



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 24 FEBRUARY 2009 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](http://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 3 February 2009

Minutes numbered 1 to 22

**Minutes of Ordinary Meeting of Council**

File: S04151

Meeting held 16 December 2008

Refer Minute No 468

Memorandum by Senior Governance Officer dated 5 February 2009 regarding confirmation  
of the Minute.

## MINUTES FROM THE MAYOR

### MM.1 **Victorian Bushfires**

1

File: S06373

It was with incredible shock and sadness that we witnessed the unfolding of the horrific bushfire disaster in Victoria earlier this month.

These fires caused a massive trail of destruction with a loss of life and property far exceeding any other bushfire disaster in the nation's history.

As we in Ku-ring-gai also live with the constant threat of bushfire, it was truly frightening to see entire townships destroyed by this massive fire.

In recent weeks, the Ku-ring-gai community's thoughts and sympathies have been with the Victorian families who have lost loved ones and property in the tragedy.

These communities now face a long and difficult road to recovery. Rebuilding homes and community infrastructure will take a lot of time and money, and residents will also have to deal with the large emotional toll of what they have experienced.

One of the great things about the Australian spirit is the way we dig deep to help those most in need during times of crisis.

This generosity has come to the fore all around Australia in recent weeks with numerous fundraising activities to help the bushfire victims.

Council staff have organised their own fundraiser, collecting more than \$1,000. There have been generous donations from right across our community to a wide range of appeals including those organised by the Red Cross, the Salvation Army, local service clubs such as Rotary and our own State and Federal MPs.

I would like to take this one step further by proposing to donate \$10,000 of Council funds to the bushfire relief effort.

We are of course in tough economic times, but there is an absolutely compelling need to help these Victorian communities recover from this terrible disaster.

I know how much our community would appreciate such assistance if the tables were turned and we were the ones dealing with such tragedy.

I also believe the donation would be widely supported by our ratepayers – many of whom have contacted Council to inquire about how they can best help the bushfire victims.

I would also like to pay tribute to the fire-fighters – many of them volunteers - who worked in such terrible conditions to bring the Victorian bushfires under control.



Here in Ku-ring-gai, we regularly witness the invaluable role played by fire-fighters in protecting lives and property from bushfire.

The scale of the Victorian disaster would have been even greater without the efforts of the hundreds of fire-fighters who risked their own lives to help others.

## MM.2 **Queen's Portrait**

**3**

File: S06915

Last year Council resolved to consult with residents about a preferred location within Council to hang a portrait of Her Majesty Queen Elizabeth II.

This consultation was done through a Poll Question on Council's website and in the January edition of Ku-ring-gai Update, which is sent to all Ku-ring-gai households.

A total of 256 responses were received as part of this process, or less than half a percent of Ku-ring-gai's eligible voters.

Of these, 223 were in favour of leaving the portrait in its current position in the Chamber behind the Mayor's chair, with 33 wanting it moved.

This equates to 87.2% of respondents wanting the portrait to stay where it is.

After being elected Mayor last September, I had moved the portrait to the Councillors' Board Room to allow Council's logo to be given a place of prominence in the Chamber.

However, as the vast majority of those who took the trouble to respond wished to retain the portrait in its position of prominence, then it shall remain. The logo representing Ku-ring-gai will remain in its position of lesser prominence.

I am completely satisfied that we have now fully consulted our residents on this issue, and I accept that this should have occurred before the portrait was moved. This was an omission on my part.

I am grateful to those who participated in the survey who obviously felt very strongly on the matter. I hope that now it can be put to rest.

## **PETITIONS**

## GENERAL BUSINESS

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

### GB.1 **Code of Conduct** **4**

.  
File: S06344

To review the Code of Conduct.

#### **Recommendation:**

That the revised Code of Conduct be adopted.

### GB.2 **Appointment of Independent Code of Conduct Panel** **121**

.  
File: S06344

To seek Council's consideration of the appointment of persons to review allegations of breaches of the Code of Conduct.

#### **Recommendation:**

That Council appoint the identified persons to review allegations of breaches of the Code of Conduct.

### GB.3 **ALGWA (NSW) Conference 2009** **172**

.  
File: S02815

For Council to nominate delegates to the 56th Australian Local Government Women's Association (NSW) Annual Conference 2009.

#### **Recommendation:**

That Council determine its delegates to the Australian Local Government Women's Association (NSW) Annual Conference 2009.

GB.4 **Council Committees**

182

.  
File: S06952

To report back to Council on the establishment of a Committee of the Whole and Reference Committees.

**Recommendation:**

That Council establish a General Committee, comprising all Councillors supported by four Reference Committees - Community, Planning & Heritage, Open Space and Sustainability.

GB.5 **Application for a New Facilities Special Variation**

217

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File: FY000019

To seek the approval of Council to apply to the Minister for Local Government for a New Facilities special variation to fund a new indoor aquatic and leisure facility at West Pymble Pool and development of the North Turramurra Recreation Area.

**Recommendation:**

That Council apply to the Minister for Local Government for a New Facilities special variation under Section 508(2) of the Local Government Act 1993. The variation would be for a 5% increase for 6 years from 2009/10 to 2014/15. The funding would be used to construct and operate the indoor aquatic and leisure facilities at West Pymble Pool and develop the North Turramurra Recreation Area.

GB.6 **Investment Report as at 31 December 2008**

229

.  
File: S05273

To present to Council investment allocations and returns on investments for December 2008.

**Recommendation:**

That the summary of investments and performance for December be received and noted.  
That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

**GB.7 Investment Report as at 31 January 2009 253**

.  
File: S05273

To present to Council investment allocations and returns on investments for January 2009.

**Recommendation:**

That the summary of investments and performance for January be received and noted.  
That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

**GB.8 Analysis of Land & Environment Court Costs, 2nd Quarter, 2008 to 2009 276**

.  
File: S02466

To report legal costs in relation to planning matters in the Land & Environment Court for the quarter ended December 2008.

**Recommendation:**

That the analysis of Land & Environment Court costs for the second quarter ended 31 December 2008 be received and noted.

**GB.9 24 Gerald Avenue, Roseville - Construction of New Carport 285**

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File: DA1262/08

Ward: Roseville  
Applicant: Lindsay Little and Associates Pty Ltd  
Owner: Mr. M. J Carroll

To determine development application No.1262/08 for the construction of a new double carport.

**Recommendation:**

Refusal.

**GB.10 2nd Quarter Management Plan - Update 304**

.  
File: S06351

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2008-2012 Management Plan.

**Recommendation:**

That the 2nd quarter Management Plan review 2008-2012 be received and noted.

**GB.11 Gordon Golf Course - Draft Plan of Management 347**

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File: S06604

To recommend adoption of the draft Plan of Management Gordon Golf Course.

**Recommendation:**

That Council adopt the draft Plan of Management Gordon Golf Course with minor amendments.

**GB.12 North Turramurra Recreation Area - Draft Plan of Management 375**

.  
File: S06604

To recommend adoption of the draft Plan of Management North Turramurra Recreation Area.

**Recommendation:**

That Council adopt the draft Plan of Management North Turramurra Recreation Area with minor amendments.

**GB.13 Draft Car Parks Generic Plan of Management 408**

.  
File: S06604

To recommend adoption of the draft Car Parks Generic Plan of Management.

**Recommendation:**

That Council adopt the draft Car Parks Plan of Management with minor amendments.

**GB.14 Tenders for Preparation of Design Plans for a New Depot - Tender T06/2008 431**

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File: S06934

Ward: Gordon

To advise Council of the outcome of the tender for the preparation of DA plans and tender documents for the construction of a new depot at Suakin Street, Pymble and approval of the preferred tenderer for the work.

**Recommendation:**

That Council accepts the tender from Caldis Cook Architects for the preparation of the DA and tender documentation for construction of the new depot at Suakin Street Pymble and the refurbishment of 31 Bridge Street, Pymble.

**GB.15 Boomerang Street Turramurra - Road Works & Tree Removal 436**

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File: 88/05164/04

Ward: Wahroonga

To report to Council on the proposed tree removal and roadworks in Boomerang Street Turramurra.

**Recommendation:**

That Council adopts the proposed tree removal and retention list as shown in Attachment 1.

**GB.16 Budget Review 2008 to 2009 - 2nd Quarter Review as at December 2008**

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File: S06351

Report by Director Corporate dated 2 February 2008 circulated separately.

**EXTRA REPORTS CIRCULATED AT MEETING**

## MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

### NM.1 **Safe Disposal of Community Sharps**

467

.  
File: S03613

#### **Notice of Motion from Councillor T Hall dated 2 February 2009**

It is not widely known that despite the NSW Government identifying types of Clinical waste such as sharps generated with the home healthcare setting for safe disposal, no such regulated safe disposal methods are employed by NSW Local Councils as there are by other State Governments.

I move:

"That this Council raise with the State Government and the NSW Local Government Association the question of the disposal of non-commercial clinical waste, such as sharps, syringes and related items generated with the home care setting with a view to providing NSW Council's with a regulated universal safe disposal system".

### NM.2 **Projected Ku-ring-gai Dwellings/Population Increases**

468

.  
File: S04554

#### **Notice of Motion from Councillor T Hall dated 14 February 2009**

I refer to Director Watson's memo of 9 February 2009 to the Mayor, as attached in the Greens, in response to Council's resolution of 2 December 2008 advising projected dwellings numbers as a result of the new residential/commercial land zonings in Ku-ring-gai.

In this communication, Mr Watson provided three scenarios of potential residential yield from 2009 to 2030, using 60 % take-up, 80% take-up and 100%-take-up of approved or to be approved residential unit zonings under LEP194/200 and the Ku-ring-gai Town Centres' draft LEP which give totals of:

1. 60% take-up of approved/draft approvals - 8176 dwellings
2. Mid range - take- up 80% - 10,516 dwellings
3. Max 100% take- up - 13,106 dwellings

In the Ku-ring-gai Planning Panel's letter of 10 November 2008 to those Ku-ring-gai owners whose properties were identified for open space acquisition by the Council, under the 3-5 year open space Strategy, it was disclosed the open space requirements for Ku-ring-gai LGA needed to meet a projected population of 26,000 persons (or 26% above the existing population).

In order then to identify the population yields of the above scenarios I obtained the Department of Planning's 2008 Sydney Metro Population projections to 2036, attached, that gave from 2.53 (2009) to 2.36 persons/ dwelling as at 2036. Adopting the lower figure, I found these alarming projected population figures for Ku-ring-gai LGA:

- Scenario 1. 19,295 persons or 19% increase over existing population (106,000)
- Scenario 2. 24,817 persons or 24% increase over existing population
- Scenario 3. 30,930 persons or 30% increase over existing population.

It would appear therefore that the Ku-ring-gai Planning Panel's projected population figure of 26,000 is a reasonably accurate forecast.

