Council?

1.10 Time frame and restrictions of the consultative process

- Will there be further consultation?
- When does the consultative process need to end and why?
- Are there budgetary, legislative or other restrictions or requirements that may influence the time-frame utilised?

1.11 Time frame for implementation of recommendations

- How long will it take for the recommendations of the consultation to be implemented?

1.12 Feedback

- When will stakeholders be informed of the consultation's outcome?
- What methods will be used to inform people of the outcome?
- How will you ensure that feedback is accessible to all stakeholders?

1.13 Second round consultation

- If second round consultation is proposed, what form might it take?
- If second round consultation is not possible, why not?

1.14 Evaluation

- How will you know if you have done a good consultation?
- What criteria will be used to measure the effectiveness of the consultation?
- How/where will a summary of the outcomes and evaluation be recorded for future reference?

Once these issues have been addressed, it is necessary to examine the level of community participation that will be required to undertake a successful consultation.

2.0 Level of impact

Determining the likely "level of impact" of the project or issue on the community is the next step in assessing what will be the most appropriate methods of consultation to use.

A long term or large impact project such as a large planning project or the development of the Management Plan, requires a wide publicity campaign to disseminate information through a variety of means. Ideally, the community should be given a number of opportunities to participate.

An immediate or short term project requires methods that are more targeted and focused and the limitations clearly explained.

Most issues requiring consultation can be fit into one of four categories of impact as described below.

2.1 Level 1 — High impact Ku-ring-gai

- High level of real or perceived impact on the whole or a large part of Ku-ring-gai
- Significant impact on attributes that are considered to be of value to the whole of Ku-ring-gai such as the natural environment
- Any impact on the health, safety or well being of the Ku-ring-gai community
- Potential high degree of controversy or conflict
- Likely high level of interest across Ku-ring-gai

- Potential high impact on state or regional strategies or directions
- Examples include Council's Management Plan, Local Environmental Plan, change of zoning, removal or key changes to a facility or service across the whole local government area, changes which impact on natural bushland or waterway.

2.2 Level 2 — High impact local

- High level of real or perceived impact of a local nature, eg a local area, specific community or user group
- The loss of or significant change to any facility or service to a local community
- Potential high degree of controversy or conflict at the local level
- Examples include change to or loss of a valued local activity or program, re-development of a sports ground, changes to car parking facilities in local shopping centre and changes to fees etc.

2.3 Level 3 — Lower impact Ku-ring-gai

- Lower level of impact on the whole or a part of Ku-ring-gai
- Potential for some controversy or conflict
- Potential for some although not significant impact on state or regional strategies or directions
- Examples include improvements to a Ku-ring-gai wide service, upgrade of a district or regional facility, changes to Customer Service processes, provision of a community wide event.

2.4 Level 4 — Lower impact local

- Lower level of real or perceived impact on a local area, small community or user/group of a specific facility or service.
- A small change or improvement to a facility or service at the local level
- Low or no risk of controversy or conflict at the local level
- Examples include local street upgrade, changes to local activity program, upgrade of a local playground or other facility.

3.0 Levels of participation

Different projects, issues or proposals require different levels of community participation to conduct a consultation. The level of community participation that is appropriate depends largely on the level of impact as discussed above.

Due to the diversity of activities carried out by Council, there is no set formula for deciding which consultation methods to use. Therefore it is necessary to understand the level of community participation that is most appropriate for particular types of issues or projects. The four levels of community participation are:

3.1 Information Giving

- Information Giving takes place in every situation where the decision to consult has been made, from proposals that affect the whole of the community to those that may have an impact on only a small number of residents.
- On this level the community is advised of a situation, proposal or decision, or advice is provided on an issue.
- No response is required, although people are free to seek further participation should they choose.

3.2 Information Seeking

- Information Seeking involves soliciting comment or feedback from the community on a proposal, action, service, facility or issue, often in the form of written comments or submissions.
- Requires a response but there is limited opportunity for dialogue.
- There is an option for people to seek a further level of participation.

3.3 Information Exchange

- Information Exchange involves the community in discussion or debate.
- On this level the community is ensured of informed input through briefings and information.
- There is personal contact between the Council's representatives and the community.
- Exchanges are held that encourage participation.

3.4 Participatory

- At the Participatory level structures are established for involvement in decision making, eg forming a committee.
- Interested members of the community can achieve ongoing involvement.
- Responsibility is allocated to community members in achieving initiatives.

4.0 Deciding on a consultation method

The decision of which specific consultation methods to use should take into account the benefits, constraints and suitability of each approach as they relate to the potential impact of the project in the community, the resources available and any time or other constraints.

The following is a summary of the various methods of consultation broken down into the relevant level of community involvement.

4.1 Information Giving

4.1.1 Personal telephone contact

- Informal, unstructured
- Limited capacity to discuss issues
- Opportunity to exchange basic information
- Tends to be customer initiated
- No formal tracking or recording of information

4.1.2 In person meeting

- Informal/semi formal discussion either one to one or in a small group
- Capacity to discuss and exchange different points of view
- Opportunity to develop rapport with community
- Tends to be customer initiated
- Limits the number of people accessing information

4.1.3 Written correspondence

- Letter informing residents of a project, issue, service or action
- All affected people receive the same information
- Record of communication

- Generally cost effective, however, if mailed to a large proportion of the community, Council costs become prohibitive
- Should include feedback mechanism, contact person for further information

4.1.4 Brochure

- Leaflet/Brochure designed to provide information on a particular item
- Enables clear presentation of the facts
- Potential to create greater interest through appealing presentation
- Should include feedback mechanism, contact person for further information
- Design and printing can become cost prohibitive
- Requires lead time for production

4.1.5 Letterbox drop

- Mass produced communication to affected people
- All stakeholders receive the same information
- Affordable broadcast of information
- Should include feedback mechanism, contact person for further information
- May be perceived as "junk mail" and ignored
- Lack of accuracy with the number of mail boxes delivered to

4.1.6 Notice in local paper

- Broadcasts information to a targeted audience
- Assumes interested/affected people read the paper
- Costly for the amount of people who will pick up the information from this source
- Should include feedback mechanism, contact person for further information

4.1.7 Targeted Newsletter

- Targeted publication
- A method of advising all residents
- Assumes interested/affected people will read the newsletter
- Should include feedback mechanism, contact person for further information

4.1.7a Council Newsletter

- Method of advising all residents
- Publication that residents are familiar with
- Assumes interested/affected people will read the newsletter
- Should include feedback mechanism, contact person for further information

4.1.8 Media release

- News story in local paper
- Creates interest in an issue
- Media reporting can be inaccurate or sensationalised, risk of misinterpretation

4.1.9 Display

- Information board describing proposed development/activity placed in Council Chambers, libraries, other Council facilities, etc such as Art Centre
- Information available in local area where it is accessible to affected residents

4.1.10 Displays in other locations

- Information placed in areas of high public use such as shopping centres

- Potential to inform a wide cross section of community
- Impact of information depends on quality and visibility of the display

4.1.11 Website

- Information placed on website
- Large volume of information can be displayed, multimedia, audio, maps, graphics, etc can be displayed
- Information needs to be easy to locate on the website
- People need to be made aware that the information is available on the website
- E-newsletter
- Not accessible by all stakeholders as not all have access to Internet

4.1.12 Telephone survey

- Structured interviews via telephone
- Provides data to assess trends
- Personal approach tends to increase the level of response
- Can reach a wide range of groups in the community
- Can be costly and time-consuming depending on sample size

4.1.13 Written survey

- Structured written survey to gather data/information
- Provides data to assess trends or obtaining feedback on a service
- Enables either broad or targeted input
- Attracts interested respondents
- Can be costly to analyse depending on sample size
- Tends to be limited to closed questions for ease of analysis

4.1.14 Letter inviting submissions

- Personally addressed letter seeking a written presentation of views on a proposal
- Easy to initiate and implement
- Enables formal comment on issues
- Demonstrates commitment to resident input
- Limited to mailing list
- Limits opportunity for dialogue/clarification
- Requires motivated groups/individuals
- Does not involve people who may agree with the proposed plan/changes
- Excludes comments/input from those with positive feelings towards the project

4.1.15 Media promotion inviting submissions

- Broadcast to community seeking a written presentation of views on a proposal
- Useful as part of a wider consultation process
- Easy to implement
- Enables formal comments on issues
- Demonstrates commitment to resident input
- Limits opportunity for dialogue/clarification
- Attracts organised and motivated groups/individuals, not the silent majority

4.1.16 Public Exhibition

- Formal exhibition of a plan or document at key locations for a set period of time
- Gives all people in the community the opportunity to view and comment on a plan or strategy

- Requires high level of promotion
- Requires longer time frame for planning process to allow time for feedback
- Requires motivated people to respond
- Statutory requirements for planning issues

4.1.17 Interview

- Face to face structured interview
- Gathers data to assess issues/trends
- Rich source of customer information
- Capacity to reflect/expand and clarify points
- Costly and time consuming
- May not be representative of all groups — how are participants selected?

4.1.18 Focus group session

- Semi-structured interview in a small group with invited representative participants
- Participants explore and build on issues
- Allows in-depth discussion
- May not be representative of all groups

4.2 Information exchange

4.2.1 Meeting with user or stakeholder groups

- Face to face semi-structured meeting with a specific group
- Capacity to draw out issues of concern to the group
- Opportunity to clarify issues of contention/uncertainty
- Opportunity to develop an action that responds to issues
- Requires a competent and effective facilitator

4.2.2 Meeting with existing groups

- Link to an existing meeting or group to discuss broader community needs or issues
- Involves people who would normally not have the interest or time
- Provides rich source of *information* on needs and issues within the community
- Requires facilitator who is skilled in relating to different groups and creating an interest in the topic

4.2.3 Workshop session

- Structured approach with meeting participants working through an issue and/or developing solutions
- Can be open meeting or selected participants
- Need to limit numbers to be effective
- Enables involvement of all participants
- Requires participants to represent a diversity of interests and be open minded
- Requires a skilled facilitator
- Requires detailed recording

4.2.4 Community forum

- The use of speakers to provide *information* and facilitate informed discussion on a topic
- Participants are informed on all aspects of an issue
- Useful for less contentious issues or when seeking to generate interest in a topic

- Requires organisation in advance
- Need to ensure speakers give a balanced view

4.2.5 Community debate

- Organised speakers and debating panels used to discuss an issue
- Promotes informed thinking
- Ensures managed debate and discussion
- Requires organisation in advance

4.2.6 Site tour/meeting

- Semi-structured or unstructured meeting at place of issue
- Opportunity for affected parties to view/visualise issues or proposals
- Opportunity to clarify concerns and exchange views
- Requires balanced participation to resolve issues and make recommendations

4.2.7 Public Meeting

- Gathering of large numbers of people to inform them of an issue or enable comment/input
- Open to anyone who has an interest
- Requires good facilitation and management to ensure information exchange is handled well
- Risk of control or disruption by interest groups/individuals
- See Attachment 3 for Protocol for Public Meetings

4.3 Participatory

4.3.1 Committee of management

- Committee that works with Council under delegated authority to manage a service or facility
- Representation may be by appointment or election
- Involves community members in the care and control of local resources
- Need to ensure the broad involvement of interested individuals
- Potential to be controlled by a select few

4.3.2 Taskforce or working party

- Group of people selected to work with Council to complete a task or develop a new service or facility
- Opportunity to maximise skills and resources within the community
- Rich source of skills and abilities to complement the roles undertaken by Council
- Requires a skilled chairperson to maximise the contribution of all members

Attachment 1 Analysis of consultation types by level of consultation⁷

Level 1 Inform

Type of consultation	Description	Strengths	Challenges
Written correspondence	Letter to resident or household informing of service, action or project	Identical information to all recipients, can utilise rates notice	Assumes mailing database up to date, renters / owners may not get copy, assumes degree of literacy, costly (depending on distribution)
Pamphlet or letterbox drop	Designed to provide information on particular project or issue	Identical information to all recipients, allows detailed information, can be targeted by subject and area	Can be seen as “junk mail”, assumes literacy, can be costly (depending on distribution)
Electronic correspondence	Electronic document or message to e-mail address	Low cost, can provide supplementary web links to more information, rapid dissemination	Updated e-mail addresses, can be seen as “Spam”, limited to persons with access to web and e-mail account
In person meeting	Formal to informal, one-to-one or small group	Allows discussion across specific and broad meeting	Limited access to wide number of people, can result in dispute as to what was discussed and agreed to
Notice in local paper	Advertisement or mayoral/council column	Wide distribution	Assumes residents read local paper and also mayor/council column
Media release	News story and/ or photo	Creates interest, can raise profile of issue, project or event, able to generate “news”	Depends on media to uptake, media may print counter story as way of making “news”, cannot control (angle, timing, placement)
Displays	Information display about proposed project or activity	Can inform cross section of community, able to target specific sites, can have accompanying staff to answer questions	Depends on locality, weather, time of year, need to check regularly (vandalism), cannot guarantee information accessed by or seen by targeted users
Community notice board	Fixed information display	Able to be updated with broad range of topics	Location important to maximise exposure and interest, needs regular updating

⁷ Adapted from Blue Mountains City Council Community Consultation Matrix 2004 and Ideas for Community Consultation - A discussion on principles and procedures for making consultation work: A report prepared for the NSW Department of Urban Affairs and Planning February 2001 - Dr Lyn Carson and Dr Katharine Gelber

Level 2 Consult

Type of consultation	Description	Strengths	Challenges
e-survey	Structured survey distributed by e-mail and collated electronically	Provides quantitative data, rapid response, low cost, able to report back results easily, can relate to demographics (depending on database), able to track trends, can link with emerging e-technologies	Update e-mail addresses, can be seen as “Spam”, limited to persons with access to web and e-mail account, limited ability for qualitative information, requires skills in question writing and analysis
Telephone surveys	Structured survey by phone, collated electronically or hard copy	Provides quantitative data, rapid response, can relate to demographics (depending on database), able to track trends	Relies on public interest, competing with marketing surveys, householder interrupting, finding suitable time when citizens available, requires skills in question writing and analysis
Written surveys	Structured written survey	Provides quantitative data, can relate to demographics (depending on database), able to track trends	Costs; requires skills in question writing and analysis, delays in receiving data, collating and analysis of data can be seen as “junk mail”
Suggestion box and web-blogs	Place for community to provide ideas or feedback – can be physical box or via web	Easy for community input to be provided across wide topics	Feedback should be provided, web-blogs may require editing
Interview	Individual or group interview, structured format	Able to reflect, expand and clarify points Forms the basis for addressing an issue or trend	Time consuming, costly, may not yield representative opinion
Focus group	Semi structured, invited participants	Participants are able to explore issue typically having some prior knowledge of the topic, able to gauge attitudes and provide qualitative information	May not be representative, time consuming, may require several meetings if multiple focus groups are used
Meeting	Face to face semi structured with a specific group	Opportunity to draw out issues of concern, uncertainty or contention, able to develop an action strategy to respond to an issue	Required competent and effect facilitator, vested or narrow interests can dominate and drive agenda
Public exhibition	A formal exhibition of materials or documents at a set location and fixed period of time	Provides opportunity for community to comment	Requires high level of promotions, success can be dependent on motivation of residents to respond
Residents panels	Established a large cross section or respondents to be called upon to provide quantitative and qualitative information related to a	Allows involvement of cross section and enables selection based on demographics, can be used to track changes over time with same panel	Maintenance of data base, consultation, fatigue, can be costly

	range of issues		
--	-----------------	--	--

Level 3 Involve

Type of consultation	Description	Strengths	Challenges
Meeting with existing groups	Link to existing groups to discuss both broad and specific issues	Build on existing community groups that may not otherwise comment on local government issues	May not engage with “silent majority”, requires good facilitation
Public meetings	Gathering of large number of residents to inform them, generate discussion and enable comment	Able to get message out to large audience in one go, open and accessible	Can get out of hand and off topic, risks disruption, requires good facilitator
Workshop	Structures process to work through particular issue and develop solutions	Can produce a way forward, inclusive approach, participants have ownership	Need to limit numbers to be effective, requires good facilitation
Community forum	Panel of speakers provide information and facilitate discussion on a topic	Able to generate good general discussion	Need to have balanced speakers, risk of disruption
Community debate	Organised speakers and debating panel to discuss specific topic	Able to generate interest and provide balance of opinion	Need for balance, must have articulate and well informed debaters
Web based forums	Discussion board posted on web site accessible to all	Able to gather diversity of opinion, can be used to generate discussion	Restricted to those with internet, cannot control content (may require censoring)
Site tours	Structured meeting to a site	Able to visualise impact with location context	Requires good organisation, may assumed previous site knowledge
Community reference groups / forums	Community and elected representatives to provide input and discuss various topics	Able to use participants to disseminate information, can be used to gather diversity of opinions from representatives	Needs to ensure members are representative, terms of reference must be clear (sometimes assume by participants that it is a decision making body)

Level 4 Collaborate

Type of consultation	Description	Strengths	Challenges
Formal Council committee	Committee that is constituted by Council under the Local Government Act to manage a service, facility or functional area	Has shared responsibility or management, involved members of the community that have an interest or specialist knowledge, able to share decision making	Needs to ensure broad involvement, risk that select few control and drive narrow agenda, need to ensure accountability
Joint venture	A formal arrangement with stakeholders or organisations to plan and achieve a project or service	Less reliance on council funding and resourcing, greater levels of commitment and trust by both sides, outcome has greater ownership	Time and costs, devolving responsibility
Taskforce or working party	Group of people, agencies or others selected to work with council to complete a task or develop a new facility, project of service or delivery	Opportunities to maximise skills and resources	Requires skilled chair to facilitate outcomes and maximise contribution of all members

Level 5 Empower

Type of consultation	Description	Strengths	Challenges
Citizen jury	Participants are brought together to deliberate in an informed way to arrive at a joint solution, recommendations published and implemented (if not must be publicly explained why)	Representative selection of participants, use of experts to present information, able to deal with complex issues	Requires skilled facilitator, usually small number (12-25), time intensive and costly
Consensus conference	Created under a commissioning authority to deliberate in an informed way on a particular issue, recommendations published and implemented (if not must be publicly explained why)	Representative participants, participants have greater control over agenda and decide on experts, inclusive, able to deal with complex issues	Time (usually longer than a citizens jury) Cost and resource intensive, requires skilled facilitator

Attachment 2 Privacy issues

Federal disclosure of information

The recent national Privacy Awareness Week highlighted the importance of recognising individual privacy. It noted 10 points for organisations like council's to promote on protecting *Other People's* Personal Information⁸:

1. Only collect information that is necessary. Make sure individuals know what personal information your organisation or agency collects and why. Consider whether each piece of information is necessary for any of the functions or activities of the organisation or agency and whether the information is required in the circumstances.
2. Do not collect personal information about an individual just because you think that information may come in handy later. You should only collect information that is necessary at the time of collection.
3. Tell people what you are going to do with the personal information you collect about them. You should let individuals know why you need to collect the information, how you plan to use it and if you intend disclosing it.
4. Consider whether you should be using personal information for a particular purpose. Organisations often begin using personal information for a secondary purpose unrelated to the main purpose they collected the information.
5. Consider whether you need to disclose personal information. In some cases, organisations and agencies disclose personal information that they do not need to disclose or disclose information without thinking about whether the disclosure is authorised. The Privacy Act allows disclosures in some circumstances.
6. If people ask, give them access to the personal information you hold about them. Organisations and Government agencies have a general duty to provide individuals with access to their personal information.
7. Keep personal information secure. It is important that you keep personal information safe and secure from unauthorised access, modification or disclosure and also against misuse and loss.
8. Don't keep information you no longer need or are no longer required to retain. If you no longer need personal information and there is no law that compels you to retain the information, then destroy it.
9. Keep personal information accurate and up to date. Personal information can change. This is why you need to take reasonable steps to keep the personal information your organisation or agency holds current.
10. Consider making someone in your organisation or agency responsible for privacy. This could be a designated person (often called a Privacy Contact Officer or Chief Privacy Officer) who is aware of your organisation or agency's responsibilities under the Privacy.

⁸ Office of the Privacy Commissioner, Australia - 2006 Guidelines - 10 Steps to Protecting Other People's Personal Information

NSW privacy protection

The above Australian Government Guidelines indicate strategic direction on privacy in Australia. In addition, Councils are subject to a wide range of disclosure requirements and pressures which renders identifying and protecting sensitive information difficult. A number of issues arise, including how to ensure information that needs to be protected - ranging from commercially sensitive information to personal information to that considered in closed meetings. The misuse or leakage of information, and why it occurs is often due to poor control of data and a lack of understanding of the disclosure and privacy requirements applying.

A notable breach of these may result in serious damage, including damage from the unauthorised release or misuse of confidential information. This may include:

- damage to Council's reputation & public confidence in Council.
- damage an organisation's ability to function effectively.
- breach of 'commercial-in-confidence' agreements.
- breach of Local Government Act.
- breach of privacy legislation or suppression order.
- endangering safety or the reputation of an individual.
- increase the possibility of corrupt or illegal practices.

Managing the issues of privacy and confidentiality is essential in building trust and continuing consultative relationships with our community.

The Council is bound by the *NSW Privacy and Personal Information Protection Act 1998* (the "PPIPA") and Privacy code of Practice for Local Government that requires each Council have a Privacy Management Plan. The latter outlines local processes to complement a Privacy Code published by the Department of Local Government.

The issue of quoting individual survey responses in reports - when those surveys have been indicated as confidential - requires some definition. The ABS takes a view in line with privacy considerations that potential identification of individuals or their families is not acceptable. For example, there are few eight person households, or 100 year olds in each suburb, so reports should not refer specifically to these. In similar vein, comments from qualitative data could be quoted in reports provided it was most unlikely to be attributed to a specific individual.

Attachment 3

Protocol for Public Meetings

1. Public Meetings are open to members of the Ku-ring-gai community.
2. Public Meetings will be chaired by the Mayor, the Mayor's delegate, or an independent facilitator.
3. The Agenda for Public Meetings will be set by the Mayor in consultation with the General Manager. Copies of the Agenda, where possible, will be available at least three days before the meeting at the Council Chambers, in Council's libraries and on Council's website.
4. Guest Speakers will be invited by the Mayor.
5. Speakers wishing to address the meeting must register with Council staff at the meeting venue no later than five minutes prior to the commencement of the meeting. People who have not registered prior to the commencement of the meeting will not be permitted to address the meeting. The meeting will not be delayed due to a speaker not being present.
6. Persons addressing the meeting will have a maximum of three minutes in which to speak. The Chair of the meeting will notify speakers of 30 seconds remaining. No extension of time will be granted beyond the three minutes.
7. All addresses at Public Meetings will be tape-recorded.
8. After all speakers have completed their addresses there will be question time of 20 minutes duration. Question time can be extended at the discretion of the Chair.
9. Members of the public are asked to observe the normal courtesy of silence when a speaker is addressing the meeting.
10. Speakers are reminded that no privilege exists in relation to comments made in the address and accordingly should refrain from any defamatory or slanderous remarks.

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP MEETING - MINUTES OF 16 JUNE 2008

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 16 June 2008.

BACKGROUND:

The role of the Bushland, Catchments & Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS:

At the meeting of Monday, 16 June 2008, five items were discussed including Endangered Ecological Communities (EEC) mapping, feedback from the Bushland Plan of Management Sub-Committee, progress from the Rosedale Road St Ives Committee, Council's weed mapping program and draft 2008 to 2012 Management Plan.

RECOMMENDATION:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 16 June 2008 and attachments be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 16 June 2008.

BACKGROUND

At the meeting of Monday 16 June 2008, five items were discussed including Endangered Ecological Communities (EEC) mapping, feedback from the sub-committee for the Bushland Plan of Management, progress from the Rosedale Road St Ives Committee, Council's weed mapping program and draft 2008 to 2012 Management Plan.

COMMENTS

Minutes of the meeting on Monday, 16 June 2008 are included as **Attachment 1** to this report.

The following items were discussed:

- **Endangered Ecological Communities (EEC) mapping** – Council staff gave an update on the progress of the mapping. This included a discussion on the data exchange between Council and the Department of Environment and Climate Change (DECC). Staff also gave a description of how the vegetation mapping will provide information to assist in the development of the Principal Local Environment Plan (LEP) including the timetable and preparation of the local environment studies.
- **Sub-committee for Bushland Plan of Management (PoM)** – This sub-committee had met twice and distributed working suggestions on changes to the PoM (**Attachment 2**) with requested feedback due to Nancy Pallin by Monday, 28 July 2008.
- **102 Rosedale Road St Ives Committee** – discussion took place regarding this site and the committee's progress. A discussion paper has been prepared and Council's Manager Corporate Planning & Sustainability confirmed that it will be distributed to all members of the committee for their feedback. Chris McIntosh (National Parks & Wildlife Service) highlighted the importance of the Plan of Management being prepared in parallel with Dalrymple Hay Nature Reserve.
- **Review of weed mapping** – Council staff provided the reference group with a presentation and update on the progress of the weed mapping within the local government area (LGA). The reference group raised the importance of photographic evidence to supplement the data collection. A copy of the presentation and review document are included as **Attachments 3a & 3b**.
- **Draft 2008-2012 Management Plan** – Council's Manager Corporate Planning & Sustainability advised present members that the draft 2008-2012 Management Plan finished the public exhibition period on Friday, 6 June 2008 and the final version is being presented at the Ordinary Meeting of Council on Tuesday, 24 June 2008.

CONSULTATION

The reference group is itself a consultative forum, representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

SUMMARY

The reference group considered five items of general business at its meeting held on Monday, 16 June 2008 including an update on the mapping of Endangered Ecological Communities (EEC), feedback and suggested amendments to the Bushland Plan of Management by the sub-committee, update on progress by the Rosedale Road St Ives Committee, a presentation and review of Council's weed mapping program and notification of Council's 2008-2012 Management Plan (post exhibition) being reported to Council on Tuesday, 24 June 2008.

RECOMMENDATION

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of Monday 16 June 2008, and attachments be received and noted.

Peter Davies
Manager Corporate Planning & Sustainability

Andrew Watson
Director Strategy

Attachments:

- 1. Minutes of 16 June 2008 - 867075**
- 2. Suggested Amendments Bushland Plan of Management - 956088**
- 3a. Weed Mapping Program Presentation - 956020**
- 3b. Weed Mapping Program Review document - 958594**

Bushland Catchments & Natural Areas Reference Group

Monday 16 June, 2008
Level 3 Ante Room 7.00pm – 9.00 pm

Attendees:

Members	Councillors	Staff
Nancy Pallin Margaret Booth Janet Harwood Stephen Shortis John Martyn Colin Manton Ian Wright Chris McIntosh	Clr. E. Malicki – Chair Clr. A. Andrew – Deputy Chair	Peter Davies – Manager Corporate Planning & Sustainability Penny Colyer – Environment Officer - Strategy Terri Southwell – Urban Planner Byrne Laginestra – Strategy Project Officer

Apologies:

Members	Councillors	Staff
Michelle Leishman Margery Street Stephanie Vaughan	Clr. N. Ebbeck (Mayor)	Andrew Watson – Director Strategy

Meeting open 7.10pm.

Declaration of Pecuniary Interests:

No pecuniary interests declared.

Confirmation of Minutes:

Minutes of meeting 31 March 2008 were accepted.

Business arising from the previous meeting:

No business arising from the previous meeting.

General Business

BC&NARG 78 – Endangered Ecological Communities (EEC) Mapping

Council's Environment Officer – Strategy provided an update of the mapping of the endangered ecological communities. This included the data exchange with the Department of Environment and Climate Change (DECC). Discussion was concerned with the management of the data and relationship to land information system and GIS, how the information could be used track removal of individual trees.

The presence of Shale Transition Ironbark Forest has been identified as part of the mapping. Through the vegetation mapping process it is believed that a previously unmapped endangered ecological community (Shale Sandstone Transition Forest) within the Ku-ring-gai local government area (LGA) has been identified. This vegetation community is a transition community between the sandstone and shale areas. Staff are discussing with DECC as to the agencies identification of this community within the LGA and respective mapping of these transition areas as Shale Sandstone Transition Forest.

John Martyn mentioned that as part of the review of the field guide for the Lane Cove Valley, he is undertaking a geological survey of the Lane Cove Valley area (published by STEP Inc.). Council's Environment Officer – Strategy will follow this up.

Council's Urban Planner gave a brief description of how the vegetation mapping links with the development of the Principal LEP and the timetable and preparation of the local environment study. It was noted that DECC are currently undertaking a predictive mapping project for EECs. This information will provide a Sydney Metro wide map and will include the area of the Sydney Metro catchment within Ku-ring-gai LGA. The mapping will be far more detailed than our current predictive mapping, as it is at a finer scale and will include species information from the field validation already undertaken by Council. However, this mapping will not include the Hawkesbury Nepean Catchment area within the LGA.

Chris McIntosh suggested that the mapping from the LEP should focus on the landscape scale and connectivity. Site controls can rely on current legislative protections under the Threatened Species Conservation Act 1995. Direction should be focused on the best planning tool for the LEP within the time frame and continue to collect data as part of a longer term data collection process.

Nancy Pallin raised the importance of the headwaters of the Lane Cove River in terms of priority along with other sites.

The Reference Group agreed that the focus should be on the Hawkesbury Nepean CMA region, likely corridors and areas of known EEC vegetation. Priority should be on Blue Gum High Forest, Sydney Turpentine Ironbark Forest then Duffy's Forest.

BC&NARG 79 – Sub-committee on Bushland Plan of Management

Nancy Pallin worked through suggested amendments to the Ku-ring-gai Bushland Plan of Management (**Attachment 1**) which provided a summary of the work by the sub-committee. Reference Group members were asked to review the list and explore ways in which to involve the community in order to balance uses and long term management. Comments on the work are to be sent to Nancy Pallin two weeks prior to next meeting (Monday 28 July 2008).

Chris McIntosh raised that the focus of a number of the suggestions relate to designated EEC's identified by mapping and signage and the importance of managing recreation at a regional level recognising the need of users.

BC&NARG 80 – 102 Rosedale Road St Ives

Manager Corporate Planning & Sustainability outlined that a discussion paper had been prepared and will be sent out to members of the Rosedale Road Committee for comment this week. Chris McIntosh commented that the development of the discussion paper needs to be prepared in parallel and in consideration to Plans of Management directing Dalrymple Hay Nature Reserve.

BC&NARG 81 – Review of weed mapping

Council's Strategy Project Officer provided a presentation and distributed a review document of the weed mapping program (**Attachment 2**) which Council are currently undertaking.

Nancy Pallin suggested whether a longitudinal (temporal) study could be used drawing from past studies and have this information linked to a central asset database.

Other comments related to the importance of photographic records and value these have on depicting changes to site over time.

Chris McIntosh noted that NPWS have undertaken three levels of mapping, transects of areas of interest, targeted weeds such as declared weeds and major bush regeneration programs.

BC&NARG 82 – Draft 2008-2012 Management Plan

Manager Corporate Planning & Sustainability advised the Reference Group that the draft 2008-2012 Management Plan had come off exhibition with the final version being presented to Council on 23 June 2008.

Other business

Sustainability Reference Group:

There was general discussion in relation to the Sustainability Reference Group's development of the Eco-Ambassador program and progress of the vision.

Update from Policy Forum:

The Ecologically Sensitive Lands Policy was raised at the Policy Forum on 12 May 2008. The Forum recommended that the Policy be deferred to the next Policy Forum following the completion of the vegetation mapping.

Wildlife Road Crossings:

NPWS and Council staff to identify locations of wildlife crossings at key locations (Evans and Ramsey).

Warrawee Park:

Councillor Malicki advised the Group that Council had made a resolution on 10 June 2008 that it not sell or give away Warrawee Park as it contains Blue Gum High Forest.

Councillor Andrew raised that if there could be measures implemented to stop parking on the site (Manager Corporate Planning & Sustainability to raise this with Council's Operations Department).

Agenda items for next meeting:

Ian Wright asked for water and catchments to be discussed at the next meeting including water and catchment management strategies of Council and future directions.

Next Meeting

Monday 11 August 2008 – Level 3 Council Chambers at 7.00pm.

Meeting Closed at 9.50pm

Attachments:

1. Suggested amendments to Ku-ring-gai Bushland Plan of Management by sub-committee.
2. Weed mapping program presentation and review document.

Bushland Plan of Management Review by sub-committee
Suggested amendments to Ku-ring-gai Bushland Plan of Management
Monday 16 June 2008

Committee Members: Nancy Pallin, Janet Harwood, Neroli Lock, Councillor Elaine Malicki

Recommendation:

That the Ku-ring-gai Bushland Reserves Plan of Management be amended to

1. update the conservation status of critically endangered and endangered ecological communities (CEECs and EECs) in Ku-ring-gai
2. incorporate limitations on activities which are detrimental to the conservation of these threatened ecological communities
3. require that leases / licences are reviewed
 - a. as to their ongoing need and possible relocation of facilities
 - b. or in the short term issue a lease with strict requirements for use of the facility to eliminate impact on the threatened ecological communities which is reviewed annually.

Proposed Amendments:

Threats to critically endangered and endangered ecological communities

- The main threat is further clearing for urban development, and the subsequent impacts from fragmentation
- Removal of Support growth in residential streets and areas surrounding reserves
- Mowing, which stops regrowth
- Urban run-off, which leads to increased nutrients and sedimentation
- Weed invasion
- Inappropriate fire regimes, which have altered the appropriate floristic and structural diversity
- Inappropriate recreational use of remnants in bushland reserve and open space
- Loss of pollinators and seed dispersers due to fragmentation & declining connectivity
- Loss of Hollow-bearing Trees (listed as a Key Threatening Process)
- Mulching with foreign mulch/woodchips

Recovery actions for CEEC and EEC in Bushland Reserves in Ku-ring-gai

- prevent further clearing or fragmentation of the ecological community
- no rezoning of streets adjacent to CEECs for multistorey development
- stimulate regeneration of the ecological community using qualified bush regenerators;
- Native understorey will not be covered in mulch from outside the community
- No planting except after a full assessment by competent bush regeneration or ecological expert.
- Prevent high impact inappropriate recreational uses eg. trail bike, mountain bike riding
- Provide alternative local bike riding opportunities outside threatened ecological communities

- No dog walking through threatened ecological communities - provide alternative dog walking routes around significant remnants to avoid impacts of dogs on wildlife (university of NSW research identified measureable disturbance of small birds from people walking along a track with a dog.)
- No picnicking, furniture
- Children's playgrounds to be moved outside threatened ecological communities
- Educational use of remnants in bushland reserves limited to small groups to avoid impact such as trampling
- Tracks narrowed to minimum width for walking. Review location, number, width and condition of tracks; close unnecessary ones or relocate to avoid erosion (BGHF and TIF occur on easily eroded shale soils)
- No commercial use
- Filming only for educational purposes; no vehicles permitted in threatened ecological communities
- Replacement or upgrading of existing facilities - where repair & upgrade becomes necessary a review is conducted to assess ongoing need and the potential to relocate to a less sensitive area, preferably outside the CEEC. Eg. Scout halls
- Fire management planning to recognize the small area of remnants of CEEC and EECs and their threatened status. Primarily undertaken as small area ecological burns within the time frame and frequency recommended by scientists for each threatened ecological community

2.3.1 *Granting of any lease, licence, easement, or other estate or interest*

The granting of a lease or licence or other estate in respect of the land to which this Plan applies is expressly authorised for any purpose for which the land was being used at the date of adoption of this Plan.

This statement is inappropriate with regard to CEEC and EECs. It assumes that even though new knowledge is gained, (eg. New listing of CEECs) no change can be made. Along with our recognition of the special values of the CEECs and EECs, leases need to be carefully reviewed and uses may need to be changed or facilities moved. We understand that there are no 'existing use rights' for bushland reserve. (Director of Strategy, information to Cr Malicki)

We recommend that in threatened ecological communities no access will be allowed for any private purpose because of the danger of setting precedents, the high potential for damage and the costs of recovery which the community and Council bears in the long term .

8.4 Special uses, leases and licences (See also above with regard to CEECs and EECs)

1 *Current status*

2 *Currently, there are a number of Council authorised special uses of Ku-ring-gai bushland reserves. These uses may include filming, research, scouting and bushwalking, access over land for construction, and bushland regeneration works by organised groups. There are currently 21 leases/licences over Ku-ring-gai bushland reserves.*

8.4.3 Objectives

To ensure that special and other formal uses of the reserves do not adversely affect the natural values and are in accordance with the overarching aims of this plan of management

Manage existing low-key passive recreation/education activities and existing essential utility infrastructure to protect the environmental integrity and conservation values of the bushland reserves

8.4.4 Management Actions

- a. Ensure that the design of built areas and their grounds and all access roads and paths minimise water runoff.
- b. Develop standard guidelines and require lease agreements for lessees in bushland to have regard to the physical environment of each site and its surrounds and have regard for relevant legislation and Council policies
- c. Develop conservation management agreements with lessees that can be negotiated in return for a reduced payment for use
- d. Develop an information package for user groups providing advice on the requirements of their permits/lease and how to minimise impact on surrounding bushland
- e. Require annual reporting by lessees back to council on condition of actions they have undertaken for example planting, regeneration, rectification of building/tracks
- f. Require a two year inspection program between council and lessee
- g. Ensure that applications for temporary access across bushland reserves are in accordance with the objectives set out in this PoM and comply with Council's Temporary Access over Community Land Policy
- h. Ensure that, if approved, new or renovated buildings in bushland reserves are compliant with the requirements of *Planning for Bushfire Protection, 2001* as well as other regulatory building codes

While the concept of 'conservation management agreements' as proposed above would be beneficial in encouraging community involvement in managing facilities in bushland reserves, it would be difficult to control and in general would not be appropriate in threatened ecological communities. Therefore recommend that no new buildings be allowed. Existing buildings and their use be reviewed and long term plans for relocation considered.

Re g. temporary access across threatened ecological communities should not be allowed – see above.

Construction and maintenance of strategic sediment and pollution control devices in waterways to improve water quality and aquatic habitats (pursuant to the EP&A Act 1979) and Dept Primary Industries (Fisheries) requirements and to Council's Riparian Policy (2004)

Pollution traps will be installed outside CEECs and EECs in the road reserve or on adjoining land to avoid reduction of area ec. Stormwater from road will be directed away from CEECs and EECs

Well folks this is as far as we got –..... Job not yet complete.



Analysis of Ku-ring-gai Council's Weed Mapping Program

June 2008



Terms

- WEED CLASS –

The density of weeds at each study site.