When two independent Case Studies were undertaken for the Council in 2000 the professional consultancies involved, GHD on traffic and Sinclair Mertz Knight on additional water reticulation and sewerage connexions, confirmed existing infrastructure could only cope with a maximum 15% increase in population growth over the next 25 years for Ku-ring-gai LGA. It is also a known fact public school enrolments will also exceed existing public school accommodation in the LGA as soon as 2010. It is also known that independent local schools are accepting the overflow in enrolments in 2009.

I move:

"That this Council requests the Ku-ring-gai Planning Panel to address in its recommendation to adopt the 2008 Ku-ring-gai Town Centres Local Environment Plan, what additional Infrastructure, such as schools, roads, water reticulation and sewerage, telephone and electricity increases, it proposes to seek from the State government when recommending its draft plan to the Planning Minister in order to meet a projected increase of the Ku-ring-gai Local government Area's population of 26,000 persons, or 26%, the Council having already confirmed the existing infrastructure mentioned can only cater for an additional 15,000 or 15% population to 2030.

The Panel is asked to provide its Infrastructure recommendations to this Council prior to its formal submission to adopt the draft LEP".

## **BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS**

## **QUESTIONS WITHOUT NOTICE**

## **INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**



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

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

**C.1 Sale of Existing Council Depot Site at Gordon**

**1**

File: S04550

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

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This matter is classified confidential because it deals with the proposed divestment of property.

It is not in the public interest to release this information as it would prejudice Council's ability to negotiate the appropriate terms and conditions.

Report by Director Operations & Manager Strategic Assets & Services dated 28 January 2009.

John McKee  
GENERAL MANAGER

\*\* \*\* \*

# **Environmental Planning & Assessment Act 1979 (as amended)**

## **Section 79C**

### *1. Matters for consideration - general*

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

#### *a. The provisions of:*

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

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

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

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## MAYORAL MINUTE

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### VICTORIAN BUSHFIRES

It was with incredible shock and sadness that we witnessed the unfolding of the horrific bushfire disaster in Victoria earlier this month.

These fires caused a massive trail of destruction with a loss of life and property far exceeding any other bushfire disaster in the nation's history.

As we in Ku-ring-gai also live with the constant threat of bushfire, it was truly frightening to see entire townships destroyed by this massive fire.

In recent weeks, the Ku-ring-gai community's thoughts and sympathies have been with the Victorian families who have lost loved ones and property in the tragedy.

These communities now face a long and difficult road to recovery. Rebuilding homes and community infrastructure will take a lot of time and money, and residents will also have to deal with the large emotional toll of what they have experienced.

One of the great things about the Australian spirit is the way we dig deep to help those most in need during times of crisis.

This generosity has come to the fore all around Australia in recent weeks with numerous fundraising activities to help the bushfire victims.

Council staff have organised their own fundraiser, collecting more than \$1,000. There have been generous donations from right across our community to a wide range of appeals including those organised by the Red Cross, the Salvation Army, local service clubs such as Rotary and our own State and Federal MPs.

I would like to take this one step further by proposing to donate \$10,000 of Council funds to the bushfire relief effort.

We are of course in tough economic times, but there is an absolutely compelling need to help these Victorian communities recover from this terrible disaster.

I know how much our community would appreciate such assistance if the tables were turned and we were the ones dealing with such tragedy.

I also believe the donation would be widely supported by our ratepayers – many of whom have contacted Council to inquire about how they can best help the bushfire victims.

I would also like to pay tribute to the fire-fighters – many of them volunteers - who worked in such terrible conditions to bring the Victorian bushfires under control.

Item 1

**S06373**  
**13 February 2009**

Here in Ku-ring-gai, we regularly witness the invaluable role played by fire-fighters in protecting lives and property from bushfire.

The scale of the Victorian disaster would have been even greater without the efforts of the hundreds of fire-fighters who risked their own lives to help others.

## **RECOMMENDATION**

- A. That Council donates \$10,000 to the Victorian bushfire relief effort.
- B. That Council give consideration to providing further funding for the relief effort from its 2009/10 Budget relating to assisting with rebuilding efforts in future months.
- C. That Council liaise with the NSW Local Government and Shires Association to see what additional aid might be needed.

Cr Elaine Malicki  
**Mayor**

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## MAYORAL MINUTE

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### QUEEN'S PORTRAIT

Last year Council resolved to consult with residents about a preferred location within Council to hang a portrait of Her Majesty Queen Elizabeth II.

This consultation was done through a Poll Question on Council's website and in the January edition of Ku-ring-gai Update, which is sent to all Ku-ring-gai households.

A total of 256 responses were received as part of this process, or less than half a percent of Ku-ring-gai's eligible voters.

Of these, 223 were in favour of leaving the portrait in its current position in the Chamber behind the Mayor's chair, with 33 wanting it moved.

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After being elected Mayor last September, I had moved the portrait to the Councillors' Board Room to allow Council's logo to be given a place of prominence in the Chamber.

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I am completely satisfied that we have now fully consulted our residents on this issue, and I accept that this should have occurred before the portrait was moved. This was an omission on my part.

I am grateful to those who participated in the survey who obviously felt very strongly on the matter. I hope that now it can be put to rest.

### RECOMMENDATION

That Council receive and note this Mayoral Minute.

Cr Elaine Malicki  
Mayor

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## MAYORAL MINUTE

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### REPORT ON BUSHFIRE ISSUES

The Victorian bushfire disaster is certain to prompt authorities throughout Australia to carefully assess how well they are prepared for bushfires of such magnitude.

Like all communities in bushfire-prone areas, Ku-ring-gai has a detailed disaster plan to prepare for all contingencies and coordinate emergency response operations for bushfires.

Planning is developed through the Hornsby Ku-ring-gai Local Emergency Management Committee which includes a wide range of agencies such as the Rural Fire Service, SES, NSW Police, RTA, public utilities and local councils.

We also have a local Bushfire Management Committee which focuses on reducing bushfire threats, mainly by regular hazard reduction burns.

Both these committees meet several times a year to discuss procedures and debrief on incidents. In fact they each last met the week before the Victorian disaster.

We also have a very capable local Rural Fire Service whose volunteers are second to none in job fighting bushfires.

Council has updated its planning policies to restrict or ban development in bushfire prone areas, but there are many cases where such development has been approved by the NSW Government or the Land and Environment Court.

All these measures are designed to firstly reduce bushfire risks and secondly to protect lives and property in the event of a bushfire occurring.

But the communities in Victoria had in place similar measures yet these were not enough to spare them from the terrible impacts of this massive bushfire.

The Victorian Government has announced a Royal Commission into the disaster and hopefully we will all be able learn from its findings to better protect our communities.

In the interim, I believe it would be worthwhile for Council to review all our policies and operations in relation to bushfires to determine possible areas for improvement.

This Mayoral Minute proposes a report from staff addressing the following questions:

- How well prepared are emergency services and other agencies for a major bushfire disaster in Ku-ring-gai?

Item 3

**S06373**  
**23 February 2009**

- Could co-ordination for bushfire response between the various agencies including Council be further improved?
- Can advice be sought through the Emergency Management Committee on the effectiveness of current operational plans to evacuate residents in the event of a major bushfire?
- How effective are the current measures for controlled hazard reduction burns? Are there any ways this could be improved?
- What educational material is currently provided to residents on how to reduce bushfire risks and prepare for a bushfire emergency? Could this information be improved, expanded or provided in more effective forms?
- How well do our planning policies incorporate bushfire safety and how could this be further improved? In 2007, Council asked the State Government to expand our gazetted bushfire emergency evacuation zones, but no action has yet been taken. Can Council assess which other parts of Ku-ring-gai need to be included in bushfire emergency evacuation zones with a view to submitting a new proposal to the Government?

## **RECOMMENDATION**

That Council Staff prepare a report addressing the issues outlined in the Mayoral Minute.

Elaine Malicki  
Mayor

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## PETITION

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### **76A HIGHFIELD ROAD, LINDFIELD - OBJECTION TO PROPOSED DEVELOPMENT AT WEST LINDFIELD SPORT & RECREATION CLUB - (THREE HUNDRED & SEVENTY-SIX [376] SIGNATURES)**

**The following Petition was presented by Councillor Rakesh Duncombe:**

"The undersigned object to the proposed development at the West Lindfield Sport & Recreation Club (WLSRC) relating to the creation of four floodlit all weather sports courts.

Such a development in a residential area will have a detrimental effect on local residents. Concerns regarding the proposed development relate the following issues in particular:

- o The scale of the proposed development;
- o The proposed increase in bar trading to 7 nights per week;
- o Inadequate provision for off-street parking for the scale of the development;
- o A significant increase in vehicular traffic on all the surrounding streets;
- o Intrusive floodlighting;
- o Increased periods of disruptive noise, especially later at night;
- o Changes to topography due to proposed excavation and fencing;
- o Pedestrian safety arising from the significant increase in traffic and an inadequate provision for off-street parking, together with a lack of footpaths and pedestrian crossings in the area; and
- o The exclusive use of community land by (and financial benefit to) one particular interest group, with no free access to local residents and the community generally.

The undersigned respectfully request that Ku-ring-gai Council does not consent to the proposed development."

## **RECOMMENDATION**

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



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## CODE OF CONDUCT

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To review the Code of Conduct.
<b>BACKGROUND:</b>	Council adopted the Department of Local Government Model Code of Conduct on 22 July 2008.
<b>COMMENTS:</b>	Council is required to review the Code of Conduct within 12 months of the election.
<b>RECOMMENDATION:</b>	That the revised Code of Conduct be adopted.

## PURPOSE OF REPORT

To review the Code of Conduct.

## BACKGROUND

Council adopted the Department of Local Government Model Code of Conduct on 22 July 2008 (**Attachment A**).

Since that time the Department has released Guidelines for the Model Code dated October 2008. These guidelines are designed to assist in the interpretation of the standards in the Model Code and for enhancement of individual codes. A copy of the Guidelines is attached (**Attachment B**).

## COMMENTS

Council is required to review the Code of Conduct within 12 months of the election. This is a requirement of section 440(7) of the *Local Government Act 1993*.

Council may supplement the provisions of the Model Code with provisions that are not inconsistent with the Model Code – section 440(3) and (4).

The Code of Conduct has been reviewed having regard to the Guidelines. The Guidelines are considered to be a valuable reference resource for interpretation of the Code.

As a consequence of the Code and the Guidelines many of Council's existing policies require amendment, in particular:

- Conflict of Interests Policy
- Gifts and Benefits Policy
- Councillor Access to Information and Interaction with Staff Policy
- Code of Meeting Practice.

Amendments to these policies and codes will be the subject of separate reports to Council.

As a consequence of Council having in place the above codes and policies it is considered that any extensive enhancement of the Model Code is unnecessary. Cross-referencing of the Code of Conduct with these other policies and codes will ensure that councillors and staff are able to access all relevant information. In addition, the Guidelines will be available as separate reference source for interpretation of the Code.