Class 1: 0 – 10% weed coverage

Class 2: >10 – 30% weed coverage

Class 3: >30 – 60% weed coverage

Class 4: >60% weed coverage

Background

Weed mapping has been used to direct weed control and regeneration programs for the past 11 years

Over this time changing methods and improved technology have lead to increased resolution and accuracy at the expense of rapidness

To date there has been no investigation on the usefulness of mapping protocols. This research aims to:

1. Analyse and evaluate the value of the current weed mapping program
2. Review the usefulness of field survey methods

Method

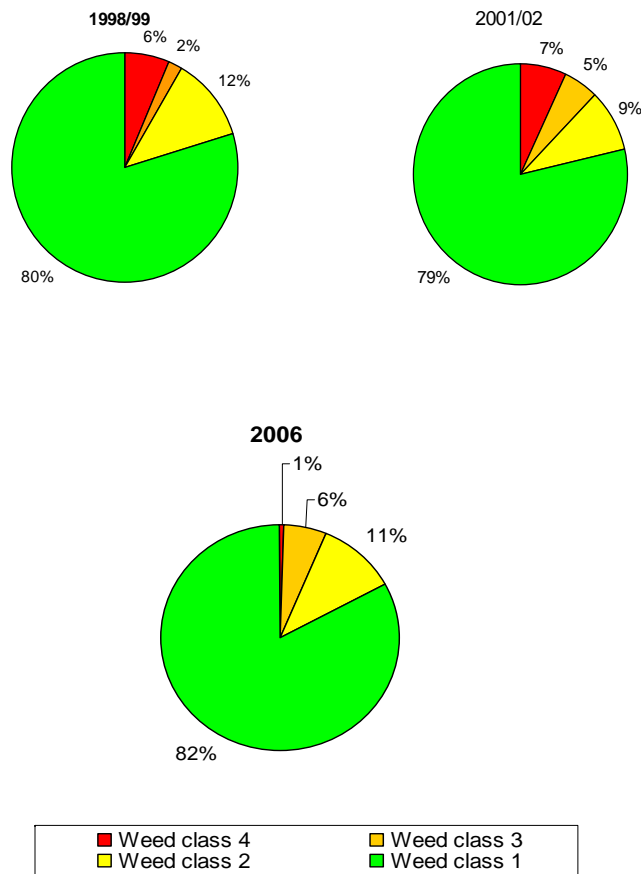
Data was initially collected from past surveys conducted by council and communications with various staff

A graphical analysis of all relevant GIS data (based on catchments and years) was completed

Analysis was limited by quality and quantity:

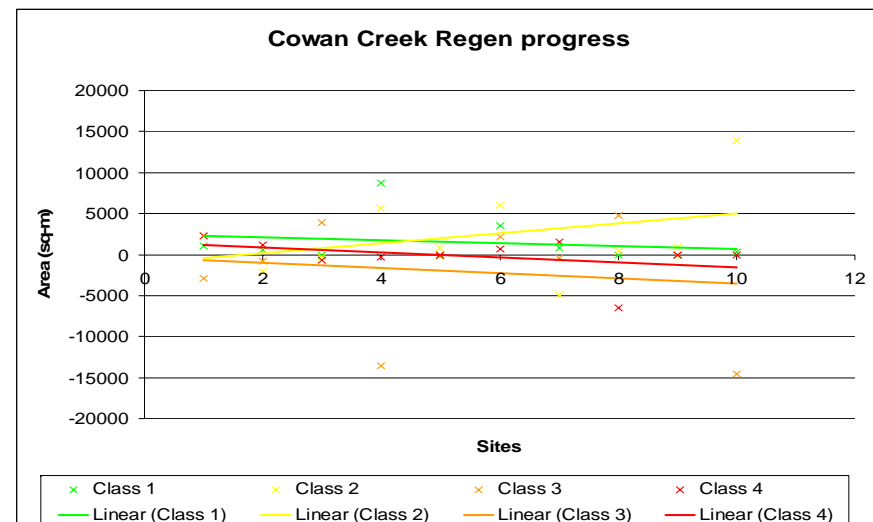
- data sets recorded different variables
- data was poorly linked
- One of the GIS layers was inaccurate and was consequently omitted

Results – Cowan catchment

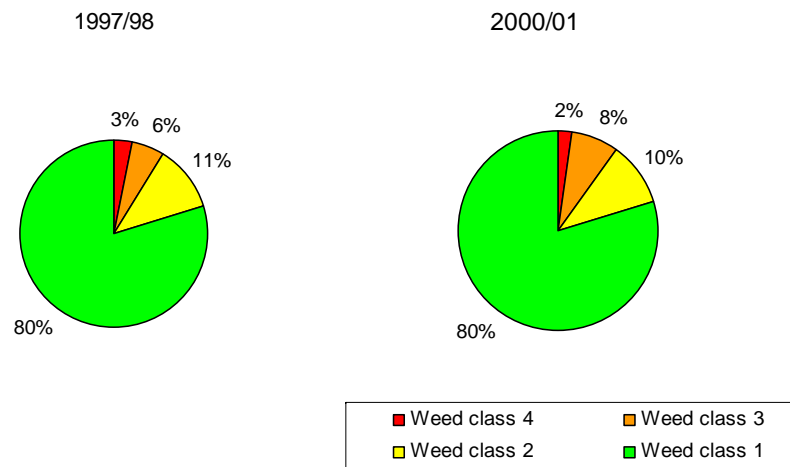


There seems to be a positive influence from weed control techniques

Variability in data collection may be a significant causal factor in the results

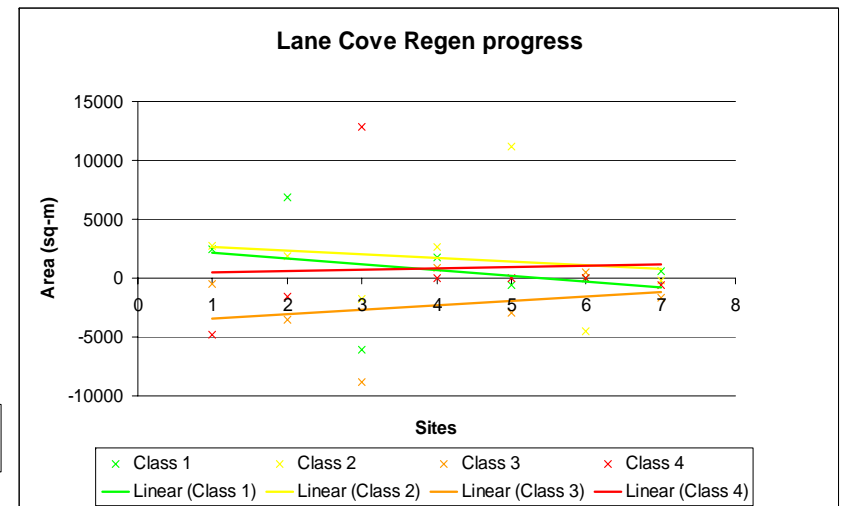


Results – Lane Cove catchment



There is little apparent change over the study years in any weed class

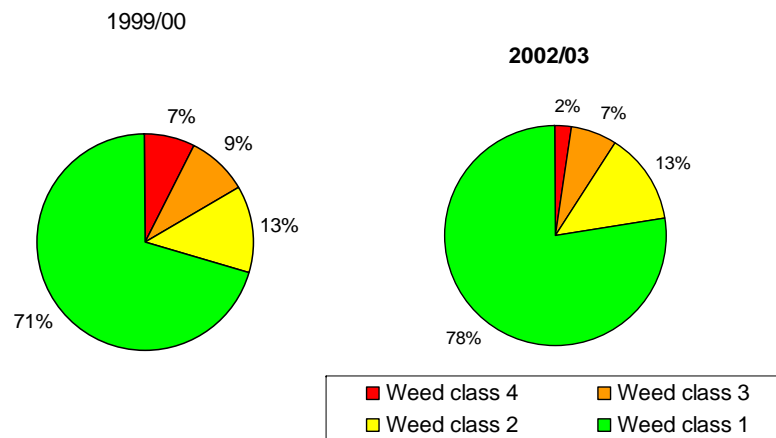
Again survey methods may affect these results



Weed classes 1, 2 and 4 increased in area

This is reflected in the decrease area of weed class 3

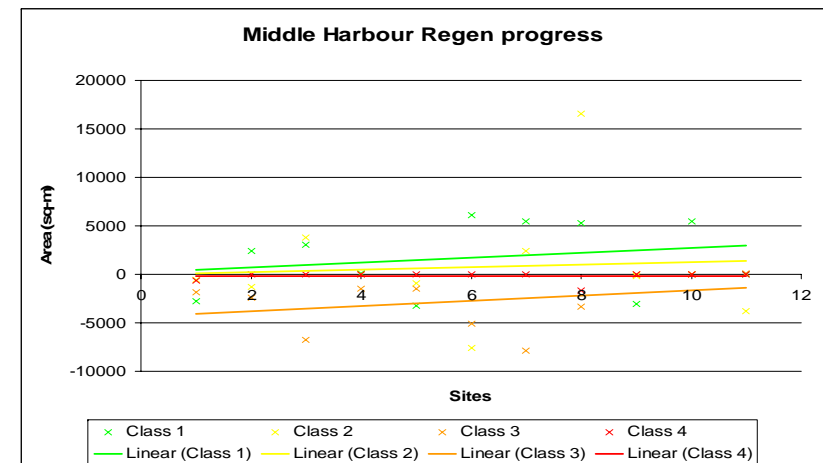
Results – Middle Harbour catchment



The data recorded for Middle Harbour 2003/04 was unreliable and was consequently omitted

There seems to be a generally positive change in Middle Harbour

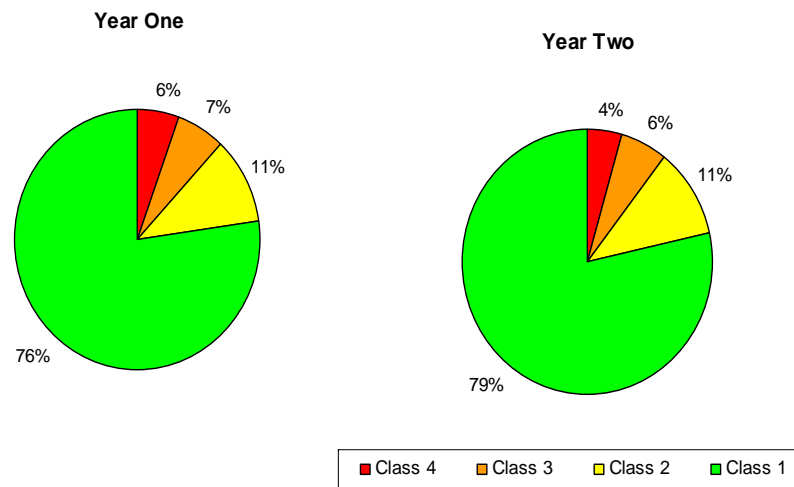
Again survey methods may affect these results



Weed class four remained consistent

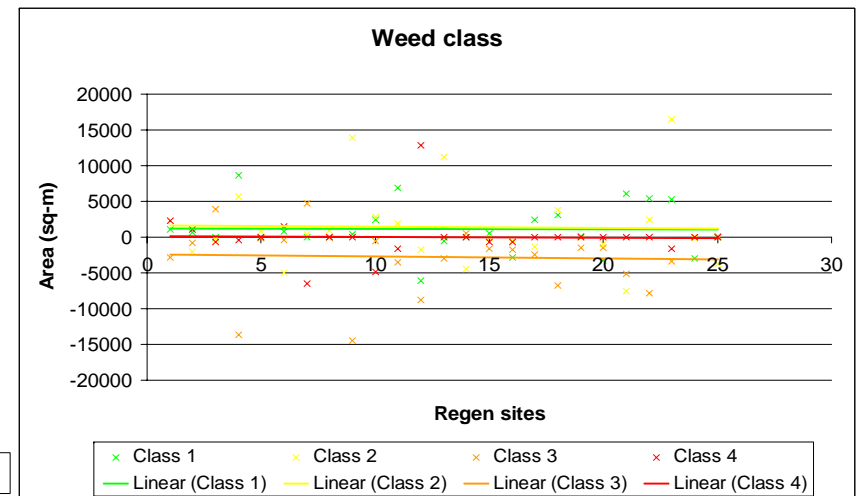
The predominant decrease in weed class three is reflected by area increases by weed classes one and two

Results – Ku-ring-gai summary



There is little change apparent over the entire area in any weed class

Survey methods may affect these results



Weed class four has remained fairly consistent.

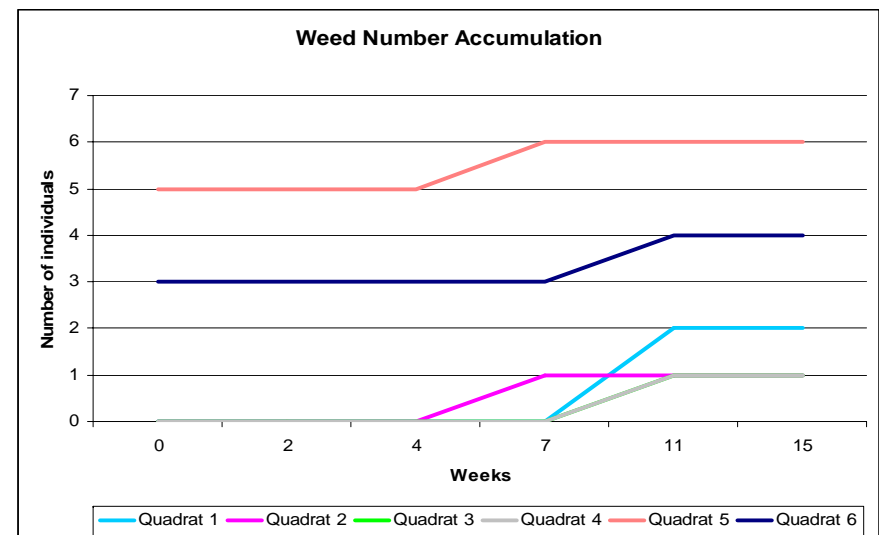
Weed class three has seen the greatest reduction in area reflected by increases in weed classes one and two which is encouraging

Weed management for a single Hazard Reduction site



A single site in Pymble was used to investigate various effects fire had on a Blue Gum High Forest ecosystem

It went over 30 weeks in Summer 2000/01 and recorded weed accumulation post fire



There was no change after 15 weeks in weed abundance

It shows that weeds were most likely to appear between four and 11 weeks following a burn.

Conclusions

- From the restricted data sets it can be concluded that weed mapping in Ku-ring-gai has advanced but it could be improved on
- Emphasis on weed removal may mask the benefits of other regeneration techniques such as re-planting
- Discrepancy in results has arisen from low fidelity recording methods used by different surveyors at different sites
- Regeneration is the most effective current practice in weed management, but could be improved by enhancing priority area decision making

Where to now?

- Greater clarity between relevant bodies as well as unification of data recording and management would improve efficiency
- A revision of the 1995 Bushland Weed Assessment Guidelines may be appropriate
- Select special interest sites for future mapping; sites known to be subject to change such as bushland interface sites and drainage lines
- Enhanced technology means there are more efficient and accurate ways to map weeds (such as PDAs)
- Targeted information collection for cross analysis with threatened species, EECs etc... to better manage and prioritise sites.

ANALYSIS of KU-RING-GAI COUNCIL'S WEED MAPPING PROGRAM

Ku-ring-gai Council
May 2008

CONTENTS

EXPLANATION OF TERMS	3
Executive Summary	4
Background.....	5
1 Method.....	6
The method for analysis involved two steps.....	6
1.1 Limitations	6
2 Results.....	7
2.1 Data collection	7
2.2 Data analysis	7
2.3 Cowan Creek Catchment	7
2.3.1 Cowan Creek Bush Regeneration progress.....	9
2.4 Lane Cove Catchment	9
2.4.1 Lane Cove Bush Regeneration progress	10
2.5 Middle Harbour Catchment	11
2.5.1 Middle Harbour bush regeneration progress	12
2.6 All Catchments.....	13
2.6.1 All catchments bush regeneration progress	14
2.7 Weed management for a hazard reduction site	15
3 Discussion.....	16
3.1 Recommendations	18
Appendix 1 - Weed Class Area Data	21
Appendix 2 - Bush Regeneration data.....	22
Appendix 3 - Weed and Fire Hazard reduction Data	23

Figure Contents

Figure 1 - Proportion of area taken up by the different weed classes across Cowan creek catchment	8
Figure 2 - Effectiveness of bush regeneration within Cowan Creek - 2006 and 2002.....	9
Figure 3 - Proportion of area taken up by the different weed classes across the Lane Cove catchment	10
Figure 4 - Effectiveness of bush regeneration within Lane Cove catchment 2001 and 1998.	11
Figure 5 - Proportion of area taken up by the different weed classes across the Middle Harbour catchment.....	12
Figure 6 - Effectiveness of Bush regeneration within Middle Harbour catchment - 2004 and 2000.....	13
Figure 7 - Proportion of area taken up by the different weed classes across the whole local government area	14
Figure 8 - Analysis of the effectiveness of bush regeneration in reducing weed density over Ku-ring-gai LGA.	15
Figure 9 - Weed Accumulation post-fire in Canisius Reserve. Summer 2000/01.....	16

EXPLANATION OF TERMS

“Weed Class” – For the purposes of this report ‘weed class’ refers to the different densities of weeds at each study site, this includes:

- **Weed class 1** = 0 – 10% weed coverage;
- **Weed class 2** = >10 – 30% weed coverage;
- **Weed class 3** = >30 – 60% weed coverage; and
- **Weed class 4** = >60% weed coverage;

“Regen progress” – Trend of weed classes to increase or decrease in area at each site, within each catchment and over the whole LGA.

“Natural Capital” – The value of natural resources and ecological processes which are often irreplaceable when removed.

Executive Summary

Ku-ring-gai Council has been conducting a catchment based weed mapping program since 1996. The information gathered has not been collated or analysed in detail to determine whether there are lessons to be learned from the data. This project examined the various weed data sets to:

1. Analyse and evaluate the value of current weed mapping program
2. Review the usefulness of field survey methods

The analysis was a two step process involving:

- a) data from past surveys collated and supplemented by surveys of relevant staff, and
- b) an analysis of existing, relevant GIS data

The results of the analysis revealed there is a need to ensure unification of data recording and management across council. Skill levels in plant identification and data entry must be quality controlled and follow clear protocols to maximise efficiency in the mapping process and avoid errors.

An obvious need exists for effective communication between sections of Council and contractors. When this occurs it should increase the efficiency of weed and regeneration management. This issue seems to relate to general levels of communication between technical and operational staff and not a result of the recent organisational restructure.

One data set examined focused on pre and post fire weed mapping on a single site. This important data set needs to be developed further across a range of sites and seasons to provide better information regarding if and when regeneration occurs and how and when weed invasion should be managed post fire.

A revision of the KMC Bushland Weed Assessment Guidelines may also be appropriate. The current guidelines were written in 1995 and are not up-to-date with current scientific information on weed management. It is essential that contextually appropriate methods are used at specific sites, a blanket approach across the LGA would likely result in a less effective outcome.

Cross-analysis of weed data collected to location of threatened species, EECs and other sensitive areas would assist in better management and prioritisation of key sites for efficient weed control.

Future weed mapping should focus on areas undergoing management or active intervention. This will have significant cost savings and would enable more frequent and responsive feedback on the success or otherwise of weed management strategies. Whole of catchment weed mapping suggests weed condition as per the mapping protocols is relatively stable. Changes that are apparent outside known areas of impact such as interface and drainage lines

could be accounted via sampling variation as much as condition within the landscape.

Background

Ku-ring-gai Council has been mapping the condition of bushland through a weed assessment protocol for the past eleven years. The outcome of the mapping has been to produce weed infestation levels for each of the major three catchments. In turn this information has been used to direct the weed control and regeneration programs.

The methods used to map weeds across the Ku-ring-gai bushland offers varying levels of information from species specific weed records to generic categories of weed condition. The method originally envisaged mapping one catchment per year on a rotational cycle, recognising the time taken to collect and analyse the data. The method itself has varied over time and has required an increase in species identification skills through the listing of greater numbers of weeds and often smaller polygons that have increased the resolution of the data at the expense of a more rapid process. More recently, the mapping has sought to record the data directly on to a computer. This has reduced data errors and increase efficiency, though has not necessarily sped up the process as resolution has tended to increase.

Periodically, the data has been reported to council's natural areas reference groups. It has also been used as the basis for setting and reporting on key performance indicators relating to the outcomes of the regeneration program.

Over the 11 years a plethora of data has been generated. However to date there has not been a comprehensive analysis of this information to strategically assist in setting the bush regeneration program nor to determine if the mapping protocols themselves are yielding beneficial information on which to make strategic landuse decisions.

One outcome of a weed management strategy is to reduce the area of weed cover for the lowest cost. To this are other variables such as habitat, long term recovery potential, value of the vegetation community or species within, ownership of the site and community interest. A key driver for Ku-ring-gai Council's regeneration program has been the management of Critically Endangered and Endangered Ecological Communities as listed under the Threatened Species Conservation Act. This priority is reflected by the Priority Rating Matrix as incorporated within the Bushland Encroachment Policy as adopted by Council 13/3/2007.

The aims of this research are to:

1. Analyse and evaluate the value of current weed mapping program
2. Review the usefulness of field survey methods

1 Method

The method for analysis involved two steps.

Step 1 - Data was collected from past surveys conducted by council and surveys of relevant staff. A graphical analysis was conducted using field data currently in the GIS software.

Step 2- analysis of relevant GIS data. Data analysis was catchment based and was analysed using the following data sets:

- total area occupied by each weed class
- change in area occupied by each weed class in subsequent surveys
- change in area of various weed classes as a result of bush regeneration practices.
- analysis of the data with respect to the impact of fire (there was only a single site where reliable data relating to weeds and their behaviour following controlled fire hazard reduction was available; this data is contained in Appendix 3).

1.1 Limitations

The quality and quantity of the data made it difficult to undertake a statistical analysis for each of the catchments and in turn the LGA as a whole. In particular:

- the data sets had different variables recorded
- data was poorly linked over time and between catchments.
- there has been no functional recording of weed species at a majority of the sites making a practical assessment difficult.
- the data from the GIS layer 'Weed Infestation 2003-04 MH' was inaccurate and did not reflect the actual situation in the field and was consequently omitted from the analysis.

2 Results

2.1 Data collection

The collection of weed mapping data has been variable over the period of monitoring. As part of the collection of data, six different weed survey sheets were found recording different variables. The collection of data by bushland operations within the regeneration and fire program varied as with contractors and that collected by the Bushcare program.

Observations on status of weeds and their condition through commentary on data sheets were not standardised and were not able to offer any statistical insight as to change over time or impact from time invested in site management.

There was only one site in the LGA at Canisius where there was sufficient information for an analysis of post fire weed response. This review also identified no formal procedures in relation to fire and weed control or data recording.

2.2 Data analysis

The information below presents the results of the findings presented by catchment for each analysis described in Section 1. There were three data sets used in the analysis of Cowan catchment (2006, 2001/02 and 1998/99), two in Lane Cove (2000/01 and 1997/98) and two in Middle Harbour (2002/03 and 1999/00). The raw data is available from Appendix 1.

2.3 Cowan Creek Catchment

The change in weed class area over time is shown in Figure 1.

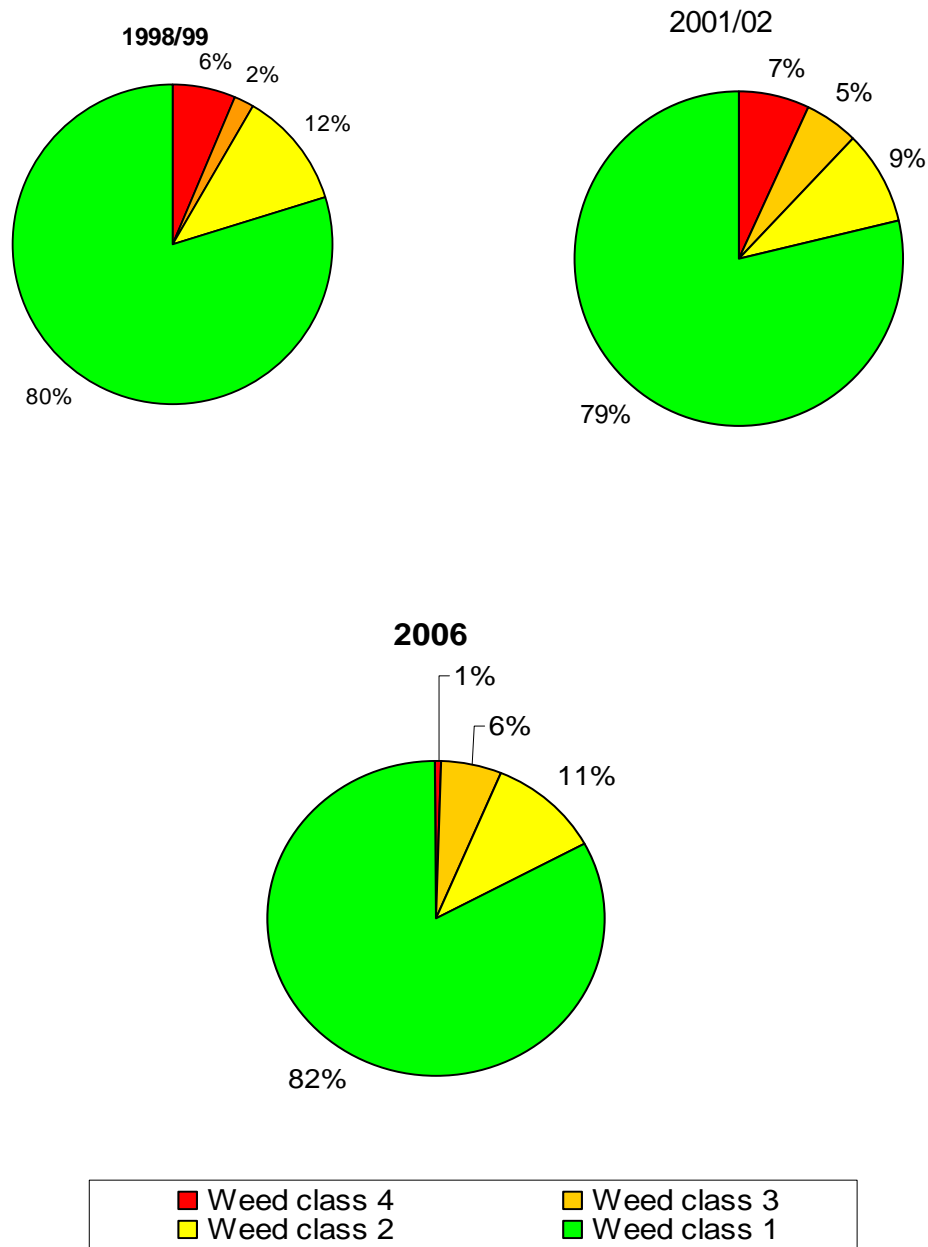


Figure 1 - Proportion of area taken up by the different weed classes across Cowan creek catchment

At a catchment scale, Figure 1 suggests that the current weed control measures used within the in Cowan Creek (CC) catchment are effective. Whilst noting this, it is important that variability in data collection may also be a significant causal factor in the reported results.

2.3.1 Cowan Creek Bush Regeneration progress

As part of the analysis an assessment was undertaken on 10 regeneration sites within the catchment. Figure 2 below illustrates the analysis of the results when comparing 2006 data to 2002 data. A linear trend which lies under zero indicates a reduction in the area of each particular weed class between the two study years.

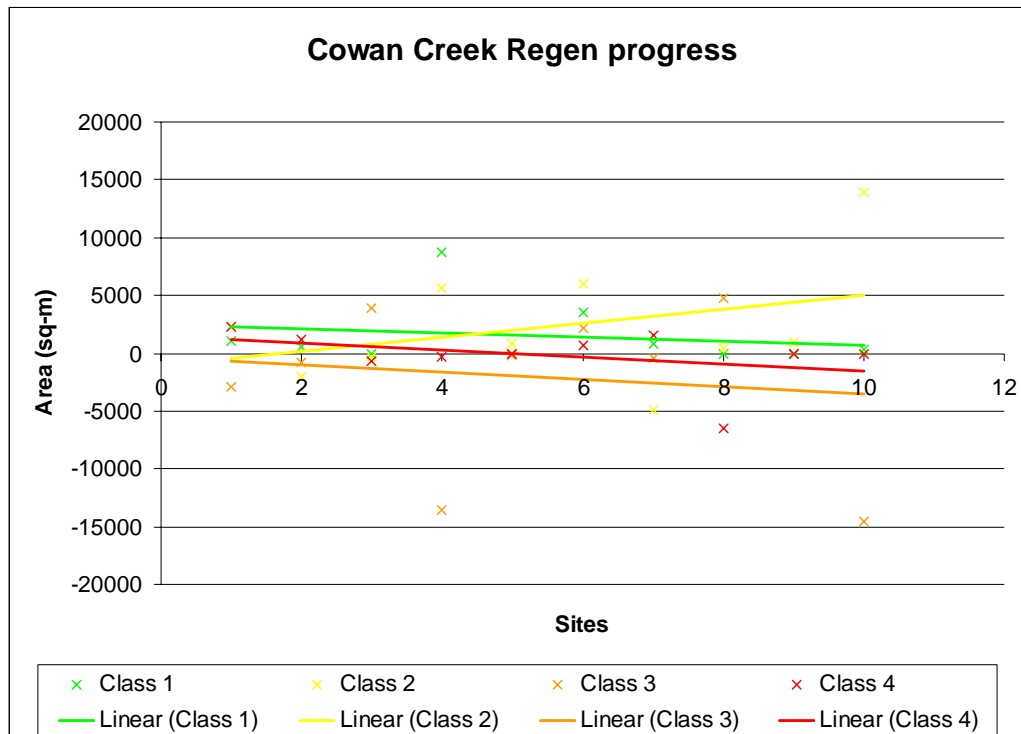


Figure 2 - Effectiveness of bush regeneration within Cowan Creek - 2006 and 2002.

NB: The linear representations are indicators between sites NOT time

It is evident from Figure 2 that weed classes one and two are increasing in area (that is they remain above 0), while there is a marked reduction in weed class three area as it is below 0. Weed class four appears to be consistent as the distribution of divided evenly above and below 0 indicating no net change. Linear trends are a reflection of the whole catchment, specific area changes in each weed class at each site are shown by the 'X'.

2.4 Lane Cove Catchment

Figure 3 illustrates the differences in weed densities from the two study years, 1997/98 and 2000/01.

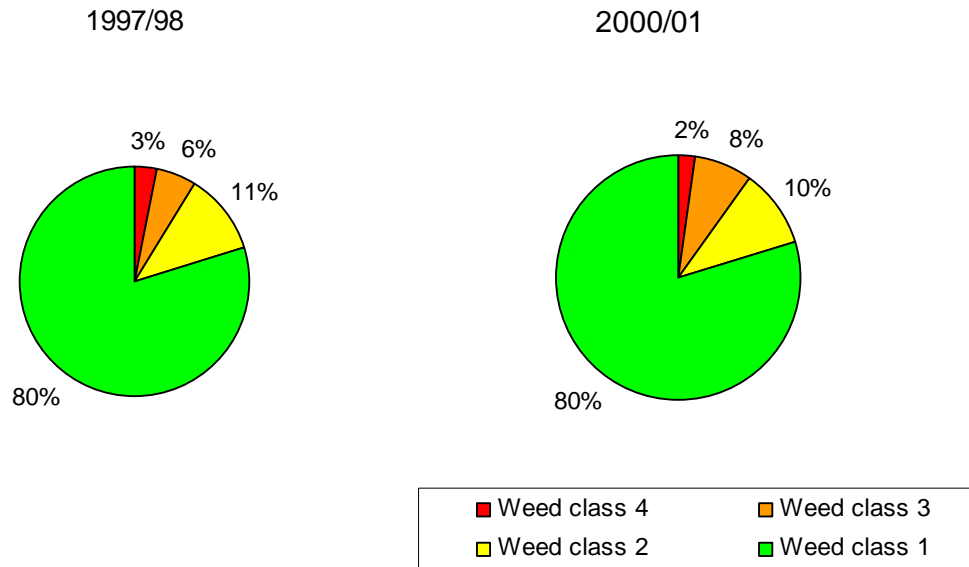


Figure 3 - Proportion of area taken up by the different weed classes across the Lane Cove catchment

These results suggest there is little apparent change over the catchment in any weed class. Variables in survey technique may be a factor influencing this result.

2.4.1 Lane Cove Bush Regeneration progress

Figure 4 provides an indication of the change in area of each weed class at seven regeneration sites in Lane Cove catchment. The analysis compared 2001 data to 1998 data. A linear trend under zero indicates a reduction in the area of each particular weed class between the two study years.

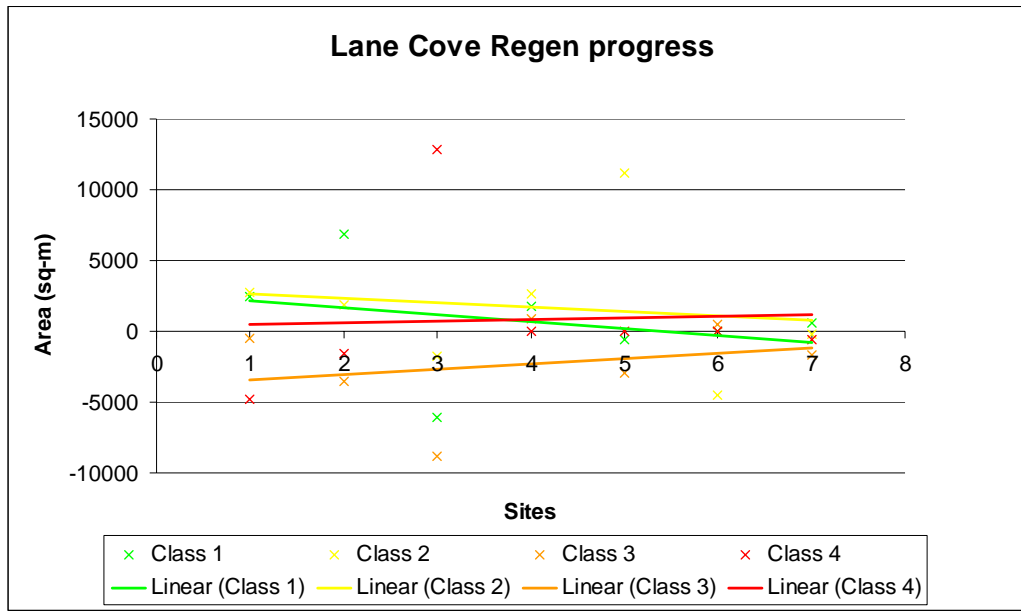


Figure 4 - Effectiveness of bush regeneration within Lane Cove catchment 2001 and 1998.

Figure 4 suggests only weed class three decreased in area between the two study periods. The three remaining weed classes increased in area. Linear trends are a reflection of the whole catchment, specific area changes in each weed class at each site are shown by the 'X'.

2.5 Middle Harbour Catchment

The data recorded for Middle Harbour 2003/04 is unreliable and a poor measure of the true nature of the catchment. Consequently this data set was omitted from analysis. The data suggested that the weeds are mainly of one class and does not reflect any realistic field situation when compared with the previous years' results.

Figure 5 shows the change in weed density between the two dependable study years that is 1999/00 and 2002/03.

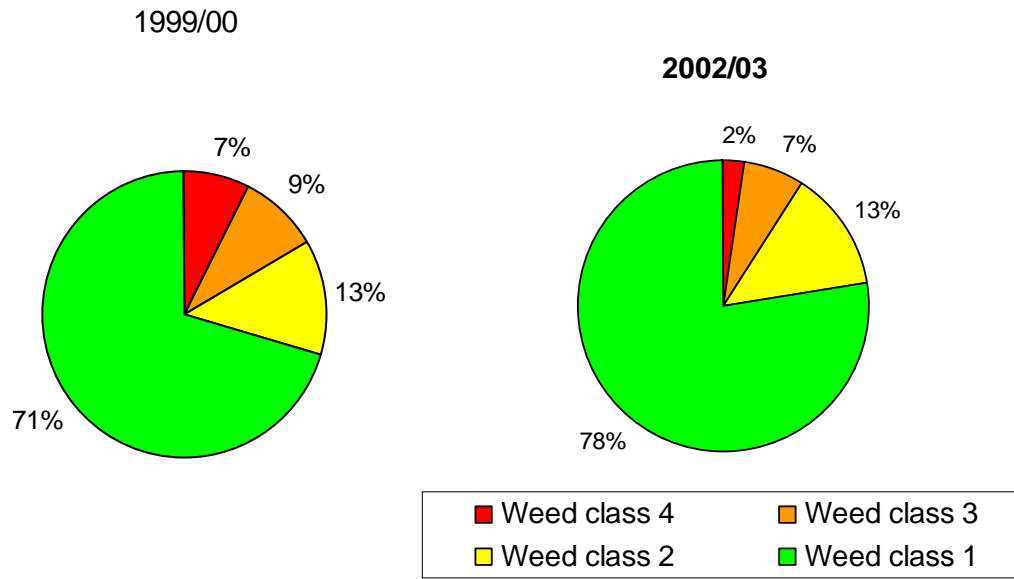


Figure 5 - Proportion of area taken up by the different weed classes across the Middle Harbour catchment

Figure 5 indicates a marked increase in area of weed class one and reductions in area of high density weeds. This indicates a significant decrease in the weed density through the catchments. Broad variation between years may be indicative of substantial environmental change; however it is likely a proportion of this difference is may be due to variations in sampling technique.

2.5.1 Middle Harbour bush regeneration progress

Figure 6 provides an indication of the change in area of each weed class at eleven regeneration sites in Middle Harbour catchment. The analysis compared 2004 to 2000 data. A linear trend under zero indicates a reduction in the area of each particular weed class between the two study years.

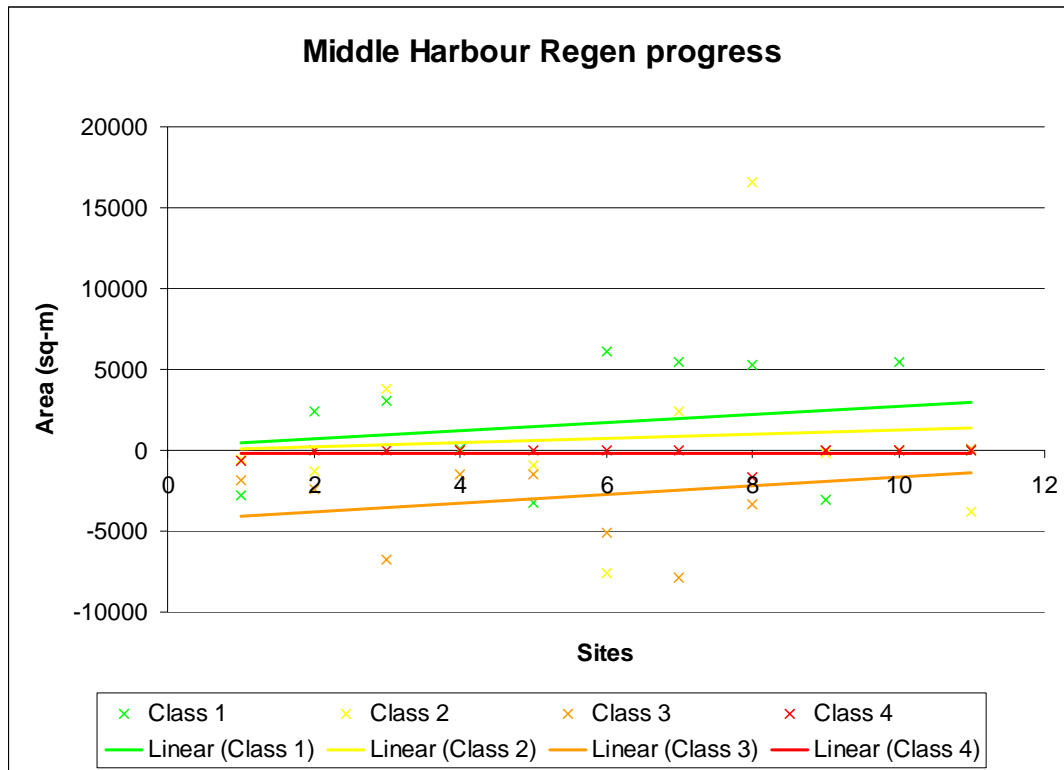


Figure 6 - Effectiveness of Bush regeneration within Middle Harbour catchment - 2004 and 2000

There is an obvious reduction in the area occupied by weed class three. Since weed class four remained consistent it appears that there was no increase in weed densities over these two study periods. This also explains the general increase in area of weed class one and two.

2.6 All Catchments

Figure 7 indicates weed cover across all sites throughout the Ku-ring-gai LGA using the final two years of data in each catchment, being 2006 and 2001/02 in Cowan; 2000/01 and 1997/98 in Lane Cove; and 2003/03 and 1999/00 in Middle Harbour. From this comparison there appears to be minimal reduction in high density weed cover over a period equivalent to three years. This may indicate that there have been new weeds entering the habitats which were not targeted or that there has been no new growth in from previous studies meaning these were not prioritised. The datasets may also be poorly

correlated; more consistent recording methods should be used to increase reliability.

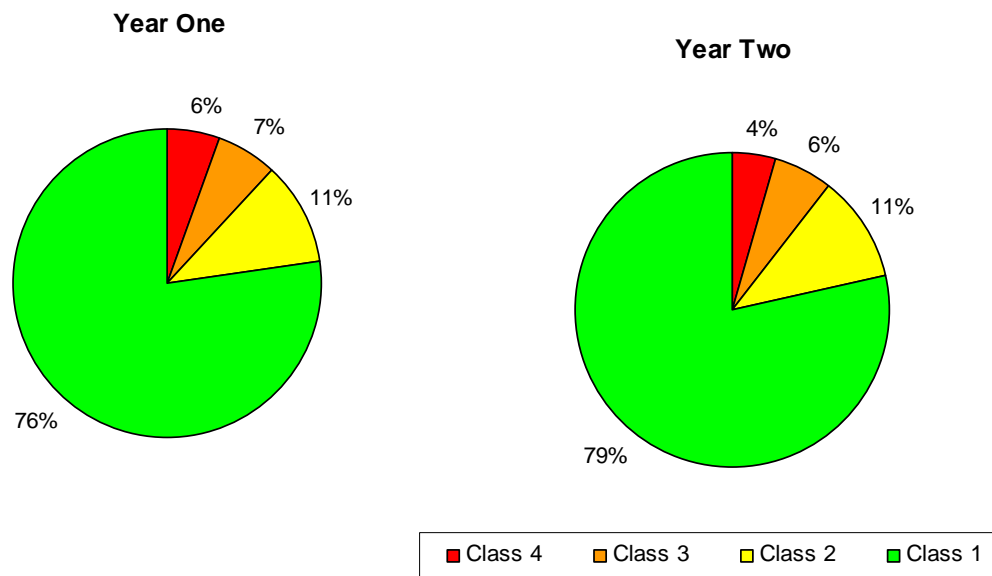


Figure 7 - Proportion of area taken up by the different weed classes across the whole local government area

2.6.1 All catchments bush regeneration progress

Figure 8 illustrates the change in area of each weed class across all 25 regeneration sites throughout LGA. The analysis compared the two most recent data sets for each catchment; 2003 and 2006. Some sites with only data from a single year have been omitted, as they are meaningless when examining the progress of bush regeneration. A linear trend under zero indicates a reduction in the area of each particular weed class.

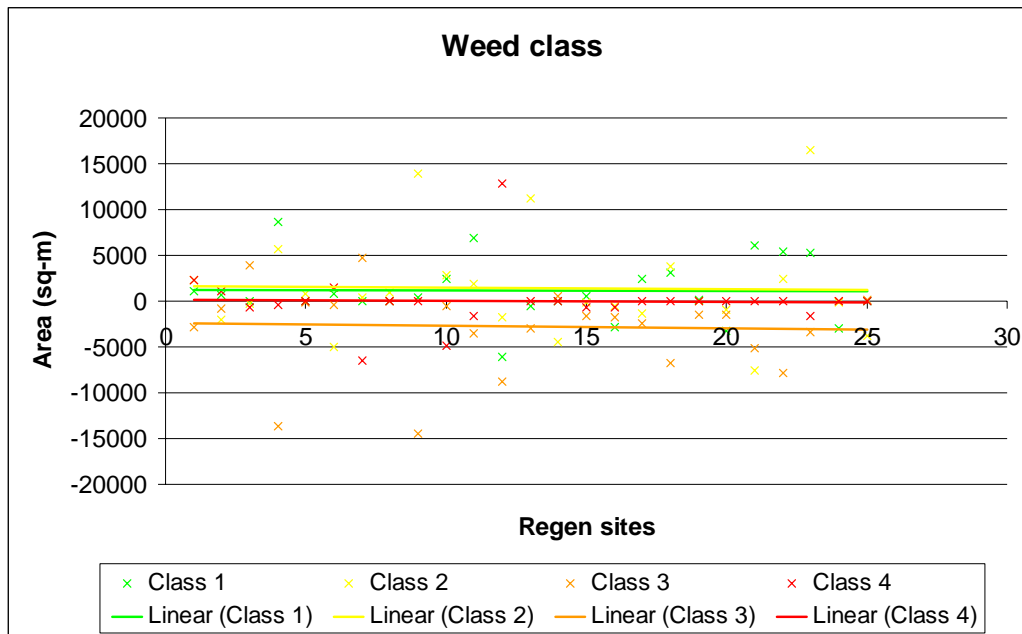


Figure 8 - Analysis of the effectiveness of bush regeneration in reducing weed density over Ku-ring-gai LGA.

There is a general trend in Ku-ring-gai towards lower density weed populations. A reduction in density is not apparent in the highest weed class.

2.7 Weed management for a hazard reduction site

A single site in Pymble was selected as a study site for the effects of fire on various aspects of a Blue Gum High Forest ecosystem. The study went over 30 weeks in Summer 2000/01 and reflects weed accumulation post fire, there was no change in weed abundance after 15 weeks.

Six 1×1m quadrats were selected for the investigation, this included four within the burn zone and two outside the burn zone. Prior to burning all six quadrats weeds were removed to prevent post-fire proliferation. Figure 9 below is a measure of weed accumulation at each quadrat over the study period.

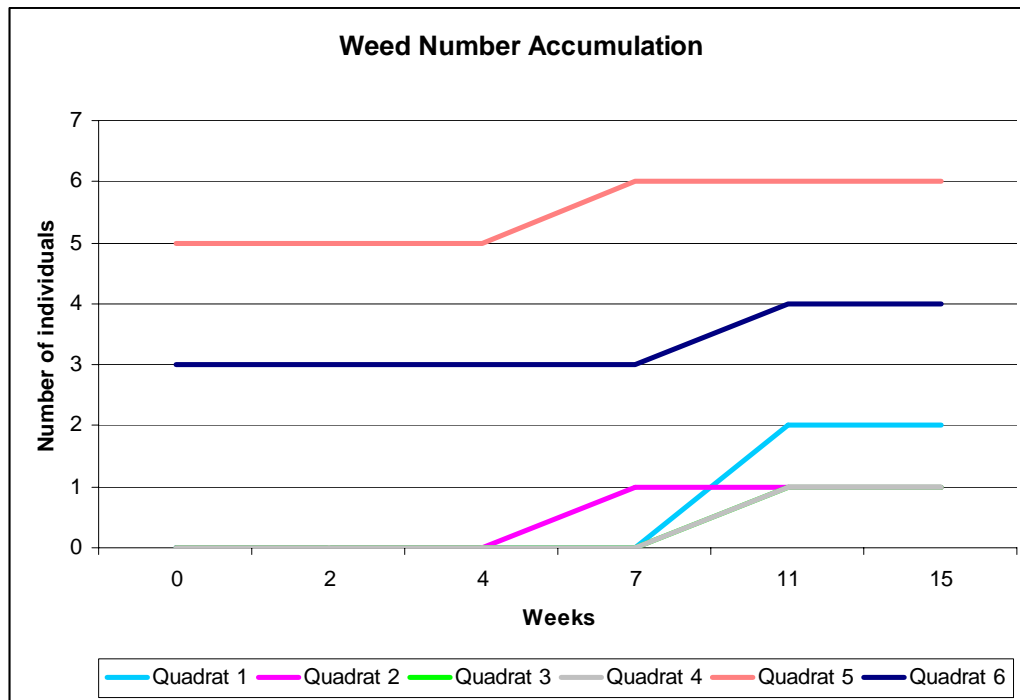


Figure 9 - Weed Accumulation post-fire in Canisius Reserve. Summer 2000/01.
 Quadrats 1 to 4 were within the burn zone and quadrats 5 and 6 were outside the burn zone. Quadrat 3 has the same pattern as Quadrat 4 which is why it is not visible.

After the initial stages of burning each site had weed species enter the area. The graph indicates that weeds are most likely to appear between weeks four and 11 following a burn.

3 Discussion

The focus for weed mapping in Ku-ring-gai at present is on weed density at each catchment and has been used for site analysis. The trend associations may not completely reflect field situation due to the incongruence in collection methods. This discrepancy in the analysis results has arisen from low fidelity recording methods used by multiple surveyors as well as records taken from different sites between years which can only be used to reflect the catchment and not improvements at each specific site.

From the limited data sets available it can be concluded that the weed situation through Ku-ring-gai has improved slightly. There are five sites showing particular improvement; Windsor Pl in Cowan catchment; The Glade

in Lane Cove catchment; and Barra Brui Oval, Richmond Park and Flying-fox reserve in Middle Harbour. Only one site has seen distinct deterioration; Brown's field in the Lane Cove catchment. Remaining sites have remained relatively stable.

A cautionary note needs to be made as inconsistencies exist in survey techniques, data recording and data display.

Reducing the ambiguity between the recording from different staff, different years and different sites would reduce data inconsistencies in data and more accurately identify the weed trend in Ku-ring-gai LGA. Greater emphasis needs to be placed on mapping specific weed species as this will provide information to prioritise sites for active management.

A lag phase between the impact of weed removal and reporting is expected given the period of monitoring is at least a three year mapping frequency. During this time it is conceivable that any gains made as part of a one off weed removal program could be lost. Further the weed removal strategies may focus on specific types of weeds, such as canopy species, and the overall effect of this time and resource investment may not be picked up in the averaged monitoring data.

The emphasis on weed removal may mask any benefits of other regeneration techniques that focus on increasing stable native cover. The mapping does not account for this more positive expression on bushland health and as such the data can underreport returns.

Bush regeneration is the most effective current practice employed by council; however its success could be improved. From a field perspective the regeneration is being as useful as could be expected from the information to work with. Centralising the data and priority decision making would increase the value of the regeneration process.

The analysis on response of weeds post fire suggests some general comments in terms of land management strategies. Specific regeneration programs would benefit site health at key times post fire. It is unknown from the data the effectiveness of pre fire weeding, though anecdotal evidences suggests that this regeneration assist the post site condition as well as site burning.

Given the resources required to undertake the mapping at a catchment scale and the small changes associated in weed density condition, it is suggested that mapping focus on sites under going regeneration only. This would include council's operational program, contractors and bushcare sites.

A standardisation of the mapping also needs to occur. While there are benefits in having a central person to do the mapping this is a large task and one that has already been shifted to contractors and bushcare trainers. In this case clearer protocols and quality control systems need to be in place to ensure consistence of data.

3.1 Recommendations

There are some basic weed management lessons to be learned from this data analysis including:

- Ensure unification of data recording and management across council. This need to ensure skill levels in plant identification and data entry are quality controlled and follow clear protocols is essential to efficient functioning.
- Maintain effective communication between sections of Council and contractors. This will increase the efficiency of weed and regeneration management. Given the length of time of mapping this observation has more to do with general levels of communication between technical

and operational staff and is not an issue that has arisen from the recent organisational restructure.

- Continue building the skills base within council in terms of weed species identification and environmental monitoring.
- Undertaken selected pre- and post-fire monitoring across a range of sites and seasons to provide greater information as to if and when regeneration or weed removal is greatest for long term benefit.
- A revision KMC Bushland Weed Assessment Guidelines may also be appropriate. These guidelines were written in 1995 and not up-to-date with current scientific information on weed management. It is essential that contextually appropriate methods are used at specific sites, a blanket approach across the LGA wide would likely result in a less effective outcome.
- Develop a base-line data set for every management group (i.e. Regeneration, Hazard Reduction, BushCare etc...) to collect which provides mutual benefits to each.
- Continue to undertake a cross-analysis of weed data collected to threatened species, EECs and other relevant data which can then be used to again better manage and prioritise specific sites for efficient weed control.
- Target weed mapping to areas subject to change. This may be a result of direct intervention such as regeneration, weed control or targeted community programs external factors known to influence weed spread such as bushland interface sites and drainage lines.

References

Jones, R., Griffith, G., Vere, D. (Nov 2006) *An economic evaluation of the research benefits and returns on investment in the Invasive Plants*. **NSW Department of Primary Industries**

Coutts-Smith, A. & Downey, P. (Aug 2006) *Impacts of weeds on threatened biodiversity in NSW*. **Department of the Environment and Conservation (NSW)**

Platt, S., Adair, R., White, M., Sinclair, S. (2005) *Regional priority setting for weed management on public land in Victoria* **Second Victorian Weed Conference – Smart Weed Control, Managing for Success**

Wolendorp, G. & Bomford, M. (2004) *Weed eradication: Strategies, timeframes and costs* **Bureau of Rural Services, Canberra**

Cacho, O.J., Wise, R.M., Hester, S.M., Sinden, S.A. (2004) *Weed Invasions: to control or not control* **Agricultural and Resource Economics**

Appendix 1 - Weed Class Area Data

Material data examined for weed area for each weed class in all catchments

Cowan creek in hectares				Lane Cove in hectares			Middle Harbour in hectares		
Years	1998/99	2001/02	2006	Years	1997/98	2000/01	Years	1999/00	2002/03
Class 4	28.1968	29.975	2.4855	Class 4	13.28	9.4706	Class 4	19.8612	6.921
Class 3	8.5606	23.7304	25.5436	Class 3	26.22	34.7793	Class 3	24.5735	21.917
Class 2	51.7515	39.1871	46.4843	Class 2	49.61	46.1438	Class 2	34.7797	36.2905
Class 1	346.9411	342.5575	360.9366	Class 1	352.69	352.9863	Class 1	186.5256	200.6115

Total LGA readings in hectares across the two latest study years									
	CC	LC	MH	Total		CC	LC	MH	Total
Class 4	29.975	13.28	19.8612	63.1162	Class 4	2.4855	9.4706	6.921	18.8771
Class 3	23.7304	26.22	24.5735	74.5239	Class 3	25.5436	34.7793	21.917	82.2399
Class 2	39.1871	49.61	34.7797	123.5768	Class 2	46.4843	46.1438	36.2905	128.9186
Class 1	342.5575	352.69	186.5256	881.7731	Class 1	360.9366	352.9863	200.6115	914.5344
	435.45	441.8	265.74	1142.99		435.45	443.38	265.74	1144.57

Appendix 2 - Bush Regeneration data

Data used for analysis of effectiveness of Bush Regeneration at sites in each catchment

Catchment	Site	Change in area between study years			
		Weed class 1	Weed class 2	Weed class 3	Weed class 4
CC	Cliff Oval	1037.51	2341.01	-2878.2	2320.57
CC	St Ives Showground	614.36	-1988.01	-797.6	1141.22
CC	Windsor Pl Hal Site	0	-298.58	3898.6	-642.8
CC	Clive Evatt Reserve	8670.9	5637	-13606.9	-370.6
CC	Turiban Reserve	0	829.83	-136	0
CC	Hassell Park	3529.3	6007	2170.36	667.14
CC	Warrimoo Paddocks	781.35	-4950.41	-374.32	1511.29
CC	Burns Rd Caringal Pl	0	437.05	4734.95	-6470
CC	Ivor Wyatt Reserve	0	988.3	0	0
CC	Madison Reserve	343.78	13914.65	-14499.15	0
LC	The Glade	2418.34	2785.55	-498.59	-4809.9
LC	Browns Field	6881.79	1865.34	-3521.56	-1613.18
LC	Sheldon Forest	-6058.78	-1771.43	-8822.37	12857.95
LC	Auluba Reserve	1757.69	2598.18	899	0
LC	Bicentennial Park	-587.93	11211.7	-2989.4	0
LC	Wallalong Cr	0	-4516.6	538.27	0
LC	Banyula Kittani	592.94	-163.45	-1662	-624.85
MH	Acron Oval	-2789.81	-556.86	-1816.53	-620.7
MH	Browns Forest (Dalrymple Hay)	2397.94	-1320.4	-2375.35	0
MH	Huntleys Forest	3052.1	3753.39	-6714.64	0
MH	Vista St Reserve	94.84	-14.81	-1474.01	0
MH	Barra Brui Oval	-3213.86	-897.64	-1489.64	0
MH	Richmond Park	6083.74	-7566.66	-5100.8	0
MH	Kuringgai Flying Fox Reserve	5440.54	2371.97	-7880.67	0
MH	Koola Park	5281.6	16538.84	-3363.53	-1633.19
MH	Jindalee Pl (E. camfieldii site)	-3022.43	-179.79	0	0
MH	Killara Park	5450.26	0	0	0
MH	Wombin Reserve	0	-3781	129.03	0
Total		38756.17	43274.17	-67631.05	1712.95

Cowan creek figures were found by subtracting 2002 data from 2006 data

Lane Cove Figures were found by subtracting 1998 data from 2001 data

Middle Harbour figures were found by subtracting 2004 data from 2000 data

A negative value indicates a reduction in area between the two study years.

Appendix 3 - Weed and Fire Hazard reduction Data

Weed species located in Blackbutt/Canisius reserve St Ives. Also raw data for each Quadrat studied and basic data on the Site.

WEEDS	weeks	Quad 1	Quad 2	Quad 3	Quad 4	Quad 5	Quad 6
<i>Ageratina adenophora</i>	0	0	0	0	0	5	3
<i>Araujia sericifolia</i>	2	0	0	0	0	5	3
<i>Bidens pilosa</i>	4	0	0	0	0	5	3
<i>Briza major</i>	7	0	1	0	0	6	3
<i>Chlorophytum comosum</i>	11	2	1	1	1	6	4
<i>Conyza sp.</i>	15	2	1	1	1	6	4
<i>Hypochaeris radicata</i>							
<i>Ligustrum lucidum</i>							
<i>Ligustrum sinense</i>							
<i>Lillium formosanum</i>							
<i>Lonicera japonica</i>							
<i>Ochna serrulata</i>							
<i>Paspalum dialatum</i>							
<i>Pennisetum clandestinum</i>							
<i>Pistacheo chinensis</i>							
<i>Plantago lanceolata</i>							
<i>Protasparagus aethiopicus</i>							
<i>Prunus campanulata</i>							
<i>Raphiolepis indica</i>							
<i>Rhubus fruticosus</i>							
<i>Sennico madagascariensis</i>							
<i>Sida rhombifolia</i>							
<i>Sporobolus indica var.</i>							
<i>Carpensis</i>							
<i>Ulmus sp.</i>							
<i>Viburnum tinus</i>							
<i>Viola sp.</i>							
NATIVES CONSIDERED WEEDS							
<i>Acacia baileyana</i>							
<i>Acacia podalyriifolia</i>							
<i>Brachychriton acerifolius</i>							
<i>Melaleuca styphelioides</i>							
<i>Pittosporum undulatum</i>							
<i>Polyscias elegans</i>							

STRUCTURE

Tall Forest

BURN TIME

Tuesday 19th December, 2000

DOMINANT SPECIES

Eucalyptus saligna and *Eucalyptus pilularis*

CONDITIONS (9am)

0 – 5 km/h NNW Winds
25.6°C
64.2% humidity

AREA BURNT

0.29 ha

SUSTAINABILITY REFERENCE GROUP MEETING - MINUTES OF 23 JUNE 2008

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings of the Sustainability Reference Group Meeting held on Monday, 23 June 2008.

BACKGROUND:

The role of the Sustainability Reference Group (SRG) is to provide community, stakeholder and industry advice and feedback to Council on matters relevant to sustainability.

COMMENTS:

At the meeting of Monday, 23 June 2008, two items were discussed; the Eco-ambassador program and an update on the sub-committee that reviewed comments on the draft Sustainability Vision Report.

RECOMMENDATION:

That the Minutes of the Sustainability Reference Group meeting held on Monday, 23 June 2008 be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings of the Sustainability Reference Group Meeting held on Monday, 23 June 2008.

BACKGROUND

The SRG provides community, stakeholder and industry advice and feedback to Council on matters relevant to sustainability. The reference group was formed following a resolution of Council on Tuesday, 25 September 2007 and the adoption of its charter on Tuesday, 27 May 2008.

COMMENTS

There were two items for discussion in the meeting of Monday, 23 June 2008. Minutes of the meeting are included as **Attachment 1** of this report:

SRG 13 – Eco-ambassador program:

The Sustainability Reference Group discussed ideas, rewards and incentives of an eco-ambassador program. Other issues raised included limitations and education to increase environmental awareness. As part of this discussion, reference group members were asked to develop the top priority areas for implementing or encouraging behavioural change in relation to environmental or sustainability practices. The SRG agreed on the following three priorities:

- Water reuse and conservation/ biodiversity;
- Energy conservation; and
- Reducing car use.

It was agreed that further discussion was needed on creating measurable indicators to address the issues of water, biodiversity, energy and car use reduction.

SRG 14 - Update on sub-committee meeting regarding the draft Sustainability Vision Report

The Sustainability Reference Group was notified of the recent meeting of the sub-committee to discuss the community comments received during the period of public exhibition. General issues raised included:

- an increased emphasis on social sustainability;
- traffic issues relating to the transport corridors;
- an increased recognition of Ku-ring-gai's heritage: natural, aboriginal, built, cultural and historical;
- incorporation of health into the vision and vision statements;
- an increased emphasis on the significance of Ku-ring-gai's natural environment; and
- a number of actions which will be incorporated into the Sustainability Action Plan.

These will be incorporated into the draft Sustainability Vision Report and it is expected that this report will be presented to Council in July 2008.

The reference group deferred **SRG 15 – General Business** to the next meeting.

CONSULTATION

The Sustainability Reference Group is itself a consultative forum, representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

SUMMARY

The Sustainability Reference Group considered two items of business at its meeting of Monday, 23 June 2008; the Eco-ambassador program and the outcomes of the sub-committee meeting regarding the draft Sustainability Vision Report.

RECOMMENDATION

That the Minutes of the Sustainability Reference Group meeting of Monday, 12 June 2008 be received and noted.

Peter Davies
Manager Corporate Planning & Sustainability

Andrew Watson
Director Strategy

Attachments: **Minutes of Meeting 16 June 2008 - 960245**

Sustainability Reference Group

Monday 23 June 2008
Level 3, Council Chambers 7.00pm – 9.00pm

Attendees:

Members	Councillors	Staff
Janet Harwood Caspar Lewis Jenny Middleton Angela Rozali Andrew Daff Jacqueline Harvey Ron Rapee	Mayor Clr. Nick Ebbeck (Chair) Clr. Elaine Malicki – Deputy Chair Clr. Michael Lane Clr. Anita Andrew Clr. Adrienne Ryan	Peter Davies – Manager Corporate Planning & Sustainability Jenny Scott – Sustainability Program Leader Jennie Cramp – Sustainability Researcher

Apologies:

Members	Councillors	Staff
Cecil Blumenthal John Balint Steven Holland Giles Tabuteau Elijah Swift Bernadette Pinnell Andy Pitman	Clr. Tony Hall Clr. Laura Bennett Clr. Ian Cross Clr. Maureen Shelley Clr. Jennifer Anderson	John McKee – General Manager Andrew Watson – Director Strategy

Meeting opened 7.04 pm

Mayor's Introduction

The Mayor tabled Dr Taylor's resignation from the Sustainability Reference Group. Dr Taylor cited the reasons for his resignation were a conflict in interest arising from his responsibilities with the NSW Land and Environment Court and the number of unsolicited e-mails from Reference Group members on matters outside the Charter of the group. The Mayor acknowledged the contribution of Dr Taylor.

In relation to e-mail contact across the members the Mayor asked that members restrict e-mail and other correspondence to matters under consideration or relevant to the adopted Charter of the group and that all members and relevant staff be included on any copies. Where members wish to raise other matters, these should be directed to the Chair in the first instance.

Confirmation of Minutes

Minutes of meeting of May 12, 2008 were accepted without alteration.

SRG 13 – Eco-ambassador program

Discussion on ideas for the eco-ambassador program included:

- Providing incentives for younger members such as food or other goods vouchers and prizes such as bikes or skateboards that would support alternative transport.
- Involvement or partnership with famous person who could act as a role model.
- Rewarding sustainable practice with free vegetarian catering as a mechanism to reduce the ecological footprint.
- The existence of incentive schemes/awards and linking them to an Eco-ambassador program, such as those run by State Government and local newspapers (eg: business awards).
- Limitations of an Eco-ambassador program for renters that have a limited control on their fitting within their premises.
- Further promotion of education and awareness. This included building on existing school programs, with the community and business. As part of this discussion it was raised that input should be sought from the broader community as to their needs and also best ways to target messages taking into consideration age, gender, background etc.
- Raising awareness of current exempt provisions and/ or modifying approval processes to encourage water tanks and other sustainable initiatives.
- Working at a street scale to identify and assist a 'street communication facilitator' for each street who can act as a messenger between Council and community.
- The need for measurable goals, targets and quantifiable activities.
- Develop a permanent display or sustainable resource centre that could function as an educational tool.
- Focus the program to a smaller number of initiatives. The group decided four key areas:
 1. water conservation through promoting water tanks;
 2. energy conservation;
 3. reducing car use including promoting public transport and working with local bus companies; and
 4. biodiversity management – that could link to water tanks through reducing peak storm flow and nutrients.

Action

- Brainstorm ideas to best address environmental education.
- The prospect of dedicating an SRG meeting to carbon offset schemes was raised.
- Start a conversation with the community and open up an ideas submission for the Eco-ambassador program.

SRG 14 – Update on sub-committee meeting

The Sustainability Researcher presented an update on the progress of the draft Sustainability Vision Report and the comments received during the exhibition period. Key elements that were identified included:

- an increased emphasis on social sustainability;
- traffic issues relating to the transport corridors;
- an increased recognition of Ku-ring-gai's heritage: natural, aboriginal, built, cultural and historical;
- incorporation of health into the vision and vision statements;
- an increased emphasis on the significance of Ku-ring-gai's natural environment; and
- a number of actions which will be incorporated into the Sustainability Action Plan.

SRG 15 - General Business

There were no general discussion items.

Next Meeting

The next meeting has been proposed for Monday 21 July 2008 at 7.00pm in Council Chambers.

Meeting Closed at 8.35 pm.

TURRAMURRA MEMORIAL PARK & KARUAH PARK MASTERPLAN - EXHIBITION COMMENTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's adoption of the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan.

BACKGROUND:

Council resolved on 13 May 2008 to place the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan on public exhibition for a period of 28 days for public comment prior to it's final consideration by Council.

COMMENTS:

The public exhibition of the Draft Landscape Masterplan received 21 submissions and a petition with 1,428 signatures. In response to the comments the draft plan has been amended to recommend dog off-leash access at limited times within Turramurra Memorial Park.

RECOMMENDATION:

That Council adopt the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan as amended and identify funding opportunities to implement the plan in the development of forthcoming capital works budgets.

PURPOSE OF REPORT

To seek Council's adoption of the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan.

BACKGROUND

The Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan is the third district park masterplan to be undertaken by Council. As with previous plans its preparation has been guided by the local community and user groups through an extensive and thorough consultation process, as previously reported to Council on 13 May 2008.

At the Ordinary Meeting of Council on 13 May 2008 Council considered the Draft Masterplan and resolved:

- A. *That Council place the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan on public exhibition for 28 days plus 14 days for public comments prior to final adoption by Council.*
- B. *That Council inform all individuals, clubs and stakeholders who participated in consultation about the public exhibition of the Draft Landscape Masterplan.*
- C. *That Council consider a report following the period of public exhibition to formally adopt the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan.*
- D. *That Option 1 for one off-leash dog area be supported.
(Option 1 included the fencing of the off-leash area adjacent to Karuah Oval).*

This report provides a response to this resolution.

COMMENTS

The Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan aims to:

- 1. respect the memorial status of Turramurra Memorial Park;
- 2. retain its heritage values and existing layout; and
- 3. create a defined 'sense of place' for Karuah Park.

The plan provides additional leisure and recreation facilities for a wider range of users than exists currently, particularly older people, women and youth who may not participate in organised sport. The proposed new facilities are designed to encourage the interaction of different genders, age groups and cultural backgrounds.

The final draft landscape masterplan (**Attachment 1**) is divided into six (6) sections. These incorporate: covering: natural landscape; access and circulation; facilities; dog off-leash areas; sports groups; and landscape quality and heritage. Comments received during the public exhibition period (19 May 2008 to 30 June 2008) against each of the sections are discussed below.

Attachment 2 provides a list of comments received and recommended responses by staff.

Item 7

S05920
11 July 2008

Two proposals in the draft masterplan generated the greatest interest from residents during the exhibition. The first of these was the proposal to make Karuah Road one-way eastbound, with submissions both for and against the proposal. The second was the proposal to maintain the dog off-leash area at Karuah Park and not allow dogs off-leash in Turramurra Park at any time (as resolved by Council on 13 May 2008 against the recommendation in the report).

1. Natural environment

No submissions were received during the public exhibition period in relation to this section of the draft landscape masterplan.

2. Access and circulation

As part of the development of the draft masterplan various options were raised by residents as to the future use of Karuah Road. These included closing the road to link the parks, implementing one-way traffic flows incorporating shared pedestrian/ traffic ways and maintaining two way traffic flow with shared pedestrian access.

Analyses of each of these options from a traffic and open space perspective were examined along with community comment. In response the draft masterplan recommended a trial implementation of one-way eastbound flow traffic, along Karuah Road. This would retain traffic flow during the weekday morning peak as identified as a major issue.

In relation to this trial, consultation would be undertaken with the results reported back to Council to determine if it was to continue. Following the exhibition of the draft masterplan four (4) submissions were received in support of this proposal and four (4) against. Considering this along with the previous consultation on the road options it is recommended that a six-month trial be undertaken. This is supported by a traffic analysis study that has concluded that the amount of traffic currently travelling westbound in Karuah Road is relatively low. If one-way (eastbound) is implemented in Karuah Road, the transferred traffic volumes are unlikely to have significant additional impact to affected sections of Turramurra Avenue and Brentwood Avenue, even at full redevelopment of the Turramurra Town Centre.

Attachment 4 provides a comment as to the rationale as to the recommendation.

3. Facilities

The exhibited draft landscape masterplan proposed a small scale cafe with restricted hours to avoid impacting on local residents. From the comments received (**Attachment 2**) it is apparent that while some residents oppose the idea of a café there is strong support within the local community.

It is considered that the cafe would provide an additional dimension to the park for people to enjoy the beautiful park surroundings in a similar way to the café at Firs Cottage in Roseville Park. It is therefore recommended that Council investigate the potential for a small scale café with limited business hours. This investigation may involve a number of processes including a feasibility study, a call for expressions of interest from the commercial sector, and eventually a Development Application.

Item 7

S05920
11 July 2008

Comments received during the public exhibition in relation to the café and other proposed facilities and the recommended responses are included in **Attachment 2**.

4. Dog off-leash areas

The issue of dog off-leash areas within the parks is one of the most contentious issues that this masterplanning process has had to work through. At the Ordinary Meeting of Council on 25 September 2007 Council resolved:

- A. That the matter of off-leash provision at Turramurra Memorial Park be deferred for consideration in the development of a landscape masterplan for Turramurra Memorial Park and Karuah Park.*
- B. That consultation be undertaken with all stakeholder groups regarding off-leash areas in the development of the draft masterplan and the results of this consultation be reported to Council when the exhibition of a draft plan is to be considered.*
- C. That the sportsfield and associated facilities within the Memorial Park precinct remain on-leash at all times.*

Initial survey results regarding dog off-leash areas indicated that:

- approximately 30% of survey respondents visit the park with a dog;
- objections to dogs being off-leash were common (46); and
- support for dogs being off-leash were common (39)

In response to the initial survey, Council identified three options for community consideration which were presented to the community in the second stage of consultation:

Option 1 – Fence the existing dog off-leash area at Karuah Park/Turramurra Avenue. The advantages of this were unlimited usage, area suitable for fencing, not rejected by all dog owners surveyed. Disadvantages include: the site is cold and damp in winter due to dense canopy, limited space for dogs to run after a ball, falling branches

Option 2 – Create and fence new dog off-leash area at the top of Turramurra Memorial Park near the Memorial Gates. Advantages include: unlimited usage; area suitable for fencing; open and grassed for dogs to run free; and limited size in area. Disadvantages include: fencing part of this area lessens the amount of open space available for events such as the Food and Wine Fair, which has been held in this space in previous years; open space is important to local communities for informal recreation and events and large, grassed areas such as this area are rare and valuable as a community asset.

Option 3 – Create a new unfenced dog off-leash area. Fence one boundary – along Eastern Road to Turramurra Memorial Park and allow dogs off-leash in this top area of the park for limited times (before 7am and after 4.30pm Eastern Standard Time, and before 7am and after 6.30pm Day Light Saving Time). Advantages include: large, attractive open space; suitable for dogs to run and fetch balls. Disadvantages for this option are that: the space is an integral element of the recreation area and required for children's play; dogs can leave the designated area and harass people, particularly children, exercise area, table tennis, picnic and BBQ activities.

Item 7

S05920
11 July 2008

Community feedback to these options indicated that: 31 people supported Option 1; 12 people supported Option 2; and 16 people supported Option 3. In other words at this stage of the consultation process 31 people supported the dog off-leash area in Karuah Park and 28 people supported a dog off-leash area in Turramurra Memorial Park.

Option 1 was the most common response received, although this was based on a much smaller sample size than the initial survey. Opinions were divided over whether off-leash dogs should be allowed at the park, particularly the path around the oval.

Options 2 and 3 involving new fencing in Turramurra Memorial Park were rejected because people felt that it is important to retain open space parkland where the whole community can enjoy its facilities and not be restricted because of dog areas and that fencing would spoil the open and inviting look of the park from Eastern Road.

Subsequently at the meeting on 13 May 2008 Council resolved that Option 1 for one off-leash dog area be supported and the exhibited draft landscape masterplan was amended accordingly.

Many of the comments received during the exhibition called for a change to this arrangement to allow access for dogs off-leash in Turramurra Memorial Park at limited times each day. This was supported by a petition and covering letter (**Attachment 3**) with 1428 signatures which was received during the public exhibition. The petition calls on Council to:

- allow Turramurra Memorial Park to become an off leash area each day between 6.30am and 9.30am;
- allow Turramurra Memorial Park to become an off leash area each day between 4.30pm and 7.30pm; and
- install Council signs to this effect, indicating the provision of proper refuse collection facilities.

In response it is recommended that the dogs be permitted off-leash in Turramurra Memorial Park before 9.30am and after 4.30pm during Eastern Standard Time, and before 9.30am and after 6.00pm during Daylight Saving Time.

It is not expected that this issue will unduly inhibit the opportunity for non-dog owners to enjoy Turramurra Memorial Park and its facilities, as it is at times when the park is not used for other activities and those people who like to jog or walk around the outside of the oval in the early morning or late afternoon when dogs are off-leash will still be able to undertake those activities inside the oval without any potential conflict with dogs.

Families, children and groups of friends who like to relax, ride bikes, exercise, kick a ball around and enjoy the park after school before dark without any potential conflict with dogs would still have ample opportunity to undertake these types of activities as dogs would not be allowed off-leash until after 4.30pm during Eastern Standard Time and after 6.00pm during Daylight Saving Time.

The draft masterplan also supports the community's preference for fencing the existing dog off leash area at Karuah Park and will landscape this dog off-leash area with comfortable seating in sunny locations to facilitate a 'sense of community' expressed by dog owners, as well as providing gravel or crushed sandstone paths, and a bubbler/tap for dogs and people. It is anticipated that this area would primarily be used during the middle of the day by residents with dogs such as retirees and parents with young children.

The recommendation for a permanent dog off-leash area in Karuah Park and a time-limited dog off-leash area in Turramurra Memorial Park is considered the most equitable arrangement for the majority of park users.

5. Sports groups and sporting activities

Only one comment was received during the exhibition period in relation to sports groups and sporting activities which was simply a request to replace the synthetic grass in the cricket nets at Turramurra Memorial Park and to level the uneven concrete cricket pitches in the nets at Karuah Park. This request will be considered as part of Council's Open Space Services maintenance program.

6. Landscape quality and heritage

Comments received during the public exhibition in relation to landscape quality and heritage and the recommended responses are listed in **Attachment 2**.

CONSULTATION

The preparation of the draft masterplan has involved an extensive and thorough consultation process, including two stages of community consultation (September 2007 and February 2008), an information briefing to the Parks Sport and Recreation Reference Group on 1 November 2007, meetings with sports groups and a Councillors briefing on 22 April 2008. Public exhibition was the final stage of consultation for the local community and stakeholders.

Of note, 12 out of the 17 submissions received began their submission by thanking Council for conducting such a thorough consultation process, giving them the opportunity to be involved and pointing out how much they were looking forward to the improvements at the parks.

FINANCIAL CONSIDERATIONS

Once a district park masterplans has been adopted it is used to inform the development of Council's annual Capital Works Program and future developer contributions plans.

The actual financial commitment resulting from this masterplan is dependent on competing priorities and funding availability, including recurrent budget, Section 94 plans, external grants, partnerships with stakeholders and local business, and future Environmental Levy plans.

A minor allocation of \$51,000 has been made in the Capital Works Program budget for 2008/2009 to complement a grant from the Department of Sport and Recreation Capital Assistance Program of \$21,000 to be spent in 2008/09 for an exercise circuit identified in the draft landscape masterplan.

A further \$280,000 (mostly section 94 contributions) has been identified in Council's 2008-2012 Management Plan as part of Council's 2009/10 Capital Works Program.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The project team involved in the development of the draft landscape masterplan consisted of staff from Strategy and Operations. Staff from Community have also provided input into the draft masterplan.

SUMMARY

The Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan provides a vision 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 projects at the park are in keeping with, and will contribute to, a long term vision for the park.

The draft landscape masterplan is based on consultation with residents and user groups. Survey data was compiled into strategies which were presented to the community for feedback and the strategies were subsequently amended to produce the draft plan. While it is not possible to implement every single idea, the draft plan has sought to balance the optimal outcomes for the site.

The key amendment to the plan in response to the public exhibition is a change to the dog off-leash arrangements.

RECOMMENDATION

- A. That Council adopt the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan with amendments to dog off-leash times in Turramurra Memorial Park as recommended in this report.
- B. That a report be brought back to Council after the conclusion of the dog off-leash trial in 2009.
- C. That a report on the outcomes of the trial for one-way traffic along Karuah Road be brought back to Council in 2009.
- D. That Council thank all individuals, clubs and stakeholders who participated in consultation and inform them that the draft landscape masterplan has been adopted and is available for viewing on Council's website.

Roger Faulkner
Sport & Recreation Planner

Peter Davies
**Manager Corporate Planning
& Sustainability**

Andrew Watson
Director Strategy

Attachments:

- 1. Turramurra Memorial Park & Karuah Park Draft Landscape Masterplan - 965449**
- 2. Summary of Submissions received during public exhibition - 965454**
- 3. Cover letter of Petition - 965537**
- 4. Proposed one-way traffic analysis - 966373.**

draft landscape masterplan

This draft landscape masterplan is based on consultation with residents and user groups. Survey data was compiled into strategies which were presented to the community for feedback and the strategies were amended to produce this draft landscape masterplan. It is impossible to implement everyone's ideas; however Council has sought to find the best solution where the community has been divided on issues, particularly for Karuah Road, dogs and the cafe.

The draft plan aims to respect the memorial status of Turramurra Memorial Park and to retain its heritage values and existing layout and to create a defined 'sense of place' for Karuah Park. The plan provides additional leisure and recreation facilities for a wider range of users than the parks currently cater for, particularly older people, women and youth who may not participate in organised sport. The new facilities are designed to encourage the interaction of different genders, age groups and cultural backgrounds. Council would like to provide youth with unstructured recreational opportunities, and the table tennis table is provided as an alternative to a traditional playground for older children. It is also suitable for parents and grandparents to enjoy with their children.

Careful consideration has been given to grouping the new facilities near Karuah Road to avoid cluttering the landscape and destroying the original 1927 design of Turramurra Memorial Park.

The draft plan presents a concept to guide future planning over the next ten years and is subject to detailed design work following a survey of ground levels and the exact location of existing site features.

access and circulation

highlight and upgrade entrances: War Memorial area (see panel 3), Eastern Road, Laurence Avenue, Wolsten Ave
widen path around Turramurra Oval to 1.8m, retain bank with two tier seating where required to avoid creating one high retaining wall.
Provide a new path from Eastern Road to provide access to the new facilities and onto the oval at Turramurra park.
Upgrade path along creek at both parks and provide low-level lighting where required.
Provide a new path around Karuah Park for extended walks /jogging/ children's bicycling within the parkland setting and provide exercise equipment around the path.

playground and shelter

new pavilion with 4 tables and chairs and consider disabled/ family toilet, new playground with bicycle path for young children, new fence with childproof lock on gate, widen gates to tennis courts to provide wheelchair access.

long picnic table

located under the canopy for summer shade

small amenities building

upgrade for disabled/family use with baby change table or build new toilets in playground area

lawn

retain large expanse of lawn as 'open' space for children to play, picnics and community events

spectator seating

war memorial
landscape, provide seating and restore flag

additional recreation facilities

picnic shelter, BBQ, outdoor table tennis table, new seating area with two chess/draughts tables, upgrade exercise equipment area

path/circuit

exercise equipment around circuit

picket fence around oval

widen path around oval

clubhouse/community building

obtain professional advice on the heritage value of the building within the cultural context of the park. Upgrade and refurbish or replace building to include change rooms, family/disabled toilets and possibly a cafe. If a large building is required for sporting needs consider the building at Karuah (1947 park/1970s building)

landscaped pedestrian area

clubhouse/community building

upgrade, provide covered area with seating and disabled/family toilets with baby change table

dog off-leash area

fence existing area and provide crushed sandstone path, comfortable social areas with seating, bag dispenser, dog litter bins, and bubbler/tap

entrance to Karuah Park

formalise entrance from Gilroy Road as main entrance, link from Town Centre and Bobbin Head walk

provide pedestrian refuge

Lovers Jump Creek and Blue Gum High Forest

support Bushcare recommendations. Remove understorey and weeds from the creeks, taper banks and meander where possible, plant banks with local indigenous trees and grasses ensuring adequate surveillance and to visually link the parks

new identity for Karuah Park and the walk to Bobbin Head

formalise a walk from Turramurra Station, through Ku-ring-gai Chase National Park to Bobbin Head. Promote Karuah Park as a focal point for the walk with maps and education information integrated sensitively into the landscape elements

parking

investigate possible 20 places in Karuah Road and 14 in Turramurra Road

key issues

Karuah Road

trial Karuah Road as one-way eastbound, (the narrower width should slow traffic and provide additional parking). Consult the community during the trial, and, only if traffic flows adequately, reconfigure the road permanently as one way eastbound. Link parks with a landscaped pedestrian area.

dogs

fence the existing dog off-leash area at Karuah Park and provide seating, bag dispenser, dog disposal bins and a bubbler/tap. This was resolved as the preferred option by Council on 13th May 2008

cafe

conduct further investigations on the suitability and viability of a cafe at Turramurra Memorial Park including consultations with the RSL and heritage specialist. It is envisaged that the cafe would be small-scale with restricted hours. The standard of the cafe is to be similar to the Coonanbarra Cafe at Wahroonga (no take-away to litter the park) and provide light meals

turramurra memorial park and karuah park

sustainable ku-ring-gai



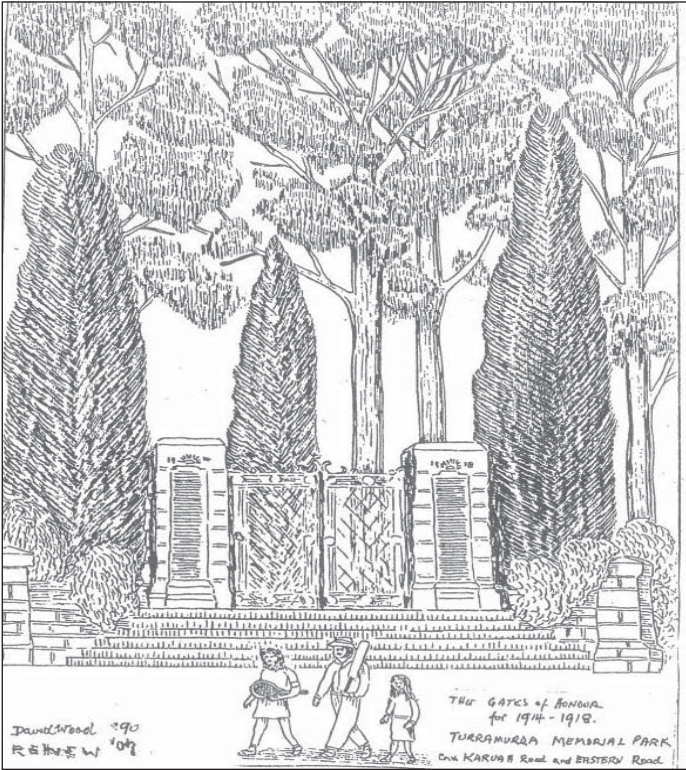
consultation

consultation activities undertaken to inform the draft masterplan

- survey of local residents
- public meetings on site
- meeting with sports groups
- discussion with RSL representative

initial surveys received 195

residents represented 639



Drawing by local resident David Woods, author of *Turramurra Memorial Gates and Book of Remembrance*, 2007.

program



presentation of strategies to community
community feedback used to prepare draft

park user profile

genders

female	74
male	64
unstated	57

ages

0 - 5	25
6 - 15	59
16 - 20	32
21 - 30	52
31 - 40	48
41 - 60	135
61 - 70	51
71 - 90	47
over 90	2
"ancient"	1

what you told us

which park do you visit?

Turramurra	81
Karuah	24
both parks	110

how often do you visit the parks?

daily	59
several times a week	85
weekly	23
monthly	12
rarely	3

how do you travel to the parks?

walk	166
walk with dog	61
car	31
bicycle	22

which entrance do you most often use?