A revised Code of Conduct has been prepared in a style that now presents the Code as being Council's Code, as distinct from being just the Model Code. It incorporates the relevant cross-referencing noted above. The revised code is attached (**Attachment C**).

Item 1

**S06344**  
**2 February 2009**

## **CONSULTATION**

None required or undertaken.

## **FINANCIAL CONSIDERATIONS**

None.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

The Internal Ombudsman has been involved in the preparation of this report.

## **SUMMARY**

Council is required to review the Code of Conduct within 12 months of the election. A revised Code has been prepared incorporating appropriate cross-referencing with other Council codes and policies. The Guidelines on the Model Code should be used when needed to assist in interpretation of the Code.

## **RECOMMENDATION**

That the revised Code of Conduct be adopted.

John McKee  
**General Manager**

**Attachments:**      **A: Model Code of Conduct adopted 22 July 2008 - 978542**  
                         **B: Guidelines for the Model Code of Conduct October 2008 - 2008/016189**  
                         **C: Code of Conduct draft November 2008 - 2008/032104**



**Department of Local Government**

# **The Model Code of Conduct for Local Councils in NSW**

**June 2008**

## 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.<sup>1</sup>
- 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.

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<sup>1</sup> Protected Disclosures Guidelines, 5<sup>th</sup> 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 GUIDELINES<sup>2</sup>**

### **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.

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<sup>2</sup> 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.<sup>3</sup>

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.

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<sup>3</sup> 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.

# Guidelines for the Model Code of Conduct for Local Councils in NSW

October 2008

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## TABLE OF CONTENTS

1	Purpose of these guidelines .....	5
2	Purpose of a code of conduct .....	6
2.1	Who does the code of conduct apply to?.....	6
2.2	Are council officials obliged to comply with the code of conduct?.....	6
3	Development, implementation and review .....	7
3.1	Using these guidelines .....	7
3.2	Developing and implementing council's code of conduct .....	7
3.3	How the Model Code works.....	9
4	Topics to be addressed .....	10
4.1	General conduct obligations (Part 2 Model Code, section 6).....	12
4.2	Conflict of Interests (Part 2 Model Code, section 7) .....	18
4.3	Personal Benefit (Part 2 Model Code, section 8).....	26
4.4	Relationship between council officials (Part 2 Model Code, section 9).....	30
4.5	Access to information and council resources (Part 2 Model Code, section 10).....	33
4.6	Reporting breaches (Part 2 Model Code, section 11).....	38
5	Complaint handling procedures (Part 3 Model Code, sections 12- 14).....	40
5.1	Handling complaints .....	40
5.2	Appointment of conduct reviewers.....	41
5.3	Referral of complaints to a conduct review committee/sole reviewer .....	41
5.4	Operations of the conduct review committee/sole reviewer.....	42
5.5	Reports from conduct review committees/sole conduct reviewers .....	42
5.6	Annual reporting of complaints .....	43
5.7	Councillor Misbehaviour .....	43
6	Statutory Requirements .....	45
7	Definitions .....	47
8	References .....	49

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Local Government and Shires Associations of NSW

Maddocks Lawyers

NSW Ombudsman

Penrith City Council

Shoalhaven City Council

Sutherland Shire Council

Wollondilly Shire Council

## 1 Purpose of these guidelines

The information contained in these guidelines is designed to achieve two objectives:

- a. To assist in the interpretation of the standards in the Model Code in each topic area
- b. To provide councils with suggestions for enhancing their codes of conduct.

The Model Code of Conduct for Local Councils in NSW June 2008 replaces the previous Model Code, dated December 2004. All councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct for Local Councils in NSW, June 2008, (Model Code) pursuant to section 440 of the *Local Government Act 1993*.

Councils may include additional provisions in their own codes of conduct that supplement the Model Code. This includes strengthening of the minimum provisions. Any additional provisions in councils' codes of conduct must be consistent with the Model Code provisions or else they will be invalid.

When councils develop and review their codes of conduct they should consider how the document will be integrated into their organisation's culture. Codes of conduct should be developed by each council and its staff to meet their specific needs, and should promote an ethical culture within the council. Codes of conduct should integrate and cross-reference with other council policies; for example, the councillor expenses and facilities policy.

These guidelines contain interpretive information and, in some cases, suggestions for additional information that councils could include in their codes. Where appropriate, case studies, examples and further reference material on the topic are provided.

These guidelines also provide information on the reporting of alleged breaches and dealing with complaints.



## **2 Purpose of a code of conduct**

A code of conduct is a key mechanism to assist council officials to act honestly, ethically, responsibly and with accountability.

A code of conduct assists councils to fulfil their responsibility to serve the community and to effectively meet the requirements of their charter under section 8 of the Act.

Councillors are elected to represent the interests of the residents and ratepayers. As a member of the governing body of the council, councillors play a key role in creating and reviewing the council's policies and objectives.

Staff have the responsibility to serve the council and to implement the decisions of council as their employer. Staff must also know and understand the law relevant to the performance of their official duties.

The community rightly expects councillors and staff to be honest, reasonable and equitable in their dealings with them and to have the public interest at heart.

### **2.1 Who does the code of conduct apply to?**

The code of conduct applies to all local councils in NSW, including county councils.

The code of conduct applies to all council officials. In this guideline the term council official is used to describe councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and other delegates of council. It requires them to act honestly, ethically and responsibly in the performance of their duties.

Delegates of council include any person or body, and the individual members of that body, to whom a function of council is delegated e.g. council's contractors, consultants, volunteers, members of advisory and section 355 committees, Independent Hearing Assessment Panels and community representatives.

Not all parts of the code of conduct will apply to all council officials. For example, there are clauses such as secondary employment that only apply to council staff.

However, other persons working with councils, such as contractors, community representatives and volunteers, will be required to observe the provisions of a council's code of conduct that apply to them. In regard to contractors, councils should make provision in contracts to reflect this condition. Councils may wish to develop summaries of their code of conduct that provide only the provisions that are relevant to these persons.

### **2.2 Are council officials obliged to comply with the code of conduct?**

Council officials must observe the applicable provisions within their council's code of conduct. Part 2 of the Model Code sets out a standard of conduct that meets accepted principles and statutory provisions applicable to local government activities. It is the

personal responsibility of all council officials to observe the standards in the code of conduct and regularly review their personal circumstances with this in mind.

### **3 Development, implementation and review**

A council must, within 12 months after each ordinary election, review its adopted code of conduct and make such changes as it considers appropriate and as are consistent with section 440 of the Act. Councils may wish to review their codes of conduct more frequently. Periodic reviews are a good way to ensure their codes remain relevant and are well understood by council officials.

#### **3.1 Using these guidelines**

All councils must include in their codes of conduct the minimum requirements outlined in the Model Code. Councils may consider supplementing their codes with additional topics that reflect the specific needs of council. These additional provisions must be consistent with the Model Code provisions or else they will be invalid.

The topic sections of these guidelines provide additional information on how the principles listed in the Model Code of Conduct should be interpreted and applied in practice. Councils should also consider adopting a number of policies to support their codes of conduct. Some suggestions are given in these guidelines under the relevant topic areas. Where possible, policies that relate to the council's code of conduct should be referenced in the code. This enables council officials to gain further information and guidance in relation to particular topics. Supplementary policies should be consistent with the council's code of conduct.

These guidelines include a number of examples and case studies to illustrate the ethical problems that council officials might encounter and strategies for dealing with them. These examples can be used to assist councils to develop their own examples that are relevant to their circumstances.

#### **3.2 Developing and implementing council's code of conduct**

When councils develop and review their codes of conduct they should consider how the document will be integrated into their organisation's culture. Codes of conduct should be developed by each council and its staff to meet their specific needs, and should promote an ethical culture within the council. Codes of conduct should integrate and cross-reference with other council policies; for example, the councillor expenses and facilities policy.

Engaging council officials in the development and review of council's codes of conduct ensures understanding and ownership.

Selecting the appropriate language and terms in a code of conduct assists council officials to understand the requirements outlined in the code. In the Model Code, the term "you" is used to emphasise the individual obligations of council officials.

Councils may wish to consider developing a summary of their code of conduct that supplements the more detailed code, which can be readily distributed throughout the organisation.

Councils are encouraged to use the ICAC publication, 'Codes of Conduct: The next stage' to assist in developing their code of conduct. This publication includes a checklist as a guide in developing, implementing and reviewing the code.

There is also an Australian Standard (AS 8002-2003) on Organisational Codes of Conduct which may provide additional guidance.

Simply having a code of conduct is not enough. The process used to develop, implement and regularly and systematically review the council's code of conduct is critical in ensuring its effectiveness. Developing a code of conduct is not just a project. It is a process that requires a range of strategies to reinforce the standards of behaviour that are expected from council officials.

**General managers should require all council officials to sign a statement that they have received, read, understood and will abide by their obligations under the code of conduct.**

A code of conduct needs to be an active policy document that is promoted throughout council. Some strategies to promote the code of conduct include:

- providing regular on-going training, awareness-raising and information sessions. This training should be provided and made available to all council officials;
- training tailored to meet the needs of the particular council officials, such as in-depth sessions on matters that relate to the duties of particular staff members and specific training on pecuniary interest for councillors;
- ensuring that the induction process emphasises the importance and relevance of the code of conduct and provides new officials with a thorough understanding of its content and consequences of non-compliance;
- nominating an officer to be responsible for ensuring that training is conducted and the code of conduct is actively promoted throughout the organisation;
- including the code of conduct in information packages sent to job applicants, attached to letters of offer to prospective staff members and referred to during job interviews;
- including regular segments about aspects of the code of conduct in staff circulars and newsletters;
- explicitly considering the code of conduct in the context of policy and procedural reviews;
- ensuring that the code of conduct is readily accessible to all council officials; and
- providing a copy of the code of conduct to prospective councillors on nomination to assist them to understand their obligations

Councils should also promote their codes of conduct to the community by placing them on their websites and making them easily accessible. Councils should ensure that the code of conduct is easy to locate. In this way community awareness is raised about the standards that are expected from council officials.

### 3.3 How the Model Code works

The Model Code is comprised of three parts:

Part 1: **Context.** This part of the Model Code is explanatory and does not contain enforceable standards. It establishes the Code's ***purpose*** and the ***principles*** used to interpret it. It also contains some information that can be used as a guide to making ethical decisions.

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***.

Part 2 of the Model Code contains six key topic areas:

- General conduct obligations
- Conflict of interests (pecuniary and non-pecuniary)
- Personal benefit
- Relationship between council officials
- Access to information and resources
- Reporting breaches

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.

Part 3 should be used to guide the management of complaints about breaches of the Model Code.

## 4 Topics to be addressed

These guidelines relate to Parts 2 and 3 of the Model Code.