Eastern Road	36
Karuah Road	45
Laurence Avenue	41
Katina St/Wolston Av	41
Gilroy Road	10
Turramurra Avenue	4
all	1

who do you visit the parks with?

family	137
yourself	122
friends	62

how long do you stay at the parks?

under an hour	141
several hours	61

when do you visit the parks?

weekends	124
weekdays	126
early mornings	71
both mornings and afternoons	38

is there anything that prevents you from using the parks?

several local people have special needs (wheelchair and sight impairment)		
do you feel safe at the parks?	Yes x 8	No x 21
do you have problems accessing the park due to lack of parking or transport?	Yes x 15	No x 25



community feedback

draft district park landscape masterplan

turramurra memorial park and karuah park

sustainable ku-ring-gai



natural environment

what you told us

Turramurra Park Bushcare Group suggest

- remove exotic trees in bushland area if possible or appropriate
- stabilise eroded creek banks
- plant barrier between bushland and mown areas to prevent spread of grass in bushland
- create island of bush in grassed areas backing onto residents' properties
- complete primary weed removal, mulch, plant and then maintain
- extend bushland corridor behind tool shed
- remove weeds and undertake bush regeneration along creek lines at Karuah Park
- implement stormwater control measures along eroded creek lines
- remove weeds in Council's drainage reserve between private properties and revegetate with indigenous species

residents suggest

- continued support for bush regeneration group
- improved maintenance of creek, including erosion from bike tracks

Council's draft response

- council will work with bushcare group in line with their suggestions
- establish Blue Gum High Forest education walk along creek area with information integrated into elements and paths
- upgrade bridges where deteriorated and provide a new bridge at the southern end of Karuah Park
- investigate possibility of future stormwater harvesting project

Lovers Jump Creek

comply with Ku-ring-gai Council's Riparian Policy, 2004

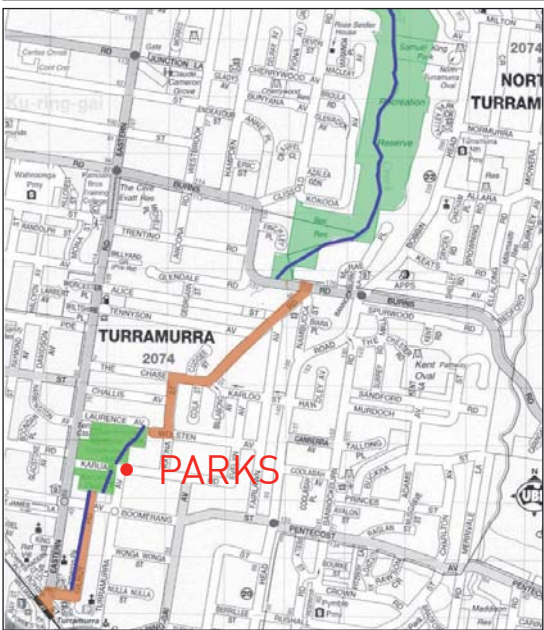
create a new emphasis on creekline:

- restore the creek profile where possible and plant Eucalypts with low understorey and grasses
- provide swales and vegetative buffer zone between oval and bushland (above creek area) to prevent water runoff from ovals with high nutrient levels from entering the bushland and creek
- investigate stormwater treatment at the end of Laurence Avenue to prevent sediment from entering the creek
- dissipate stormwater at the western end of the creek in Karuah Park - near the cricket nets
- investigate pollution monitoring and prevention upstream at pipe outflows into Karuah Park
- promote regional linkages by investigating a formal walk connecting Turramurra Town Centre with Bobbin Head and the Hawkesbury River. The walk will highlight local indigenous vegetation. It will begin at Turramurra Station, follow Gilroy Road to a new formal entrance at Karuah Park, through the woodland area of Karuah Park, along the creek and Blue Gum High Forest in TMP, onto Wolsten Ave and then along local streets connecting to existing bushwalks. Apply for grant funding. Also part of the 'access and circulation strategy' see panel 3).
- establish a new identity for Karuah Park as a focal point for the new walk

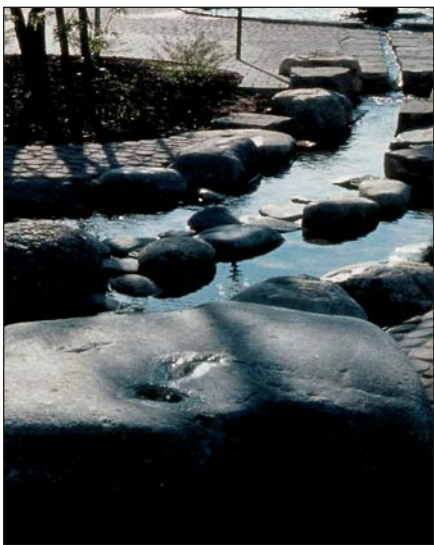
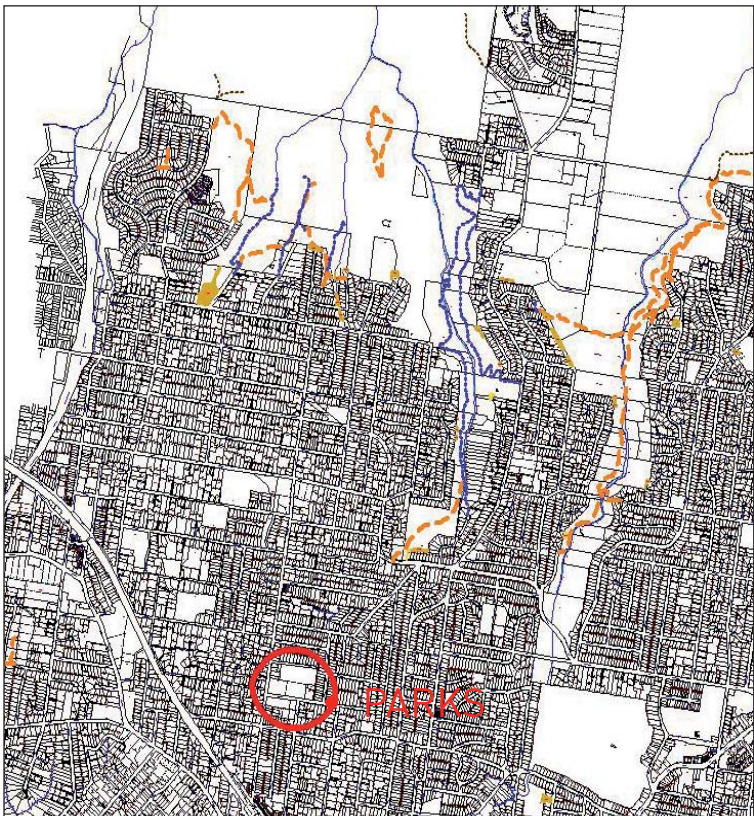
natural areas



connecting walk between Turramurra Station and Bobbin Head Walk



existing walking tracks



community feedback

turramurra memorial park and karuah park

sustainable ku-ring-gai



draft district park landscape masterplan

2

access and circulation

access and circulation

what you told us - initial survey

residents suggest

- close Karuah Road to visually and physically link parks
- widen existing paths and provide additional paths to resolve usage conflicts between walkers, joggers, dog walkers and bike riders
- upgrade all paths to even surface
- provide access through lawn area of Turramurra Memorial Park for people with special needs
- upgrade and widen existing path around oval
- improve entrances for more welcoming feel

Council's draft response

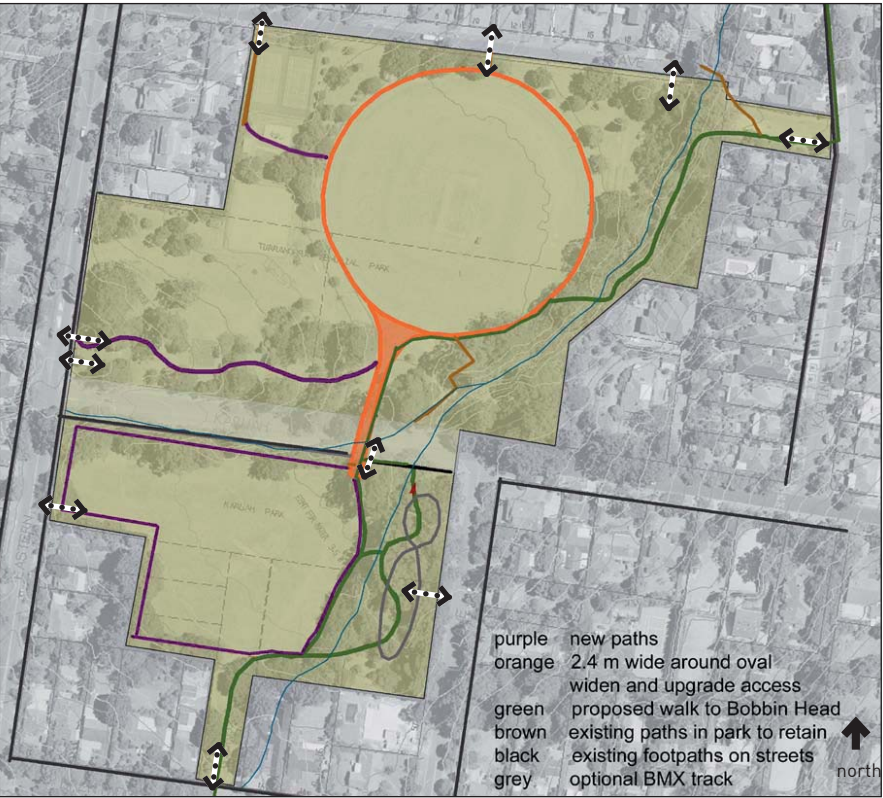
Turramurra Memorial Park

- highlight and upgrade entrances: War Memorial area, Eastern Road, Laurence Avenue, Wolsten Avenue
- upgrade existing paths to even surfaces
- widen path around oval to 1.8 m and shape bank into two-tiered seating where required (to avoid a high retaining wall).
- New (picket) fence to be located inside drain
- provide additional gates onto oval to improve access
- install a new path from Eastern Road (under trees nearer Karuah Road) for 'special needs' access through park, provide seating beside path

Karuah Park

- highlight and upgrade entrances: Gilroy Road and Eastern Road
- investigate Karuah Road one-way eastward
- provide a wide pedestrian area to link parks visually and physically (widen piped area to access Karuah Park)
- upgrade existing paths to even surfaces
- provide additional angle parking at Karuah Road and Turramurra Road
- install new path beside creek linking to paths in Turramurra Memorial Park to incorporate into the future walk to Bobbin Head
- new paths provide pedestrian/cycle links through the parks
- promote regional linkages by investigating a formal walk connecting Turramurra Town Centre with Bobbin Head and the Hawkesbury River. The walk will highlight local indigenous vegetation. It will begin at Turramurra Station, follow Gilroy Road to a new formal entrance at Karuah Park, through the woodland area of Karuah Park, along the creek and Blue Gum High Forest in TMP, onto Wolston Road and then along local streets connecting to existing bushwalks. Apply for funding grant. Also part of the 'natural environment strategy' see panel 2
- establish a new identity for Karuah Park as a focal point for the proposed walk to Bobbin Head

circulation



Karuah Road

what you told us - initial survey

residents' comments

- close Karuah Road to traffic (although concerns remain regarding traffic flow)
- insufficient parking
- steep shoulder of Laurence Avenue
- congestion in Laurence Avenue during sporting events

Council's response to initial survey

Council suggested a number of options for further community feedback

- 1 maintain Karuah Road as is (full access to traffic) with a shared pedestrian/traffic zone at the eastern end
- 2 close Karuah Road to through traffic
- 3 implement one-way flow (eastbound) in Karuah Road and provide a shared pedestrian/traffic zone at the eastern end
- 4 implement one-way flow (westbound) in Karuah Road and provide a shared pedestrian/traffic zone at the eastern end

what you told us - community feedback

Option 1 - maintain Karuah Road as is - 29

Option 2 - close Karuah Road - 20

Option 3 - one way eastbound - 10

Option 4 - one way westbound - 3

More people preferred option 1 than any other option - because they believed that changes to the traffic pattern would create congestion. Many people who preferred option 2 believed that it would improve safety and increase parking. Eastbound one-way traffic was favoured over westbound because it maintains morning traffic flow in peak hour while westbound can result in a right hand turn into Eastern Road if travelling north. More people favoured making Karuah Rd one-way or closing it (33) than maintaining as is (29).

Council's draft response

Council suggests trialling Karuah Road as one-way eastbound to retain traffic flow during weekdays. Consult community during the trial, and only if traffic flows adequately, in surrounding streets, reconfigure road permanently as one way eastbound.



suggestions for tiered seating beside the path around the oval



Karuah Road - highlight pedestrian area with dominant design

community feedback

draft district park landscape masterplan

facilities

what you told us - initial survey

recreational facilities, activities or services that you would LIKE to be available at the parks

- leave unchanged - highest response
- retain open space
- opportunities for social contact
- educational - history/horticultural information
- upgrade existing facilities: buildings; toilets; cricket nets; bubblers
- upgrade playground
- upgrade lighting
- install picnic shelters, BBQs and seating
- install additional drinking fountains
- upgrade fencing
- BMX facility - 27 requests, 24 objections
- introduce recycling bins and relocate

recreational facilities, activities or services that you would NOT like to be available at the parks

- changes to the present character and spatial organisation
- noisy activities that could result in loss of tranquil atmosphere as fitting for a 'memorial' park
- introduction of commercial development, pools or new buildings
- additional sports facilities

cafe

initial community survey

Yes 91 No 92 Unsure 3

sportsgroups support cafe

- Concerns - loss of park ambience, additional noise, parking, commercialism, not required because cafes available at Town Centre nearby
- RSL would prefer not to have any commercial activities

community feedback

yes 32 coffee cart at weekends 17 no 16

proposed facilities



Council's draft response

retain existing spatial organisation as a series of rooms with separate functions

upgrade facilities near tennis courts and playground

- remove existing shelter
- provide family/disabled toilets with baby change table (upgrade existing building or new building)
- new shelter with four tables located in the unshaded area to the north of playground - build up ground level for views of all courts and include disabled access
- install new playground at the southern end under the trees, lift canopy and include bicycle path for young children around the perimeter of the playground
- relocate pedestrian path away from the play area
- upgrade fencing and provide childproof gate
- widen gates onto hardcourts for wheelchair access
- provide long picnic table under the deciduous trees (above oval at Turramurra Memorial Park)

new facilities area (near existing exercise area)

- provide a landscaped recreation area with picnic shelter and BBQ, one permanent outdoor table tennis table and adjacent seating with two chess/draughts tables
- introduce lighting for paths and pavilions for security
- landscape Memorial Gates area
- provide interpretive information - incorporated into elements rather than installing signs
- provide additional bubblers
- provide additional bins at entrances and provide recycling rubbish bins
- provide seating for spectators and park users

cafe

Community feedback supported a cafe. Community comments indicate that the RSL should be further consulted. The cafe should be small-scale hours restricted to avoid impacting on local residents. The standard of the cafe is to be similar to the Coonanbarra Cafe at Wahroonga (no take-away to litter the park). Light meals would be welcome.

Council believes that the cafe should provide an additional dimension to the park, for people to enjoy the beautiful park surroundings.



A - FACILITIES NEAR TENNIS COURTS AND PLAYGROUND

1. picnic shelter
2. playground
3. long picnic table

B - FACILITIES NEAR EXISTING EXERCISE AREA

4. picnic shelter and BBQ
5. one permanent outdoor table tennis table
6. seating area with two chess/draughts tables
7. upgrade existing exercise area and provide softfall floor area adjacent for exercising - also suitable for play area (include hopscotch or handball pattern on surface)
8. open play space
9. bench seating

ADDITIONAL FACILITIES

10. Memorial Gates - landscape and seating
11. shelter for amenities building
12. formalise entrance to Karuah Park with landscaping and paths
13. bench seating
14. new exercise equipment circuit (Council has a grant from NSW Department of Sport and Recreation)

turramurra memorial park and karuah park

sustainable ku-ring-gai



dog off-leash areas

what you told us - initial survey

about 30% of survey respondents visit the park with a dog. The presence of dogs in the park is a controversial issue according to the survey.

- objections to dogs being off-leash - 46
- support for dogs being off-leash - 39
- fence existing dog off-leash area at Karuah - 8
- fence dog area, but not existing - 6
- fence dog off-leash area - no location requested - 11

objections to dogs being off-leash

- dog excrement/hygiene
- difficult to enjoy the park with dogs running free
- dogs not adequately controlled by owners - jumping up on people
- aggressive and disobedient dogs that frighten people
- aggressive dogs that prevent others from taking their dogs to the park (dog owners)

this group requested:

- that dogs are kept on-leash at the park and more responsible dog management

support for dogs being off-leash

- friendly atmosphere between dog walkers - sense of community
- remove threat of Council's ranger and the fine
- dogs need to be socialised

In response to the initial survey, Council identified three options for community consideration:

Option 1

fence the existing dog off-leash area at Karuah Park/Turramurra Avenue
advantages: unlimited usage, area suitable for fencing, not rejected by all dog owners surveyed

disadvantages: cold and damp in winter due to dense canopy, limited space for dogs to run after a ball, falling branches

This was resolved as the preferred option by Council on 13th May 2008.

Option 2

create and fence new dog off-leash area at the top of Turramurra Memorial Park near the Memorial Gates.

advantages: unlimited usage, area suitable for fencing, open and grassed for dogs to run free, limited size in area

disadvantages: fencing part of this area lessens the amount of open space available for events such as the Food and Wine Fair which has been held in this space in previous years, open space is important to local communities for informal recreation and events. Large, grassed areas such as this area, are rare and valuable as a community asset

Option 3

create a new unfenced dog off-leash area. Fence one boundary - along Eastern Road to Turramurra Memorial Park and allow dogs off-leash in this top area of the park for limited times (before 7am and after 4.30pm Eastern Standard Time, and before 7am and after 6.30pm Day Light Saving Time and limited on weekends).

advantages: large, attractive open space, suitable for dogs to run and fetch balls

disadvantages: this space is an integral element of the recreation area and required for childrens' play, dogs can leave the designated area and harass people, particularly children, exercise area, table tennis, picnic and BBQ activities, in the long term dog owners may seek to have Council fully fence this area, resulting in a loss of open space for the whole community, time restrictions on usage and ranger intervention



provide drinking water for people and dogs



consider dog bag dispenser

what you told us - community feedback

Option 1 - fence existing dog area at Karuah Park - 31

Option 2 - fence new area at the top of Turramurra Memorial Park - 12

Option 3 - unfenced area at the top of Turramurra Memorial Park - 16 (with requests for the path around the oval to be included).

The community voted for option 1. Opinions were divided over whether off-leash dogs should be allowed at the park; particularly the path around the oval. Options 2 and 3 were rejected because people felt that it is important to retain "open space parkland where the whole community can enjoy its facilities and not be restricted because of dog areas" and that "fencing would spoil the open and inviting look of the park from Eastern Road."

Council's draft response

Council supports the community's preference for fencing the existing dog off-leash area at Karuah, and will landscape with comfortable seating in sunny locations to facilitate the 'sense of community' expressed by dog owners, gravel/crushed sandstone paths, dog disposal bins and a bubbler/tap.

Council's overall position regarding dogs

The Companion Animal Act requires each Local Government Area to have one dog off-leash area. Council is committed to actively planning and promoting areas for dogs and their owners to exercise and socialise and Ku-ring-gai has 20 off-leash areas including the area at the eastern end of Karuah Park off Turramurra Avenue.

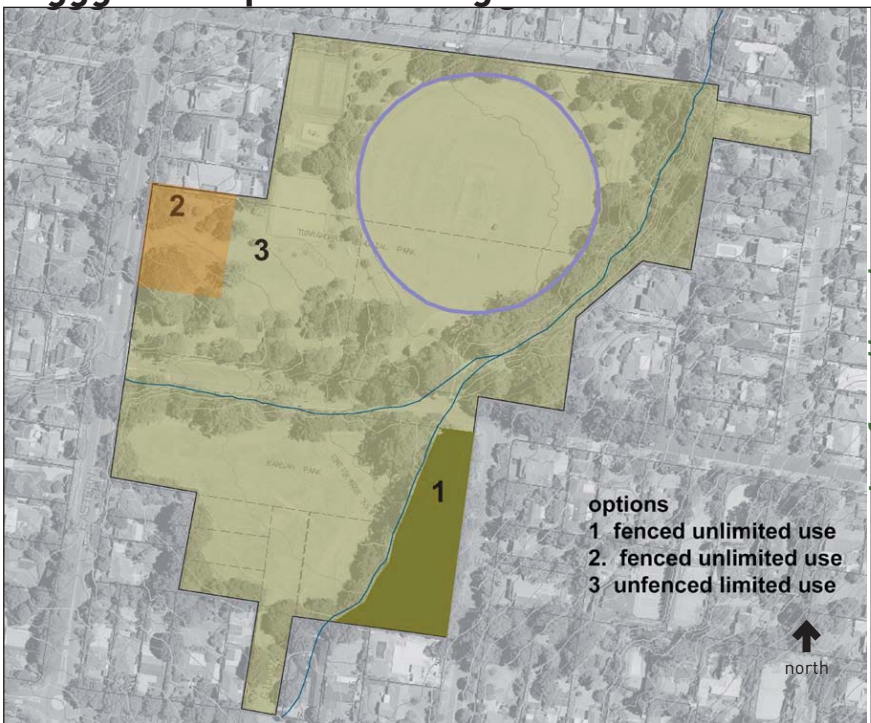
Dogs create a conflict for park users, and in response to this, Council has produced a flyer outlining dog owners' responsibilities while in an off-leash area:

- ensure your dog is leashed on the way to and from the area
- keep your dog in sight at all times
- be able to control your dog by voice
- pick up and dispose of all waste correctly
- ensure your dog does not rush at or harass other dogs and people.

Council rangers regularly patrol these areas and the following fines will be issued for non-compliance:

Not under effective control	\$220
Failure to pick up dog faeces	\$275
Dog attack	\$550

suggested options for dog off-leash areas



community feedback

draft district park landscape masterplan

turramurra memorial park and karuah park

sustainable ku-ring-gai



sportsgroups

Hornsby Ku-ring-gai & Hills District Cricket Association

members - 1,400 juniors and 1,200 seniors - summer season

difficulties experienced

- open creek/drainage channel is a hazard for junior players
- Karuah Road is dangerous
- inadequate toilet facilities
- lack of secure storage and change rooms for players and officials

suggestions

- redevelop amenities building at Turramurra Memorial Park for use by sportsgroups and community (designed on Environmentally Sustainable Design principles)
- replace toilet facilities near tennis courts (retrofit building for new uses)
- new cricket practice nets at Karuah and Turramurra (Cricket Association will contribute towards funding)
- Improve drainage around nets

Sydney Pacific Athletic Club

difficulties experienced:

- over use in winter with up to five soccer teams and athletics sharing facility
- lack of grass coverage
- trees on northern side of the track have a detrimental effect on the running surface
- the two throw circles are unavailable in winter due to soccer posts

suggestions

- retain for athletics circular running track, straight running track (western side), second straight track for summer (eastern side), two throw circles, storage area in the change rooms

additional facilities

- increase circular track to 400 metres and add an additional inside lane to distribute wear
- provide long jump pit (covered for hygiene) (original pit removed)
- throw circles suitable for all year use
- cross country circuit track (close Karuah Road and connect parks)

Wahroonga Football Club (WFC) & Barker Old Boys

- WFC are affiliated with the Ku-ring-gai District Soccer Association (KDSA)
- WFC members 1,100 plus football players who use Karuah Park and TMP
- Karuah - WFC small-sided football games for 475 participants for under 6s and under 8s from March to September. TMP - full sized games. Training weeknights at both parks.

Karuah Park

difficulties experienced

- open creek is a hazard
- inadequate parking (100 plus families each Saturday for football alone)
- Karuah Road is dangerous for young children
- poor drainage at Karuah Park
- fence creeks for child safety

suggestions

- permanently close Karuah Road which is dangerous for young children
- if it is not possible to close Karuah Road - improve lighting for safety and introduce traffic calming sense of place:
- retention of trees
- sense of 'home ground'
- facilities: storage, canteen, toilets, water bubblers, security, improve access from Karuah Road to parklands, cricket nets, cover the cricket pitch, water storage for Karuah, lighting at Karuah, seating, picnic and BBQs

Turramurra Memorial Park

difficulties experienced

- shared use with rugby during winter creating poor surface - Council to consider if this arrangement is sustainable in the long term
- concurrent training with athletics poses danger to young players, especially from javelin throwing
- cricket pitch area is hazardous because it's rock hard sense of place:
- retain village green ambience, spatial arrangement and stands of trees for the benefit of all local residents and sporting clubs
- improve turfing - particularly cricket wicket block which is very hard facilities:
- redevelop amenities building (similar to Knox's at Curagal), water storage, improved cricket nets, support cafe

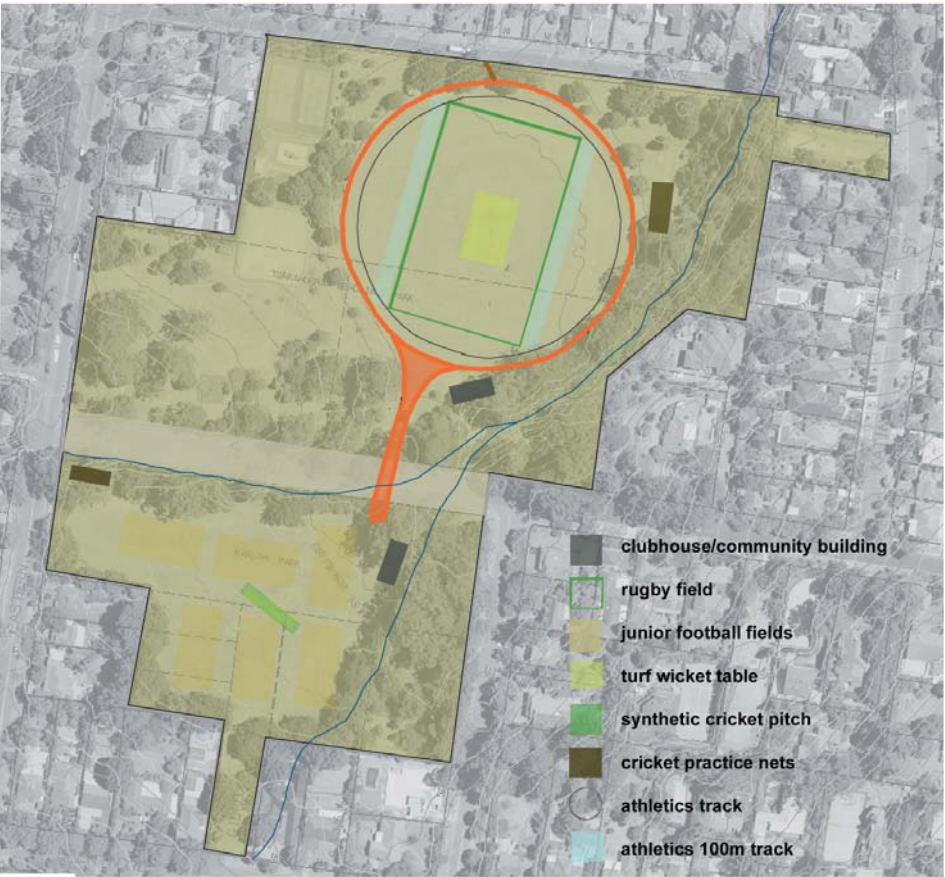
Council's draft response

Karuah Park

- assist clubs to upgrade amenities building and provide covered area
- investigate site drainage, and grade to direct stormwater away from amenities building
- increase parking (see panel 3)
- replace fencing along creeks
- investigate reshaping Lovers Jump Creek and grade sides (comply with Riparian Policy, 2004) to improve aesthetics and safety
- replace understorey at creek with low plantings for improved surveillance
- investigate lighting for fields
- assist clubs with funding and grant applications to upgrade cricket nets and improve drainage
- fill ground behind cricket nets and retain - dissipate water energy in creek to prevent erosion with pools and riffles
- provide additional bubblers
- provide bench seating for field
- cover the cricket pitch
- investigate water harvesting in the long term

Turramurra Memorial Park

- retain parkland feel
- investigate improvements to turf
- investigate hardness (possible drainage issues) of cricket wicket block
- assist clubs with funding and grant applications to upgrade cricket nets and improve drainage
- conceal storage structures around oval with plants
- assist clubs to upgrade existing clubhouse/ community building or provide a new building. Maintain minimal scale of building to lessen its impact on the park. Ku-ring-gai Heritage Study, 1987 identifies Turramurra Memorial Park as an area of potential significance. Undertake further heritage assessment of the building to determine its heritage status
- retain existing athletics facilities
- investigate additional facilities for athletics as suggested by club



community feedback

draft district park landscape masterplan

6

landscape quality

7

what you told us

what you value most about the parks

- traditional parkland feel of Turramurra Memorial Park - grass, open space
- large trees - both deciduous and local indigenous
- landscape qualities that are conducive to creating a strong sense of community
- natural environment
- relaxed feel/quiet atmosphere
- lack of commercialism or development
- Memorial Gates
- spatial organisation - appreciation of original design/layout
- range of recreation activities that caters for all ages
- friendly atmosphere

Council's draft response

Turramurra Memorial Park

- conserve the existing landscape character in a manner that respects the memorial status of the park
- protect and enhance the traditional parkland feel
- retain tranquil atmosphere - undeveloped, uncluttered, group new facilities
- retain current spatial organisation - including the location of facilities and balance of lawn, trees and local indigenous vegetation of creek area
- remove exotic trees that are planted too close together, remove dead wood and lift the canopy where appropriate. Transplant newer trees that are 'spotted' in the lawn area to retain asymmetrical planting of deciduous trees around the northern side of the oval
- promote views into the park from Eastern Road - transplant younger deciduous trees that are 'spotted' to the south/east of the oval
- upgrade facilities using materials that respect existing 1920s parkland character - including a picket fence to the oval in timber or aluminium (in the longer term and subject to vandal assessment), and landscape entrances and around facilities where appropriate
- landscape Memorial Gates area, provide seating, correct dates on gates
- upgrade toilets in amenities buildings or replace with new buildings
- improve maintenance, including removing fallen fruit/seeds from trees near Laurence Street (rather than blowing off path onto grass)

Karuah Park

- investigate closure or partial closure of Karuah Road to connect parks

create a stronger landscape identity for Karuah Park

- highlight Lovers Jump Creek and establish Karuah Park as an integral element in the proposed walk to Bobbin Head (see panels 2 and 3)
- retain woodland area adjoining Turramurra Avenue and maintain original planting regime: exotic trees at southern end (transplant young eucalypts to northern end) and Blue Gum High Forest at the northern end. Suggested uses: dog off-leash area, dirt bike/BMX tracks, passive recreation (crushed sandstone paths and seating).
- investigate upgrading the clubhouse/community building as requested by sportsgroups
- provide covered area including tables and chairs adjacent to clubhouse/community building
- consider extending the amenities building with a deck over the creek with views into the woodland
- upgrade facilities, preserve sportsfield character and strengthen the natural environment: reshape the creek where possible and plant with grasses and low vegetation (see panel 2)

Heritage

Municipality of Ku-ring-gai Heritage Study, 1987: Turramurra Memorial Park is identified as an "Item of heritage significance requiring conservation management plans".

Undertake heritage assessment of park and develop a conservation management plan if required. Retain and maintain Turramurra Memorial Park's heritage elements and spatial arrangement as representative of the activities associated with the interactions between humans, human societies and the shaping of their physical surroundings. Heritage consultant to assess clubhouse/community building at Turramurra Memorial Park which is representative of the Georgian revival style with Mediterranean influence similar to the designs of William Hardy Wilson, however it does not cater for current user needs.

Memorial gates

examples of residents' comments

"Turramurra Memorial Park is in memory of those who gave their lives for our future. Please maintain the peace and beauty in their honour."

"The overall tranquillity, trees and landscape of the park is truly its greatest aspect which fits the purpose for which Turramurra Memorial Park was dedicated."

Council's draft response

- support the RSL and resident's recommendations
- landscape memorial area and provide seating

what you like least about the parks

- existing facilities need upgrading - playground, path, fences
- nothing- leave as is
- Karuah Road divides the two parks - visual/physical, speeding cars
- issues relating to dogs
- toilets require upgrading and improved maintenance
- creek area requires improved maintenance
- poor aesthetics of Karuah Park



bitumen, concrete and crushed sandstone surfaces to retain existing landscape character



incorporate sandstone elements where possible to maintain existing landscape character



wheelchair/baby access to picnic tables



chairs with good back support and arm rests



investigate reinstating a picket fence in the longer term



RSL suggests

- significance of memorial reflected throughout Turramurra Memorial Park
- landscape Memorial area

community feedback

draft district park landscape masterplan

turramurra memorial park and karuah park

sustainable ku-ring-gai



social/aesthetics

CONSTRAINTS & OPPORTUNITIES

Strengths/opportunities

- The parks are adjacent and located in a central area - 700m from Turrumurra Town Centre and its associated facilities
- TMP - 1930s landscape character providing an established 'sense of place'
- Historic war memorial
- TMP Good spatial qualities - sense of enclosure, facilities well-placed
- Well placed mature deciduous trees providing summer shade and winter sun
- TMP - Walking path around oval
- Valuable vegetation at creek area: Blue Gum High Forest of the Sydney Basin Bioregion which is listed as an endangered ecological community under the NSW Threatened Species Conservation Act 1995 (NSW Scientific Committee 1997).
- Good road access – Eastern Road is an regional road that is linked to outlying areas
- Good public transport - near Turrumurra and Warrawee railway stations and on a direct bus route
- Good relationship between parkland and surrounding streetscapes, opportunity to strengthen this, particularly Gilroy Road and new town centre
- Multiple entry points – linking neighbourhoods and opportunity to improve circulation
- Good existing facilities at TMP
- Co-ordinate palettes of colours, materials and furniture/ fittings over whole site
- New social opportunities to strengthening community
- Improve local ecology and introduce sustainable practices

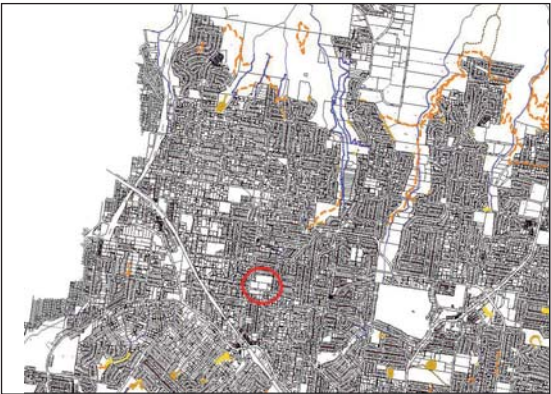
Weaknesses

- Parkland separated into three areas: Turrumurra Memorial Park , Karuah Park sportsfield, Karuah Park forest
- Limited range of facilities for park users
- Limited areas of undeveloped space to locate new facilities
- Impact of activities at the parks on local residents
- Limited parking
- Conflicts between formal and informal uses
- High demand for sportsfields



Sports reserves

Sports reserves in the local area



Walking tracks

Local tracks follow Lovers Jump Creek to Bobbin Head in Ku-ring-gai Chase National Park

Zoning

Zoning - 6a

Classification - Community land

Area

Turamurra Memorial Park - 4.97 ha

Karuah Park - 1.85 ha

SUSTAINABLE PRINCIPLES

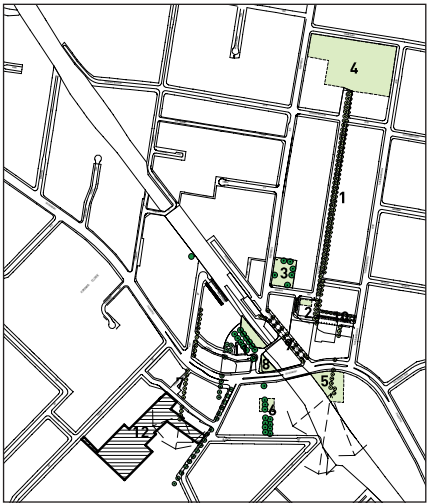
Social

- Provide access and amenity to all residents
- Offer opportunities for a range of recreational activities, formal and informal, active and passive
- Preserve open space, recognising its value as an important community asset
- Minimise impacts on neighbours such as traffic, parking, noise, light and litter

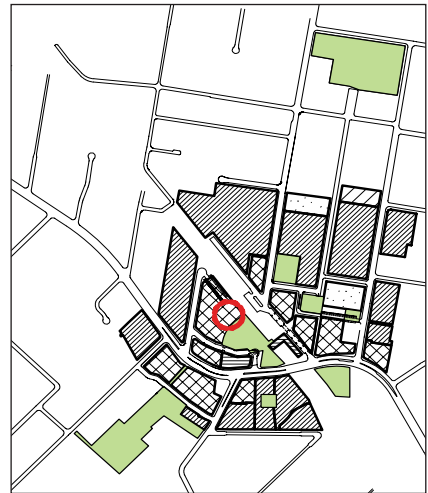
Economic

- Implement programs to reduce energy and water consumption
- Improve Council operations and maintenance practices within the budget

Turrumurra Town Centre



Proposed parks and open space



Proposed land use



Proposed bicycle circulation

community feedback

district park landscape masterplan



Current activities

Formal sport

- Athletics
- Cricket
- Rugby
- Soccer
- Tennis (four courts)

Informal sport/games

- Walking
- Fitness – jogging, exercising
- Playground
- Dog walking including off-leash area
- Cricket nets at both parks
- Touch football

Passive recreation

- Picnics
- Contemplative/quiet seating
- Sport spectator

Festivities

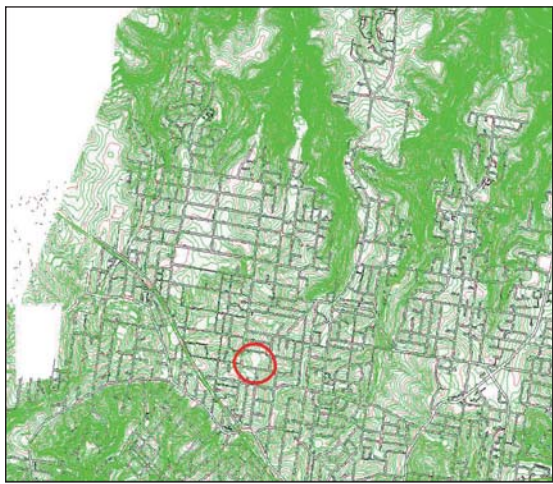
- Remembrance and memorial ceremonies
- Food and Wine Fair (previous years)

turrumurra memorial park and karuah park

sustainable ku-ring-gai

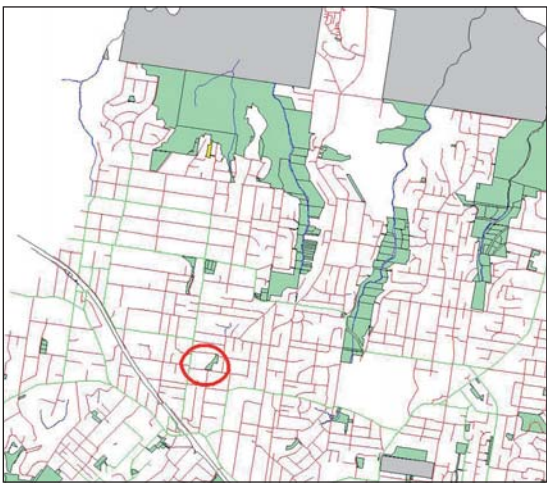


regional ecology



Topography

The parks are located 170m above sea level and to the east of the broad ridge that forms the central spine along the Pacific Highway and railway line.

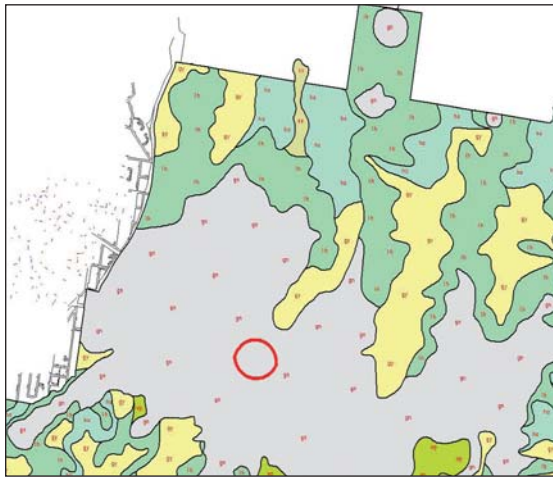


Natural areas

The parks are located near pockets of natural areas and Ku-ring-gai Chase National Park is close by.

Sustainable principles - Ecology

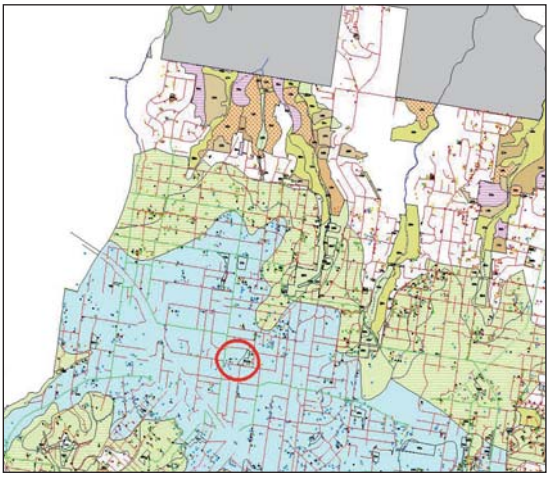
- Protect and enhance endemic plants and provide habitat
- Provide corridors to link bushland areas
- Incorporate water sensitive urban design principles
- Reuse, recycle and reduce waste
- Manage off-site impacts such as noxious weeds and encroachments



Local soil types

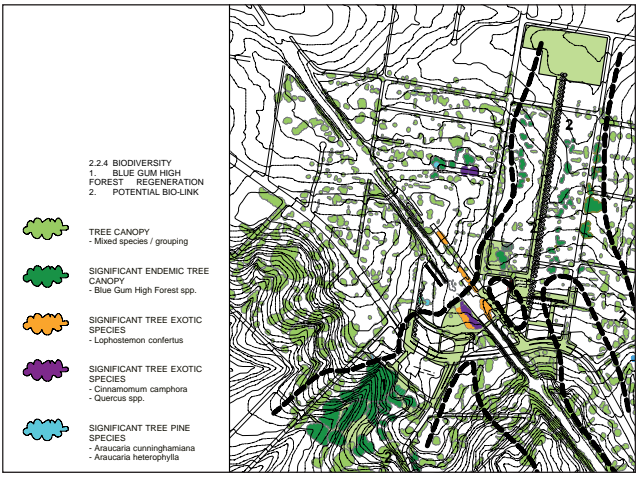
- Glenorie (gn)
- Lucas heights (lh)
- Gymea (gy)
- Hawkesbury (ha)

Source: Soil Landscapes of the Sydney Region 1:100,000 Sheet (Chapman & Murphy, 1989)



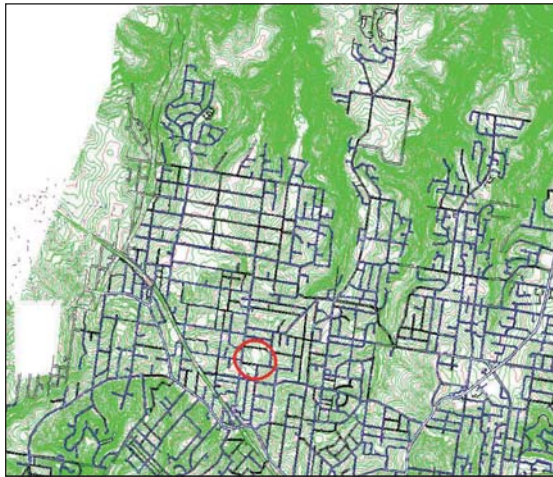
Vegetation

- Local ecological communities include:
- Sydney Turpentine Ironbark Forest
 - Blue Gum High Forest
 - Natural Areas
 - Remnant canopy (surveyed 2002)



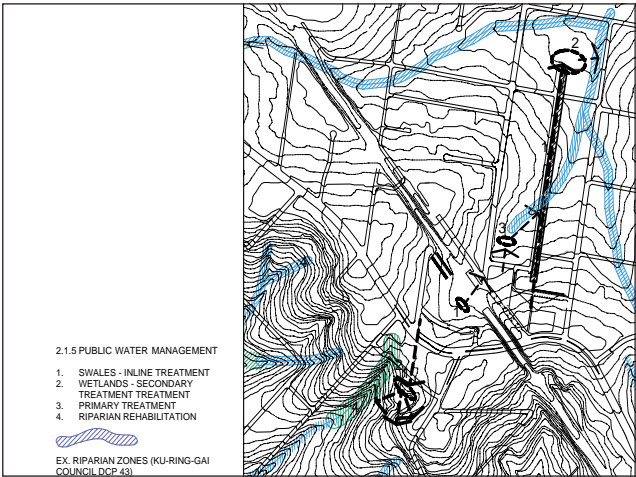
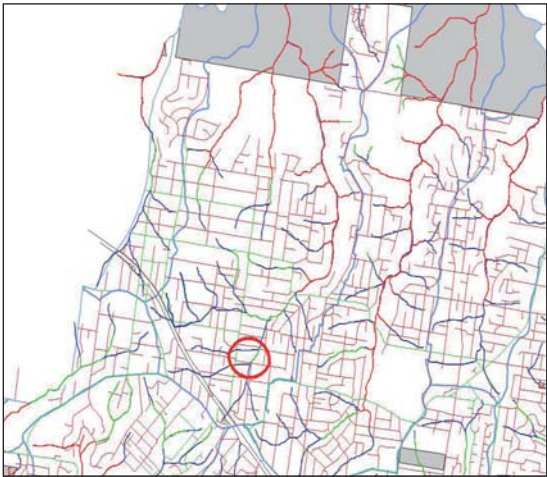
Town Centre biodiversity

Creating biolinkages from the Town Centre to nearby parkland and bushland increases biodiversity.