Part 2 of the Model Code contains six key topic areas:

- General conduct obligations
- Conflict of interests (pecuniary and non-pecuniary)
- Personal benefit
- Relationship between council officials
- Access to information and resources
- Reporting breaches

These guidelines contain information on each of these topics, as well as complaint handling procedures (Part 3 Model Code sections 12-14)

### **Understanding these guidelines**

The information contained in these guidelines is designed to achieve two objectives:

1. To assist in the interpretation of the standards in the Model Code in each topic area
2. To provide councils with suggestions for enhancing their codes of conduct.

The following information is arranged under the same topic headings that are contained in the Model Code. Information under each topic heading in these guidelines is arranged in the following way:

- A. an introduction to the topic, including relevant interpretive information
- B. examples and case studies relevant to the topic (where applicable)

*Councils' codes of conduct should provide examples and/or case studies to illustrate the ethical problems that council officials might encounter and strategies for dealing with them. These guidelines include some general examples to guide councils in developing their own examples relevant to their council's circumstances.*

- C. examples of good practice suggestions (where applicable)

*Councils' codes of conduct should function as active guides to decision making. Codes of conduct will be more effective if they include information that assists council officials to understand and manage more difficult situations that may arise. Good practice suggestions consist of extra information and resources that help councils with these more difficult situations or that they may include if they wish to enhance or strengthen their codes of conduct.*

D. suggested policy requirements (where applicable)

*Councils' codes of conduct should be consistent with other policies that councils develop. Councils should consider developing policies that provide specific guidance on matters contained in their code of conduct.*

E. the key legislation

F. resources (where applicable).

*The guidelines contain a range of resources under each section heading. The resources are included so that councils may seek additional information specific to the topic at hand, in addition to the information contained in the guidelines.*

## **4.1 General conduct obligations (Part 2 Model Code, section 6)**

### **4.1A - Introduction and interpretive information**

Council officials must act honestly and responsibly when carrying out their functions. They have a responsibility to adhere to the requirements of the Act, behave professionally at all times and to develop and maintain constructive working relationships.

#### *Lobbying*

Councillors and staff should be aware that they are at some time likely to be lobbied by a wide range of people including individuals, organisations, companies and developers. The Model Code and the Act both recognise that appropriate lobbying of councillors is a normal part of the democratic system, and that councillors have a representative role in considering the views of their constituents and communicating with them (see Section 232(2) of the *Local Government Act 1993*).

‘Generally, inappropriate and unlawful conduct on the part of someone lobbying a councillor usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of a matter.’ (ICAC, 2006, *Lobbying local government councillors*)

Lobbying is a two way process between councillors and lobbyists. It is essential that they understand the difference between appropriate and inappropriate lobbying, that they demonstrate transparency in all decision-making processes, and that they do not undermine the public’s confidence by engaging in any way in lobbying which could be considered inappropriate or unlawful.

‘Councillors should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision. Suspicions of inappropriate lobbying can occur when lobbying is not open to public scrutiny.’ (ICAC, 2006, *Lobbying local government councillors*)

Councillors can ensure transparency when being lobbied by:

- keeping records of meetings
- holding meetings in locations such as council offices
- ensuring other people are present
- making sure that any information obtained when being lobbied is available to council staff and other councillors.

To avoid placing themselves in an inappropriate or unlawful situation and if they have any doubts about the appropriateness of any request being made of them, councillors should require that the request be written to the general manager who can then ensure that it is evaluated by council staff and can then report to council the consequences of granting the request.

Examples of inappropriate and/or unlawful councillor conduct that could occur during lobbying include:

- Disclosing confidential information, including legal advice, while being lobbied
- Accepting a political donation in return for a favourable exercise of discretion during decision making
- Giving undertakings to an interested party prior to consideration of all the information relevant to a decision

ICAC has produced a brochure that contains specific information about all aspects of lobbying local government councillors. (see *Lobbying local government councillors*, ICAC, August 2006)

Councils may wish to consider including information about lobbying in their codes of conduct. A suggestion is included in the good practice section following.



#### 4.1B - Case studies/examples

##### Example 1 - Lobbying on development decisions

A council comprising seven councillors is dealing with a rezoning proposal from a developer. The rezoning, if supported, will result in the value of the land in question increasing by several million dollars. The developer approaches four councillors in the week before the proposal comes before council and provides them with some written material and verbal argument in support of the rezoning. The material addresses issues that have not been canvassed by council staff in their report to council. The developer tells the councillors that if they vote for the rezoning he will provide some funds to support the councillors' favourite local charities.

However, the material in question is not made available to the other three councillors nor is it submitted to council staff as material supporting the rezoning proposal. The proposal is opposed by groups in the community who have responded by way of written submission to council's public advertising of the proposal. These groups are also actively lobbying in support of their written submissions.

At the council meeting some councillors verbally refer to the information they have received from the applicant. However, this material is never tabled, is not put out for public comment, and is not subjected to analysis by council's professional staff. The submissions received from community groups are tabled, are analysed by council staff, and form part of the public record, which is available for scrutiny by any person. The councillors do not disclose that they were offered funds in support of a local charity if they supported the rezoning.

*The four councillors who responded to the developer's lobbying without ensuring the material provided is formally submitted to council have potentially invited suspicions of partial decision making. They should have encouraged the developer to formally submit the material to council and then require council to put it out for public comment. At the end of this process council professional staff would be able to provide, as part of open accountable processing of the proposal, an analysis of the developer's material and the public responses to it.*

*Although some delay would result in the processing of the proposal this delay is the direct result of the developer introducing new material into the issue. Lobbying in this matter has, in practical terms, introduced an element of preferential treatment and potentially denied other stakeholders their right to also make a submission on relevant material. The fact that only four councillors were provided with the material suggests a manipulative approach in the lobbying process, which should have been seen as such by the four councillors as falling short of best practice. In addition, the developer has offered an inducement for the councillors to vote in a particular way. Regardless of the fact that the offer was in support of local charities, the offer should have been firmly refused and the matter reported to the general manager.*

*The object lesson is that absolute compliance with the principles of ethical decision making is not optional...it is mandatory if council is to meet its charter of open, accountable decision making.*

#### **4.1C - Good practice suggestions**

- ***Lobbying***

Councillors and council staff may be lobbied by a wide range of people, including individuals, organisations, companies and developers. As a general rule it is an essential element of the democratic system that any individual should be able to lobby the council or a councillor. However, particular considerations apply when councillors and council staff are dealing with statutory powers such as planning.

Councillors and council staff must consider evidence and arguments put by a wide range of organisations and individuals in order to perform their duties effectively. However, councillors should encourage lobbyists and applicants to put their views in writing to the general manager for evaluation by council staff and reporting to council of all the consequences of granting the request.

- ***Appointments to other organisations***

Councillors and council staff may be appointed or nominated by the council as a member of another body or organisation (for example, appointment to a regional organisation of councils.) If so, they will be bound by the rules of conduct of both organisations.

- ***Alcohol and other drugs***

Council officials must not be intoxicated or drug affected when performing their official duties.

Intoxication by alcohol or being drug affected is an unsafe personal condition and is proven to be a hindrance to the performance of official duties. A person, so affected, cannot provide the high standard of service required and is impaired in their ability to make decisions. It may also bring into question the validity of decisions made while under the influence of alcohol or other drugs. Such a person could also expose others to an unacceptable level of risk.

- ***Health, wellbeing and safety***

Councillors and council staff should ensure that council's premises are adequate to ensure the health, safety and well being of other council officials and members of the public in accordance with their obligations under the *Occupational Health and Safety Act 2000*.

- **Public comment by council officials**

Council staff should understand and comply with council's media/public comment policy and know whether they are permitted to make public comment on behalf of the council. If in doubt, authorisation should be obtained from the general manager.

"Public comment" includes public speaking engagements (including comments on radio and television), expressing views in letters to the press or in books or notices or where it is reasonably foreseeable that publication or circulation will enter the public domain.

For example, as a member of the community, council staff have a right to enter into public debate in their private capacity. However, council staff must take care not to give the impression that their comments are made on behalf of council. Council staff will need to clearly state that such public comment reflects personal opinion. Public comment or statements on council matters should only be made in accordance with council's policy.

Council officials (including councillors) should ensure that they clarify whether or not they are acting on behalf of council and/or in their public capacity when speaking publicly or attending functions to avoid situations where this might be directly implied or indirectly inferred.

- **Child protection code of conduct**

Under the *Ombudsman Act 1974* the head of a designated agency or public authority is responsible for ensuring systems are in place for recording and responding to all allegations of a child protection nature against an employee.

The head of an agency is required to determine which allegations and convictions are to be notified to the Ombudsman as a reportable allegation or conviction and which matters are exempt from notification. These exemptions require a code of conduct which includes details of what behaviour by employees is reasonable for the purpose of the discipline, management or care of children. The code of conduct should also clarify what is acceptable and what is not acceptable behaviour by employees towards children, as well as what will happen if an employee breaches the council's code of conduct.

Councils are encouraged to consider including supplementary information in their code of conduct that relates to child protection matters. Information to assist this process is contained in the NSW Ombudsman's Child Protection in the Workplace Guidelines.

#### **4.1D - Suggested policy requirements**

1. A policy and procedures to be followed for reporting and managing situations related to the effects of drug and alcohol use.
2. A policy and procedures to prevent and deal with harassment and discrimination.
3. A Code of Meeting Practice to meet council's individual circumstances. The Code should incorporate the provisions of the Local Government (General) Regulation 2005 and may supplement that Regulation with provisions that are not inconsistent with it. The Code of Meeting Practice could include examples of situations councillors may face during council meetings and strategies to deal with them.
4. A policy on public comment on council matters.

#### **4.1E - Key legislation**

- *Local Government Act 1993*, including sections 8, 352, 439, 440 – (these sections refer to the council's charter, the independence of staff and the requirement for council officials to act honestly and with care.)
- *Local Government (General) Regulation 2005*
- *NSW Anti-Discrimination Act 1977*
- Federal Anti-Discrimination legislation
- *Ombudsman Act 1974*

#### **4.1F - Resources**

DLG, 2005, *Meetings practice note*, Practice note no 16.

ICAC, 2006, *Lobbying Local Government Councillors*

NSW Ombudsman, 2004, *Child protection in the workplace*.

## **4.2 Conflict of Interests (Part 2 Model Code, section 7)**

### ***4.2A - Introduction and interpretive information***

The possibility of conflict between public duty and private interest is an ever-present risk for council officials. Sometimes, by virtue of their official status, position, functions or duties, council officials have the power to make decisions or act in ways that can further their own private interests. This may cause a real or perceived conflict between council official's private interests and their public duty.

As a general principle, no person should obtain a private benefit or advantage by virtue of their position as a council official. Additionally, no public official should misuse the power of authority of their position to unfairly influence or decide a matter where they have a real or perceived private interest.

The political views of a councillor do not constitute a private interest. When councillors run for office, they outline their position and views in relation to issues facing the community. These views are essentially public in nature and do not represent private interests. For example, just because a councillor generally supports the concept of environmental protection does not mean that they have a conflict of interests every time a development application comes before council.

A conflict of interests may be of two types:

- A pecuniary conflict of interests
- A non-pecuniary conflict of interests

A pecuniary interest is an interest a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

A non-pecuniary conflict of interests can be an actual or a perceived conflict where a reasonable and informed person would perceive a conflict exists. Any conflict of interests negatively impact on public confidence in the integrity of local government. It is always advisable when facing any potential conflict of interests to consider how another person who is reasonable and informed would consider the situation. In this context a reasonable and informed person would mean a person who is generally regarded as reasonable in respect to their judgements and who is in possession of all the relevant facts.

#### *Managing pecuniary conflict of interests*

Where a conflict of interests is pecuniary in nature, you must comply with the requirements of the *Local Government Act 1993*.

### *Managing non-pecuniary conflict of interests*

Most council officials are at some stage likely to experience a situation where they may have a non-pecuniary conflict of interests. This is most likely to arise out of family or personal relationships or perhaps through an association they, or someone close to them, may have through an involvement in a sporting, social or other kind of group or association. The greater their involvement with the club or organisation, the greater likelihood of a real or perceived conflict of interests. It may also involve an interest of a financial nature that does not amount to a pecuniary interest as defined by the Act.

The Model Code now recognises two forms of non-pecuniary conflict of interests:

- significant
- less than significant

As a general rule, clause 7.16 of the Model Code details what is considered to be a significant non-pecuniary conflict of interests. Council officials should make an assessment of the circumstances to help them determine if a conflict is significant. The nature of a friendship or business relationship, the frequency of contact and the duration of the friendship or relationship, the strength of an affiliation with an organisation are all matters that should be considered when assessing whether or not a conflict of interests is significant.

Council officials need to deal with a conflict of interests by disclosing their interest in writing as required by clauses 7.13 and 7.14. If the conflict is less than significant, they need to provide an explanation of why no further action is required in the circumstances (clause 7.18).

However, if a conflict of interests is **significant**, as described in clause 7.16 of the Model Code, in addition to their written disclosure, council officials will need to take further action. This additional action will be to either remove the source of the conflict, or have no involvement in the matter, including not taking any part in a debate or a vote on the matter.

It should be noted that clause 7.20 enables councillors to participate in a decision to delegate council's decision-making role in relation to a matter to another person or body as provided under the Act even though they have a significant non-pecuniary conflict of interests in that matter.

### *Managing political donations*

Clause 7.22 of the Model Code requires councillors to reasonably know the source of any political donations. This means that councillors who are members of a political party or group who have directly benefited from funds from any group or party organisations will need to ascertain the source of the political contributions made to the group or party organisation.

If councillors or their official agents have received, in the previous four years, a political donation exceeding \$1,000 that has directly benefited their campaign, from a donor who has a matter before council, they must disclose this fact and have no involvement in the matter as set out in clause 17.17(b) of the Model Code (see clause 7.23). This applies to all councillors, regardless of whether they are independent councillors or a member of a political group or party.

Where councillors or their official agents have received donations under \$1,000 then this may give rise to a non-pecuniary conflict of interests. This also applies to all councillors, regardless of whether they are independent councillors or a member of a political group or party. Councillors should apply the test for a conflict of interests at clause 7.1 and the test for a political donation at clause 5.3 of the Model Code. Clause 5.3 requires councillors to consider the perception of influence created by any political donations and take reasonable steps to identify circumstances where this may arise.

This means that once a councillor has taken reasonable steps to ascertain the source of political donations that have directly benefited their election campaign, as per clause 7.22, and the donation is less than \$1,000, then consideration will need to be given to perceptions of influence that might be created by the donations.

If they determine that a non-pecuniary conflict of interests may exist, then they need to consider whether or not the conflict of interests is significant, as provided for in clause 7.16. Where a close relationship exists with the donor (as described in clause 7.16), then the conflict of interests is likely to be significant, even if the donation is less than \$1,000. If no close relationship exists, (and the donation is under \$1,000) then the conflict of interests is likely to be less than significant. However, it remains open for councillors to take additional steps to manage any perception of a conflict of interests.

## **4.2B - Case studies/examples**

### **Example 1: Secondary employment**

A local government building trades overseer prepares a report for his manager on allocating council plumbing work. He has a plumbing company that put in a bid, but was not selected.

*There is a conflict of interests because the overseer responsible for recommending the awarding of contracts is also competing to secure the work. In addition, he has not disclosed that personal interest. Secondary employment, with or without permission, can lead to a conflict of interests.*

*Under the Local Government Act 1993, all council staff must obtain the consent of the general manager for any secondary employment that relates to the business of council or might conflict with their council duties. The general manager in this case would be entitled to refuse consent. To put strict measures in place to prevent the overseer from having any role in contract work may not be enough to prevent the mismanagement of conflicts.*

## Example 2: Pecuniary interests

Note: Where a conflict of interests is pecuniary in nature, you must comply with the disclosure requirements of the Act.

A council has a practice of moving into the committee of the whole to enable councillors to freely discuss issues before them. During one of these times, councillors discuss a matter relating to the purchase of a property. One of the councillors is a property agent whose company is acting for the council in the transaction. The councillor participates in the discussion during the period while council is meeting as a committee.

When the council meeting is resumed, this councillor declares a pecuniary interest and leaves the room. The councillor does not believe that there is a pecuniary interest in the matter until there is a formal debate and vote on the matter.

*If the councillor has a pecuniary interest in the matter, within the meaning of section 442 of the Local Government Act 1993 and no exemption can be relied upon, then a pecuniary interest exists during the entire period the matter is being considered, including during the discussion when council meets as a committee.*

*This applies also to other parts of council meetings e.g. the public forum session held during the meeting.*

*This equally applies to councillor participation on advisory committees. Section 446 of the Act requires that members of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests in accordance with section 451. However, in PIT No 2/1998, Bennett, Staltare and Zappacosta, Griffith City Council, pages 26-28, the Tribunal found that section 446 of the Act only applies to lay members of wholly advisory committees and as such does not provide councillors with an exemption from disclosing pecuniary interests when participating on wholly advisory committees.*

*Section 451 requires that a councillor not only declare the nature of an interest in a matter before council for consideration, but must also not be present at, or in sight of, the meeting at any time during which the matter is being considered or discussed or voted on by the council or committee. The practice of allowing an affected councillor to make a statement before leaving a room is a breach of the provisions of section 451 of the Act.*

*This applies to committee meetings, advisory committee meetings, closed council and committee meetings.*

## Example 3: Development applications

*From time to time council staff lodge development applications with council. This may create problems, especially if the staff member works in the development assessment or planning areas of council.*

*In these circumstances there are a number of options that may be available to council to manage this situation:*

- Council could outsource the assessment of the application*
- A more senior member of staff could assess the application*
- Council should restrict the staff member's access to information on the matter other than what they are entitled to as an ordinary applicant.*



## Example 4: Political support

A local ratepayer has made a campaign donation to a group of local councillors through their official agent in the last 2 years. The ratepayer lodges a development application with council to build a block of units on the land she owns. The development is controversial and receives a lot of media attention.

*A potential conflict of interests could arise for a councillor, or group of councillors, when a campaign donor, who contributes financially to their election campaign, has a matter before the council for determination. The conflict of interests arises even when a donation is made through the official agent.*

*Where the donation exceeds \$1,000 and has been donated within the last 4 years, the councillors must declare a non-pecuniary conflict of interests, disclose the nature of the interest and have no further involvement in the matter by absenting themselves and not taking part in any debate or voting on the matter in accordance with section 451(2) of the Act.*

*In the circumstances where a donation is less than \$1,000 or the donation is made over 4 years ago, then the councillors would still need to consider whether or not a reasonable and informed person could perceive that a conflict of interests exists and take the appropriate action.*

*The councillors would also need to consider whether such a political donation gives rise to a reasonable perception of influence in relation to their vote.*

*If there is a conflict of interests then the councillors would need to determine whether or not it is significant. If the councillors had a close relationship with the donor, then it may be a significant non-pecuniary conflict of interests.*

*If the councillors consider that there is a non-pecuniary conflict of interests, but it is minimal, then the councillors would need to disclose the interest and its nature and provide an explanation of why further action is not required.*

## Example 5: Selection processes

*Examples of appropriate action to resolve or avoid conflicts arising in job selection processes include:*

- If an applicant is a personal friend, or past or present close work colleague of a member of an interview panel, that member should disclose the relationship in writing to the other members of the panel (and in particular the independent member), at the time applications are reviewed.*
- If a person is in a relationship with a party to a dispute or statutory application process over which they have to arbitrate, then that person should disclose the relationship in writing to their supervisor or manager. Those duties should then be reallocated to another person who does not have a conflict.*
- If a relative, personal friend or business partner has an interest in or may benefit from a tender, contract or application that a person is involved in the assessment or approval of, that person should disclose the relationship in writing to their supervisor or manager. The person should then be removed from involvement in the process by reallocating those duties to another person who does not have a conflict.*

### Example 6A: Club membership

A councillor is a member of a club in a small community. The councillor is very active in the running of the club. While not an office holder, he is well known to all club members.

The club has recently submitted a development application to the council for a major extension of its facilities.

*In this instance, there may be a public perception that the councillor's activities with the club would make it difficult for the councillor to view the matter before the council as a representative of residents and ratepayers generally. This may meet the definition of a significant non-pecuniary conflict of interests. If so, the councillor should disclose his conflict of interests in the matter when it comes up for consideration. The councillor must then refrain from participating in council's discussion and voting on the matter. The councillor must leave the room when the vote is being taken to ensure that the vote is not recorded in the negative.*

### Example 6B: Club membership

A councillor is a member of a local registered club. However, she is not active in the club or involved with the management of the club. In this situation, the councillor merely enjoys the facilities of the club as a privilege of membership.

*In this example, should a matter relating to the club arise at council, it is appropriate that the councillor informs the council of her membership (i.e. declares a non-pecuniary conflict of interests that is less than significant). However, it is unlikely that her interest as a club member would influence her role as a councillor representing the view of residents and ratepayers generally. Therefore, she could participate in the decision-making process.*

*In both situations, the councillors have two different interests in the matters. The first is their interest as a councillor representing residents and ratepayers generally; the second is as club members who are keen to see the club prosper and provide better facilities for its members. There is nothing wrong with a councillor having community as well as civic interests, though there are times when these interests may be perceived as a significant conflict of interests.*

*The distinguishing features of examples 6A and 6B are that:*

- The councillor's interests as a club member in example 6A are likely to influence his role as a representative of residents and ratepayers generally. This would make it difficult for him to be impartial; and*
- The public perception of a lack of impartiality would be stronger in the first example particularly given the size of the community and the visibility of the councillor in the club's activities.*

*If a councillor is an office holder in a club or other organisation, the interest may constitute a pecuniary interest.*

Further case studies relating to conflict of interests can be found at:

- Case studies and examples, Under Careful Consideration: Key Issues for Local Government, 1997

#### **4.2C - Good practice suggestions**

- **Sponsorships**

Council officials must never ask for or receive any personal benefits from a sponsorship arrangement.