Water catchment and hydrology

Turramurra has a rainfall of 1140 mm annually, the highest average rainfall in the Sydney metropolitan area. The parks are located in the Cowan Creek Catchment. Tributaries of Lovers Jump Creek run through the parks. Lovers Jump Creek flows along the valley west of Bobbin Head Road, North Turramurra towards the Hawkesbury River.



Town Centre Water management

Water from the Town Centre could be directed into the creek as a series of wetlands to enhance the parks, while maintaining the playing fields.

community feedback

district park landscape masterplan analysis

turramurra memorial park and karuah park

sustainable ku-ring-gai



historical background

The indigenous people of Ku-ring-gai, the Cammeraigal, are a clan of the *Kuringgai* whose territory extended from Broken Bay to Tuggerah Lake. Turramurra is an indigenous word meaning 'high hill' or 'big hill'. Robert Pymble, an early settler, was friends with a tribe of indigenous people who travelled from the Lane Cove River to Cowan Waters and he recalled them referring to the hill beyond the present station as *Turramurra* or *Turraburra*.

Turramurra Memorial Park is one of Ku-ring-gai's most beautiful parks because it encompasses the character of a traditional village green and demonstrates the importance of recreation in the social history of Australia. At the turn of the twentieth-century prominent planners and architects resided here¹, and along with local residents, they created voluntary local government through Progress Associations, to beautify the new suburban landscapes which hugged the railway line. Inspiration came from the Garden Suburb Movement, an English planning model that focused on aesthetics and sought to promote well designed buildings in attractive landscape settings. In 1906 the establishment of shire councils became mandatory and when Ku-ring-gai Shire Council was formed it upheld the ideals of the Progress Associations.

In 1915 councils in NSW acquired the power to manage parks, reserves and commons and soon after, the Local Government Act, 1919 provided provision for councils to buy or resume land for parks. The Parks and Playgrounds Movement of the 1930s inspired park acquisition however, by this time, Ku-ring-gai Municipal Council had acquired 80 parks covering approximately 800 hectares. Most of the parks were in their natural state, but parks nearer to railway stations, and the railway stations themselves, were generally landscaped to complement the garden suburbs. The ideals of the Garden Suburb Movement and the Parks and Playgrounds Movement² are encompassed in the landscape character of Ku-ring-gai's parks and particularly evident in Turramurra Memorial Park.

Karuah Park lacks the aesthetic qualities of Turramurra Memorial Park, probably due to the different times that the parks were created. Turramurra Memorial Park was created in 1926 whereas Karuah Park was created in 1946. By this time park design had become based on practicality rather than philosophy due to the impact of the Second World War. It was a time of austere measures due to shortages of tradesmen and materials.

The location of the parks has an interesting early history. European settlement of Turramurra began when Thomas Hyndes was granted a lease of 809 hectares by Governor Brisbane, later known as the Big Island Estate (directly north of Robert Pymble's lease). Hyndes lease was granted in 1822 and with it began a period of timber getting which lasted until 1850 when the forests were felled leaving cleared land for dairies and orchards. In 1920 fruit fly stopped commercial fruit growing on the North Shore and in response a small number of orchardists leased their land to Chinese people for market gardens, including Sainty's Orchards - the site of Turramurra Memorial Park and Karuah Park. (Ku-ring-gai Historical Society, 1996) Two descriptions of the site follow:

"Vegetable gardens in Eastern Road, tended by Chinese, who brought round their products in horse-drawn covered carts . . . the opening of Turramurra Park Memorial Gates . . . Sunday School picnics there under the gum trees - buttered buns, corned beef sandwiches, lemon syrup, oranges and bags of boiled lollies . . . races on the oval . . . tennis clubs and tournaments . . . circuses in the vacant allotment that is now Cameron Park . . . a solid community, with its own inner strength." (Ku-ring-gai Historical Society)

". . . My family came up from Mosman in 1920. We lived in Karuah Road from that time, and at the bottom of the road, where the park is now there was a wonderful market garden with four Chinese running it. Where Turramurra Park is, they had a very nice quite large house near Eastern Road; the whole of the present football field was a market garden. There were two additional houses near Turramurra Avenue under the trees. ..." (Bramble, 1999)

Plantings and buildings

Turramurra Park's oval is partially surrounded by formal plantings of mature non-indigenous trees. It is unknown who planted the trees, but it is in the tradition of early twentieth-century landscapes, as carried out in Ku-ring-gai's parks and railway stations by Council's building surveyor R. H. Patterson. Richard Patterson had studied architecture and civic design at the University of Liverpool UK and came to Australia where he was associated with the Parks and Playgrounds Movement of N.S.W. and the Town Planning Association. He worked for Ku-ring-gai Council from July 1926 until June 1938.

The parks contain several magnificent 'Blue Gum High Forest' trees and a small forest exists along the creek line. Many mature trees were destroyed during the 1991 storm, and in 1993 the community assisted Council staff in a massive replanting of endemic trees at Turramurra Memorial Park.

It is unknown who designed the buildings at Turramurra Memorial Park, although they demonstrate similarities with the Council Depot buildings, which were designed by Gilbert and MacAuliffe, Engineers, Melbourne.



Remembering the fallen

Turramurra Memorial Park was named to commemorate the fallen of World War 1. The gates, located at the corner of Eastern Road and Karuah Road, were unveiled on "Sunday 1 April 1928 by His Excellency, the Governor, Sir Dudley de Chair who was accompanied by his private secretary Brigadier General A. T. Anderson C. M. G., who was himself a resident of Turramurra. The 18th Battalion formed a Guard of Honour while the band of the 17th Battalion played during the service and provided the bugler who played the Last Post..." The gates were designed by Messrs Power, Adam and Munning and the stone pillars contain the names of 136 men from Turramurra who enlisted in World War 1, including 15 who were killed or died of their wounds - five died at or after Gallipoli and the remaining ten died in France. Recently stars have been placed against those who died. (Wood, 2007)



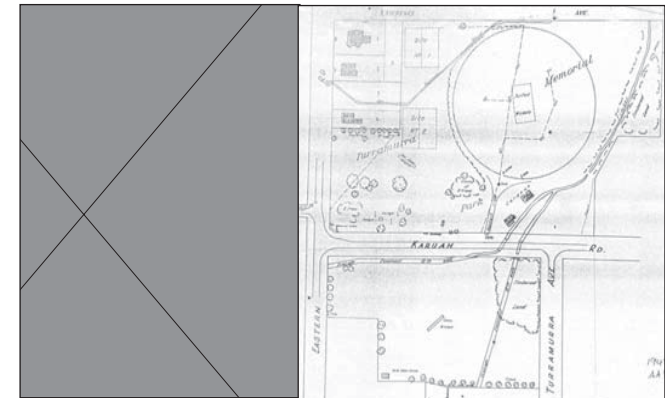
Turramurra Park memorial gates circa 1928
Series: Ku-ring-gai Shire: Engineering Programmes, 1928.

Footnotes

1. Original members of the Wahroonga Progress Association: George Collingridge (artist), John Slade (draftsman), John Charles (draper) and John Sulman K.B.E. (architect, Chairman of the Town Planning Advisory Board of the Department of Local Government and lecturer in town planning at the University of Sydney from 1919 to 1926).
2. The Parks and Playground Movement provided guidelines for the quantity and quality outdoor spaces; from playgrounds, playing fields, tennis courts, organised sports associations etcetra to National Parks, and considered recreation essential to good health and wellbeing. The 1932 Report by the Official Consultative Committee described Sydney's Northern Suburbs: *On the 12-mile-long ridge and its spurs on which these lie, considerable areas have been reserved as public park; but almost all these reserves - Ku-ring-gai Chase, Davidson Park and others - consist of rough country which though extremely valuable for nature, reserves and for holiday resorts, are impossible for playing-fields. Space is already difficult to find, and the increase of population following the opening of the Harbour Bridge will render the difficulty acute.*
3. Turramurra Memorial Park was formed by amalgamating four properties - two which were originally part of the grant to John Terry Hughes of 1842, were transferred from The Permanent Trustee Company of NSW to Council of the Shire of Ku-ring-gai on 2/6/1921. While the other two lots were originally part of Thomas Hyndes grant. Lot 6 Section 1 was transferred from John Herbert Sainty to the Shire of Ku-ring-gai on 5/4/1921 and Lot 5 section 1 was transferred from Margaret Nelson Christie on 21/7/1922. Karuah Park was created in 1946 when Council acquired seven adjoining lots, from the Presbyterian Church.

References

Bramble, N and P. 'John's Welley Good Cabbages' *Chinese Market Gardeners in Australia*. Paper presented at K.H.S. meeting 17. 99 based on extensive research by Nola and Phillip Bramble, The Historian, vol. 28, no. 2, Sept 1999.
Ku-ring-gai Historical Society, *Focus on Ku-ring-gai, The story of Ku-ring-gai's growth and development*, Ku-ring-gai Historical Society, 1996
Ku-ring-gai Historical Society, *Turramurra A Resident Remembers 1925-1945*. Document held by Ku-ring-gai Historical Society.
Official Consultative Committee, *Parks and Playgrounds Movement of NSW, Basic Report*, 1932.
Ramage, Ian, *One hundred years ago, life on Sydney's Upper North Shore*, Waitara, 1996.
Sloggett, J., Ku-ring-gai Historical Society, *R. H. Patterson and the Parks of Ku-ring-gai*, The Historian Sept, 2002.
Wood D. R. V., *Turramurra Memorial Gates and Book of Remembrance*, D.R.V. Wood, 2007.



1945 plan of Turramurra Memorial Park

turramurra memorial park and karuah park

sustainable ku-ring-gai



bushcare

Council’s Volunteer Bushcare Program provides residents with the opportunity to assist in the preservation and protection of Ku-ring-gai’s natural areas. Council supplies technical and logistical support, while the community supplies the skills and commitment of volunteers.

A group of local residents formed Turramurra Park Bushcare Group in October 2006. They have been working to regenerate a corridor of Blue Gum High Forest along Lovers Jump Creek which runs through the park, joins Cockle Creek and flows through Ku-ring-gai Chase National Park to Cowan Creek at Bobbin Head.

The group has 20 members on its mailing list, with a core group of about seven regularly attending the working sessions which are held on the fourth Sunday of each month. The aim of the group is to restore a healthy bushland corridor along the creek line and they are concentrating on the section of creek between the two pedestrian bridges near the cricket nets. Their long term goal is to link up with other groups working on both public and private land downstream.

Maintaining a healthy bushland in urban settings is very rewarding. Council and community volunteers have planted large numbers of native trees to replace those destroyed by the 1991 storm.

The bushland corridor at TMP has been narrowed by mowing of adjacent grassed areas and the creek continues to be a source of weeds. Council has addressed these issues in the masterplan and if you would like to be involved NOW is a good time.

WHY SHOULD I JOIN BUSHCARE?

- healthy, weed free bushland adds value to private properties
- provide safe habitat and corridors for local wildlife
- learn more about the beautiful leafy environment in which you live
- learn bush regeneration techniques which will be useful in your garden
- encourage community pride and ownership
- make new friends and be part of a group with common goals and interests

ASSOCIATED PROGRAMS

- Streetcare - protect and preserve streetscapes
- Parkcare - restore remnant bushland in parks
- Backyard Bushcare - Council assistance to preserve and regenerate native vegetation on private property
- WildThings - promotes, protects and proliferates urban wildlife with a series of imaginative and innovative projects

BECOME INVOLVED

Contact Council’s Bushcare Officer - Jocelyn Chenu

Email: bushcare@kmc.nsw.gov.au
Phone: 9424 0811 or 9424 0179
Fax: 9424 0870
Mail: Locked Bag 1056, Pymble NSW 2073
In person: 818 Pacific Highway, Gordon 2072



community feedback

bushcare program

turramurra memorial park and karuah park

sustainable ku-ring-gai



Turramurra Memorial Park & Karuah Park Draft Landscape Masterplan

Summary of submissions received during public exhibition

1. Karuah Road Proposal

Comments received	Recommended Council response
Agree with the proposal. Assuming only between Eastern Rd Turramurra Ave	Conduct six month trial as proposed in draft masterplan.
Laurence Ave could be improved to allow parking each side.	Parking is currently permitted on both sides of Laurence Ave. The side closest to the park is quite steep but could potentially be converted to angle parking at relatively high expense. This is not considered a priority.
I agree with the trialling of the change to Karuah Rd - this will bring the two parks together, slow the traffic and calm the area.	Conduct six month trial as proposed in draft masterplan.
Extra Parking in Karuah Rd and Turramurra Rd may take some pressure off Laurence Ave, which can be tight on football weekends.	Implement additional parking measures as proposed.
I object to the proposal to make Karuah Ave a one-way street blocking traffic travelling from Turramurra Ave to Eastern Rd. This section of the road attracts heavy traffic during the weekday mornings, wishing to bypass Brentwood Ave, and in some cases travelling up Karuah and either turning at Ku-ring-gai Ave or sometimes coming into Evelyn Ave to Join Boomerang Ave at Fairlawn Ave.	Council does not believe these impacts are enough to outway the safety benefits of making the road one-way. It is recommended that Council conduct a six month trial as proposed in draft masterplan and closely monitor the impacts on surrounding streets.
Parking on a Saturday morning adjacent to traffic calming devices in Karuah Ave at the Turramurra Ave intersection is a problem caused by large off-road vehicles necessitating (passing) traffic having to straddle the traffic calming devices. It would be a positive step if Council Rangers policed that problem.	Council has proposed an additional 34 angled parking spaces in Karuah Rd and Turramurra Ave to alleviate parking issues.
Maintain as it is (two lanes of traffic)	No reasons given. Conduct six month trial as proposed in draft masterplan.
During Saturdays, there is a minor traffic concern in winter only. Why change traffic flows for several days per year. THIS IS POOR OPTION PLANNING.	The one-way proposal will have benefits for all park users, including parents with young children and mid-week sports training. Conduct six month trial as proposed in draft masterplan.
The 1.8 metre path around the oval will	When path is widened, ensure tree roots

be beneficial. Please advise how this will be done without impacting on the 3 large trees on the Laurence Ave side. Also, does the grey area shown on the Laurence Ave side represent the existing road or is this border intended for any development as part of this project such as seating ?	are not damaged by hard surface, which may involve some other treatment at that section. Grey coloured area of landscape masterplan on Laurence Avenue represents grass terrace.
The plans look terrific; we are happy about the proposed picket fence, update and widening of paths, amenities, exercise equipment etc.	Noted.
We are very concerned about the very large oak trees at the back of no. 51 Eastern Rd having the potential to fall, especially as the exercise path will run under them. Could Council monitor the trees for stability and overall safety.	When path is constructed, ensure tree roots are not damaged by hard surface, which may involve some other treatment at that section. Also carry out regular tree assessment.

2. Café Proposal and Other Proposed Facilities

Comments received	Recommended Council response
A café would be welcome.	Investigate potential for small scale café with limited business hours.
I do not agree with a small café and it would add to pollution.	Conditions of any lease would stipulate lessee responsibility to ensure the cleanliness of the park in the vicinity of the café.
Not sure, but I can see why this would appeal and may be worth a trial.	Investigate potential for small scale café with limited business hours.
I personally object to this idea because it would involve the surrender of public open space to a commercial activity. While there is community support for a café there is just as much opposition. Those of us who voted for a coffee cart were not voting for a café.	It is proposed to locate the café as part of or directly adjacent to the existing clubhouse where the open space is appropriate for recreational purposes. Investigate potential for small scale café with limited business hours.
Coffee cart at weekends. If fulltime use is contemplated, commercially this would be a disaster.	Investigate potential for small scale café with limited business hours.
Outdoor table tennis table should be reconsidered as it will be vandalised beyond use and difficult to incorporate in the immediate natural area. Suggest a wooden picnic table would be a more suitable idea.	Outdoor table tennis table is designed specifically for outdoor public places and is worthy of inclusion as expense is minor.
We are most looking forward to an improved children's play area. Council has created a wonderful playground at Cameron Park on Eastern Rd. We are impatient for work to begin.	Noted.

3. Dog Off-leash Proposal

Comments received	Recommended Council response
My 2 year old was recently attacked by a dog in Kintore Park. Can it be made very clear that the off-leash area is specifically for dogs and that other open space areas are specifically for everyone else, ie. dogs on leash.	Noted. Appropriate signage to be installed.
Dogs should not be allowed off-leash	Trial limited off leash times in Turramurra Memorial Park recommended.
Enclosed and enhanced Karuah Park makes great sense.	Retain proposal to improve Karuah Park dog off-leash area and trial limited dog off -leash times in Turramurra Park.
1. The number of people "for" a change to the current "off-leash" regulations do not reflect the 1400+ signatures collected in support of a change to the current provision of a dysfunctional area on the corner of Karuah Road. 2. The disadvantages cited for the option to have off-leash dog walking before 7am and after 6pm is nonsensical. Residents who regularly walk their dogs do not want a fenced area.	Trial limited dog off-leash times in Turramurra Memorial Park recommended.
I strongly support the large group of local residents who would like permission to walk their dogs off-leash before say 8.30am or 9am and after 5pm in Turramurra Park. The Path around the oval provides an ideal level walking surface. Turramurra Park used to be a vibrant meeting place in the morning and afternoon, but since the dog walking restrictions this has been lost. 1,000 signatures supporting specific hours for dog off-leash walking at Turramurra Park – it would seem only fair and reasonable that the Council would at least give this idea a trial.	Trial limited dog off-leash times in Turramurra Memorial Park recommended.
Provide unfenced dog off-leash area at the top of TMP - fence along Eastern Rd & allow dogs off-leash for limited times in central open grass area of TMP. There is little need to change the status quo. Many people have been scared away by council's past decisions on dog handling, thereby reducing community participation in this part.	Trial limited dog off-leash times in Turramurra Memorial Park recommended.

4. Landscape and Heritage Proposals

Comments received	Recommended Council response
Very supportive of upgrade of circular route around the cricket oval and proposed upgrades to built forms. Suggest picket fence (probably steel or aluminium rather than wood, for maintenance and protection against vandalism) would build on existing character of area. Also request that the road carriageway in Laurence Ave be fixed as it takes a lot of parking for the park which has damaged the road edges and is compounded by poor overland stormwater management in the area.	Noted.
CCTV to be installed on new buildings as a deterrent to vandals.	At this time it is not considered feasible to use CCTV in Council parks due to the time and cost involved in monitoring CCTV footage. If the café proposal is implemented, Council will work with the café operator to investigate the feasibility of using CCTV, if required.
It wasn't clear on the plans whether the entrance from Karuah Rd to Park would have a secure locked gate. Both parks would benefit from entry/exit points having gates/fences that prevent children having open access to roadways.	A gate is not part of the draft masterplan but will be considered when landscape works are undertaken.
I suggest minor upgrading to paths and seats and suitable shrubs.	Noted.
General upgrade of facilities, paths, children areas and landscaping overdue and necessary.	Noted.
Graffiti at the park is certainly distressing. I like the fact that it gets painted over almost as soon as it goes on. Perhaps we need to paint murals on the buildings, like the mural on the Telstra building at Killara on Pacific Highway. It does seem to have stopped the graffiti there.	Refer this suggestion to Council's Community Development section for consideration. Any mural proposals would be subject to community consultation.

9th June 2008

General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073
kmc@kmc.nsw.gov.au

Dear Sir/Madam,

Turramurra Memorial Park and Karuah Park Draft Masterplan
Petition for Do Off-Leash Area

We wish to provide comment on the three Council Options developed as part of the Dog Off-Leash Areas for the Turramurra Memorial Park and Karuah Park Draft Master plan, and to submit our original petition which was collected in 2007 prior to the initial surveys undertaken as part of the current masterplan, and the council decision to delay any decision pending the outcome of the Masterplan.

Background

Up until 2006/2007 when residents were made aware by council rangers that there were changes being made to the dog on-leash, off-leash areas at Turramurra Park, residents have been walking their dogs on-leash and off-leash around the oval and other parts of Turramurra Park for over 50 years. Most people have walked their dogs early in the mornings or late in the afternoon, and this way have generally not been in the way of sporting activities at the park.

As appreciated by the RSPCA and the National Heart Foundation in their current marketing campaign, brisk exercise has, and should be, an excellent way in which people of all ages to exercise themselves and their dogs, and to provide a social outlet to many elderly and otherwise lonely people. When two or more people walk their dogs together, having the dogs off-leash allows them to keep a good walking pace with their dogs slightly ahead or behind but still in check.

Turramurra park oval path surrounds, with its flat surface and path, open area, which is clear of sticks etc has provided an ideal area for this exercise which is not accessible at any other off-leash area in the Wahroonga/Turramurra area (north of Pacific highway) in morning and evenings with lighting and security. People who are running and training in the mornings and late afternoons are using the oval. The park and oval has lighting most of the time which provides

security for people of all ages to co-exist with safety, which is not the case at Jubilee oval north or at Westbrook.

As the oval has always been off limits to dogs, residents who have wished to play and throw balls with their dogs have used the open area behind the tennis courts (mentioned in Option 3) but generally have avoided the area under the trees near area mentioned in Option 2. This is because of the uneven ground and dangerous sticks that can and will trip elderly people and children. As tennis and other activities are never on when people are walking their dogs in the mornings or late afternoons, there has always been the opportunity to socially coexist during these times.

Responsible dog owners keep their dogs in check and sight, and use plastic bags to pick up dog faeces. Just because dogs are on the leash in a park or in the street, does not necessary mean their owners will pick up after them. We support all efforts to fine recalcitrant owners, and in fact pick up after people where possible. Doggy- bag dispensers will help.

Option 1:

Fence the existing dog off-leash area at Karuah Park/Turramurra Avenue

The reason no one uses this area at present is that it fulfills no attributes for a dog off-leash area. It is dangerous because of falling branches, sticks and uneven ground. It is definitely not suitable for elderly people. Dogs and children can easily poke their eyes out falling over, chasing and running for balls. It is dismal and dark most of the time, and is not a safe part of the oval complex.

Option 2

Create and fence new dog-off leash area at the top of Turramurra Memorial Park near Memorial Gates

As stated before, this area is uneven, and again is dangerous because of falling branches, sticks and uneven ground. Dogs and children would again easily poke their eyes out falling over chasing and running for balls in this very small enclosed space.

Option 3

Create a new unfenced dog off-leash area in Turramurra Park with fence along boundary to Eastern Road

Whilst this area will provide some clear area free from branches? sticks for people to play balls with their dogs, the uneven surface will still not allow walking at pace, because of the trees.

Option 4 (Original request)

Allow Turrumurra Park (including the existing path around the oval and excluding the oval itself, and the fenced off children's playground) to become an off-leash area between 6.30am-to 9.30am, and from 4.30pm to 7.30pm (except when a sporting event is on).

This option with a new wider path around the oval (as per masterplan), will provide the dog owners an opportunity to walk their dogs at a time when organized sport, school and other family activities, are less likely to be using the oval.

It is flat, conducive to walking by all ages, well lit and safe and secure. It overcomes the other issues raised above, and most of the objections raised by others wishing to use the oval for other activities in the masterplan.

Summary

We have, and wish to tender the attached petition signed by 1431 local residents (mostly from Turrumurra, Wahroonga and Warrawee), who support this Option 4, which was originally put to council last year, prior to the decision to delay any final decision until this Masterplan had been completed.

We urge the Council to reconsider the options outlined in the Draft Masterplan, and give us as we originally requested a six month trial period to prove that this Option 4 can work.

Attachment 4 - Proposed one-way traffic flow

Implementation in the short term

Implementation of one-way traffic flow (eastbound) in Karuah Road would have the impact of redirecting the existing westbound traffic flows in Karuah Road to other roads. The most likely roads affected by the redirection would be Turramurra Avenue (between Karuah Road and Brentwood Avenue) and Brentwood Avenue (between Turramurra Avenue and Eastern Road).

As can be seen in Table 1, the traffic volumes in the westbound direction are relatively low compared to the eastbound volumes. These redirected westbound volumes would travel southerly along Turramurra Avenue, then turn right into Brentwood Avenue (westerly).

Once reaching the roundabout at Eastern Road, it is likely that the majority of the redirected vehicles would turn right into Eastern Road (northerly), with the minority either continuing westerly in Brentwood Avenue or turning left into Eastern Road (southerly).

Expected future volumes resulting from redirected westbound traffic in Karuah Road during week days are indicated in Table 1.

Table 1. Expected future traffic volumes

Turramurra Ave (between Karuah Road and Brentwood Avenue)		
Direction	am peak (7.30am – 8.30am)	pm peak (5pm – 6pm)
Northbound	34	35
Southbound	392	134
Total	426	169

Brentwood Ave (between Turramurra Road and Gilroy Road)		
Direction	am peak (7.30am – 8.30am)	pm peak (5pm – 6pm)
Eastbound	380	174
Westbound	326	578
Total	706	752

It is anticipated that there would be an increase of 23 vehicles per hour during the morning peak and 45 vehicles per hour during the evening peak along the route. This would be equivalent to an average of one additional vehicle trip every three minutes and one additional vehicle trip just over every minute (respectively). These additional volumes are unlikely to have significant additional impact to the operation of the intersections, given their current operation is satisfactory.

Operation in the long term

The additional 23-45 vehicle trips during the peak hours (redirected from Karuah Road westbound) in Turramurra Avenue and Brentwood Avenue are unlikely to have

significant additional impacts to from those analysed by GTA traffic and transport Consultants in the proposed Turrumurra Town Centre redevelopment.

Implementation of one-way traffic flow

A one way traffic flow proposal for Karuah Road could be implemented, but as Council does not have the delegation from the Roads and Traffic Authority to approve one-way flows, a Traffic Management Plan (TMP) must be prepared and forwarded to the Roads and Traffic Authority for approval.

As indicated in the exhibition, it is intended to operate the one-way proposal as a six-month trial, possibly commencing from February 2009. This would allow the trial to overlap between the summer and winter sporting seasons at Karuah Park and Turrumurra Oval. There may be an initial period of adjustment as motorists familiarise themselves with the new traffic conditions. During trial period, traffic counts will be undertaken in Karuah Road and surrounding roads to assess the level of traffic changes. Following the trial, a report will be brought back to Council on the results of the trial and recommendations on the effectiveness of the trial will be made.

Other submissions from the community relating to access and circulation supported the widening of the path around the oval and the proposal to provide additional angle parking in adjacent to the parks.

FUTURE PROPOSED ROAD CLOSURE - HALL STREET & WARNER AVENUE, SOUTH TURRAMURRA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider the formal public road closure of two unformed roads, Hall Street and the unformed section of Warner Avenue, South Turramurra, to progress future development options for the abandoned B2 road corridor.

BACKGROUND:

At the Ordinary Meeting of Council on 27 March 2007, a report was considered seeking Council's approval to commence the planning for the future use of the abandoned B2 road corridor in South Turramurra with the Department of Planning as joint land owners.

COMMENTS:

All likely options for future use of the abandoned B2 corridor involve closure of the unformed roads including Hall Street and Warner Avenue. Future use options propose alternative road connections. The commencement of the road closure application does not in any way bind Council to a particular option for the abandoned corridor, but initiates a detailed and lengthy statutory process.

RECOMMENDATION:

That a formal road closure application for Hall Street and the unformed section of Warner Avenue, South Turramurra be submitted to the Department of Lands.

PURPOSE OF REPORT

To consider the formal public road closure of two unformed roads, Hall Street and the unformed section of Warner Avenue, South Turramurra, to progress future development options for the abandoned B2 road corridor.

BACKGROUND

On 13 January 2006 – Local Environmental Plan (LEP) No. 201 was gazetted, this LEP rezoned land within this precinct from former proposed county road to a combination of Residential 2(c) and part Open Space 6(a) consistent with the surrounding area.

Under the Ku-ring-gai Planning Scheme Ordinance (KPSO) Warner Avenue is unzoned and part of Hall Street zoned Residential 2(c) and part unzoned.

Warner Avenue is a Council-owned public road in South Turramurra. If constructed, it would connect Chisholm Street with Lyon Avenue. The Warner Avenue road reserve extends westerly beyond Lyon Avenue to connect with Barwon Avenue but is unconstructed, with the appearance of a vacant lot. The unformed road is zoned residential.

Similarly, Hall Street is a Council owned public road, with the western portion being zoned residential. It is presently unformed, under previous subdivision patterns it would have connected Chisholm Street with Barwon Avenue.

At the Ordinary Meeting of Council on 27 March 2007, a report was considered seeking Council's approval to commence the development of a Memorandum of Understanding (MoU) with the NSW Department of Planning for the future use of the abandoned B2 road corridor in South Turramurra.

It was resolved:

- A. *That Council commence the development of a Memorandum of Understanding with the Department of Planning, with a draft to be brought to Council for consideration and execution.*
- B. *That a detailed study into costs and projected income for the development of the site be undertaken with the Department that incorporates:*
 - i. *low density residential use consistent with the current 2C zoning;*
 - ii. *low density residential use consistent with the current 2C zoning with a sportsfield and associated infrastructure within the site.*
- C. *That community consultation be undertaken as outlined in the report to include local residents and the broader Ku-ring-gai community.*

On 14 August 2007 Council resolved to enter into a Memorandum of Understanding (MOU) with the Department of Planning, with an amendment to Clause 2.1B regarding a potential sportsfield. This MOU came into agreement in February 2008.

COMMENTS

All likely options for future use of the abandoned B2 corridor involve closure of the public roads known as Hall Street and Warner Avenue. Future use options, as resolved by Council, propose alternative road connections. The commencement of the road closure application does not in any way bind Council to a particular option for the abandoned corridor, rather initiates a detailed statutory process.

There are two stages to a road closure process, the first of which involves Council and the Department of Lands (who consult with other instrumentalities) for transfer of Title. The commencement of a road closure application requires a resolution of Council, which is then formalised through the Department of Lands (subject to the requirements of the Roads Act, 1993). The Roads Act 1993 requires consultation with all affected/adjoining property owners and concurrence from service and utility providers, prior to Council making a submission to the Department of Lands. The process is expected to take between 12 – 18 months.

Once formal closure of the roads has been gazetted, the Department of Lands will issue a Certificate of Title to Council in Fee Simple for any lands that have been constructed as roads. These lands should be classified as Operational land.

Upon formal closure of the unformed portion of roads, the land will be vested in the ownership of the Crown. Council will then commence to negotiate the acquisition of these lands from Department of Lands, to obtain Title to lands in Fee Simple.

Further, the initial road closure application with the Department of Lands requires that Council nominate whether the land be classified as Operational or Community, as defined under the Local Government Act 1993. Given the intention to subdivide and sell residential lots, it is considered appropriate to classify the closed roads as Operational. Should Council at a later point, choose a site layout including a playing field or other local open space, that land would be classified as Community at that time.

CONSULTATION

Formal application and approval is made through the Department of Lands, who also undertake a separate public notification process prior to formal approval.

The Roads Act (1993) requires public notification to all affected/adjoining property owners, service and utility providers. It is only with the concurrence of other state government instrumentalities that a Certificate of Title will be issued to Council.

FINANCIAL CONSIDERATIONS

The Department of Lands currently charges between \$860 - \$2,000 to process and finalise a road closure application.

A formal survey of Warner Avenue and Hall Street will be required for submission with the application to the Department of Lands. This is estimated to cost \$6,000. These costs will be

Item 8

S02846
11 July 2008

shared with the Department of Planning and where appropriate, will be covered within the budget of the Strategy Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Strategy Department of Council have provided input into the development of this report.

SUMMARY

At the Ordinary Meeting of Council on 27 March 2007, a report was considered seeking Council's approval to commence the development of a Memorandum of Understanding with the NSW Department of Planning for the future use of the abandoned B2 road corridor in South Turrumurra.

Options for future use of the abandoned B2 corridor involve closure of the public roads known as Hall Street and Warner Avenue. Future use options propose road connections. The commencement of the road closure application does not in any way bind Council to any particular planning option for the abandoned corridor, but initiates a detailed statutory process.

RECOMMENDATION

- A. That a formal road closure application for Hall Street and the unformed section of Warner Avenue, South Turrumurra be submitted to the Department of Lands.
- B. That upon issuance of the Certificate of Title for the land known as Hall Street and Warner Avenue from the Department of Lands, the land be classified as Operational land.

Joseph Piccoli
Strategic Traffic Engineer

Andrew Watson
Director Strategy

Attachments: **Location Map - 966830**

LAND OWNERSHIP & AREA - BARWON AVE & CHISHOLM ST, TURRAMURRA



DATE: 8-07-2008



DRAFT ACQUISITION OF LAND POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's adoption of the draft Acquisition of Land Policy.

BACKGROUND:

In March 2008, a briefing session was conducted with Councillors presenting potential sites for acquisition of future open space and outlining acquisition methods.

COMMENTS:

On 7 July 2008, the draft Acquisition of Land Policy (**Attachment 1**) was presented to the Policy Forum.

RECOMMENDATION:

That Council adopts the draft Acquisition of Land Policy.

PURPOSE OF REPORT

To seek Council's adoption of the draft Acquisition of Land Policy.

BACKGROUND

On 30 October 2007, Council adopted the Open Space Acquisition Strategy [the Strategy]. The Strategy provides a framework that is aligned to a set of principles and objectives for acquiring land to provide new open throughout the Local Government area [LGA].

Council consequently sought further advice on identifying key strategic sites within Priority 1 and 2 areas and information on methods of acquiring these lands.

In March 2008, a briefing session was conducted with Councillors presenting potential sites for acquisition of future open space and outlining acquisition methods. It was during this presentation and subsequent report in April 2008 that identified the need for a formal process to enable and pursue land acquisition opportunities based on assessment against the Strategy, merit and proactively presenting these opportunities to Council.

COMMENTS

On 7 July 2008, the draft Acquisition of Land Policy (**Attachment 1**) was presented to the Policy Forum. The forum suggested certain amendments to the draft policy, which were to include;

- reference to the Conveyancing Act 1919; and
- amplification that compulsory acquisition is not a preferred method of acquiring land, albeit potentially required in extenuating circumstances.

Council's preferred methods of acquisition are to acquire land opportunistically by responding when the desired land is offered to the market, or proactively by initiating negotiations for the desired land. Council will only enter into compulsory acquisition when the acquisition is essential for a public purpose and all previous attempts to purchase the land have failed.

CONSULTATION

As the draft policy is considered an internal document that provides the framework for Council to proceed with land acquisitions given the time constraints of the property industry. No additional external consultation has been sought.

A review of other Councils' existing policies of a similar nature has been undertaken in the development of this draft policy.

FINANCIAL CONSIDERATIONS

There are no financial considerations for this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Corporate and Strategy Departments have provided input into the development of the draft Acquisition of Land Policy.

SUMMARY

In March 2008, a briefing session was conducted with Councillors presenting potential sites for acquisition of future open space and outlining acquisition methods. It was during this presentation and subsequent report in April 2008 that identified the need for a formal process to enable and pursue land acquisition opportunities based on assessment against the Strategy, merit and proactively present these opportunities to Council.

On 7 July 2008, the draft policy was presented to the Policy Forum. The forum suggested certain amendments to the draft policy, which have been included.

Although the current number of land acquisitions is relatively low they are crucial to the strategic provision of open space and other community benefits. Given that Council is about to embark on a process of systematically acquiring property for the provision of new open space, there exists the need for an adopted policy.

RECOMMENDATION

That Council adopts the draft Acquisition of Land Policy.

Deborah Silva
Manager Strategic Assets and Services

Andrew Watson
Director Strategy

Attachments: **Acquisition of Land Policy - 960913**

Ku-ring-gai Council

Acquisition of Land Policy

Introduction

The acquisition of land by Council requires a formal process that is underpinned by probity, due diligence, analysis of risk and other key issues relative to the timeframes of the industry. In acknowledging this, the number of land acquisition processes undertaken by Council in any given year although relatively low, are crucial to the strategic provision of open space and community benefits. This drives the need for a Policy.

1. Purpose

The purpose of this Policy is to describe the manner in which Ku-ring-gai Council will undertake the acquisition of land assets and to provide Council with:

- a documented reference to guide its decision making process.
- a reference that will survive successive Councils.
- an endorsed framework to enable and pursue land acquisition opportunities of merit and pro-actively present such opportunities to Council.
- establish delegations necessary to allow implementation functions to be addressed to meet market drivers.

This Policy applies to the acquisition of all Land as defined in this Policy.

2. Objectives

The objectives of this Policy aims to provide Council with a framework which adopts the following principles;

- probity
- statutory compliance
- commercial maximisation, flexibility and confidentiality.
- transparency of Process
- achievement of specific strategic outcomes of Council and the community

Doc distribution	Internal/external	Doc status	Draft	File No S05399	960913
Document owner	Director Strategy	Contact officer/s	Manager Strategic Assets & Services		
Approval date		Approved by			
Effective date		Review period	3 years	Review date	
History of approved versions					
Version	Effective date	Summary of changes			
Draft 1					

3. Definitions

For the purpose of this Policy

Land is all “Real Property” that being “*land and all things attached to the land so as to become part of it*”.

As a more specific reference for the purpose of this Policy, **Land** is defined as;

1. Land as a physical entity including:-
 - (i) any building or structure on or improvement to land; or
 - (ii) sub stratum and/or air rights; or
 - (iii) a strata lot pursuant to relevant strata legislation
2. A legal estate or interest in, right in respect of land [including leases, licences, easements etc]

Contract means any form of contract which legally binds the Council [or potentially binds Council] and includes formal contracts and other forms of contractual arrangements including heads of agreement, in principle agreement, options to purchase etc.

Act means the *Local Government Act 1993*

Regulation means the *Local Government (General) Regulation 2005*

Open Space Acquisition Strategy means strategy adopted by Council

4. Legislation

- 4.1 The Local Government Act 1993 vest authority to Council to “sell or exchange” Real Property [and interests in Real Property]. In respect of this Policy, “exchange” includes property acquisition and other related activities including land swaps etc.
- 4.2 In accordance with Section 377 of the Act any decision to dispose of land must be made by resolution of Council as the power to sell, exchange or surrender land cannot be delegated.
- 4.3 Section 45 of the Act prevents Council from selling, exchanging or otherwise disposing of community land other than to become or be added to a crown reserve or national park.
- 4.4 Section 55 of the Act requires tenders to be called in certain circumstances. However, it is not necessary to call tenders for the sale of land.

- 4.5 In accordance with Council's Purchasing Policy, land acquisition activities are excluded from the provisions of the Purchasing Policy.

Council's property activities will be managed within the legislative parameters of the:

- Local Government Act, 1993;
- Valuation of Land Act, 1916;
- Conveyancing Act 1919;
- Environmental Planning and Assessment Act, 1979;
- Residential Tenancies Act, 1987;
- Land Acquisition (Just Terms Compensation) Act, 1991;
- Roads Act, 1993;
- Retail Lease Act, 1994;
- Crown Lands Act, 1989;
- Environment Protection and Biodiversity Conservation Act, 2000;
- National Parks and Wildlife Conservation Act, 1975; AND
- Any other legislation applicable to the Policy.

5. Methods of Acquisition

Wherever possible Council's *preferred* method of acquisition is to acquire Land through mutual agreement. The key principles in the acquisition of Land are;

- 5.1 Opportunistically by responding when the desired land is offered to the market,
- 5.2 Pro-actively by initiating negotiations for the desired land;

However, Council has an obligation to provide services to the community, and if required Council will consider utilising its powers under the Local Government Act in respect of "compulsory acquisition".

- 5.3 Such matters will be dealt with in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* for the compulsory acquisition of land and the payment of compensation.

6. Land Acquisition Procedure

- 6.1 Fundamental Principles

Council will acquire land for the purpose of carrying out its functions under the Act. Any land to be acquired by Council is subject to a formal resolution of Council [unless subject to delegations listed in this Policy].

- 6.2 Independent Valuation Benchmark and Special Value

Any Land acquisition is to be benchmarked to an independent valuation of land.

In some cases there will be justified basis for Council acquiring property at a price above the valuation benchmark in order to guarantee the successful securing of the property to achieve defined goals and objectives of Council or to acquire the property with a view to adding value [or reducing risk] to a larger scheme or development [future or current].

Any special value should be determined and quantified within the initial decision of Council and referenced to the achievement of specific goals and objectives of Council.

6.3 Acquisition Process

While the General Manager may make preliminary enquiries regarding a possible purchase, no negotiations will commence without there first being a resolution of Council authorising the negotiations. The General Manager shall:

- be responsible for the conduct of all negotiations;
- have regard to an independent valuation obtained from a registered valuer;
- seek such other professional advice as is considered necessary in the circumstances;
- have regard to the Independent Commission Against Corruption publication *Direct Negotiations* so far as is appropriate in the circumstances; AND
- report the outcome of all negotiations to the Council for determination.

6.4 Prior to finalisation of an acquisition Council shall determine the classification of the land as either operational or community.

6.5 Council's process of land acquisition must include the following steps:

- Identification of the land acquisition opportunity by Council and/or the Responsible Officer.
- In principle decision by the General Manager to commence the pre-acquisition process.
- Preparation of a comprehensive assessment of the Land acquisition including;
 - (I) required due diligence
 - (II) independent valuation, maximum price [purchase, lease or other]

- (III) assessment against the principles and objectives of Council's Open Space Acquisition Strategy
 - (IV) identification of funding source and assessment against Council's Long Term Financial Model
 - (V) a statement of goals and objectives for the proposed Land including a statement of any "Special Value" deemed appropriate by Council.
- Formal consideration by Council of dealing with the matter in a closed meeting.
 - Formal report to Council including the land acquisition assessment and documented reasons for Council's acquisition of the Land, and if supported delegation to the General Manager to negotiate an outcome subject to the financial and risk parameters as determined by Council.
 - Negotiation, and if successful, implementation of all matters necessary for the preparation, signing and sealing of contract documentation required.
 - Once completed the General Manager to advise Council of the outcome [successful or otherwise].