Sponsorships should not limit council's ability to carry out its range of functions fully and impartially or influence a council decision.

- **Caucus votes**

Binding caucus votes on matters is inconsistent with the obligation of each councillor to consider the merits of the matter before them. Political group meetings must not be used to decide how councillors should vote on matters like development applications where there are specific statutory considerations for each decision-maker to consider.

- **Former council officials**

Councillors and council staff must be careful in your dealings with former council officials and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information. Former council officials must not use, or take advantage of confidential information obtained in the course of their official duties that may lead to gain or profit. At the end of their involvement with council, they must:

- return all council property, documents or items (keys, mobile phones etc)
- not make public or otherwise use any confidential information gained as a consequence of your involvement with council.

- **Staff political participation**

Council staff must ensure that any participation in political activities does not conflict with their primary duty as an employee to serve the council of the day in a politically neutral manner.

- **Senior adviser on conflicts of interests**

Councils should consider nominating a senior officer, establishing a panel or engaging a suitably qualified person, such as a solicitor or auditor, to provide objective advice to council officials on conflict of interests matters. For example, councils could work through their regional organisations to establish advisory services on a regional basis.

Advice would constitute guidance on the criteria to help make a decision and the range of options available to an individual. This advice should not be considered a legal opinion and council officials may need to obtain their own legal advice on the matter. The onus is on individuals to recognise circumstances where a conflict of interests may arise.

(Refer to the NSW Ombudsman Annual Report 2002-2003, page 38, for information on the establishment of a panel to provide advice on conflict of interests.)

- **Community representatives on council committees**

Councils often invite interested members of the community to join council committees. Usually the reason for their involvement is due to specific knowledge, experience and expertise in the business of the committee. Questions can arise as to whether this knowledge, experience and expertise gives rise to a pecuniary or non-pecuniary conflict of interests. This personal interest in the broad issues is generally well understood and would not need to be disclosed.

If the committee is not “wholly advisory”, that is, it exercises some functions of council, then delegates’ pecuniary interests would need to be dealt with in accordance with section 451 of the Act. If the committee is a “wholly advisory” committee, then in the case of pecuniary interests, delegates are exempt from the pecuniary interest provisions of the Act. (section 446)

If a non-pecuniary conflict of interests arises because a community member has a private interest in a specific item of committee business, community representatives will be expected to comply with the conflict of interest provisions of council’s code of conduct. This requires that, as a minimum, community representatives disclose the nature of any conflict. For example, this may be an item that specifically relates only to the street where they live or a business they are involved in and not to a broader issue.

#### **4.2D - Suggested policy requirements**

1. A policy on secondary employment.
2. A policy on managing private sector sponsorship.

#### **4.2E - Key legislation**

- *Local Government Act 1993*, Chapters 11 and 14 – (these sections refer to how councils are staffed and the honesty and disclosure of interests.)
- *Local Government (General) Regulation 2005*, Part 8

#### **4.2F - Resources**

DLG, June 2006, *Pecuniary Interest Guidelines*.

ICAC, 2007 *Corruption risks in NSW development approval processes*

ICAC, *Practical Guide to Corruption Prevention*.

NSW Ombudsman, 2003, *Fact sheet no 3, Conflict of Interests*.

NSW Ombudsman, 2003, *Good Conduct and Administrative Practice: Guidelines for state and local government*.

NSW Ombudsman, 2004, *Pre-requisites to avoid or manage conflict of interests*.

### **4.3 Personal Benefit (Part 2 Model Code, section 8)**

#### **4.3A - Introduction and interpretive information**

As a general principle, council officials should not accept any gifts or benefits that give rise to a real or perceived influence in relation to their decision-making role.

Council officials, at some stage in their career may be offered a gift or benefit in the course of their work. The gift or benefit could be offered innocently in good faith or could be an attempt to influence. Feelings of obligation can arise if council officials accept a gift or benefit. Once such a gift is accepted, a council official can be compromised. Individuals attempting to corrupt council officials often start with small inducements that appear to have no improper motive behind them.

Political donations or contributions that are subject to the provisions of the relevant election funding legislation are not considered to be gifts or benefits for the purposes of section 8 of the Model Code.

Within the context of the Model Code gifts and benefits are defined as either *'token'*, or *'gifts and benefits of value'*. Those gifts and benefits that can generally be regarded as *'token'* are set out in section 8.1 of the Model Code.

It is important to recognise that gifts and benefits that have more than a token value include 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. In addition, council officials should be mindful that tickets to major cultural events may be considered of value, such as, tickets to major musical productions.

Gifts and benefits can create obligations and expectations. Accepting "freebies" comes with a risk that they will corrupt the receiver. In the case of tickets to major events, if the event is worthwhile from a civic leadership perspective, then councils could consider paying for councillors and/or staff to attend. In the case of councillors, this may be a matter that is dealt with in council's expenses and facilities policy made in accordance with section 252 of the Act.

Councils must establish a gifts register for the recording of the receipt of gifts and benefits by councillors and council staff. Ideally, this register should also record the receipt of token gifts and any gifts that are refused.

Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, you should promptly disclose this to your supervisor, the Mayor, or the general manager who must record the gift or benefit in council's gift register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Corruptly receiving a gift or benefit is an offence under both the common law and NSW legislation. The offence extends to the offering or seeking of a gift or benefit. (see section 8 Model Code)

### 4.3B - Case studies/examples

#### Example 1: Acceptance of a gift of value

The President of a football club based in the council's area offers two tickets to a councillor and his wife to join him in the President's box to watch the grand final between the club's first grade team and their opponents. The football club is a member of the NRL. The councillor is a keen football fan and it has been years since the team was in the grand final. He accepts the tickets, attends the match and has a pleasant afternoon. Even though no council business is discussed during the night the councillor and his wife were invited because of his public role and the tickets were addressed to him using his title of councillor.

Several weeks later the football club lodges a controversial DA with the Council. The club wants to extend its premises and increase the number of poker machines.

*Tickets to major sporting events, such as an NRL grand final, are considered to be gifts of value (clause 8.2 of the Model Code) and should be refused. Although the councillor was not lobbied at the football game he realises that by accepting the tickets and the President's hospitality he has placed himself in a position where there is the appearance that the football club has attempted to influence him.*

#### Example 2: Gifts, benefits and hospitality

A regular supplier offers the council's purchasing officer a free weekend for two at a beach resort.

*The officer's impartiality when dealing with the supplier would be compromised if he or she accepts the offer. Even if this officer personally feels that s/he would not be influenced by the gift, s/he would be in breach of the code of conduct if the offer were accepted.*

Planning and building staff are regularly offered alcohol, food, tickets to major sporting events and free lunches by developers, builders, project managers and suppliers. Staff sometimes accept these gifts without declaring them and argue that they are in return for providing good service and are an accepted way of "doing business".

*Again, this will be perceived to have compromised the impartiality of the staff concerned and breaches the code of conduct.*

*In this situation staff should, in the first instance, refuse any gift offered. If staff cannot reasonably refuse or return the gift, then they should identify whether or not the gift has more than a token value as defined within Section 8 of the code. If so, it must be disclosed promptly to the supervisor or the general manager. The recipient, supervisor, or general manager must then ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. Council may then determine how these gifts are dealt with and could, for example, donate specific items to charity.*

*Some councils have procedures in place that require the recording of the receipt of all gifts in the Gifts Register, even if they are considered token. Information on what happens with these gifts is also recorded in the Gifts Register. This provides a high degree of transparency and can be used to monitor these activities.*

### Example 3: Acceptance of gifts and bribery

A local council employee is involved in a series of inspections on a building site. During the inspections, the developer offers the employee numerous gifts including alcohol and a present for the employee's new born child. The employee accepts the gifts as he feels they are offered as unconditional and genuine tokens of appreciation for his work, especially as the inspection involved a number of lengthy tasks.

The employee believes he is not compromised by the gifts and eventually makes a recommendation that is not in the developer's interests. After the recommendation is made, the developer complains to the council about the employee accepting the gifts.

*Although the employee accepts the gifts in good faith, he nevertheless places himself in a vulnerable position. While each of the gifts is of modest value they could be readily be interpreted as having more than a token value. The developer is able to manipulate the situation to allege the employee has accepted bribes.*

*The employee's acceptance of the gifts without disclosing them to the supervisor, or the general manager could also be used as circumstantial evidence of bribery. The employee could not rely on the fact that he made a decision he would have made, regardless of the gifts, as a defence to bribery.*

### Example 4: Acceptance of gifts and influence

A council's information technology manager attends two meetings with potential suppliers. During the first meeting the suppliers serve tea, coffee and biscuits. The second meeting is held at a restaurant and the suppliers pay for the manager's three course meal.

*Both of the meetings arguably provide the manager's council with a benefit, namely the opportunity to discuss the supplier's products. Despite this, a contrast can be drawn between the meetings.*

*In the first, the refreshments are only modest in nature and consequently do not create the impression that an attempt is being made to gain the manager's favour. In the second, the nature of the lunch creates the impression that an attempt is being made to compromise the manager's impartiality. The damage of this perception far outweighs any benefit associated with the manager's attendance.*

Some additional case studies relating to gifts and benefits can be found at:

- ICAC, 2006, *Managing Gifts and Benefits in the Public Sector – Toolkit*

#### 4.3D - Suggested policy requirements

1. Councils should develop a policy and procedures to guide and assist council officials in dealing with gifts or benefits. This policy may provide an explanation of what constitutes token value and information on gift registers and the procedure for registering a gift or benefit. An explanation of how to develop a policy is contained in:

ICAC, 2006, *Managing Gifts and Benefits in the Public Sector – Toolkit*

2. Councils should conduct regular reviews of declarations of gifts and benefits in the Gifts Register to identify trends and any other issues. This should form part of the procedures developed by council.

3. A hypothetical case study on the acceptance of gifts is provided in Chapter 4 of the ICAC Practical Guide to Corruption Prevention Manual and is a useful exercise to consider using in conjunction with training programs.

#### **4.3E - Key legislation**

- *Crimes Act 1900* (NSW), sections 249B and 249J
- Local Government (General) Regulation 2005, clause 184

#### **4.3F - Resources**

ICAC, 2006, *Managing Gifts and Benefits in the Public Sector – Toolkit*

ICAC, *Practical Guide to Corruption Prevention*.



## **4.4 Relationship between council officials (Part 2 Model Code, section 9)**

### ***4.4A - Introduction and interpretive information***

All councillors should be aware of the importance of effectively managing the interaction between councillors and staff in accordance with the requirements of the Local Government Act.

Councillors have a dual role:

- one as a member of council's governing body
- one as an elected representative.

The councillors' role is a strategic one. They are responsible for making policy decisions that relate to the exercise of the Council's regulatory functions, strategic direction, optimum allocation of resources and monitoring the compliance and performance of council.

The role of the general manager and staff is operational. They are responsible for the implementation of the policies and programs set by the governing body that relate to the exercise of council's regulatory functions, strategic direction or allocation of resources. The general manager (or staff with delegated authority) is also responsible for determining and implementing policies that relate to the day to day management of council (eg disciplinary policies and leave policies).

There needs to be personal interaction between councillors and relevant staff, particularly regarding access to and provision of information, to effectively integrate policy-making and service delivery. However, in general, communication between councillors and staff should be restricted to matters of policy and not day to day management which is the responsibility of the general manager. Normally, such communication should be through the general manager or staff approved by the general manager.

The Model Code recognises that it is appropriate for councillors and staff to discuss policy issues that relate to the exercise of a council's regulatory functions, strategic direction or allocation of resources. Industrial policy is one example of a policy area that might be discussed. In this context, it may also be appropriate for councillors to discuss policies with staff organisations.

The Model Code does not prevent councillors and staff communicating. It is a normal part of community life that council staff and councillors would be, from time to time, present at the same social or community events. The Model Code does not prevent this. The Model Code governs the interactions relating to council business while councillors and staff are undertaking their public duties.

At clause 9.7, the Model Code lists interactions between councillors and council staff that are considered inappropriate.

In order to effectively manage these interactions, it is suggested that councils develop a policy to provide guidance on the interactions between council officials.

Council may appoint a councillor liaison officer, or put in place a formal system, to facilitate and co-ordinate councillor requests for information or action.

#### **4.4B - Case studies/examples**

##### **Example 1: Attempting to improperly direct/influence staff**

A councillor is a friend of a local surveyor who has a number of clients with development applications that are dealt with by council through its Development Approval Committee. Councillors rarely make decisions on development application matters. The councillor and surveyor often discuss the development applications currently being managed by the surveyor's agency. On many occasions the councillor rings the council staff member dealing with his friend's application to express a view on how it should be assessed. The councillor is often quite insistent that matters be dealt with more quickly. The staff members feel intimidated and pressured to support the applications.

The councillor believes that this action is appropriate as the councillor does not direct staff as to the outcome of the application assessment process. Council staff are obliged to assess development applications in accordance with the applicable legislation. For example, section 79C of the *Environmental Planning and Assessment Act 1979* provides a list of matters for consideration in determining a development application.

*The actions of the councillor are inappropriate. Section 352 of the Local Government Act provides that councillors must not direct or influence or attempt to direct or influence staff in the performance of their duties. The fact that the councillor rings the staff member who is dealing with his friend's applications to discuss the progress on these applications is also inappropriate. Contact with staff on day to day matters must be in accordance with the policy and procedures that are established by council to govern these interactions.*

*The staff member should advise the general manager. The general manager should intervene to stop the councillor from contacting staff members directly where this is inappropriate. The general manager should encourage staff to report such approaches.*

#### **4.4C - Good practice suggestions**

There are some questions council officials can ask to help decide whether or not contact between councillors and council staff is appropriate. A list of these questions can be found at:

Councillors' access to information and their interaction with staff, page 23 Under Careful Consideration: Key Issues for Local Government, March 1997, ICAC/Department of Local Government.

#### **4.4D - Suggested policy requirements**

1. Councils could maintain a register of contacts. This information can be used to monitor councillor staff contacts. Maintaining a contacts register can be helpful for staff and councillors, it can also assist in determining whether further controls are needed.
2. Councils should develop more detailed policy and procedures to govern the interaction of staff and councillors.

#### **4.4E - Key legislation**

- *Local Government Act 1993*, Chapter 9 Part 2, Chapter 11, particularly section 352, and Chapter 12 Part 2 (these sections of the Act relate to how councils are established, how councils are staffed and how councils operate.)
- *Local Government (General) Regulation 2005*

## **4.5 Access to information and council resources (Part 2 Model Code, section 10)**

### **4.5A - Introduction and interpretive information**

As a general principle, council officials should only use information for the purposes of undertaking their public duties. Any misuse of official information for personal gain or benefit is a serious matter. This type of misuse of information may constitute corruption.

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*.

Councils should encourage public access to information about their activities. A model policy on access to information has been produced by Local Government Managers Australia (NSW) in association with the NSW Ombudsman and Privacy NSW. Access to information could be provided in accordance with these guidelines.

Any information and services that are publicly available should also be available to councillors. In addition, the council should provide councillors with access to sufficient information to enable them to perform their role effectively.

Council officials, including councillors, must be scrupulously honest in the use of all council resources including, but not limited to, human resources, motor vehicles, information, telecommunications equipment, internet, computer facilities, website, stationery and printing facilities. Council resources must not be used for election or re-election purposes.

Councillors need to familiarise themselves with the policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office, that is made in accordance with section 252 of the Act.

It is important that the community has confidence that information acquired by the council will only be used for council purposes. Confidential information must only be used for council purposes. The *Privacy and Personal Information Protection Act 1998* ensures that where a public agency such as a council collects information about a person it does so in a manner that is transparent.

### **4.5B - Case studies/examples**

#### **Example 1: Use of council information for personal or business interests**

*Many councillors have business and professional interests in the local government area they represent. Conflicts can arise if their public positions allow them access to information and opportunities that could be used to advance their personal and business interests.*

*For example, a councillor may be tempted to influence an application to set up a new business in the town if his own business could lose custom as a result. The councillor should be careful to manage his personal interest appropriately. In this case, the councillor should ensure that he has no involvement in the matter.*

## Example 2: Use of council equipment

A local resident approaches a councillor with information about his neighbour, who is a council employee. He reports that the previous weekend he saw council equipment being used to dig up his neighbour's driveway.

The councillor reports the matter to the general manager. He discusses the matter with one of the council's internal auditors. The auditor decides to interview the employee, who has worked for council for 20 years and has an excellent work record. At the interview the employee admits that he used the equipment the previous weekend. He says he didn't realise it was wrong to do this as he was only 'borrowing' the equipment to do work on his own property. He did the work in his own time and not as a second job for which he got paid.

The auditor reports back to the general manager and, as this was a one-off offence, recommends that no formal disciplinary action be taken.

*In this case it would be appropriate if the general manager counsels the employee on the use of council resources and gives him a copy of council's code of conduct and policy. The council could also run a series of awareness-raising sessions for staff.*

## Example 3A: Forms of misuse - staff

*Forms of misuse which appear to be relatively common include:*

- *staff using mobile phones excessively for private purposes without re-imbursment of costs*
- *internet services being used extensively for non-work purposes*
- *unauthorised use of minor plant or equipment*
- *"left-over" materials and low value assets being claimed by staff without payment or other proper arrangement for the disposal, re-use or recycling of the materials being in place.*

## Example 3B: Forms of misuse - councillors

*Forms of misuse of council resources by councillors include the use of:*

- *council letterhead for re-election material*
- *council staff to prepare information for re-election*
- *council mobile phones for private calls not related to public duties*
- *internet services provided by council at home or council laptops to access inappropriate websites*
- *council resources to attend political fundraising events.*

#### Example 4: Information security

A staff member goes to lunch leaving sensitive papers about a proposed industrial development on her desk. Another staff member sees the papers as he is returning some folders to her desk. He discusses what he has seen with other staff. One of the other staff members has previously notified that he has a conflict of interest in the development as he may be an objector to the development. His supervisor has been particularly careful to ensure that he did not have access to any information in relation to the development.

*It is important to take appropriate steps to secure confidential or sensitive information. The staff member who was assessing the information should have known that the matter she is dealing with is sensitive and should have taken the necessary steps to secure the information before leaving her desk.*

*The staff member who saw the information should have maintained the confidentiality of the information and not discussed this with other staff members.*

#### 4.5C - Good practice suggestions

- **Contractors**

Contracts with contractors, consultants, agents or advisers should specify that such persons are under an obligation not to use confidential information in ways which are an abuse of their role, function or position, or which put them in a position which is inconsistent with their legal and professional obligations to the council.

- **Business investments**

Council staff should avoid investments or business activities in relation to which their potential access to confidential information might reasonably be perceived as giving them an unfair or improper advantage over other people.

Councillors also need to be aware of this issue and manage their access to confidential or commercially sensitive information appropriately.

#### 4.5D - Suggested policy requirements

1. Councils should consider developing more detailed guidelines and policies on:

- the procedures councillors should use to access council information
- the use of council resources by council officials, including the recovery of costs
- the use of plant by council staff
- the disposal of surplus minor assets
- the use of communication devices (see clause 4 below).

2. The *Privacy and Personal Information Protection Act 1998* provides obligations on councils, including the development of a privacy management plan. In addition, a Privacy Code of Practice for Local Government took effect from 1 July 2000 and councils must comply with this. A copy of this is available on the Department's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

3. Councils should consider developing a policy to provide guidance on the adequate and timely provision of information to councillors in relation to matters with which they are dealing. This policy could also provide procedures to keep councillors adequately informed of matters that may be the subject of negotiations and actions of committees of council under delegated authority.

The policy should also consider the issue of councillor access to and use of:

- confidential information
- commercial in confidence information
- information on business competitors.

This policy could be based on the information contained in the publications:

- Good Conduct and Administrative Practice: Guidelines for state and local government
- Under Careful Consideration: Key Issues for Local Government.

4. Councils should require council officials to sign an agreement for the use of email and the internet. The ICAC publication '*No Excuse for Misuse*' provides a model policy for the use of communication and information devices in councils. Alternatively, councils can use the NSW Department of Premier and Cabinet 'Policy and Guidelines for use by Staff of Employer Communication Devices' as a guide. This document can be accessed on the Department of Premier and Cabinet website at [www.dpc.nsw.gov.au](http://www.dpc.nsw.gov.au).

5. Under section 252 of the *Local Government Act 1993*, council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office. Guidelines to assist councils to prepare such a policy are available on the Department's website. Council's code of conduct and the section 252 policy should be consistent and referenced to each other.

#### **4.5E - Key legislation**

- *Local Government Act 1993*, sections 11, 12, 13, 252, 664, 665 and 666 (these sections of the Act refer to access to information, what expenses and facilities may be paid or provided to councillors and the disclosure and misuse of information.)
- *Freedom of Information Act 1989*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998*

#### **4.5F - Resources**

Daly, M, July 2004, *Liverpool City Council Public Inquiry: Volume 3*.

DLG, 2007, *Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors for Local Councils in NSW*.

DLG, 2000, *Model Privacy Management Plan for Local Government*.

DLG, 2000, *Privacy Code of Practice for Local Government*.

ICAC, 2002, *No Excuse for Misuse: preventing the misuse of council resources*.