10. Associated documents

Codes, plans and policies

Council's Open Space Acquisition Strategy – Adopted October 2007

Council's Management Plan 2008-2011- Adopted June 2008, and as amended

Council's S94 Contributions Plan 2000-2003 – Residential Development

Council's Section 94 Contributions Plan 2004-2009 (Amendment One) - Residential Development

Council's Town Centre Development Control Plan [DCP] – Adopted May 2007

Council's Draft Town Centres Development Contributions Plan – currently on exhibition

Council's Draft Sustainability Vision Report – Ku-ring-gai to Global (2008-2033) - currently on exhibition

External references

Independent Commission Against Corruption [ICAC], Direct Negotiations, May 2006

KILLARA STATION PRECINCT RESIDENT SURVEY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider resident responses to a survey ascertaining the level of support for Council to developing a new local neighbourhood shop precinct in the area around Killara Railway Station.

BACKGROUND:

Council adopted a Notice of Motion that a local residents' survey be undertaken to ascertain the level of support for Council to developing a new local neighbourhood shop precinct in part of the Culworth Avenue commuter car park, Killara.

COMMENTS:

The survey was carried out in June 2008. Approximately 52% of respondents agreed with the proposal for additional shops in the car park, 35% of respondents disagreed with it, while the remaining 13% indicated would be amenable to the proposal, subject to certain conditions.

RECOMMENDATION:

That Council note the results of the Killara Station Precinct Resident's Survey.

PURPOSE OF REPORT

To consider resident responses to a survey ascertaining the level of support for Council to developing a new local neighbourhood shop precinct in the area around Killara railway station.

BACKGROUND

On 8 April 2008, Council adopted the following Notice of Motion:

There is an opportunity to create a new small scale neighbourhood precinct at the gateway to Killara Station on Council owned land Culworth Ave car park. A new mixture of local shops, cafes and services could provide for the needs of existing and new residents of the nearby apartments. The scale of development would be limited to 2 & 3 storeys with the bulk of current above-ground car parking being retained. A local resident's survey could be conducted as the first step to gauge the community's views on such a proposal.

We move:

That Council conduct a local residents' survey to ascertain the level of support for Council to developing a new local neighbourhood shop precinct. A draft survey be prepared and referred to next Council's planning forum meeting for endorsement.

Council resolved to adopt the above Notice of Motion on 8 April 2008.

A draft survey was prepared for consideration at the Planning Forum held on Tuesday 20 May 2008, with some amendments made to the draft before being distributed to residents. The final survey form and covering letter forms **Attachments 1 and 2** respectively.

COMMENTS

The survey was mailed on 4 June 2008 to approximately 900 addresses in the area surrounding Killara Railway Station. Respondents were provided with a reply paid envelope and completed surveys were requested by 18 June 2008.

A total of 396 completed surveys were returned to Council. The subject also received some media attention through a local newspaper, which may have resulted in the six (6) written submissions received from outside the mailout area.

The most common respondents to the survey lived in detached housing (76%), with 22% living in units. The most represented household type was "couple with children" followed by "couple with no children". Approximately 48% of responses were from the 46-65 age group. The vast majority were owner/occupiers, and slightly more males than females responded.

In terms of the railway station use, those that responded to this question were distributed relatively evenly between daily, weekly and monthly use of Killara station. Approximately 60% of the respondents stated they used the existing shops near the station.

Item 10

S04331
14 July 2008

Approximately 52% of respondents agreed with the proposal for additional shops in the car park. The additional shops/services selected by the respondents (ranked from highest to lowest) were newsagent, convenience store, café, restaurant, specialty shops, professional suites, bookstore, and bottle shop. Other suggestions included bakery, florist, pharmacy and hairdresser.

Some of the comments in favour of the proposal include:

- Killara lacks these types of facilities;
- there is a need for convenience shopping services within walking distance for Killara residents;
- commercial offices above shops would be beneficial to cater for professional services;
- Killara currently has few places that promote a sense of community and neighbourly interaction; and
- the proposal could be the catalyst for Easy Access upgrade to Killara Railway Station

Approximately 35% of respondents disagreed with the proposal for additional shops in the car park. Reasons against the proposal include:

- need more commuter car parking;
- opposition to more development in area/may lead to further increases in development in the area;
- no need for additional shops/improvements Gordon and Lindfield should be a priority;
- parking and commuter spaces needed more than shops; and
- the proposal will ruin the quiet residential feel of the area.

The remaining 13% selected would be amenable to the proposal, although comments included:

- subject to sufficient/more car parking for commuters and shops;
- not many more shops required than is already there;
- may be beneficial to include public car park as part of development;
- depends what type of shops will be there; and
- only tasteful single storey shops should be built.

CONSULTATION

As noted in the background, the survey was mailed on 4 June 2008 to approximately 900 addresses in the area surrounding Killara Railway Station. Respondents were provided with a reply paid envelope and completed surveys were requested by 18 June 2008.

If Council is of a mind to progress the matter it could be dealt with as part of Council's Strategic Asset Management Review and/or the Comprehensive LEP process.

FINANCIAL CONSIDERATIONS

None considered at this stage.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None undertaken.

SUMMARY

Council adopted a Notice of Motion that a local residents' survey be undertaken to ascertain the level of support for Council to developing a new local neighbourhood shop precinct in part of the Culworth Avenue commuter car park, Killara.

The survey was carried out in June 2008. Approximately 52% of respondents agreed with the proposal for additional shops in the car park, 35% of respondents disagreed with it, while the remaining 13% indicated would be amenable to the proposal, subject to certain conditions.

RECOMMENDATION

That Council note the results of the Killara Station Precinct Resident's Survey.

Joseph Piccoli
Strategic Traffic Engineer

Andrew Watson
Director Strategy

Attachments:

- 1. Killara Railway Station Precinct Resident Survey - 942992**
- 2. Killara Railway Station Precinct Resident Survey covering letter - 942884**

Survey Questions

Please tick the correct box below:

1. How close to the station do you live? (see attached map)

☐ Less than 100m ☐ 100m-200m ☐ 200m or more

2. Do you use Killara railway station?

☐ Yes ☐ No

3. If you answered yes to question 2, how frequently do you use the station?

☐ Daily ☐ Weekly ☐ Monthly

Other (please specify)

.....

4. Do you use existing shops around Killara railway station?

☐ Yes ☐ No

5. Please identify the services you would use if available around Killara railway station

<input type="checkbox"/> Cafe	<input type="checkbox"/> Take away food
<input type="checkbox"/> Newsagent	<input type="checkbox"/> Book store
<input type="checkbox"/> Convenience store	<input type="checkbox"/> Bottle shop
<input type="checkbox"/> Specialty food (eg. Butcher, fruit shop)	<input type="checkbox"/> Professional (eg medical, office etc)
<input type="checkbox"/> Restaurant	

Other (please specify)

.....

6. How would you travel to the proposed shop precinct?

☐ Walk ☐ Cycle ☐ Car

Other (please specify)

.....

7. Where do you currently access these types of services?

<input type="checkbox"/> Gordon	<input type="checkbox"/> Killara (west side of Pacific Highway)
<input type="checkbox"/> Lindfield	<input type="checkbox"/> Other centres in Ku-ring-gai
<input type="checkbox"/> St Ives	

Other (please specify)

.....

8. Would you support the development of a new local shop precinct in part of the Council car park at Culworth Avenue?

☐ Yes ☐ No ☐ Maybe

Comments

.....
.....
.....

The following questions relate to your demographic information.

9. What type of dwelling do you live in?

☐ Unit ☐ Town house ☐ Detached house

Other (please specify)

.....

10. What household type do you live in?

<input type="checkbox"/> Lone person	<input type="checkbox"/> Couple family without children
<input type="checkbox"/> Group household	<input type="checkbox"/> One parent family
<input type="checkbox"/> Couple family with children	<input type="checkbox"/> Other

11. Do you own your own home, or do you rent?

☐ Own ☐ Rent

12. What is your gender?

☐ Male ☐ Female

13. What is your age?

<input type="checkbox"/> <18	<input type="checkbox"/> 46-65
<input type="checkbox"/> 19-25	<input type="checkbox"/> 65-75
<input type="checkbox"/> 26-45	<input type="checkbox"/> >75

Thank you - This survey is confidential and the information gathered will not be used for any other purposes. The results of this survey will be used by Council to consider the proposal.

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1056, Pymble NSW 2073

T 02 9424 0000 F 02 9424 0880

DX 8703 Gordon TTY 02 9424 0875

E kmc@kmc.nsw.gov.au

W www.kmc.nsw.gov.au

ABN 86 408 856 411



Contact: Joseph Piccoli

Reference: S04331/ 942884
4 June 2008

«Owner»
«Address1»
«Address2»
«Address3»

Dear Resident

KILLARA RAILWAY STATION PRECINCT SURVEY

Council has identified an opportunity to create a new small scale neighbourhood precinct at the gateway to Killara railway station, and is seeking your views on such a proposal.

A new mixture of local shops, cafes and services on part of Council owned land (Culworth Avenue car park) could provide for the needs of existing residents and new residents of nearby apartments. The bulk of the existing surface parking would be retained.

To understand your views on the proposal, a survey form has been attached for you to complete. A location map is also enclosed, highlighting the car park and the existing shops. The survey should take around 5 minutes to complete.

Once completed, please forward the survey to Council by 18 June 2008 using the enclosed reply paid envelope or fax it to 9424 0880 quoting reference number S04331.

The survey is confidential and the information gathered will only be used by Council to consider the proposal, and will not be used for any other purpose.

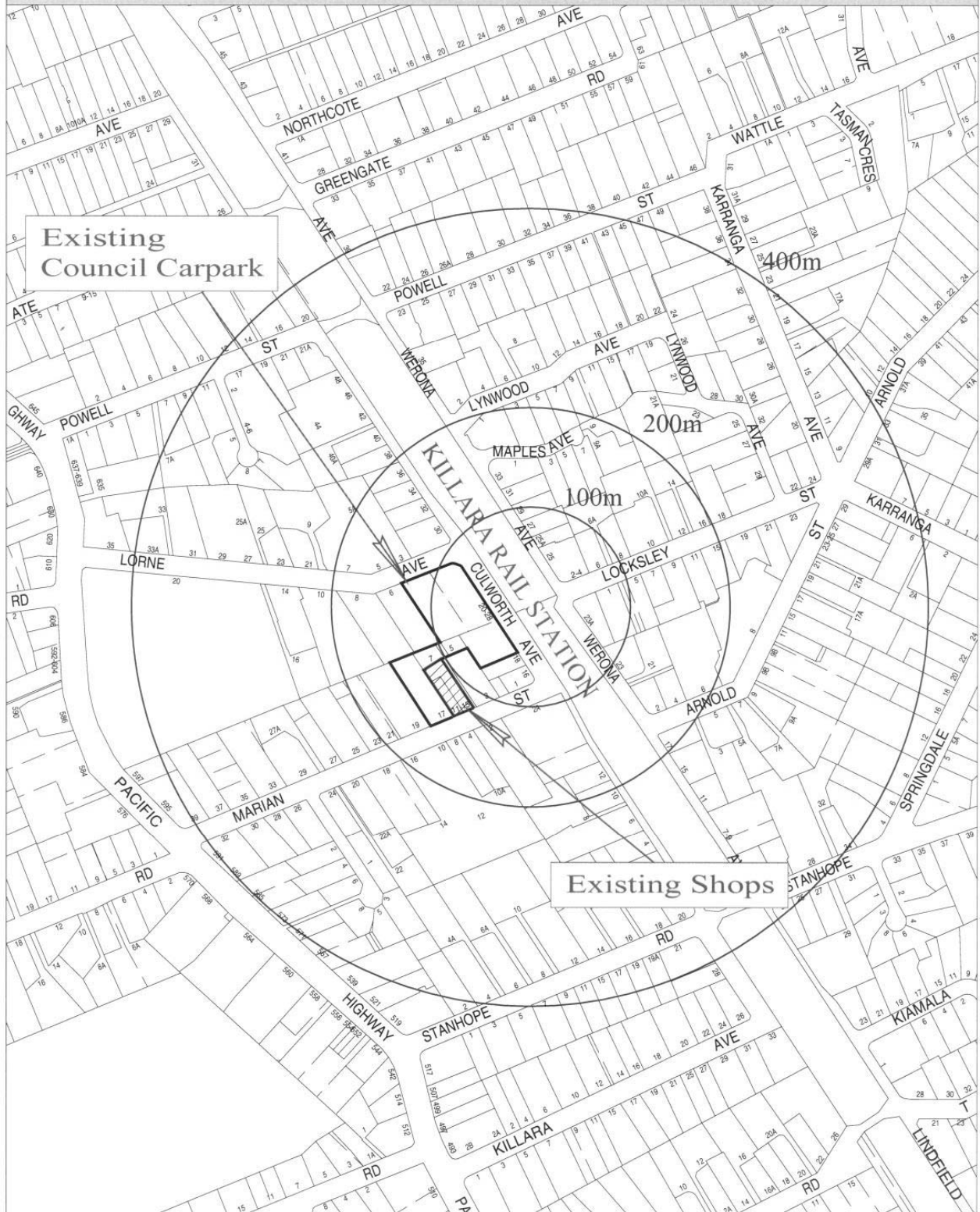
Thank you for taking the time to consider the proposal. For further information, please contact Joseph Piccoli on 9424 0962.

Yours sincerely

Antony Fabbro
Manager Urban Planning

LOCATION SKETCH

KILLARA STATION PRECINCT RESIDENT SURVEY



SCALE: 1:5000

DATE: 29-05-2008



GRAFFITI IN BUSINESS CENTRES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council on the options for the removal of graffiti from all property within each of the business centres and the possible funding sources to undertake the work.

BACKGROUND:

On the 10 June 2008, Council considered a Mayoral Minute seeking a report on the options for the removal of graffiti in each of the town centres. The report was also required to consider possible funding sources.

COMMENTS:

This report looks at options for Council to undertake the removal of graffiti around the business centres other than the Turrumurra centre which is currently being managed by Turrumurra Rotary.

RECOMMENDATION:

For Council's consideration.

PURPOSE OF REPORT

To advise Council on the options for the removal of graffiti from all property within each of the business centres and the possible funding sources to undertake the work.

BACKGROUND

At Council's meeting of 10 June 2008, Council considered a Mayoral Minute on the removal of graffiti in the business centres and resolved as follows:

- A. *That a report be brought back to Council in July 2008 on what options are available for Council to undertake the removal of graffiti from all property in each of the business centres, with the exception of Turramurra. Also the report is to identify what possible funding sources are available to undertake this program.*
- B. *That the report to include options for a litter education programme and details of current service frequency in relation to litter.*

Council considered a report on the removal of graffiti on both private and public property in the main business centres on 11 December 2007. Council resolved as follows:

- A. *That due to the amount of funding required to undertake this work and the ongoing program, the matter be deferred for consideration in the 2008/09 budget.*
- B. *That Council agrees to participate in the trial for the removal of graffiti from the Turramurra area by Turramurra Rotary for a six month period with Council to purchase and provide a high pressure spray unit and a financial contribution of \$1000 with funds to be provided from the Ryde Road component of the Business Centres Levy funds.*
- C. *That given the success of the mural painting at Lindfield station, that Council look for further opportunities where graffiti and illegal posters are a problem – such as Telstra building at Killara and, where these are on corporate property, to seek financial support from landowners.*

COMMENTS

Quotations were previously obtained from several companies to undertake this work and details of the cost of the work by private contractors is included in the financial details and attachments to this report. The matter was considered when preparing the 2008/09 budget but sufficient funds were not available in the recurrent or capital works budget to undertake this work.

Turramurra Rotary was provided with the equipment and seed funding to undertake a trial for the removal of graffiti around the Turramurra business centre in accordance with Council's resolution. Below is a summary of the work carried out by Turramurra Rotary over the last two (2) quarters:

Item 11

S04840
7 July 2008

Graffiti removal – Summary of work completed

TOTAL NO. OF SITES CLEANED MARCH 2008 QUARTER	TOTAL AREA m2	No of sites with Painted Surfaces	Area m2	No of sites with Unpainted Surfaces	Area m2
19	263	17	218	2	45
Strategy for quarter was to concentrate on painted surfaces					
TOTAL NO. OF SITES CLEANED JUNE 2008 QUARTER	TOTAL AREA m2	No of sites with Painted Surfaces	Area m2	No of sites with Unpainted Surfaces	Area m2
34	336	26	230.5	8	105.5
FOR FIRST HALF YEAR OF 2008: 53 SITES CLEANED FOR TOTAL AREA OF 599 m2					

Staff are awaiting a further report from Turramurra Rotary on the effectiveness of their activities, however, as can be seen from the above information, a significant number of sites have been cleaned up in the Turramurra business area for a modest investment of Council funds.

Since the preparation of the report the Telstra building on the Pacific Highway has had a mural painted on the wall and this has proved to be a suitable deterrent to graffiti attack since it was done.

Other sites for murals have been considered and Council staff are awaiting advice on grants to undertake the work.

Attached in **Attachment A and B** are quotations that were obtained when the previous report was submitted to Council.

CONSULTATION

Staff have consulted with Turramurra Rotary and had further discussions with graffiti removal companies with regard to pricing for the removal of graffiti in the business centres other than Turramurra.

FINANCIAL CONSIDERATIONS

Council previously collected funds from the various business centres to deal with parking and other business related activities. These funds have been held in Council's internally restricted reserves. The funds were not obtained through Section 94 contributions and are free to be used for activities associated with the business centres. Below is a table showing the amount of funds available for the various centres.

Item 11

S04840
7 July 2008

Centre	Amount
Gordon	\$159,770
Wahroonga	\$162,185*
Ryde Road	\$286,285
Roseville	\$35,436
Lindfield	\$18,614

* \$50,000 allocated for Traffic and parking study

Council also provides \$185,000 per annum in its capital works program for business centre improvements. At this stage, Council has adopted a three (3) year program until 2008/2009. No further projects beyond 2008/09 have been determined using this source of funding as it is anticipated that Council's development contribution strategy will provide funding for public domain works.

Council also has funds in the street furniture reserve which is revenue received from the bus shelter advertising contract. The current balance is \$283,161.

There is no funding available within Council's recurrent budget to undertake this work. Turramurra Rotary was provided with seed funding of \$1000 and the provision of a water jet sprayer valued at \$1500.

If Council were to consider funding this work, then the preferred option would be for Option 2 from Graffiti Gone as shown in **Attachment A**.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with Council's Corporate Department with regard to Council's internal reserves.

SUMMARY

Council resolved to report back in July 2008 on what options are available to undertake the removal of graffiti from the business centres other than the Turramurra business centre which is currently being managed by Turramurra Rotary.

Turramurra Rotary were provided with seed funding and equipment to assist with the removal of graffiti in the Turramurra town centre and Council staff are awaiting a report on the effectiveness of this operation. Removal of graffiti on private property in the other town centres has not been undertaken by Council or any other party.

If Council wishes to undertake this work, then funding can be provided from the previous business centre levies program or the street furniture reserve. Funding from the business centre levies was previously collected for the purpose of parking provisions and management but as such this funding source is not tied to any specific funding provision.

RECOMMENDATION

For Council's consideration with regard to undertaking the work and using internal reserves as a funding source.

Greg Piconi
Director Operations

Attachments: **A. Quotation from Graffiti Gone - Confidential**
 B. Quotation from Graffiti Specialists - Confidential

ROAD MAINTENANCE AND REPAIRS POLICY AND PROCEDURES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's adoption of the updated road maintenance and repairs policy.

BACKGROUND:

At Council's meeting of 2 March 2004, Council adopted the road maintenance and repair policy and procedures.

COMMENTS:

Since the adoption of the previous policy, Council staff responsible for the implementation of the road maintenance policy and procedures has developed programs and systems to comply with the requirements of the policy. At the time of the preparation of the previous report, it was not possible to obtain an accurate assessment of the time frames for responses until programs were developed and acted upon by Council's civil work staff.

RECOMMENDATION:

That Council adopts the policy for road maintenance and repairs as attached to the report.

PURPOSE OF REPORT

To seek Council's adoption of the updated road maintenance and repairs policy.

BACKGROUND

At Council's meeting of 2 March 2004, Council adopted the road maintenance and repair policy and procedures.

The Civil Liability Act 2002 places restrictions on awarding of damages relating to the death of or injury to a person caused by the fault of another person, except for damages covered by other specified laws.

The important changes to the common law regarding negligence, limits a plaintiff's capacity to argue that a Council should have allocated its resources in a particular way, so as to avoid injury to the plaintiff, and confirms that a Court must look at the particular situation in the wider picture of a Council's resources and commitments.

Councils and other public authorities must demonstrate a duty of care. This is to be assessed by:

S5B(1) – No negligence unless:

- (a) Risk was foreseeable
- (b) Risk was not insignificant
- (c) Reasonable person in the defendant's position would have taken these precautions.

S5B(2) – In determining (c) of the above, Courts are to consider:

- (a) probability of harm
- (b) likely seriousness of harm
- (c) burden of taking precautions
- (d) social utility of activity

Consequently, a policy was developed and adopted by Council which takes into account the factors raised above.

COMMENTS

Since the adoption of the previous policy, Council staff responsible for the implementation of the road maintenance policy and procedures has developed programs and systems to comply with the requirements of the policy. At the time of the preparation of the previous report, it was not possible to obtain an accurate assessment of the time frames for responses until programs were developed and acted upon by Council's civil work staff.

Council has since purchased a database system to record defects and accomplishments and verify the work carried out against Council's procedures and programs. The updated policy attached as **Attachment A** to this report better reflects Council's current resource and budget levels in terms of response times.

The draft policy was tabled at Council's Policy Forum for discussion on 8 July 2008.

CONSULTATION

No consultation has taken place with residents on this policy, however, the service standards are included in Council's Customer Request System and residents are advised of the time frames that are expected for repairs to be carried.

FINANCIAL CONSIDERATIONS

The attached policy and procedure has been updated to better reflect Council's current budget for road maintenance and repairs and associated resource levels.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Corporate Department has been consulted in the preparation of this draft policy.

SUMMARY

Council previously adopted a road maintenance and repair policy in March 2004. Since the adoption of the policy and the implementation of systems to manage the policy, updates were required to better match the response times to comply with the resource allocations.

The updated policy and procedures have been established taking into account Council's current budget for road maintenance and also the current resource levels available to meet the time frames as set out in the policy.

Under the requirements of the Civil Liability Act 2002, Councils are required to establish a policy and procedures for responding to road failures that may result in an injury or damage to property. The purpose of this policy is to provide a better protection for Council against any potential claims as it is not possible for Council to respond to all road failures immediately and therefore, the work needs to be surveyed and programmed.

This also provides a basis of advice to residents when the work is programmed or can be carried out.

RECOMMENDATION

That Council adopts the policy for road maintenance and repairs as attached to the report.

Greg Piconi
Director Operations

Item 12

S03467
14 July 2008

Attachments: **A. Draft Road Maintenance Policy - 956121**
 B. Draft Road Maintenance Procedures - 957548

Ku-ring-gai Council

Road Maintenance and Repairs
Policy and Procedure

1. Purpose

The purpose of this Policy is to formalise Council's policy and set of procedures for the maintenance and repair of Council's Roads which is in addition to the capital works program.

2. Objectives

The Objectives of the Policy are to:

- To provide safe access for motorists and other users of Council's roads.
- To efficiently allocate available funding and resources for the maintenance and repair of the roads.
- To develop a priority for temporary and permanent repairs.
- To minimise the ongoing maintenance problems by using effective repair treatments.
- To program repair work in association with Council's reconstruction program.
- To develop procedures for the reporting of complaints or vehicle damage or injuries caused by damaged roads.
- To develop a system for recording and reporting on the condition of council's roads.

Doc distribution	Internal only	Doc status	Approved	File No	S03467/956121
Document owner	Dir Operations	Contact officer/s	Directors		
Approval date	? Month 2008	Approved by	OMC Date		
Effective date	? Month 2008	Review period	3 years	Review date	July 2011
History of approved versions					
Version	Effective date	Summary of changes			
1.0	1 March 2004	Original			
2.0	23 June 2008	Rewrite. Updated procedure and process			

3. Definitions

In this Policy:

Defect means any form of failure in the road surface, including potholes, displaced pavement, cracking and road collapses. These types of failure can be structural and/or visual in nature.

DN is the abbreviation for Defect Number. It means the number assigned to a road defect that is recorded in the Road Maintenance Database. It is based on the type of defect and the location category.

Maintenance with respect to roads is defined to mean repairs to pavement failures. These repairs take the form of pothole patching to heavy patching. The purpose being to make the road trafficable until reconstruction works can be carried out by the Design Section.

Pothole means a hole or bowl-shaped depression in the pavement surface. They are due to the disruption in the surface of a roadway where a portion of the road material has broken away, leaving a hole.

Vpd is the abbreviation for Vehicles per day and refers to the number of vehicles travelling on the road pavement per day.

3. Legislative Framework

Under the Roads Act 1993, the Council as the road authority is responsible for the care, maintenance and control of the public road.

In 2001, the high court abolished the non-feasance provisions that previously applied to council's and road authorities. On 18 June 2002, the State government introduced the Civil Liabilities Act relating to the awarding of damages against Councils. This policy and associated procedures is developed to manage risk and allocate funding on a priority basis.

5. Principles

5.1 Issues

The main concern with damaged roads that develop into pot holes is the danger that it presents to motorists and other users who use Council's roads. There is a need for Council to be pro-active and effect repairs particularly in busy streets where traffic and other uses are high.

Ku-ring-gai Council – Road Maintenance and Repairs
Policy and Procedure– July 2008

The main causes why roads are damaged is mainly due to the poor material in the sub-grades, heavy traffic or cracking of the pavement surface. Also, damage to the roads can be caused by road openings and the difficulty in restoring the pavement back to a uniform surface.

Council has a road network consisting of 472 kilometres and approximately 180 kilometres of the network is rated as poor or failed. While the current construction program has had increased funding since 2001 from the Infrastructure Levy and Council funding, approximately only 10 -12 kilometres of road work is carried out each year with this level of funding.

In general terms, roads that are in poor condition, subject to continual traffic and not included in the program will require more attention than those roads that are in satisfactory condition and not subjected to continual traffic. Therefore, these roads will be inspected regularly whereas the roads considered to be in good condition and low traffic volumes will be patrolled infrequently.

6. Implementation

Civil Works section is responsible for the implementation of this Policy and procedures.

Details of procedures are set out in Road Maintenance Procedures as **Attachment A**.

The stages of implementation is explained below and summed as follows:

- Identification
- Evaluation - Prioritisation of roads between 1 to 10
- Programming. - Rating of roads and program
- Establish controls - Notification handling, response times,
- Treatments.

6.1 Identification

There are three forms of identification methods:

Inspections

This method is applicable for road pavement and shoulders. It involves a survey of existing roads, which identifies pot holes or pavement failures in terms of the size of the pot hole or failure. The information is recorded in a database and as sections of road repairs are completed the database is updated. The Council

Ku-ring-gai Council – Road Maintenance and Repairs
Policy and Procedure– July 2008

area is surveyed on a five yearly cycle to investigate for any pavement deterioration and audit the database. A formal drive through inspection on all unsatisfactory or failed roads is carried out every twelve months.

The 5 Year Road Inspection Schedule is included in **Attachment 3** of the Road Maintenance Procedures.

Complaints/Requests from public

When members of the public report a pot hole or damaged section of road, the relevant Council Officer records the information in the Customer Request System. Any information relating to personal injuries or vehicle damage should be reported to Council's Insurance Officer with details of the location and cause of the incident. These requests are to be actioned promptly with action to be taken as soon as possible to make the area safe until permanent repairs can be made. A report is required on the cause of the damage and photographs of the section of road are taken both prior to and after repair work.

Authorised openings

Both Public Utility Authorities and Tradespeople are required to carry out road openings from time to time when new cables are to be laid or connections are made to service mains. The person responsible is required to complete an application form including control of traffic during the work.

Temporary restorations are to be carried out to make that area safe and the exact dimensions of the opening are advised to the Restorations and Driveways Engineer who will issue the order to the Depot or Council's contractor to carry out the permanent restoration work. Details of the permanent restoration work are covered in Council's specification.

6.2 Evaluation

The evaluation for roads relates to the risk management processes. The two main criteria for evaluation are *severity of the road defect* and the *frequency of use* which are explained below. The two criteria are used in a Matrix as shown in **Table 1.0** to determine the priority of the repair to the pavement failure.

Ku-ring-gai Council – Road Maintenance and Repairs
Policy and Procedure– July 2008

Table 1.0 - Prioritisation of road failure

Severity of the road defect	Frequency of Use		
	Cat A (>10,000 Vpd)	Cat B (2,000 to 10,000 Vpd)	Cat C (<2,000 Vpd)
S1	1	1	1
S2	2	4	6
S3	3	5	9
S4	7(#), 4(*)	8	10

(#) – Shoulder

(*) – Road

Severity of the road defect

The severity categories are based on the extent of the pot hole or pavement failure. The four severity categories are:

- S1 Emergency matters such as road collapses or deep potholes that present an immediate danger to the public.
- S2 Pot holes greater than 300mm diameter and 100mm deep and not considered to be an immediate safety hazard.
- S3 Potholes less than 300mm and less than 100mm deep.
- S4 Pavement failures with displaced pavement and pavement cracking.

In terms of response:

- S1 Will require an immediate response from Council or may require the assistance of the SES for making the area safe
- S2 and S3 May require temporary measures and scheduled removal and replacement techniques
- S4 Will be programmed depending on road classification and traffic conditions.

Frequency of use

These categories are based on road classification and traffic volumes. The three frequency categories are:

- Cat A Regional Roads and local roads carrying in excess of 10,000 vpd
- Cat B Collector and local roads carrying traffic volumes between 2,000 and 10,000 vpd
- Cat C Local roads with traffic volumes less than 2,000 vpd

6.3 Programming

Rating of road failure risk

Following evaluation of the road failure, it is necessary to establish the risk of road failures to the user. Three levels are used (high, medium or low) to include in Council's database, with the following factors being considered when rating:

- What is the size of the pot hole or pavement failure?
- What is the likely cause?
- What is the frequency of the repair?
- What are the traffic conditions such as average road speeds?
- What is the steepness of the road?
- What is the lighting like?
- Is the failure located in the wheel track or shoulder area?

Priority 1 road failures are the ones likely to be of highest risk and rated high indicating the highest attention and action. Whereas, Priority 10 road failures are of lower rating and can be attended to at a later time after all other areas have been completed, subject to funds being available.

Develop Program for road maintenance and repair

A six monthly program is determined based on the rating, and reviewed every three monthly. The program is reviewed on a 3 monthly cycle due to updated data to account for the nature of the three methods explained in the identification process, to account for both the programmed inspections, ad-hoc customer service requests, and dynamic nature of road deterioration.

Whilst the system allows for flexibility in the process, in order to react to pavement failures, controls are required to manage these.

6.4 Establish controls

Following the programming, it is necessary to establish control mechanisms for undertaking temporary maintenance for:

- dealing with high to low risk road failures.
- dealing with complaints from the public, service requests from staff and authorised openings.

It is intended that with a pro-active approach to repairing road failures, the amount of complaints and service requests will reduce. However, there needs

Ku-ring-gai Council – Road Maintenance and Repairs
Policy and Procedure– July 2008

to be a sufficient amount of funds available each year to repair sites which have recorded complaints or service requests.

Authorised openings

These sites generally represent a potential danger and can be either made safe by the erection of barricades and lighting, or temporarily repaired until permanent repairs can be carried out.

Authorised openings can be restored on a programmed basis and deposit funds are sufficient to cover the costs of restoration. Requirements for temporary restoration of authorised openings usually render the site safe until permanent repairs can be carried out.

Notification handling

With complaints from members of the public relating to notified road failures, the matter is usually reported in the following stages:

- to Council's Customer Service Section in the first instance, then forwarded to,
- Council's Insurance Officer (if applicable), who then notifies,
- The Civil Works Section.

advising of the location requesting a report on the cause of the pavement failure possibly including photographs of the site.

Response times

Complaints or Service Requests relating to Priority 1 to 2 sites should be made temporarily safe within 24 -48 hours using temporary materials or the erection of barricades until permanent repairs can be completed.

For Priority 1 sites, information needs to be made available to the Depot or the Emergency response section as soon as possible so that the area can be made safe or road detours put in place. After hours assistance from the SES or the emergency call out person should be notified immediately the report is made known.

For Priority 2 and 3, sites where there are high traffic volumes, the site should be made safe as soon as practicable and within 48 hours of notification.

For Priority 4 to 6, sites should be made temporarily safe within 72 hours.

Ku-ring-gai Council – Road Maintenance and Repairs
Policy and Procedure– July 2008

For Priority 7 to 10, sites consideration needs to be given whether action should be taken or programmed as resources permit.

A summary of response times for complaints or service requests relating to road failures is shown in the table 2.0 below.

Table 2.0

Site Priority	Temporary repairs	Permanent Repairs
1	24 hours	30 days
2 and 3	48 hours	365 days
4, 5 and 6	72 hours	1095 days
7, 8 and 9	1 – 6 weeks	As resources permit
10	As resources permit	

6.5 Treatment

Road collapses and emergencies road failures

Where these situations occur, the road area is to be made safe by either barricading off the site or placing road detours to ensure traffic safety. The permanent repairs need to be carried out as soon as practical and within one week of the report of the failure where practical.

Pot holes greater than 300mm diameter and 100mm deep

Initially these may need to be temporarily repaired using cold mix or hot mix after cleaning out the pot hole of loose material. Permanent repairs will need to be programmed as soon as possible with excavation to extend to sound pavement areas and hot mix placed and compacted over the restored area. If the surrounding pavement or road has completely failed, then a program of temporary repairs will need to be programmed until the road is scheduled for reconstruction.

Pot holes less than 300mm diameter and 100mm deep

These road failures are to be temporarily repaired using hot mix after cleaning out the pot hole of loose material. Permanent repairs should only be programmed if it is likely that the area will deteriorate quickly due to traffic conditions.

Deformed or cracked pavements

Where the road pavement is deformed or cracking is present, temporary placement of hot mix over the deformed or cracked pavement may be necessary to prevent more accelerated deterioration.

Public Utility Openings

The trenches associated with utility openings are to be saw cut either side of the trench into sound material and 100mm wider for the asphalt surface. Where practical the trench should be wide enough for compaction equipment. The finished surface should be left slightly proud of the adjoining surface to allow for consolidation.

For sites rated 1 to 4, inspections should be carried out within the first year to examine if any consolidation has occurred and further asphalt is required to ensure the road surface is level.

DRAFT

Ku-ring-gai Council

Road Maintenance Procedure

1. Purpose

The purpose of this Procedure is to provide operational guidelines in undertaking the activities for the maintenance and repair of Council's Roads.

This procedure applies to road pavement, road shoulder, as well as Kerb and Gutter maintenance, under cost centres 3154/3155/3157/3158.

This is a working document and meant to be updated to reflect changes in practices and methods as well as constraints.

2. Objectives

The Objectives of the Procedure are to:

- Provide guidelines for the inspection regime and the Road Maintenance database
- Provide instruction of operational requirements for road pavement and road shoulders.
- To outline a system for recording and reporting on the condition of council's roads.

Doc distribution	Internal only	Doc status	Approved	File No	S03467
Document owner	Dir Operations	Contact officer/s	Directors		
Approval date	? Month 2008	Approved by	OMC Date		
Effective date	? Month 2008	Review period	3 years	Review date	? Month 2011
History of approved versions					
Version	Effective date	Summary of changes			
1.0	1 May 2007	Original			
1.1	23 June 2008	Updated procedure and process			

3. Definitions

In this Procedure:

Defect means any form of failure in the road surface, including potholes, displaced pavement, cracking and road collapses. These types of failure can be structural and/or visual in nature.

DN is the abbreviation for Defect Number. It means the number assigned to a road defect that is recorded in the Road Maintenance Database. It is based on the type of defect and the location category.

Maintenance with respect to roads is defined to mean repairs to pavement failures. These repairs take the form of pothole patching to heavy patching. The purpose being to make the road trafficable until reconstruction works can be carried out by the Design Section.

Segment means the predetermined length of a road in council's road network system. An entire road may be divided into several segments depending on its overall length as determined by the named road.

4. Legislative Framework

As in the Road Maintenance and Repair Policy:

Under the Roads Act 1993, the Council as the road authority is responsible for the care, maintenance and control of the public road.

In 2001, the high court abolished the non-feasance provisions that previously applied to council's and road authorities. On 18 June 2002, the State government introduced the Civil Liabilities Act relating to the awarding of damages against Councils. This policy and procedures is developed to manage risk and allocate funding on a priority basis.

5. Provision and Management of road works

5.1 Background

To undertake road activities, Council operates two sections simultaneously, the Design Section for reconstruction and rehabilitation, and Civil Works Section for road maintenance and repairs.

Design Section

The Design section use a computer based Pavement Management System. This system is not linked with Reflect (used by the Civil Works Section) and the two systems were set up in isolation and there is currently no direct transfer of information.

They rate each segment based on Pavement Condition Index (PCI). This is based on factors such as physical condition (defects that can be sighted and amount estimated), roughness and traffic volumes. The current PCI for each segment has been provided by the Design Section on every update.

The Roads Program is determined based on whole of life costing scenarios. Other factors such as complaints and the use of the road are also taken into account when finalising the program. The current 5 Year Program extends from 2007/08 to 2013/2014. The program is reviewed annually.

The current policy concerning K&G is that they have no program for new works. It will only be considered if in association with pavement works or if there is a flooding issue.

Civil Works Section

Civil Works section reviews the 5 year program to develop a six monthly program for maintenance and repair works. This is intended to overcome the disconnect between different computer based road management systems,

No heavy patching is undertaken for segments that are rated poor or failed. Heavy patching and road shoulder works are generally only undertaken by Design in conjunction with programmed work.

6. Implementation

Civil Works section is responsible for the implementation of these procedures.

6.1 Inspection and Recording Procedure

Inspection Programme

Civil Works Section undertake inspections independently of the Design section that work on inspecting regional roads every year, and all the other roads are done every 5 years. Fundamental reasons are:

- The Design inspections are not regular and do not necessarily stick strictly to their program. This is acceptable for their purposes –

determining the condition of the pavement, but not for Maintenance based programming given regular inspections are required to ensure Council is meeting its obligations in terms of safety for the road user.

- The Design inspections gather more information than Civil Works Section require.

Scheduled inspections are undertaken as follows:

Category No	Road Hierarchy	Inspection frequency
Category A	Regional Roads	every 6 months
Category B	Collector Roads and those with a PCI described as Poor or Failed	Every 12 months
Category C	Local Roads	5 yearly (or 1/5 every year)

Refer to 5 Year Road Inspection Schedule as **Attachment 3**

The entire Municipality shall be inspected every 5 years. The inspection cycle is greater for regional and collector roads because they carry more traffic and Council is likely to receive more claims for vehicle damage for these roads.

The inspection records the condition of the pavement and shoulder by picking up defects – both for immediate action and for programming.

The first inspection will generally take more time as it will require recording on the inspection sheet and creating DNs in reflect.

Subsequent inspections will record if the defects have worsened and if immediate pothole patching is required. The initial inspection sheet and DN will simply be checked and any necessary adjustments made, and the date of the reinspection recorded.

Remember to check first if the section has already been inspected within the set reinspection time as a result of resident request.

Informal Inspections

In addition to the above, each zone is inspected sequentially during wet weather and any potholes filled. A record is kept when each zone is completed.

The potholes that are filled are recorded in Reflect as accomplishments.

In future, consideration shall be given to including local roads with more than 2000 vehicles per day in the yearly inspection schedule. As well as those with a significant number of recurring pothole work being done.

Response to Requests

- Requests for road/shoulder/K&G work, or notification of defects, by phone (CRS) or letter are treated the same way.
- The section is inspected and recorded. (First check that an inspection has not already been done within the inspection time for that street based on Category A B or C –refer inspection programme)
- The procedure for determining action to be taken is as above.
- The person making the request is informed by the same method by which they made the request.

Inspection method

See **Attachment 1** Road Pavement and Shoulder Inspection Form.

- A full segment is inspected (based on asset list). This ensures all adjacent defects are noted and one defect number can be created per segment.
- The road pavement and shoulder is assessed. The Defect Number (based on the type of defect and the location category – refer **Attachment 2**) is recorded for each defect, next to the property number.
- The condition of the K&G is not formally inspected or rated. However, if a major defect requiring action is noted then this should be recorded.
- A check should be made and the information recorded to determine if the section is in Designs 5 year program, and also how it rates in terms of condition. This information is significant when determining the extent of work to be carried out as maintenance.
- If there is existing guardrail, this is noted, for future inclusion in a database.

Recording in Reflect database

- Check that no DN's already exist for the same segment – if it does then this may be modified, rather than creating a new one.
- Also check in the old database. If a DN exists remove the target date and provide the details of the new DN in the comments.
- Create an Inspection and note the details on the inspection form.
- If no existing DN exists then generate a DN from the inspection. If you are modifying an existing DN, simply add in the IN.
- The DN should be created for the worst defect – that is, the one with the highest priority. The aim is to limit the DN to one per section – with the details of all defects included. A separate DN should be created for Shoulder work and Pavement Work.

- The DN created in Reflect is for the permanent repairs. If pothole patching is also required, then this should be programmed and completed, and then the same DN adjusted for the required permanent repairs.
- Pothole patching may be recorded as an Accomplishment without the need to create a DN – and should simply be referred to the Road Supervisor, if a DN for permanent repairs already exists, or no DN for permanent work is to be created (ie section programmed for rehabilitation or listed as poor/failed).

Significant Changes Between Old and New Database

- Priority added
- Response times adjusted to be more realistic.
- The number of different types of defects were reduced. For example” removed any defects that we do not act on, or are insignificant. Only want defects in there that we intend to act on, that is, they are a safety issue. There were a number of defects that had a zero response time, meaning we would not act upon them, therefore not necessary to record. The condition of the pavement is comprehensively recorded by the Design Section.’
- Some of the defect descriptions were too detailed and could be covered by other things. Eg delamination covered by potholes.
- Road Pavement Failure was removed as it is too vague and in the past had been used for 90% of DN s created so did not allow for prioritising.

6.2 Determination of Priority

Background

Previously there was no priority given. Each defect was only given a response time, from which a Target Date was generated. There are two problems with this:

- The response time was unrealistic. The number of defects being generated was increasing faster than the work could be completed.
- A Target Date makes no allowance for defects that are worse being programmed prior to something which has simply been in the system for a long time.

Determination

The priority is determined with consideration of both the severity of the defect and the Location Category ie if the road is classed as Regional/Collector or Local.

The Priority system now introduced into the Reflect system is similar to the Rating of Road Failure which is referred to in the adopted policy. That is, it takes into account both the severity of the defect and the volume of traffic, or road class.

Attachment 2 details the defects/location category and priority given for road, shoulder, and kerb and gutter.

6.3 Response Time/Target Date

Temporary Repairs

The response times are set out in the road Maintenance and Repairs policy.

Permanent Repairs

Response times for permanent repairs will depend on the number of such locations and current resource levels.

A Target Date is shown, and is to be used as a tool to compare with the meeting objectives, rather than for programming of work. It is likely that the response times will again need to be altered – subject to the number of defects generated from inspections.

The priority and associated response time are detailed below. It should be noted that these response times are for permanent repairs, namely pavement patching. If pothole patching is required, then it is always done immediately.

Priority	Response Time – Permanent Repairs
1	30 days
2 & 3	365 days
4	1095 days
5 & 6	1825 days
7/8/9/10	3560 days (as funds permit)

The response time for road shoulders and K&G varies slightly from above in that from a priority of 3 the response time is greater. Refer to the Attachment for details.

6.4 Programming & Determining the Extent of Work Required

Programming

- The DNs in Reflect are for programming of permanent works. All work that is required to make the site safe is referred to the Road Supervisor and programmed immediately.
- A DN is created for permanent works. The DN is created for the worst defect ie with the highest priority. The DN should be printed out – the priority and number of defects noted – then filed in the appropriate Works Orders folder.
- It is affectively a rolling programme subject to the priority rating of sections that are inspected. This is necessary until all pavements have been inspected.
- If we are going into a section of road to undertake heavy patching, or shoulder work, then consideration should be given to also undertaking the other at the same time, if required, and if it is of a high enough priority to justify the work.

Road Pavement

- All potholes to be made safe. Generally all work will be completed within 7 days. However, if the site is determined to be hazardous then potholing is to be actioned immediately. The person inspecting determines the priority and will inform the Road Supervisor how quickly work needs to be actioned.
- For heavy patching work, locations with the highest priority will be programmed first. The priority is determined in Reflect as above. When there are a number of locations with the same priority, the location with the most defects, or the one considered to be in the worst condition shall be programmed first (given a low/medium/high rating by inspector when put in the Works Order Folder). Factors such as the actual location of the defects, development currently taking place in the street, and the number of times we are returning to pothole should also be taken into consideration.
- Generally all required heavy patching work shall be undertaken when the section is programmed for work.
- If the section of road is listed in the 5 Year reconstruction programme or rated as failed or poor by the Design section, than heavy patching work shall not be undertaken. The location will continue to be potholed until reconstruction takes place. A new DN should not be created if work is not to be programmed, however if there is an existing DN then comments should be made as to why work shall not be programmed. The comments should also be included on the inspection sheet.

- If the extent of work required is large and does not fall into the categories of the above point, then the section should be referred to the Design section for consideration for full reconstruction.
- Regional Roads are repaired using available Regional Road funding.

Road Shoulders

- As for heavy patching work, locations with the highest priority will be programmed first. The priority is determined in Reflect as above. When there are a number of locations with the same priority, the location with the most defects, or the one considered to be in the worst condition shall be programmed first. Other factors as for patching should also be taken into consideration.
- Generally all required shoulder work shall be undertaken when the section is programmed for work.
- If the section of road is listed in the 5 Year reconstruction programme or rated as failed or poor by the Design section, than shoulder work shall be limited to making safe. For example edge drops shall be asphalt edged.
- Regional Road shoulders are repaired using available Regional Road funding.

K&G

- K&G repair works are generally only undertaken if they are a safety issue in terms of pedestrians or vehicles or there are drainage issues. We will only repair small sections. Where it is considered that full reconstruction of the kerb is required, than it becomes a matter for the design section.
- Laybacks are not repaired unless it is contained within a section of K&G which is being reconstructed. The repair of vehicular crossings from the property boundary to the road pavement is the responsibility of the property owner.
- If damage id due to a council tree then the matter is referred to the Insurance Officer.
- Ac kerbs shall be constructed if required to improve drainage or for bank stability – generally done in conjunction with programmed shoulder works.

S03467/ 957548

Response Time	Location Category	Defect Number	Description	Priority
Road Rating				
1095.00	Cat A High Priority	1	Road - Crocodile Cracking-Pumping Fines within Road - Traffic Lane	4
3650.00	Cat B Medium Priority	2	Road - Crocodile Cracking-Pumping Fines within Road - Traffic Lane	8
3650.00	Cat C Low Priority	3	Road - Crocodile Cracking-Pumping Fines within Road - Traffic Lane	10
365.00	Cat A High Priority	4	Road - Depression,Bump,Rut,Shove >60mm within Road - Traffic Lane	3
1825.00	Cat B Medium Priority	5	Road - Depression,Bump,Rut,Shove >60mm within Road - Traffic Lane	5
3650.00	Cat C Low Priority	6	Road - Depression,Bump,Rut,Shove >60mm within Road - Traffic Lane	9
3650.00	Cat C Low Priority	7	Road - Edge Break and Encroaching into Traffic Lane within Road - Traffic Lane	9
365.00	Cat A High Priority	8	Road - Edge Break and Encroaching into Traffic Lane within Road - Traffic Lane	3
1825.00	Cat B Medium Priority	9	Road - Edge Break and Encroaching into Traffic Lane within Road - Traffic Lane	5
30.00	Cat B Medium Priority	10	Road - Emergency matter / Collapsed Rd / Deep Pothole	1
30.00	Cat C Low Priority	11	Road - Emergency matter / Collapsed Rd / Deep Pothole	1
30.00	Cat A High Priority	12	Road - Emergency matter / Collapsed Road / Deep Pothole	1
365.00	Cat A High Priority	13	Road - Pothole - Any size (small) within Road - Traffic Lane	3
1825.00	Cat B Medium Priority	14	Road - Pothole - Any size (small) within Road - Traffic Lane	5
3650.00	Cat C Low Priority	15	Road - Pothole - Any size (small) within Road - Traffic Lane	9
365.00	Cat A High Priority	16	Road - Pothole - Diameter > 300mm or Depth >100mm within Road - Traffic Lane	2
1095.00	Cat B Medium Priority	17	Road - Pothole - Diameter > 300mm or Depth >100mm within Road - Traffic Lane	4
1825.00	Cat C Low Priority	18	Road - Pothole - Diameter > 300mm or Depth >100mm within Road - Traffic Lane	6
30.00	Cat A High Priority	19	Trip - Road - Trip - Transverse discontinuity cause Injury/Incident within Road - Traffic Lane	1
30.00	Cat B Medium Priority	20	Trip - Road - Trip - Transverse discontinuity cause Injury/Incident within Road - Traffic Lane	1
30.00	Cat C Low Priority	21	Trip - Road - Trip - Transverse discontinuity cause Injury/Incident within Road - Traffic Lane	1

Ku-ring-gai Council – Road Maintenance Procedure– Draft date 2008

Response Time	Location Category	Defect Number	Description	Priority
Shoulder Rating				
3650.00	Cat A High Priority	1	Road Shoulder - Crocodile Cracking - Pumping Fines within Sealed Road Shoulder / Parking Lane	7
3650.00	Cat B Medium Priority	2	Road Shoulder - Crocodile Cracking-Pumping Fines within Sealed Road Shoulder / Parking Lane	8
3650.00	Cat C Low Priority	3	Road Shoulder - Crocodile Cracking-Pumping Fines within Sealed Road Shoulder / Parking Lane	10
730.00	Cat A High Priority	4	Road Shoulder - Depression,Bump,Rut,Shove > 60mm within Unsealed Road Shoulder / Parking Lane	3
2920.00	Cat B Medium Priority	5	Road Shoulder - Depression,Bump,Rut,Shove > 60mm within Unsealed Road Shoulder / Parking Lane	5
3650.00	Cat C Low Priority	6	Road Shoulder - Depression,Bump,Rut,Shove > 60mm within Unsealed Road Shoulder / Parking Lane	9
730.00	Cat A High Priority	7	Road Shoulder - Depression,Bump,Rut,Shove >60mm within Sealed Road Shoulder / Parking Lane	3
2920.00	Cat B Medium Priority	8	Road Shoulder - Depression,Bump,Rut,Shove >60mm within Sealed Road Shoulder / Parking Lane	5
3650.00	Cat C Low Priority	9	Road Shoulder - Depression,Bump,Rut,Shove >60mm within Sealed Road Shoulder / Parking Lane	9
1825.00	Cat B Medium Priority	10	Road Shoulder - Edge Drop > 1 l / m within 1m of Traffic Lane & Depth > 80mm	4
2920.00	Cat C Low Priority	11	Road Shoulder - Edge Drop > 1 l / m within 1m of Traffic Lane & Depth > 80mm	6
365.00	Cat A High Priority	12	Road Shoulder - Edge Drop > 1 l/m within 1m of Traffic Lane & Depth > 100mm	2
730.00	Cat A High Priority	13	Road Shoulder - Pothole - Any size (small) within Sealed Road Shoulder / Parking Lane	3
2920.00	Cat B Medium Priority	14	Road Shoulder - Pothole - Any size (small) within Sealed Road Shoulder / Parking Lane	5
3650.00	Cat C Low Priority	15	Road Shoulder - Pothole - Any size (small) within Sealed Road Shoulder / Parking Lane	9
730.00	Cat A High Priority	16	Road Shoulder - Pothole - Any size (small) within Unsealed Road Shoulder	3
2920.00	Cat B Medium Priority	17	Road Shoulder - Pothole - Any size (small) within Unsealed Road Shoulder	5
3650.00	Cat C Low Priority	18	Road Shoulder - Pothole - Any size (small) within Unsealed Road Shoulder	9
365.00	Cat A High Priority	19	Road Shoulder - Pothole - Diameter > 300mm or Depth >100mm within Sealed Road Shoulder / Parking Lane	2
1825.00	Cat B Medium Priority	20	Road Shoulder - Pothole - Diameter > 300mm or Depth >100mm within Sealed Road Shoulder / Parking Lane	4
2920.00	Cat C Low Priority	21	Road Shoulder - Pothole - Diameter > 300mm or Depth >100mm within Sealed Road Shoulder / Parking Lane	6
365.00	Cat A High Priority	22	Road Shoulder - Pothole - Diameter > 300mm or Depth >100mm within Unsealed Road Shoulder	2
1825.00	Cat B Medium Priority	23	Road Shoulder - Pothole - Diameter > 300mm or Depth >100mm within Unsealed Road Shoulder	4
2920.00	Cat C Low Priority	24	Road Shoulder - Pothole - Diameter > 300mm or Depth >100mm within Unsealed Road Shoulder	6
365.00	Cat A High Priority	25	Road Shoulder - Water Ponding on Road >100mm within Road - Unsealed Shoulder	2
365.00	Cat A High Priority	26	Road Shoulder - Water Ponding on Road >80mm within Road - Sealed Shoulder	2
1825.00	Cat B Medium Priority	27	Road Shoulder - Water ponding >100mm within Road - Sealed Shoulder	4
2920.00	Cat C Low Priority	28	Road Shoulder - Water ponding >100mm within Road - Sealed Shoulder	6
1825.00	Cat B Medium Priority	29	Road Shoulder - Water ponding >100mm within Road - Unsealed Shoulder	4
2920.00	Cat C Low Priority	30	Road Shoulder - Water ponding >100mm within Road - Unsealed Shoulder	6
1825.00	Cat B Medium Priority	31	Road Shoulder - Water ponding >10sq mts within Road - Sealed Shoulder	4
2920.00	Cat C Low Priority	32	Road Shoulder - Water ponding >10sq mts within Road - Sealed Shoulder	6
1825.00	Cat B Medium Priority	33	Road Shoulder - Water ponding >10sq mts within Road - Unsealed Shoulder	4
2920.00	Cat C Low Priority	34	Road Shoulder - Water ponding >10sq mts within Road - Unsealed Shoulder	6
365.00	Cat A High Priority	35	Road Shoulder - Water Ponding on Road >10sq mts within Road - Sealed Shoulder	2
365.00	Cat A High Priority	36	Road Shoulder - Water Ponding on Road >10sq mts within Road - Unsealed Shoulder	2

Ku-ring-gai Council – Road Maintenance Procedure– Draft *date* 2008

Response Time	Location Category	Defect Type	Description	Priority
Kerb & Gutter Rating				
3650.00	Cat A High Priority	1	Broken Kerb and/or gutter > 5 l / m	7
3650.00	Cat B Medium Priority	2	Kerb & Gutter - Broken Kerb and/or gutter > 5 l/m	8
3650.00	Cat C Low Priority	3	Kerb & Gutter - Broken Kerb and/or gutter > 5 l/m	10
3650.00	Cat A High Priority	4	Kerb & Gutter - Broken Kerb and/or gutter > 5 l/m within Mountable Kerb / Median	7
3650.00	Cat B Medium Priority	5	Kerb & Gutter - Broken Kerb and/or gutter > 5 l/m within Mountable Kerb / Median	8
3650.00	Cat C Low Priority	6	Kerb & Gutter - Broken Kerb and/or gutter > 5 l/m within Mountable Kerb / Median	10
3650.00	Cat A High Priority	7	Kerb & Gutter - Misalignment of kerb and/or gutter > 40mm	7
3650.00	Cat B Medium Priority	8	Kerb & Gutter - Misalignment of kerb and/or gutter > 40mm	8
3650.00	Cat C Low Priority	9	Kerb & Gutter - Misalignment of kerb and/or gutter > 40mm	10
3650.00	Cat A High Priority	10	Kerb & Gutter - Misalignment of kerb and/or gutter > 40mm within Mountable Kerb / Median	7
3650.00	Cat B Medium Priority	11	Kerb & Gutter - Misalignment of kerb and/or gutter > 40mm within Mountable Kerb / Median	8
3650.00	Cat C Low Priority	12	Kerb & Gutter - Misalignment of kerb and/or gutter > 40mm within Mountable Kerb / Median	10
730.00	Cat A High Priority	13	Kerb & Gutter - Vertical/horizontal projections causing trip > 20mm	3
3650.00	Cat C Low Priority	14	Kerb & Gutter - Vertical/horizontal projections causing trip > 20mm	9
2920.00	Cat B Medium Priority	15	Kerb & Gutter - Vertical/horizontal projections causing trip > 20mm within 150mm Kerb and Gutter	5
730.00	Cat A High Priority	16	Kerb & Gutter - Vertical/horizontal projections causing trip > 20mm within Mountable Kerb / Median	3
2920.00	Cat B Medium Priority	17	Kerb & Gutter - Vertical/horizontal projections causing trip > 20mm within Mountable Kerb / Median	5
3650.00	Cat C Low Priority	18	Kerb & Gutter - Vertical/horizontal projections causing trip > 20mm within Mountable Kerb / Median	9
2920.00	Cat B Medium Priority	19	Kerb & Gutter - Water Ponding - adverse fall	5
3650.00	Cat C Low Priority	20	Kerb & Gutter - Water Ponding - adverse fall	9
730.00	Cat A High Priority	21	Kerb & Gutter - Water Ponding - adverse fall Kerb and Gutter	3
365.00	Cat A High Priority	22	Kerb & Gutter - Water Ponding > 100mm or > 10sqm on Road	2
1825.00	Cat B Medium Priority	23	Kerb & Gutter - Water Ponding > 100mm or > 10sqm on Road	4
2920.00	Cat C Low Priority	24	Kerb & Gutter - Water Ponding > 100mm or > 10sqm on Road	6
3650.00	Cat A High Priority	25	Layback / Gutter Crossing - Damage from Tree Roots for Private Access	7
3650.00	Cat B Medium Priority	26	Layback / Gutter Crossing - Damage from Tree Roots for Private Access	8
3650.00	Cat C Low Priority	27	Layback / Gutter Crossing - Damage from Tree Roots for Private Access	10
730.00	Cat A High Priority	28	Layback / Gutter Crossing - Vertical/horizontal projections causing trip > 40mm for Private Access	3
2920.00	Cat B Medium Priority	29	Layback / Gutter Crossing - Vertical/horizontal projections causing trip > 40mm for Private Access	5
3650.00	Cat C Low Priority	30	Layback / Gutter Crossing - Vertical/horizontal projections causing trip > 40mm for Private Access	9

5 Year Road Inspection Schedule

Category A – Regional Roads – Every 6 Months

Category B – Collector Roads and PCI as Poor or Failed – Every 12 Months

Category C – Local Roads – Every 5 Years

	month	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
year	zone	1&13	2	3&14	4	5&15	6	7&16	8	9&17	10&18	11 & 19	12
07/08		BC	B	B	B	B	BC	B	B	B	B	BC	B
08/09		B	BC	B	B	B	B	BC	B	B	B	B	BC
09/10		B	B	BC	B	B	B	B	BC	B	B	B	B
10/11		B	B	B	BC	B	B	B	B	BC	B	B	B
11/12		B	B	B	B	BC	B	B	B	B	BC	B	B

zone	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
July	A						A						A						A
Aug		A						A						A					
Sept			A						A						A				
Oct				A						A						A			
Nov					A						A						A		
Dec						A						A						A	
Jan	A						A						A						A
Feb		A						A						A					
Mar			A						A						A				
Aprl				A						A						A			
May					A						A						A		
June						A						A						A	

FOOTPATH MAINTENANCE AND REPAIRS POLICY AND PROCEDURES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's adoption of the updated footpath maintenance and repairs policy.

BACKGROUND:

At Council's meeting of 23 September 2003, Council adopted the footpath maintenance and repair policy and procedures.

COMMENTS:

Since the adoption of the previous policy, Council staff responsible for the implementation of the footpath maintenance policy and procedures has developed programs and systems to comply with the requirements of the policy. At the time of the preparation of the previous report, it was not possible to obtain an accurate assessment of the time frames for responses until programs were developed and acted upon by Council's Civil Works staff.

RECOMMENDATION:

That Council adopts the Footpath Maintenance and Repairs Policy attached to this report.

PURPOSE OF REPORT

To seek Council's adoption of the updated footpath maintenance and repairs policy.

BACKGROUND

At Council's meeting of 23 September 2003, Council adopted the footpath maintenance and repair policy.

The Civil Liability Act 2002 places restrictions on awarding of damages relating to the death of or injury to a person caused by the fault of another person, except for damages covered by other specified laws.

The important changes to the common law regarding negligence, limits a plaintiff's capacity to argue that a Council should have allocated its resources in a particular way, so as to avoid injury to the plaintiff, and confirms that a Court must look at the particular situation in the wider picture of a Council's resources and commitments.

Councils and other public authorities must demonstrate a duty of care. This is to be assessed by: S5B(1) – No negligence unless:

- (a) Risk was foreseeable
- (b) Risk was not insignificant
- (c) Reasonable person in the defendant's position would have taken these precautions.

S5B(2) – In determining (c) of the above, Courts are to consider:

- (a) probability of harm
- (b) likely seriousness of harm
- (c) burden of taking precautions
- (d) social utility of activity

Consequently, a policy was developed and adopted by Council which takes into account the factors raised above.

COMMENTS

Since the adoption of the previous policy, Council staff responsible for the implementation of the footpath maintenance policy and procedures has developed programs and systems to comply with the requirements of the policy. At the time of the preparation of the previous report, it was not possible to obtain an accurate assessment of the time frames for responses until programs were developed and acted upon by Council's Civil Works staff.

The updated footpath policy has also introduced a new category relating to cracking and trip hazards per property frontage to enable better and more effective programming of works.

Item 13

S02627
14 July 2008

Council has since purchased a database system to record defects and accomplishments and verify the work carried out against Council's procedures and programs. The updated policy, attached as **Attachment A** to this report, better reflects Council's current resource and budget levels in terms of response times.

The draft policy was tabled at Council's Policy Forum for discussion on 8 July 2008.

CONSULTATION

No consultation has taken place with residents on this policy, however, the service standards are included in Council's Customer Request System and residents are advised of the time frames that are expected for repairs to be carried.

FINANCIAL CONSIDERATIONS

The attached policy and procedure has been updated to better reflect Council's current budget for footpath maintenance and repairs and associated resource levels.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Corporate Department has been consulted in the preparation of this draft policy.

SUMMARY

Council previously adopted a footpath maintenance and repair policy in September 2003. Since the adoption of the policy and the implementation of systems to manage the policy, updates were required to better match the response times to comply with the resource allocations.

The updated policy and procedures have been established taking into account Council's current budget for footpath maintenance and also the current resource levels available to meet the time frames as set out in the policy.

Under the requirements of the Civil Liability Act 2002, Councils are required to establish a policy and procedures for responding to footpath hazards that may result in an injury to persons. The purpose of this policy is to provide a better protection for Council against any potential claims as it is not possible for Council to respond to all footpath hazards immediately and therefore, the work needs to be surveyed and programmed.

This also provides a basis of advice to residents when the work is programmed or can be carried out.

RECOMMENDATION

That Council adopts the Footpath Maintenance and Repairs Policy attached to this report.

Greg Piconi
Director Operations

Attachments: **A. Footpath Maintenance and Repairs Policy - 959201**
 B. Footpath Maintenance Procedures - 959229

Ku-ring-gai Council

Footpath Maintenance and Repairs
Policy and Procedure

1. Purpose

The purpose of this Policy is to formalise Council's policy and set of procedures for the maintenance and repair of Council's footpaths.

2. Objectives

The Objectives of the Policy are to:

- To provide safe access for pedestrians and other users of Council's footpaths.
- To efficiently allocate available funding and resources for the maintenance and repair of the footpaths.
- To develop a priority for repairs.
- To minimise the ongoing maintenance problems by using effective repair treatments.
- To program repair work in association with Council's reconstruction program.
- To develop procedures for the reporting of injuries caused by tripping on footpaths and requests for repairs to damaged footpath.
- To develop a system for recording and reporting on the condition of Council's footpaths and reported injuries.

Doc distribution	Internal only	Doc status	Approved	File No	S02627/959201
Document owner	Dir Operations	Contact officer/s	Director Operations and Manager Eng Services		
Approval date	2008	Approved by	OMC Date		
Effective date	2008	Review period	3 years	Review date	June 2011
History of approved versions					
Version	Effective date	Summary of changes			
1.0	8 Sept 2003	Original			
2.0	23 June 2008	Rewrite. Updated procedure and process			

3. Definitions

In this Policy:

Defect means any form of failure in the footpath surface, including raised pavement, cracking and irregularities. Failure can be structural and/or visual in nature.

DN is the abbreviation for Defect Number. It means the number assigned to a footpath defect that is recorded in the Footpath Maintenance Database. It is based on the type of defect and the location category.

3. Legislative Framework

Under the Roads Act 1993, the Council as the road authority is responsible for the care, maintenance and control of the public road reserve.

In 2001, the high court abolished the non-feasance provisions that previously applied to councils and road authorities. On 18 June 2002, the State government introduced the Civil Liabilities Act relating to the awarding of damages against councils. This Policy and procedures is developed to manage risk and allocate funding on a priority basis.

5. Principles

5.1 Issues

The main concern with lifting or damaged footpath is the danger that it presents to the pedestrians who use Council's footpaths. There is a need for Council to be pro-active and effect footpath repairs particularly in busy streets near shopping centres and transport nodes where pedestrian movements are high.

The main causes why footpath slabs are raised or broken is due to tree roots either from Council's street trees or trees within private property which are near the boundary. Other significant causes of damage relate to openings in the footpath caused by public utility authorities or tradespeople. Also, damage to the footpaths can be caused by unauthorised vehicles driving onto the footpath.

In general terms, footpaths that are not subjected to any of the above conditions can remain in a serviceable condition for a significant period without the need for replacement. Whereas, footpaths that are subject to some or all of the above problems can deteriorate quickly and may require continual repair.

Nature Strips

Generally Council will not undertake work on the nature strip where there is no formed footpath. Any work to ensure safe pedestrian access would need to be determined by assessment of factors such as pedestrian usage or drainage problems.

Council is not responsible for repairs and maintenance of retaining walls on nature strips. Refer to council's Road Reserve Policy.

6. Implementation

Civil Works section is responsible for the implementation of this Policy and procedures.

Operational details of procedures are set out in Footpath Maintenance Procedures as **Attachment A**.

The stages of implementation are explained below and summed as follows:

- Identification
- Evaluation - Prioritisation of footpaths between 1 to 6
- Programming - Rating of footpaths and program
- Establish controls - Notification handling, response times
- Treatments

6.1 Identification

There are three forms of identification methods:

Inspections

This is a survey of existing footpaths, which identifies tripping problems and rates the trip hazards in terms of trip sizes and pedestrian usage. The information is recorded in a database and as sections of footpath repairs are completed the database is updated. It is intended to re-survey the Council area on a five yearly cycle to investigate for any new trip hazards and audit the database.

The 10 Year Footpath Inspection Schedule is included in **Attachment 3** of the Footpath Maintenance Procedures.

Ku-ring-gai Council – Footpath Maintenance and Repairs
Policy and Procedure– July 2008

Complaints/Requests from public

When members of the public report trip hazards or injuries relating to falls caused by raised sections of footpaths, the relevant Council officer is required to record the information in the Customer Request System.

If appropriate, information relating to the fall should be reported to Council's Insurance Co-ordinator with details of the location and cause of the fall. These requests are to be actioned promptly with action to be taken as soon as possible to make the area safe.

If required, a report on the cause of the trip hazard and photographs of the section of footpath are taken both prior to and after repair work.

Authorised openings

Both public utility authorities and tradespeople are required to carry out footpath and road openings from time to time when new cables are to be laid or connections are made to service mains. The person responsible is required to complete an application and pay Council a deposit. The conditions of opening are stated on the application form including control of traffic and pedestrians during the work.

Temporary restorations are to be carried out to make that area safe and the exact dimensions of the opening are advised to the Restorations and Driveways Engineer who will issue the order to the Depot or Council's contractor to effect the permanent restoration work. Details of the permanent restoration work are covered in Council's specification.

6.2 Evaluation

The evaluation for footpaths relates to the risk management processes. The two main criteria for evaluation are *severity of the footpath defect* and the *frequency of use* which are explained below. The two criteria are used in a Matrix as shown in **Table 1.0** to determine the priority of the repair to the trip hazard.

Table 1.0 - Prioritisation of footpath hazard

Severity of the footpath defect (Displacement Height)	Frequency of Pedestrian Usage		
	Cat A (High Usage)	Cat B (Medium Usage)	Cat C (Low Usage)
>20mm	1	3	5
10mm – 20mm	2	4	6

Severity of the footpath defect

The severity categories are based on the height of the trip hazard between consecutive footpath slabs.

Sites with displacement heights greater than 10mm would require removal and replacement techniques. Sites with displacement heights less than 10mm are not recorded or repaired, unless repairing adjacent defects. These may be ground down using a concrete grinding machine.

Frequency of Pedestrian usage

The frequency of use categories were based on pedestrian usage and identified areas throughout the Council area where pedestrian use is likely to be high and also considered the type of users. The three frequency categories are:

- | | |
|-------|--|
| Cat A | High pedestrian usage – eg around shopping centres and railway stations for a 300metre radius. |
| Cat B | Medium pedestrian usage – eg around schools, nursing homes and aged car facilities. |
| Cat C | Low usage – general local residential streets without schools, nursing homes and bus routes. |

6.3 Programming

Rating of footpath trip hazard

The percentage of cracks (%C) and percentage of trippers (%T) is determined for each frontage. The frontage is rated in a similar format as AAS27.

Trippers are rated as a greater problem due to the potential safety hazard. The number of cracks must also be analysed as they are a potential source of trippers and unserviceability of the path.

The rating for the section is determined from an average of the frontage ratings as shown in Table 2.0 below.

Ku-ring-gai Council – Footpath Maintenance and Repairs
Policy and Procedure– July 2008

Table 2.0

Rating	Expired Life	Description	Condition T	Condition C
1	40	asset unserviceable	$\%T > 50$	$\%C > 99$
2	30	major reconstruction required	$40 \leq \%T \leq 50$	$75 \leq \%C \leq 99$
3	20	serious deterioration	$30 \leq \%T < 40$	$50 \leq \%C < 75$
4	10	some superficial deterioration	$1 \leq \%T < 30$	$10 \leq \%C < 50$
5	0	near perfect	$\%T < 1$	$\%C < 10$

Develop Program for Footpath maintenance and repair

The entire Council area shall be inspected every 5 years, with the high pedestrian areas inspected more regularly. Scheduled inspections are to be undertaken as follows:

Category A – High Pedestrian Usage – shops & railway stations - yearly
Category B – Medium Pedestrian Usage – schools & nursing homes - 3 yearly
Category C – Low Usage - local residential streets - 5 yearly

Refer to the 10 Year Footpath Inspection Schedule included in **Attachment 3** of the Footpath Maintenance Procedures.

The inspection rates the section and picks up defects – both for immediate action and for programming

6.4 Establish controls

Following the programming, it is necessary to establish control mechanisms for undertaking temporary maintenance for:

- dealing with high to low risk footpath trip hazards;
- dealing with complaints from the public, service requests from staff and authorised openings.

It is intended that with a programmed approach to repairing surveyed trip hazards, the amount of complaints and service requests will reduce. However, there needs to be a sufficient amount of funds available each year to repair sites which have recorded complaints or service requests.

Ku-ring-gai Council – Footpath Maintenance and Repairs
Policy and Procedure– July 2008

Authorised openings

These sites generally represent a potential danger and can be either made safe by the erection of barricades and lighting, or temporarily repaired until permanent repairs can be effected.

Authorised openings can be restored on a programmed basis and deposit funds are sufficient to cover the costs of restoration. Requirements for temporary restoration of authorised openings usually render the site safe until permanent repairs can be carried out.

Notification handling

With complaints from members of the public relating to notified trip hazards or falls, the matter is usually reported in the following stages:

- to Council's Customer Service Section in the first instance, then forwarded to,
- Council's Insurance Co-ordinator (if appropriate), who then notifies,
- The Civil Works Section

advising of the location requesting a report on the cause of the trip hazard together with the photographs of the site before and after repairs.

Response times for repair

Complaints or Service Requests relating to Priority 1 sites should be made temporarily safe within 24 hours.

For Priority 2 and 3, should be made temporarily safe within 48 hours of notification.

For Priority 4 to 6, sites consideration needs to be given whether action should be taken or programmed as resources permit.

A summary of response times for complaints or service requests relating to trip hazards is shown in the table 2.0 below, based on the prioritisation table 1.0 above.

Ku-ring-gai Council – Footpath Maintenance and Repairs
Policy and Procedure– July 2008

Table 2.0 – Response times for repairs

Severity of the footpath defect (Displacement Height)	Frequency of Pedestrian Usage		
	Cat A (High Usage)	Cat B (Medium Usage)	Cat C (Low Usage)
>20mm	1	3	5
10mm – 20mm	2	4	6

	8 hours
	1 to 6 weeks
	As resources permits

6.5 Treatment

Footpath Slabs Subject to Tree Growth

As tree roots cause the displacement of footpath slabs, it is necessary when repairing sites to try and prevent a continuation of the trip hazard when the roots continue to grow.

Tree roots cannot be removed unless approval is given by the appropriate Tree Management Officer. The slab directly over the roots is removed as well as the slabs on either side of the area. All slabs are then replaced with asphalt. This is to allow more movement, as the tree root continues to grow and be more easily replaced as necessary.

Footpath Slabs Subject to Vehicular Movement

Where footpath slabs have been damaged by vehicles, the footpath slabs that are broken need to be replaced because they constitute a trip hazard. Replacement slabs are a minimum of 100mm thick and reinforcement with F72 reinforcing mesh is required. Where driveways exist, any replacement should be in accordance with Council's Standard Drawing details with the likely use of the site being accessed.

Footpath Slabs With Minor Displacements

Where the displacement between footpath slabs is less than 10mm and the slabs are in good condition with no visible signs of cracking, it may be possible to grind the high slab using a concrete grinder until it matches the adjoining slab. This treatment should not be used more than two times as continued

Ku-ring-gai Council – Footpath Maintenance and Repairs
Policy and Procedure– July 2008

grinding will reduce the slab thickness and its ultimate strength. The slab should be ground smooth and not leave any rutting.

Footpath Slabs Associated With Openings

When utility openings in Council's footpath is required, it is necessary for the contractors involved to sawcut the edges of the opening to allow for replacement of the concrete footpath or restoration.

The size of the opening is subject to Council's requirements but should not be less than 300mm wide.

Both temporary and permanent restoration should be in accordance with Council's specifications.

Any trenched area needs to be properly compacted prior to replacing the concrete. Any concrete pour in a trench across a driveway should be reinforced in accordance with Council's Standard Drawing.

DRAFT

Ku-ring-gai Council

Footpath Maintenance Procedure

1. Purpose

The purpose of this Procedure is to provide operational guidelines in undertaking the activities for the maintenance and repair of Council's Footpaths.

This is a working document and meant to be updated to reflect changes in practices and methods as well as constraints.

2. Objectives

The Objectives of the Procedure are to:

- Provide guidelines for the inspection regime and the Footpath Maintenance database
- Provide instruction of operational requirements for footpath rating and programming.
- To outline a system for recording and reporting on the condition of council's roads.

Doc distribution	Internal only	Doc status	Approved	File No	S02627
Document owner	Dir Operations	Contact officer/s	Directors		
Approval date	? Month 2008	Approved by	OMC Date		
Effective date	? Month 2008	Review period	3 years	Review date	? Month 2011
History of approved versions					
Version	Effective date	Summary of changes			
1.0	23 Sept 2003	Original			
1.1	23 June 2008	Updated procedure and process			

3. Definitions

In this Procedure:

Defect means any form of failure in the road surface, including potholes, displaced pavement, cracking and road collapses. These types of failure can be structural and/or visual in nature.

DN is the abbreviation for Defect Number. It means the number assigned to a road defect that is recorded in the Road Maintenance Database. It is based on the type of defect and the location category.

Segment means the predetermined length of a road in Council's road network system and includes the footpath for an identical length. An entire road may be divided into several segments depending on its overall length as determined by the named road.

4. Legislative Framework

As in the Footpath Maintenance and Repair Policy:

Under the *Roads Act 1993*, the Council as the road authority is responsible for the care, maintenance and control of the public road reserve.

In 2001, the High Court abolished the non-feasance provisions that previously applied to Councils and road authorities. On 18 June 2002, the State government introduced the Civil Liberties Act relating to the awarding of damages against Councils. These procedures are developed to manage risk and allocate funding on a priority basis.

5. Provision and Management of footpath works

To undertake footpath activities, Council operates two sections simultaneously, the Design Section for new footpaths, and Civil Works Section for maintenance and repairs of existing footpath.

Civil Works Section is responsible for the maintenance, inclusive of reconstruction works of all existing footpaths throughout the Council area. Therefore, not just required to "maintain safe", but also programme reconstruction works as required. Therefore, there is a requirement to look at the management of the asset as a whole.

6. Implementation

Civil Works Section is responsible for the implementation of these procedures.

6.1 Inspection and Recording Procedure

Inspection Process

- A full segment is inspected (based on asset list). This ensures all adjacent defects are noted and one defect number can be created per segment.
- The footpath is measured per property frontage and trips/cracks recorded as detailed on the form. (It should be noted that the length and width only has to be measured for the first inspection – subsequently only defects need to be recorded.)
- For concrete paths each trip greater than 10mm and each slab that has one or more cracks in it are recorded. The adopted previous Policy included recording of all trips, even those less than 10mm. This is impractical due to the number of defects that this would generate, and also in terms of funding the repair of paths to such a standard.
- For asphalt paths the rating is a little more subjective. For rating purposes trips include raised sections even if it forms a ramp rather than a definite trip, ie rating for irregularities/potential trips in order to determine a relative condition of the path. Asphalt paths have a tendency to form cracks even if in a relatively good condition. Therefore the metres of cracks should only include the length of path that has cracks in it that are either large (big enough to fit a pen in) or are considered likely to impact on the integrity of the path eg form a trip.
- The information is transferred to the database (Footpath Rating Complete Area - N drive Civil Works). From this a section rating is determined based on the average of the frontages. Note this on the inspection form. Refer Section 6.3, Rating of the Footpath for details.

Refer to **Attachment 1** for Footpath Inspection Form.

Response to Requests

Requests for footpath work, or notification of defects, by phone (CRS) or letter are treated the same way as the inspection:

- The section is inspected and recorded. (First check that an inspection has not already been done within the inspection time for that street based on Category A, B or C – refer inspection programme.)
- The procedure for determining action to be taken is as above.

- The person making the request is informed by the same method by which they made the request.

Recording in Reflect database

- Check that no DN's already exist for the same segment – if it does then this may be modified, rather than creating a new one.
- Also check in the old database. If a DN exists remove the target date and provide the details of the new DN in the comments.
- Create an Inspection and note the details on the Inspection Form.
- If no existing DN exists then generate a DN from the inspection. If you are modifying an existing DN, simply add in the DN.
- The DN should be created for the worst defect – that is, the one with the highest priority.

Significant Changes Between Old and New Database

- Priority added.
- Response times adjusted to be more realistic.
- The number of different types of defects were reduced. Actions included: Removed any defects that we do not act on, or are insignificant. For Example, trips <10mm removed.

6.2 Determination of Priority

Background

Previously there was no priority given. Each defect was only given a response time, from which a Target Date was generated. There are two problems with this:

- The response time was unrealistic. The number of defects being generated was increasing faster than the work could be completed.
- A Target Date makes no allowance for defects that are worse being programmed prior to something which has simply been in the system for a long time.

Determination

The priority is determined with consideration of both the severity of the defect and the Location Category, ie pedestrian usage.

The Priority system now introduced into the Reflect system is similar to the Site Priority which is referred to in the adopted Policy.

Attachment 2 details the defects/location category and priority given for footpaths

6.3 Rating of the footpath

Refer to Footpath policy.

6.4 Response Time/Target Date

Refer to Footpath policy.

6.5 Programming & Determining the Extent of Work Required

Variation to Evaluation method

- Trips less than 10mm are not recorded or repaired, unless repairing adjacent defects. (See Determination Extent of Work Required). Recording of these is impractical due to the number of defects that this would generate, and also in terms of funding the repair of paths to such a standard.
- Temporary repairs ie ac tripping are undertaken on 20mm+ trips, or at other locations where it is considered necessary due to either the severity of the defect or the number/type of pedestrians.

Programming

- Anything that was noted as hazardous is to be actioned immediately. This will generally include all 20+ trips in concrete, and some but not all of the 20+ AC trips. Noting that for rating purposes raised sections in AC should be included as trips even if it is effectively ramped. These details should be noted on the comments section of the inspection form. The action to be taken will generally be ramping of the raised section with AC. In the case of tree roots it may mean overlaying the affected section to form a continuous ramp.
- (Once the 20+ trips have been made safe, and accomplishment recorded, the DN may be adjusted to 10-20 trips and the DN treated as below.)
- The DN should be printed out – the priority and section rated noted – then filed in the Footpath Works Orders folder.
- The programming of the work is based on the priority and section rating. Other factors may be considered – such as likely development/extent of the defect/ location of work etc. The section rating allows programming to be determined when there are a lot of sections with the same priority.
- The existing DN's are being inspected and rated as above - with the higher priority ones being done first. All 1, 2 and 3 priority DN's shall be inspected initially. The others shall follow.

- It is effectively a rolling programme subject to the priority rating of new sections that are inspected. This is necessary until all paths have been inspected and their condition determined. Previously a set yearly programme was established based on current defects in the system.

For consideration: If a section rates very poorly say less than 3, consider advancing in programme, ahead of priority. Looking to determining a full reconstruction programme based on ratings once we are further into the scheduled inspections

Extent of Work Required

- The extent of work will depend on the section rating, the condition of the pavement adjacent to the defects, etc.
- Generally, if we go in to do work then all work that needs doing in that segment should be considered to be done – but this will be dependent on other factors, eg extent of work required, usage of certain areas. Full section replacement should be considered if it rates less than 3, ie consideration of whole of life.
- Generally we will replace like with like. However if full sections of AC are being reconstructed, then consideration may be given to concrete.
- The adopted Policy refers to grinding of lifted concrete slabs. This was trialled in 2003/2004 and proved unsuccessful. Recently improvements have been made on the process and the machinery. Recent trials using both contractors and day labour has proved successful. If appropriate grinding is considered prior to undertaking reconstruction. It is successful at removing small trips without the need for slab replacement.

Ku-ring-gai Council – Footpath Maintenance Procedure– Draft July 2008

Attachment 1

[illegible]

Ku-ring-gai Council – Footpath Maintenance Procedure– Draft July 2008

Attachment 2

Response Time	Location Category	Defect Number	Description	Priority
Footpath Rating				
28.00	Cat A High Priority	1	Trip - Footpath - Edge Drop > 30mm	2
180.00	Cat B Medium Priority	2	Trip - Footpath - Edge Drop > 30mm	4
1825.00	Cat C Low Priority	3	Trip - Footpath - Edge Drop > 30mm	6
28.00	Cat A High Priority	4	Trip - Footpath - Trip - Transverse discontinuity >10mm < 20mm within Cycleway	2
180.00	Cat B Medium Priority	5	Trip - Footpath - Trip - Transverse discontinuity >10mm < 20mm within Cycleway	4
1825.00	Cat C Low Priority	6	Trip - Footpath - Trip - Transverse discontinuity >10mm < 20mm within Cycleway	6
28.00	Cat A High Priority	7	Trip - Footpath - Trip - Transverse discontinuity >10mm < 20mm within Footpath	2
180.00	Cat B Medium Priority	8	Trip - Footpath - Trip - Transverse discontinuity >10mm < 20mm within Footpath	4
1825.00	Cat C Low Priority	9	Trip - Footpath - Trip - Transverse discontinuity >10mm < 20mm within Footpath	6
7.00	Cat A High Priority	10	Trip - Footpath - Trip - Transverse discontinuity >20mm within Cycleway	1
28.00	Cat B Medium Priority	11	Trip - Footpath - Trip - Transverse discontinuity >20mm within Cycleway	3
180.00	Cat C Low Priority	12	Trip - Footpath - Trip - Transverse discontinuity >20mm within Cycleway	5
7.00	Cat A High Priority	13	Trip - Footpath - Trip - Transverse discontinuity >20mm within Footpath	1
28.00	Cat B Medium Priority	14	Trip - Footpath - Trip - Transverse discontinuity >20mm within Footpath	3
180.00	Cat C Low Priority	15	Trip - Footpath - Trip - Transverse discontinuity >20mm within Footpath	5
7.00	Cat A High Priority	16	Trip - Footpath - Trip - Transverse discontinuity cause Injury/Incident within Cycleway	1
28.00	Cat B Medium Priority	17	Trip - Footpath - Trip - Transverse discontinuity cause Injury/Incident within Cycleway	3
180.00	Cat C Low Priority	18	Trip - Footpath - Trip - Transverse discontinuity cause Injury/Incident within Cycleway	5
7.00	Cat A High Priority	19	Trip - Footpath - Trip - Transverse discontinuity cause Injury/Incident within Footpath	1
28.00	Cat B Medium Priority	20	Trip - Footpath - Trip - Transverse discontinuity cause Injury/Incident within Footpath	3
180.00	Cat C Low Priority	21	Trip - Footpath - Trip - Transverse discontinuity cause Injury/Incident within Footpath	5
28.00	Cat A High Priority	22	Trip - Footpath - Trip - Longitudinal discontinuity >30mm within Cycleway	2
180.00	Cat B Medium Priority	23	Trip - Footpath - Trip - Longitudinal discontinuity >30mm within Cycleway	4
1825.00	Cat C Low Priority	24	Trip - Footpath - Trip - Longitudinal discontinuity >30mm within Cycleway	6
28.00	Cat A High Priority	25	Trip - Footpath - Trip - Longitudinal discontinuity >30mm within Footpath	2
180.00	Cat B Medium Priority	26	Trip - Footpath - Trip - Longitudinal discontinuity >30mm within Footpath	4
1825.00	Cat C Low Priority	27	Trip - Footpath - Trip - Longitudinal discontinuity >30mm within Footpath	6
365.00	Cat A High Priority	28	Kerb Ramp - Kerb Ramp Required within Footpath	2
1095.00	Cat B Medium Priority	29	Kerb Ramp - Kerb Ramp Required within Footpath	4
1825.00	Cat C Low Priority	30	Kerb Ramp - Kerb Ramp Required within Footpath	6
365.00	Cat A High Priority	31	Kerb Ramp - Lip - Not to Standard within Footpath	2
1095.00	Cat B Medium Priority	32	Kerb Ramp - Lip - Not to Standard within Footpath	4
1825.00	Cat C Low Priority	33	Kerb Ramp - Lip - Not to Standard within Footpath	6
28.00	Cat A High Priority	34	Nature Strip / Verge - Depression or Trip > 100mm within Nature Strip / Verge	2
180.00	Cat B Medium Priority	35	Nature Strip / Verge - Depression or Trip > 100mm within Nature Strip / Verge	4

Ku-ring-gai Council – Footpath Maintenance Procedure– Draft July 2008

1025.00	Cat C Low Priority	36	Nature Strip / Vergé - Depression or Trip > 100mm within Nature Strip / Vergé	6
7.00	Cat A High Priority	37	Nature Strip / Vergé - Trip - Transverse discontinuity cause injury/incident within Footpath	1
28.00	Cat B Medium Priority	38	Nature Strip / Vergé - Trip > Transverse discontinuity cause injury/incident within Footpath	3
100.00	Cat C Low Priority	39	Nature Strip / Vergé - Trip - Transverse discontinuity cause injury/incident within Footpath	5

DRAFT

10 Year Footpath Inspection Schedule

Category A – Yearly

Category B – 3 Yearly

Category C – 5 Yearly

	month	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
year	zone	1	2 & 13	3	4 & 14	5	6 & 15	7	8 & 16	9	10 & 17	11 & 18	12 & 19
07/08		AC	A	AB	A	A	AB	AC	A	AB	A	A	AB
08/09		AB	AC	A	AB	A	A	AB	AC	A	AB	A	A
09/10		A	AB	AC	A	AB	AC	A	AB	AC	A	AB	AC
10/11		A	A	AB	AC	A	AB	A	A	AB	AC	A	AB
11/12		AB	A	A	AB	AC	A	AB	A	A	AB	AC	A
12/13		AC	AB	A	A	AB	A	AC	AB	A	A	AB	A
13/14		A	AC	AB	A	A	AB	A	AC	AB	A	A	AB
14/15		AB	A	AC	AB	A	AC	AB	A	AC	AB	A	AC
15/16		A	AB	A	AC	AB	A	A	AB	A	AC	AB	A
16/17		A	A	AB	A	AC	AB	A	A	AB	A	AC	AB

NOTICE OF MOTION

CULWORTH CAR PARK, KILLARA

Notice of Motion from Councillor A Ryan dated 8 July 2008.

Following Council's survey of residents in the Culworth Avenue Precinct, many residents approached Council with their concerns about parking in the area. A meeting of residents was held subsequently and all those present expressed a desire to see the Culworth Avenue Council Car Park become fee free. This Council car park is the only fee-paying car park in the LGA.

I move:

"That a report be prepared detailing;

1. Why Council charges for the use of the Culworth car park.
2. The financial implications of opening the car park for general use.
3. The process by which the car park could become fee free."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Adrienne Ryan
Councillor for Gordon Ward

NOTICE OF MOTION

LINDFIELD BUSINESS CENTRE HERITAGE PRECINCT

Notice of Motion from Councillor J Anderson dated 14 July 2008.

The Lindfield Town Centre precinct on the eastern side of the Pacific Highway has been earmarked for substantial planning in the lodged Draft Town Centre LEP.

This planning will bring about significant change to this side of the railway line. It would not be a realistic option for land owners or Council to undertake significant upgrades in much of this area due to the limited tenure of the existing development prior to expected demolitions and rebuilding of new retail, commercial and residential.

However, it is important to note that buildings 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 Lindfield Avenue, bordered by Tryon Road, Kochia Lane and Chapman Lane, are heritage-listed with no development planned and run the full length of one block. The buildings have been nominated for State heritage-listing.

I would like to support the aspirations of local residents and retailers to conserve these Lindfield shops with a village atmosphere, incorporating new street furniture, new planter boxes and renewed footpaths, in sympathy with the heritage features of the building. Additionally, attention should be given to cleaning up graffiti that is presently marring these heritage buildings. Some unsympathetic work to sections of the building has been apparent. South Sydney Council addressed similar issues by undertaking a Heritage MainStreet Colour Scheme project for King Street Newtown. That project identified unsympathetic work, addressed how to rectify it, suggested appropriate colour schemes, lighting and signage. A similar heritage project for 1 to 21 Lindfield Avenue Lindfield could be undertaken in conjunction with Council's current Public Domain Manual work and could then become a template for future sites in the LGA.

It should be noted that State Rail is commencing easy access and general street improvement works to Lindfield Station. Therefore, co-ordinating Council upgrades to this precinct would be very timely.

I propose plans be developed for this heritage block streetscape and also for the Council land directly opposite, which forms the entrance to the railway station and around the bus stop, allowing for Councillor and community involvement before any works are undertaken.

I ask that staff consider the use of paving as an alternative to concrete footpaths, sandstone – style planter boxes instead of the existing concrete pots and new street furniture that would suit this type of design.

Item 2

S04350
14 July 2008

Although this is a small area, I ask that our designers take into consideration the works undertaken on Willoughby Road, Crows Nest, as an example of a successful outcome, which has received much positive comment from our residents and retailers.

I move that:

- "A. Council undertake a business centre upgrade design process which will provide plans showing the proposed alterations and refurbishments to the heritage-listed precinct of 1 to 21 Lindfield Avenue, Lindfield. Such upgrade to include, but not limited to, street furniture, footpath, planter boxes and graffiti removal.
- B. Council undertake community and councillor consultation and provide draft plans to local residents, retailers, councillors and the Heritage Advisory Committee seeking feedback.
- C. Council look at funding options from the business centre funding program and other sources as appropriate.
- D. Council undertake a MainStreet Heritage Paint Colour and Refurbishment scheme to include, but not limited to, unsympathetic alterations, signage and lighting.
- E. Council staff liaise with the SRA regarding proposed upgrades in this precinct.
- F. That once a final design is approved and funding allocated these works be undertaken immediately."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Jennifer Anderson
Councillor for Roseville Ward

NOTICE OF MOTION

MODEL CODE OF CONDUCT 2008

Notice of Motion from Councillor Tony Hall dated 14 July 2008.

Following the General Manager's Memorandum of 4 July 2008

I move:

"That the Ku-ring-gai Council's adopted Code of Conduct and Guidelines of 13 June 2006, be replaced forthwith by the Model Code of Conduct for Local Councils in NSW, gazetted by the Minister for Local Government on 20 June 2008 and adopted as Council's Policy, pursuant to Section 440 of the Local Government Act 1993, as amended."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall
Councillor for St Ives Ward

Attachments: **Background Information - following attachments under separate cover:**
1. **General Manager's Memorandum of 4 July 2008 - 962079**
2. **DLG Circular No 08-38 - Revised Model Code of Conduct and Guidelines - 962627**
3. **DLG Model Code of Conduct for Local Councils in NSW, June 2008**

4 July 2008

MEMORANDUM

To: MAYOR
COUNCILLORS

From: GENERAL MANAGER

Subject: Updated Model Code Of Conduct

Councillors,

The Department of Local Government (DLG) recently released a revised Model Code of Conduct (the Code) which was gazetted on 20 June 2008. The Code will be submitted to Council for adoption in the near future.

In the meantime, I enclose a copy of the Code together with a circular from the DLG outlining the changes to the Code.

As this is a mandatory Code, all Councillors should familiarise themselves with the provisions contained therein.

John McKee
General Manager

Circular No. 08-38
Date 20 June 2008
Doc ID. A118731

Contact Lyn Brown
02 4428 4161
lyn.brown@dlg.nsw.gov.au

REVISED MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

The Model Code of Conduct for Local Councils in NSW (Model Code) first came into effect on 1 January 2005 and applies to general purpose councils and county councils.

Under section 440 of the Local Government Act 1993 councils must adopt a code of conduct that incorporates the provisions of the Model Code (or is consistent with the Model Code). In addition, councils were required to establish conduct committees to consider relevant complaints about the conduct of councillors and/or the general manager.

The Department of Local Government has now completed a review of the Model Code that included the establishment of a reference group to assist with the review, a call for written submissions, a survey of councils for feedback on the implementation of the Model Code and consultation through focus groups and telephone interviews with local council representatives and specific industry groups.

The outcome of the review is a revised Model Code that will take effect from 20 June 2008. This is achieved by an amendment to the *Local Government (General) Regulation 2005* that prescribes the Model Code. The amendment to the Regulation will appear in the Government Gazette on 20 June 2008. *

A separate email will be sent to all councils and county councils with a word version copy of the Model Code to assist councils with the changes to their codes.

The Model Code is available on the Department's website.

http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Model_Code_of_Conduct_June_2008.pdf

Changes to the Model Code

The following are the main changes to the Model Code:

Overall:

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

* Now see Government Gazette No. 76 of 27 June 2008

- The Code has been organised in three Parts: Context, Standards of Conduct and Procedures.
- Additional sections have been added on complaint handling, complaint assessment criteria, and operational guidelines for conduct review committees/reviewers. These sections are contained in Part 3, Procedures.
- Aspirational language is now only contained in the Part 1 section of the Model Code. The provisions in Part 2, Standards of Conduct, are now phrased in operational language.
- Administrators have been added to the provisions that apply to councillors and included in the definition of council officials.

Specific sections and Parts:

Part 1: Context

- The introduction has been amended to include a reference to the relationship of the Model Code to section 440 of the Act.
- Additional definitions have been added for the conduct review committee, conduct reviewer, conflict of interests, misbehaviour, person independent of council and personal information.
- The definition of delegates of council has been amended to clarify that it applies to individual members of bodies that exercise a function delegated by council.
- The key principle of 'objectivity' has been amended to 'impartiality'.
- Guide to ethical decision making has been moved from the general conduct obligations section into the context Part of the Model Code.
- The guide to ethical decision making now includes additional information to assist council officials with political donations and conflict of interests situations.

Part 2: Standards of Conduct

- Council officials are reminded of the sanctions for failure to comply with an applicable provision of the standards of conduct.

General Conduct Obligations

- Previous clause 5.1 (now clause 6.1) has been worded so that it applies to all council officials and not just councillors. It is consistent with Schedule 6A of the Act.
- An additional clause has been added (6.4) that requires councillors to comply with council resolutions requiring them to take action as a result of a breach.

Conflict of Interests

- This section of the Model Code has been substantially rewritten. The clauses have been re-ordered and duplicate clauses removed.
- New provisions relating to non-pecuniary conflicts of interests include the addition of a clause (7.12) to provide that the political views of a councillor do not constitute a private interest and a clause (7.11) that provides that the matter of a conduct review committee/reviewer report to council is not a private interest.

- The code provides a clearer definition of significant non-pecuniary conflicts of interests – clause 7.16.
- The code now clarifies the action that is required to be taken if a council official has a non-pecuniary conflict of interest. This provides actions for significant and less than significant non-pecuniary conflict situations, clauses 7.17 and 7.18.
- (New) clause 7.19 provides that council staff should manage any non-pecuniary conflicts of interests in consultation with their managers.
- The political donations provisions now require councillors to treat a political donation in excess of \$1000 in the same way as a significant non-pecuniary conflict of interest. Councillors are required to determine whether or not contributions below \$1000 create a significant conflict of interest.

Personal Benefit

- This section of the Model Code has also been substantially rewritten. The clauses have been re-ordered and duplicate clauses removed.
- Definitions of token gifts and benefits and gifts and benefits of value have been provided at the beginning of the section. These have been substantially rewritten to provide greater clarity around what is and what is not a gift/benefit of value or of token value.
- (Old) clauses 7.1, 7.2, 7.3 and 7.5 have been rewritten into (New) clause 8.3.
- (Old) clause 7.10 has been removed as the declaration of gifts totalling over \$500 by councillors and designated persons is a requirement in the Act and does not need to be replicated in the Model Code.

Relationship Between Council Officials

- The first four inappropriate interactions (clause 9.7) have been collapsed into two that advise about approaches between councillors, administrators and staff in relation to individual staffing matters and allow for discussion on broad industrial policy issues.
- An additional interaction has been provided that advises that it is inappropriate for councillors and administrators to make personal attacks on council staff in a public forum.
- Language has been changed to make it clear that inappropriate interactions are a breach of the code – this was previously implicit only.
- The clause on the role of the Mayor has been removed as it is no longer seen as necessary.

Access to Information and Council Resources

- (Old) clauses 9.1 to 9.13 have been tidied up to ensure they are clear.

Reporting Breaches

- The content of this section has changed. This section only contains provisions that relate to the reporting of allegations of breaches of the code of conduct. The previous section included complaint handling and sanction information. That information is now contained in Part 3 of the Model Code.
- A provision has been added to make it clear that anyone can make a complaint alleging a breach of the code of conduct.
- The protected disclosures clauses have been modified to ensure that they are consistent with the Protected Disclosures Act.

Part 3: Procedures

This is a new part of the Model Code. This Part contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer.

The complaint handling requirements and the complaint assessment criteria now provide for the use of a range of methods for the resolution of complaints, give clearer guidance about the referral of complaints to the conduct review committee/reviewer, clarify the role of the Mayor and the general manager in relation to complaint management and provide for annual reporting to council by the general manager on a summary of complaints under the code of conduct.

Councils can now have conduct review committees or individual reviewers undertake enquiries into breach allegations. Members of these committees or the sole reviewers will now be independent of council and can act in the role for more than one council.

Conduct review committees/reviewers are required to act in accordance with the operating guidelines that are provided in the Model Code.

The general manager is now required to report annually to council on code of conduct complaints.

Model Code Guidelines and Education Package Facilitator's Guide

The Department is currently updating the guidelines that assist in interpreting the Model Code. These will be re-issued shortly.

The Model Code Education Package Facilitator's Guide will also be updated to incorporate the new provisions. Only the changed sections and CD will be re-issued to councils to update the current resource that was distributed to all councils in 2005.

Transitional arrangements

Councils will now need to review their codes of conduct to ensure that they adopt the provisions of the Model Code that is effective from 20 June 2008. Councils are reminded that their codes may include provisions that supplement the Model Code and provisions more onerous than those contained in the

Model Code. However, any supplementary or more onerous provisions will have no effect to the extent that they are inconsistent with the Model Code.

Councils will need to deal with any complaints that are currently on foot in accordance with the procedures established in their current code of conduct. Once councils have adopted the provisions of the revised Model Code, any complaints received about conduct that occurred under their previous code of conduct will need to be dealt with in accordance with the standards that applied in the code at that time. However, councils may choose to use the new procedural arrangements for managing the complaints that are contained in the revised Model Code for those complaints.

A question and answer document is provided with this circular to assist councils in implementing the changes to the code of conduct complaint handling processes.

A handwritten signature in black ink, appearing to be 'Garry Payne', with a stylized, flowing script.

Garry Payne AM
Director General

QUESTIONS AND ANSWERS

What standards of conduct have changed?

The following standards have been added or changed in the revised Model Code:

General conduct obligations:

- An additional clause has been added that requires councillors to comply with council resolutions directing them to take action as a result of a breach.

Conflict of interests obligations:

The clauses have been re-ordered and duplicate clauses removed. Key changes include:

- New provisions relating to non-pecuniary conflicts of interests that provide that the political views of a councillor do not constitute a private interest; and the matter of a conduct review committee/reviewer report to council is not a private interest.
- Clarification of the action that is required to be taken if a council official has a non-pecuniary conflict of interest. This provides actions for significant and less than significant non-pecuniary conflict situations.
- A definition of “significant non-pecuniary conflict of interest”.
- Provision that council staff should manage any non-pecuniary interests in consultation with their managers.
- Political donations provisions that require councillors to treat a political donation in excess of \$1000 in the same way as a significant non-pecuniary conflict of interest. Councillors must also determine whether or not contributions below \$1000 create a significant conflict of interest.

Personal benefit obligations:

The clauses have been re-ordered and duplicate clauses removed. The key change is:

- Definitions of token gifts and benefits and gifts and benefits of value have been included at the beginning of the section. These have been substantially rewritten to provide greater clarity around what is and is not, a gift/benefit of value or of token value.

Relationship between council officials obligations:

- Refinement of the provisions relating to inappropriate interactions that advise about interactions between councillors, administrators and staff in relation to individual staffing matters.
- The provisions allow for discussion on broad industrial policy issues.
- An additional provision that advises that it is inappropriate for councillors and administrators to make personal attacks on council staff in a public forum.
- Engaging in inappropriate interactions is now an express breach of the code.

Reporting breaches:

- A provision has been added to make it clear that anyone can make a complaint alleging a breach of the code of conduct.
- The protected disclosures clauses have been modified to ensure that they are consistent with the *Protected Disclosures Act 1994*.

Who receives complaints?

The general manager is the person responsible for receiving complaints alleging a breach of the code of conduct by councillors, council staff, council delegates or council committee members (clause 12.1).

The Mayor is the person responsible for receiving complaints alleging a breach of the code of conduct by the general manager (clause 12.2).

How have the complaint handling procedures changed?

Section 12 of the Model Code prescribes the complaint handling procedures to be used by the general manager, the Mayor and the conduct review committee/sole conduct reviewer.

The complaint handling procedures now provide a range of options for managing a complaint alleging a breach of the code of conduct (section 12). Alternate dispute resolution strategies are provided for. It is expected that the conduct review committee/sole conduct reviewer will deal with the more serious complaints and/or complaints about repeated conduct standards breaches.

In section 13, the Model Code prescribes a set of criteria that must be taken into account in determining how to deal with a complaint. The complaint assessment criteria are to be used by the general manager, the Mayor and the conduct review committee/sole conduct reviewer.

When is the complaint assessment criteria used?

The complaint assessment criteria are to be used by the general manager or Mayor when they first receive a complaint to determine the most appropriate course of action for handling the complaint (section 13).

Where it is assessed that the complaint shall be referred to the conduct review committee/sole conduct reviewer, then the conduct review committee/sole conduct reviewer must conduct its own assessment of the complaint using the criteria provided to determine the appropriate course of action.

What are the changes to the conduct review committee process?

The general manager or Mayor will no longer be members of the conduct review committee. They may only act in an advisory capacity to the conduct review committee or sole conduct reviewer.

Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council.

The council must appoint 3 or more persons to act in the role as conduct reviewers.

A sole conduct reviewer can now be chosen from the appointed persons to review complaints alleging breaches of the code of conduct.

If a conduct review committee is formed, it must consist of at least 3 members.

The conduct review committee/sole conduct reviewer must undertake its activities in accordance with the operating guidelines provided in the Model Code.

When are conduct reviewers appointed by council?

Council should ensure that it undertakes a process to appoint conduct reviewers even though it does not have any complaints on foot. This will ensure that appropriately appointed conduct reviewers are available should a complaint arise which requires referral to a conduct committee/reviewer.

On appointing conduct reviewers, council should determine the term of appointment. This could be on an annual basis and determined in September each year when council confirms its committee memberships.

Can conduct reviewers act for more than one council?

Conduct reviewers may act in that role for more than one council.

Conduct reviewers do not need to be residents of the local government area of the council that has appointed them.

Councils may decide to work with their regional organisation of councils or strategic alliance partners to appoint conduct reviewers to act for the member councils. Each member council will need to appoint the conduct reviewers for their council.

Should council appoint more than 3 conduct reviewers?

Conduct review committees must consist of 3 or more members. Council should consider appointing more than 3 persons to act as conduct reviewers as circumstances may arise when one or more conduct reviewers are not available to participate in a matter, or may be precluded from considering a matter because of a conflict of interests or a reasonable apprehension of bias.

In such instances, if the council has only appointed 3 conduct reviewers, it will have insufficient persons available to form a conduct review committee. By appointing more than 3 conduct reviewers, the risk of these circumstances arising is minimised.

Who decides who will comprise the conduct review committee or whether one reviewer will act as a sole conduct reviewer?

The general manager or Mayor will decide if the review will be undertaken by a sole conduct reviewer or a conduct review

committee and will select the reviewers from the persons appointed by council.

The number of persons who will undertake the review will depend on the nature, complexity and seriousness of the allegations.

For example, a council may have appointed 5 persons to act as conduct reviewers. The general manager or Mayor may receive a complaint that is assessed as requiring referral for review by a conduct review committee or reviewer.

If the matter is serious, the general manager or Mayor may determine to appoint all 5 persons to the conduct committee to determine that particular matter.

If the general manager or Mayor assesses the alleged breach as a reasonably straightforward matter, the general manager may determine to refer the complaint to a sole conduct reviewer.

The general manager or Mayor may then choose, from the persons appointed by council, a reviewer with expertise in relation to the nature of the conduct complained about.

Are conduct review committee members/sole conduct reviewers paid?

This is a matter for council. Council may undertake an expression of interest process to call for interested and suitably qualified persons of high standing in the community to nominate to be appointed as conduct reviewers. Council should determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

What happens if a conduct reviewer has a conflict of interests?

When a conduct reviewer cannot participate in a matter because of a conflict of interests, then the general manager or Mayor will select another person to be a member of the conduct review committee or to act as a sole conduct reviewer from those appointed by council.

How does the conduct review committee/sole conduct reviewer operate?

The conduct review committee/sole conduct reviewer is required to undertake its enquiries in accordance with the operating guidelines provided in section 14 of the Model Code.

The general manager or Mayor may only attend conduct review committee meetings when invited and then in an advisory capacity only. Adequate resources must be provided to ensure that the committee/conduct reviewer can operate effectively.

What should a report of the conduct review committee/sole conduct reviewer contain?

Where the conduct review committee/sole conduct reviewer makes enquiries or causes enquiries to be made into a matter, then it must report its findings in writing to the council on completion of these deliberations.

The conduct review committee/sole conduct reviewer should be mindful that there may be a need to protect the identity of the person making the complaint when preparing the report to council.

The report should be a summary of the enquiries undertaken while providing sufficient information for the council to make a determination as to whether the councillor or the general manager has breached the code of conduct.

It is suggested that, as a minimum, the report should contain:

- The nature of the complaint and the standard of conduct that is alleged to have been breached.
- The process undertaken by the conduct review committee/conduct reviewer in assessing and enquiring into the complaint.
- The facts of the matter.
- The findings and the reasons for those findings.
- Any recommendations to council (this now includes any recommendations for a revision of council's policies, procedures and/or the code of conduct).

The report will generally be dealt with in open session of council. Council can only close a meeting to the public if the matter is one that meets the requirements of section 10A(2) of the Act. In most cases, a report from the conduct review committee/sole conduct reviewer will not meet those requirements.

How are complainants kept informed?

The complaint handling procedures in section 12 of the Model Code now require complainants to be kept informed in writing of the outcome of their complaint. Complainants must be advised when:

- enquiries are not to be made into the complaint and why
- the complaint is to be resolved by use of alternative strategies
- the complaint is to be referred to another body or person
- the conduct review committee/sole conduct reviewer has made its findings, the nature and reasons of those findings.



THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

June 2008

ACCESS TO SERVICES

The Department of Local Government is located at:

Levels 1 & 2
5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Level 9, 323 Castlereagh Street
SYDNEY NSW 2000

Locked Bag A5045
SYDNEY SOUTH NSW 1235

Phone 02 9289 4000
Fax 02 9289 4099

Email dlg@dlg.nsw.gov.au
Website www.dlg.nsw.gov.au

OFFICE HOURS

Monday to Friday
8.30am to 5.00pm
(Special arrangements may be made if these hours are unsuitable)
All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Executive Branch on 02 9289 4000.

© NSW Department of Local Government 2008
ISBN 1 920766 72 3

Produced by the Department of Local Government
Graphic Design services provided by **CODFISH • DESIGN**



www.dlg.nsw.gov.au

TABLE OF CONTENTS

PART 1: CONTEXT.....	3
1 INTRODUCTION.....	3
2 DEFINITIONS	4
3 PURPOSE OF THE CODE OF CONDUCT	5
4 KEY PRINCIPLES.....	5
5 GUIDE TO ETHICAL DECISION MAKING	6
PART 2: STANDARDS OF CONDUCT	8
6 GENERAL CONDUCT OBLIGATIONS.....	8
7 CONFLICT OF INTERESTS	10
8 PERSONAL BENEFIT	14
9 RELATIONSHIP BETWEEN COUNCIL OFFICIALS.....	16
10 ACCESS TO INFORMATION AND COUNCIL RESOURCES	18
11 REPORTING BREACHES	21
PART 3: PROCEDURES	23
12 COMPLAINT HANDLING PROCEDURES & SANCTIONS	23
13 COMPLAINT ASSESSMENT CRITERIA	28
14 CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES..	29

PART 1: CONTEXT

This Part of the Model Code establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.

1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all Parts of this document.

The Code is made in three Parts: Context, Standards of Conduct and Procedures.

- Part 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- Part 2: Standards of Conduct, set out the conduct obligations required of council officials. These are the enforceable standards of conduct.
- Part 3: Procedures, contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

Councillors have two distinct roles under the *Local Government Act 1993*: as a member of the governing body of the council; and as an elected person. Councillors, as members of the governing body, should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. The Model Code sets the standard of conduct that is expected when council officials exercise these roles.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour. The *Local Government Act 1993* provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A set of guidelines has also been developed to assist councils to review and enhance their codes of conduct. The guidelines support this Code and provide further information and examples on the provisions in this Code.

2 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
conduct review committee	a committee of three or more persons independent of council who are selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in Sections 12, 13 and 14.
conduct reviewer	a person independent of council who is solely selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in Sections 12, 13 and 14.
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
council official	includes councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and delegates of council
delegate of council	a person or body, and the individual members of that body, to whom a function of council is delegated
designated person	see the definition in section 441 of the Act
misbehaviour	see the definition in section 440F of the Act
personal information	information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion

person independent
of council

a person who is not an employee of the council, has no current or ongoing contractual relationship with council in the nature of a contract for services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

The term “you” used in the Model Code of Conduct refers to council officials.

3 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

4 KEY PRINCIPLES

This Model Code of Conduct is based on a number of key principles. It sets out standards of conduct that meets these principles and statutory provisions applicable to local government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the Code, but do not themselves constitute separate enforceable standards of conduct.

4.1 Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

4.2 Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public’s trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

4.3 Selflessness

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

4.4 Impartiality

You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

4.5 Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

4.6 Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

4.7 Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

4.8 Respect

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

5 GUIDE TO ETHICAL DECISION MAKING

5.1 If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Conflict of interests

5.2 If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider these six points:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

Political donations and conflict of interests

5.3 Councillors should take all reasonable steps to identify circumstances where political contributions may give rise to a reasonable perception of influence in relation to their vote or support.

Seeking advice

5.4 Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Department of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

PART 2: STANDARDS OF CONDUCT

This Part of the Model Code sets out the conduct obligations required of council officials. These are the enforceable standards of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

6 GENERAL CONDUCT OBLIGATIONS

General conduct

6.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)

6.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)

6.3 You must treat others with respect at all times.

6.4 Where you are a councillor and have been found in breach of the code of conduct, you must comply with any council resolution requiring you to take action as a result of that breach.

Fairness and equity

6.5 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

- 6.6 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 6.7 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 6.8 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 6.9 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

7 CONFLICT OF INTERESTS

- 7.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 7.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 7.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 7.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 7.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 7.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 7.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 7.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What is a non-pecuniary conflict of interests?

7.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

7.11 The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.

7.12 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

7.13 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

7.14 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.13.

7.15 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

7.16 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

7.17 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

- 7.18 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 7.19 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 7.20 Despite clause 7.17(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) above.

Political donations exceeding \$1,000

- 7.21 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 7.22 Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.
- 7.23 Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:
- a) from a political or campaign donor or related entity in the previous four years; and
 - b) where the political or campaign donor or related entity has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 7.17(b).
- 7.24 Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 7.25 If a councillor has received a donation of the kind referred to in clause 7.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 7.20 above).

Other business or employment

7.26 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)

7.27 As a member of staff, you must ensure that any outside employment or business you engage in will not:

- a) conflict with your official duties
- b) involve using confidential information or council resources obtained through your work with the council
- c) require you to work while on council duty
- d) discredit or disadvantage the council.

Personal dealings with council

7.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

8 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Token gifts and benefits

8.1 Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.
- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

Gifts and benefits of value

8.2 Notwithstanding clause 8.1, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

Gifts and benefits

8.3 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of money, regardless of the amount.

8.4 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

- 8.5 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 8.6 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Improper and undue influence

- 8.7 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 8.8 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

9 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 9.1 Each council is a body corporate. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.
- 9.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors who, in the course of their work, may be provided with information by individual councillors.

Obligations of staff

- 9.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 9.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them.

Obligations during meetings

- 9.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

- 9.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 9.7 You must not engage in any of the following inappropriate interactions:

- a) Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
- b) Council staff approaching councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.
- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

- 9.8 It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy.

10 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 10.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under section 12 of the *Local Government Act 1993*.
- 10.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 10.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 10.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 10.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 10.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 10.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 10.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 10.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

10.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

10.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

10.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998*,
- b) *the Health Records and Information Privacy Act 2002*,
- c) the Information Protection Principles and Health Privacy Principles,
- d) council's privacy management plan,
- e) the Privacy Code of Practice for Local Government

Use of council resources

10.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

10.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

10.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 10.16 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, council crests and other information that could give the appearance it is official council material for these purposes.
- 10.17 You must not convert any property of the council to your own use unless properly authorised.
- 10.18 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 10.19 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 10.20 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 10.21 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

11 REPORTING BREACHES

- 11.1 Any person, whether or not a council official, may make a complaint alleging a breach of the code of conduct.
- 11.2 For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (section 440F)

Protected disclosures

- 11.3 The *Protected Disclosures Act 1994* aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.
- 11.4 The purpose of that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.¹
- 11.5 If a complaint under this code is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of the Protected Disclosures Act set out in section 22:

‘An investigating authority or public authority (or officer of an investigating authority or public authority) or public official to whom a protected disclosure is made or referred is not to disclose information that might identify or tend to identify a person who has made the protected disclosure unless:

- (a) the person consents in writing to the disclosure of that information, or*
- (b) it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or*
- (c) the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.’*

Reporting breaches of the code of conduct

- 11.6 You should report suspected breaches of the code of conduct by councillors, members of staff of council (excluding the general manager) or delegates to the general manager in writing.
- 11.7 Where you believe that the general manager has breached the code of conduct, you should report the matter to the Mayor in writing.

¹ Protected Disclosures Guidelines, 5th Edition, NSW Ombudsman, May 2004, Annexure 2.

- 11.8 Where you believe that an administrator has breached the code of conduct, you should report the matter to the Minister for Local Government in writing.
- 11.9 Councillors should not make allegations of suspected breaches of the code at council meetings or in other public forums.

PART 3: PROCEDURES

This Part of the Model Code contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

12 COMPLAINT HANDLING PROCEDURES & SANCTIONS

12.1 Complaints about the conduct of councillors, members of staff of council, members of council committees and delegates of council should be addressed in writing to the general manager.

12.2 Complaints about the conduct of the general manager should be addressed in writing to the Mayor.

Complaint handling procedures – staff, delegate and council committee member conduct (excluding the general manager)

12.3 The general manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the code of conduct regarding members of staff of council, delegates of council and/or members of council committees (other than councillors), and will determine such matters.

12.4 Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith.

12.5 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.

12.6 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

12.7 Sanctions for delegates and/or members of council committees depend on the severity, scale and importance of the breach and may include:

- a) censure
- b) requiring the person to apologise to any person adversely affected by the breach
- c) counselling
- d) prosecution for any breach of the law
- e) removing or restricting the person's delegation
- f) removing the person from membership of the relevant council committee
- g) revising any of council's policies, procedures and/or the code of conduct.

Complaint handling procedures – councillor conduct

12.8 The general manager is responsible for assessing complaints, made under Section 11.1, alleging breaches of the code of conduct by councillors, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

12.9 The general manager must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the conduct review committee/reviewer.

Complaint handling procedures – general manager conduct

12.10 The Mayor is responsible for assessing complaints, made under clause 11.1, alleging breaches of the code of conduct by the general manager, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

12.11 The Mayor must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the conduct review committee/reviewer.

Conduct review committee/reviewer

12.12 Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers.

- 12.13 The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.
- 12.14 The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.
- 12.15 The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:
- provide procedural advice when requested
 - ensure adequate resources are provided, including providing secretariat support
 - attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
 - provide advice about council processes if requested to do so but not so as to take part in the decision making process
 - if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.
- 12.16 Where a matter is to be considered by the conduct review committee/reviewer, then in each case, the general manager, or Mayor in the case of complaints about the general manager, acting in their capacity as advisor, will either convene a conduct review committee and select its members from those appointed by council or alternatively select a sole conduct reviewer from those appointed by council.
- 12.17 The conduct review committee/reviewer will operate in accordance with the operating guidelines at Section 14 of this code.
- 12.18 The conduct review committee/reviewer operating guidelines (Section 14) are the minimum requirements for the operation of conduct review committees/reviewers. Council may supplement the guidelines, but any additional provisions should not be inconsistent with the guidelines.
- 12.19 The conduct review committee/reviewer is responsible for making enquiries into complaints made under clause 11.1 alleging breaches of the code of conduct by councillors and/or the general manager and must determine either to:
- a) not make enquiries into the complaint and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, making recommendations to the general manager, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) make enquiries into the complaint, or

- d) engage another appropriately qualified person to make enquiries into the complaint, or
- e) not make enquiries or discontinue making enquiries where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing. Despite any other provision of this code, this will constitute finalisation of such matters and no further action is required.

12.20 Where the conduct review committee/reviewer conducts enquiries or causes enquiries to be conducted, the conduct review committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.

12.21 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer may recommend that council take any actions provided for in this code of conduct that it considers reasonable in the circumstances.

12.22 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.

12.23 The conduct review committee/reviewer will report its findings and any recommendations to council only when it has completed its deliberations.

Sanctions

12.24 Before a council can impose a sanction it must make a determination that a councillor or the general manager has breached the code of conduct.

12.25 Where the council finds that a councillor or general manager has breached the code, it may decide by resolution to:

- a) censure the councillor for misbehaviour in accordance with section 440G of the Act
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of law.

Councillor misbehaviour

12.26 Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.

12.27 Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.

12.28 The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.

12.29 Council cannot request suspension on this ground unless during the period concerned the councillor has been:

- formally censured for incidents of misbehaviour on two or more occasions, or
- expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.

12.30 The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.

12.31 Council cannot request suspension on this ground unless the councillor has been:

- formally censured for the incident of misbehaviour concerned, or
- expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

12.32 Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

Reporting on complaints

12.33 The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:

- a) number of complaints received,
- b) nature of the issues raised by complainants, and
- c) outcomes of complaints.

13 COMPLAINT ASSESSMENT CRITERIA

- 13.1 The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:
- a) whether there is any prima facie evidence of a breach of the code of conduct
 - b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct
 - e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
 - f) whether there is an alternative and satisfactory means of redress
 - g) how much time has elapsed since the events the subject of the complaint took place
 - h) how serious the complaint is and the significance it has for council
 - i) whether the complaint is one of a series indicating a pattern of conduct.
- 13.2 Complaints that are assessed as not having sufficient grounds to warrant referral to the conduct review committee/reviewer or that are to be referred to a more appropriate person or body can be finalised by the general manager or the Mayor, in the case of complaints about the general manager.
- 13.3 If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the above criteria in clause 13.1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.

14 CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES²

14.1 Jurisdiction of the conduct review committee/reviewer

The complaint handling function of the conduct review committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under clause 11.1, about councillors and/or the general manager.

Complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the conduct review committee/reviewer.

Sole reviewers and members of the conduct review committee are subject to the provisions of this code of conduct.

14.2 Role of the general manager and Mayor

The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:

- provide procedural advice when requested
- ensure adequate resources are provided, including providing secretariat support
- attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
- provide advice about council processes if requested to do so but not so as to take part in the decision making process
- if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.

Where the general manager, or in the case of complaints about the general manager, the Mayor, is unable to act as advisor to the conduct review committee/reviewer due to a conflict of interests in relation to a complaint, they are to nominate a senior council officer or councillor (in the case of complaints about the general manager) to perform this role.

14.3 Composition of the conduct review committee

Where council has a conduct review committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the council, convened and selected as provided in clause 12.16.

In the circumstances where a member of the conduct review committee cannot participate in a matter, the general manager, or Mayor in the case of complaints about the general manager, should select another person as provided in clause 12.16.

² The operating guidelines have been adapted from the Ku-ring-gai Council Conduct Committee Guidelines – 25 October 2006

The chairperson is to be elected by the members of the conduct review committee.

The general manager, or in the case of complaints about the general manager, the Mayor, will act in an advisory capacity to the committee when requested.

14.4 Quorum of the conduct review committee

A quorum for a meeting of the conduct review committee is the majority of the members of the conduct review committee.

If a quorum is not present at a meeting of the conduct review committee it must be adjourned to a time and date that is specified.

Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

Business may be conducted by video-conference or teleconference.

14.5 Voting of the conduct review committee

Each member of the conduct review committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the chairperson shall have the casting vote.

If the vote on a matter is not unanimous, then this should be noted in any report to council on its findings.

In relation to any procedural matters relating to the operation of the conduct review committee, the ruling of the chairperson shall be final.

14.6 Procedures of the conduct review committee/reviewer

The general manager or Mayor, in the case of a complaint about the general manager, will be responsible for convening the initial meeting of the conduct review committee when there is a complaint to be referred to it.

The conduct review committee/reviewer will conduct business in the absence of the public.

The conduct review committee/reviewer will keep proper records of deliberations.

The conduct review committee shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.

14.7 Procedural fairness

In conducting enquiries, the conduct review committee/reviewer or the person engaged to do so should follow the rules of procedural fairness and must -

- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation
- b) provide the person the subject of the complaint with an opportunity to place before the conduct review committee/reviewer or person undertaking the enquiry any information the person considers relevant to the enquiry
- c) provide the person the subject of the complaint with an opportunity to address the conduct review committee/reviewer in person
- d) hear all parties to a matter and consider submissions before deciding the substance of any complaint
- e) make reasonable enquiries before making any recommendations
- f) act fairly and without prejudice or bias
- g) ensure that no person decides a case in which they have a conflict of interests
- h) conduct the enquiries without undue delay.³

Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the conduct review committee/reviewer should proceed to finalise the matter.

14.8 Complaint handling procedures

In addition to complying with these operating guidelines, the conduct review committee/reviewer will ensure it deals with all complaints in accordance with the provisions of Section 12 of this Code.

All persons who are the subject of complaints that are referred to the conduct review committee/reviewer will receive written information about the process being undertaken to deal with the matter.

The conduct review committee/reviewer will only deal with matters that are referred to it by the general manager or the Mayor.

Where the conduct review committee/reviewer determines to make enquiries into the matter, such enquiries should be made without undue delay.

In circumstances where the person the subject of the complaint meets with the conduct review committee/reviewer, they are entitled to bring a support person or legal adviser. That person will act in an advisory and support role to the person affected. They will not speak on behalf of the subject person.

³ NSW Ombudsman, Investigating complaints, A manual for investigators, June 2004.

14.9 Findings and recommendations of the conduct review committee/reviewer

Where the conduct review committee/reviewer determines, in its view that the conduct referred to it comprises a breach of this code of conduct it may, in its report to the council, make recommendations, that the council take any of the following actions:

- a) censure the councillor for misbehaviour
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of the law
- f) revise any of council's policies, procedures and/or the code of conduct.

Before making any such recommendations, the conduct review committee/reviewer shall have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the subject has remedied or rectified their conduct
- d) whether the subject has expressed contrition
- e) whether the breach is technical or trivial only
- f) whether the breach represents repeated conduct
- g) the age, physical or mental health or special infirmity of the subject
- h) the degree of reckless intention or negligence of the subject
- i) the extent to which the breach has affected other parties or the council as a whole
- j) the harm or potential harm to the reputation of local government and of the council arising from the conduct
- k) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- l) whether an educative approach would be more appropriate than a punitive approach
- m) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
- n) what action or remedy would be in the public interest
- o) where to comply with a councillor's obligations under this code of conduct would have had the effect of depriving the council of a quorum or otherwise compromise the capacity of council to exercise its functions

14.10 Amendment of the operating guidelines

The conduct review committee/reviewer guidelines may be added to and any additional requirements may be further amended or repealed by resolution of the council.