ICAC/Department of Local Government, March 1997, *Under Careful Consideration: Key Issues for Local Government*.

LGMA, 2008, *Access to Information policy and guidelines*.

NSW Ombudsman, 2003, *Good Conduct and Administrative Practice: Guidelines for state and local government*.



## 4.6 Reporting breaches (Part 2 Model Code, section 11)

### 4.6A - Introduction and interpretive information

Any person, whether or not a council official, may make a complaint alleging a breach of the code of conduct. As council officials are individually accountable for their acts and omissions in relation to their council duties, it is therefore important that council officials clearly understand all of the requirements of their council's code of conduct in undertaking their work or civic responsibilities.

For a code of conduct to be effective and meaningful it must be supported by appropriate reporting of breaches and appropriate sanctions for breaches. Council officials and the public need to have confidence that the code will be complied with and breaches will be dealt with appropriately.

Breaches of a code of conduct by council officials may result in disciplinary action, legal action or in other sanctions being imposed, depending on the nature and severity of the breach.

The Model Code makes it clear that suspected breaches of the code of conduct should be reported in the following ways:

Officer	Report to
Councillors, members of staff of council (excluding the general manager) or delegates	general manager in writing
general manager	Mayor in writing
Administrator	Minister for Local Government in writing

Councillors are expected to refrain from making allegations at council meetings.

### 4.6D - Suggested policy requirement

1. Councils should develop reporting procedures for dealing with allegations of breaches of the code. This information could be either included in the code of conduct or provided in a separate policy.

The procedures should be consistent with internal reporting procedures under the *Protected Disclosures Act 1994*. The purpose of that Act is to ensure that staff who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

2. Councils should adopt a separate internal reporting policy for the making of protected disclosures. The *Protected Disclosures Act 1994* relates to the reporting of corrupt conduct, maladministration and serious and substantial waste in the public sector. Any such policy should be consistent with the reporting procedures under the council's code of conduct. A model internal reporting policy for councils can be found at:

- NSW Ombudsman, 5<sup>th</sup> Edition, 2004, *Protected Disclosures Guidelines*, Annexure 2.

3. Where council staff agreements do not provide for sanctions for breaches of the code of conduct, then council may consider including the following list of possible sanctions in its code of conduct:

- counselling the staff member
- documentation on the personnel file for a period of time depending on the nature of the breach of the code
- disciplinary action such as demotion, foregoing the capacity to seek promotion, or to act in a higher duty capacity
- dismissal from employment
- prosecution for any breach of law which could lead to dismissal and recovery of costs/damages suffered by council and/or imprisonment.

#### **4.6E - Key legislation**

- *Local Government Act 1993*
- *Protected Disclosures Act 1994*
- *Independent Commission Against Corruption Act 1988*
- *Ombudsman Act 1974*

#### **4.6F - Resources**

ICAC, 2003, Fact-Finder, *A 20-step guide to conducting an inquiry in your organisation*.

NSW Ombudsman, 2nd edn. 2004, *The Complaint Handler's Toolkit*.

NSW Ombudsman, 2003, *Good Conduct and Administrative Practice: Guidelines for state and local government*.

NSW Ombudsman, 2004, *Investigating complaints: A manual for investigators*.

NSW Ombudsman, 5th edn. 2004, *Protected Disclosures Guidelines*.

## **5 Complaint handling procedures (Part 3 Model Code, sections 12- 14)**

### **5.1 Handling 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 and council committee members.

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

The Model Code prescribes 3 different complaint handling procedures depending on whether the person the subject of the complaint is a:

- staff member, delegate or member of a council committee
- general manager
- councillor.

All 3 procedures provide for an initial assessment of the complaint. This should be undertaken as soon as practicable. In addition, conduct review committees or sole conduct reviewers are expected to undertake an initial assessment of complaints that are referred to them.

The purpose of the initial assessment is to determine the most appropriate course of action for handling a complaint. The assessment criteria provided at clause 13.1 of the Model Code sets out the grounds that must be taken into account in determining the complaint handling course to be taken.

The complaint handling procedures in section 12 of the Model Code requires that complainants are 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.

If complaints are to be declined, complainants should be given clear reasons for this.

The Minister for Local Government is the person responsible for receiving complaints alleging a breach of the code of conduct by Administrators. Complaints are then assessed in accordance with the Department's complaint handling procedures, preliminary enquiries undertaken where appropriate and advice provided to the Minister in relation to any further action that may be required. Any sanctions for a breach of the code of conduct will be decided by the Minister, following enquiries made by the Department.

## **5.2 Appointment of conduct reviewers**

The council must appoint at least 3 people who are independent, qualified persons of high standing in the community to act as conduct reviewers. More than 3 people can be appointed if council feels that it is likely that there will be circumstances where one or more conduct reviewers are not available to participate in a matter.

When making decisions to appoint conduct reviewers, councils should consider whether or not these persons are familiar with the requirements of natural justice. Councils should also consider providing conduct reviewers with appropriate training to support their position.

The term of appointment of conduct reviewers should be determined by council. It is up to council to decide whether members of the committee have their out of pocket expenses paid only or they are paid a fee for service.

## **5.3 Referral of complaints to a conduct review committee/sole reviewer**

The Mayor or the general manager makes the determination as to whether a complaint should be reviewed by the Committee or a sole reviewer.

The number of persons who will undertake the review of an allegation of a breach of the code of conduct will depend on the nature, complexity and seriousness of the allegations. For example when a complaint is referred to the general manager, if it is a complex matter, he/she may opt to involve all members of the review committee. If the general manager assesses the alleged breach is a reasonably straightforward matter, the general manager may determine to refer the complaint to a sole conduct reviewer. The general manager then chooses, from the persons appointed by council, a reviewer with expertise in relation to the nature of the conduct complained about.

If a conduct reviewer cannot participate in a matter because of a conflict of interests, or issues of a reasonable apprehension of bias, then the general manager or Mayor selects another person to be a member of the conduct review committee or to act as a sole conduct reviewer from those appointed by council.

Where the general manager is the complainant, the general manager must refer the matter to a conduct review committee, consisting of at least 3 members, as per clause 12.9(c) and (d) of the Model Code.

Where the Mayor is making a complaint about the general manager, the Mayor must refer the matter to a conduct review committee, consisting of at least 3 members, as per clause 12.11(c) and (d) of the Model Code.

It is implicit that, for the general manager or Mayor to make such a complaint, the matter will be significant and/or serious. The conduct review committee is expected to assess the complaint in accordance with the criteria as provided in clauses 13.1 and 13.3 of the Model Code.

## **5.4 Operations of the conduct review committee/sole reviewer**

The primary role of the conduct review committee/reviewers is to establish the facts of the allegation.

The function of the conduct review committee/reviewer, its composition, operating guidelines, and the criteria it must take into account in determining whether or not to enquire into an allegation, are set out in sections 13 and 14 of the Model Code of Conduct. The relevant parts of the operating guidelines also apply to sole conduct reviewers.

The conduct review committee/sole conduct reviewer must undertake its activities in accordance with the operating guidelines provided in the Model Code (section 14) and complaint handling provisions in section 12.

The general manager or the Mayor (in the case of a complaint against the general manager) attends meetings of the conduct review committee when invited but acts in an advisory capacity only. They do not take part in discussions determining the decisions of the committee.

The operating procedures for conduct review committees/sole reviewers require proper records of deliberations to be kept. This includes, but is not limited to, records of meetings, correspondence and evidence. This information becomes the official records of council. Review committees/reviewers should keep sufficient records to support the process that has been undertaken in handling a complaint should a review of the process be required.

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

The subject(s) of the complaint must be provided with a reasonable opportunity to respond to the allegations before any findings are made.

The guidelines for the conduct review committee/reviewer identify that allegations of a pecuniary interest should be reported to the Director General of the Department of Local Government and will not be dealt with by conduct reviewers.

## **5.5 Reports from conduct review committees/sole conduct reviewers**

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. 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 recommendations to council may include that it take action to apply a sanction. The only sanctions that council can apply are:

- censure a councillor for misbehaviour
- require a councillor or general manager to apologise to any person adversely affected by the breach
- counsel the councillor or general manager
- make public findings of inappropriate conduct
- prosecute for any breach of the law.

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.

The primary role of the conduct review committee/reviewer is to establish the facts of the allegation. The conduct review committee/reviewer will make findings of fact and may make recommendations that council takes action.

The council is the appropriate body to determine whether or not a breach of the code has occurred and has the discretion as to whether or not a sanction is applied. Councillors need to ensure that there is no re-hearing of the evidence when debating the report from the conduct review committee/reviewer. The debate should focus on the outcome of the reviewers' enquiries and the appropriateness of any sanctions to be applied where there is a finding of a breach of the code of conduct.

## **5.6 Annual reporting of complaints**

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

Clause 12.33 of the Model Code provides the minimum information that should be included in that report.

General managers should be mindful that there may be a need to protect identity of persons making complaints when preparing these reports

## **5.7 Councillor Misbehaviour**

The Act and the Model Code of Conduct outline the actions or omissions that will amount to misbehaviour by a councillor. This includes the failure to comply with

applicable requirements of council's code of conduct, as well as acts of disorder that are committed during council or committee meetings.

The Model Code of Conduct provides for a council to impose sanctions for a breach of the code of conduct, including formal censure of a councillor for misbehaviour. However, this power should not be seen as a way of stifling proper process and debate at council meetings, nor of preventing minority representatives from putting forward their views on matters before council.

The Act requires that a motion for censure must follow the usual notice requirements and to state the grounds on which the council is satisfied that the councillor should be censured. This should follow enquiries into the matter by council's conduct review committee/reviewer and the consideration of the conduct review committee/reviewer's findings and recommendations for action by council.

Councils should ensure that they have complied with the procedures identified in section 440I(2) of the *Local Government Act 1993* before they refer a matter to the Director General.

A council can refer a matter to the Director General only if it has already formally censured the councillor, on one or more occasions depending on the seriousness of the behaviour, or expelled the councillor from a meeting because of the relevant incident of misbehaviour. In its referral to the Director General council must provide the Department with evidence that these requirements have been met together with a copy of any report of council's enquiries into the matter and all other relevant evidence.

If a council is requesting suspension of a councillor for misbehaviour, as provided in section 440H, then it must formally resolve that it believes that grounds may exist that warrant the councillor's suspension and provide a copy of that resolution with its referral.

The Director General of the Department of Local Government may suspend a councillor for a period of up to one month where he finds that a councillor's misbehaviour is of a sufficiently serious nature to warrant suspension. In certain circumstances the Director General may refer the matter to the Local Government Pecuniary Interest and Disciplinary Tribunal which may suspend a councillor for longer periods.

The ICAC, Ombudsman and Director General retain the power to act on misbehaviour allegations including a breach of the council's code of conduct regardless of any council enquiries or finding.

## 6 Statutory Requirements

Section 440 of the *Local Government Act 1993* requires that every council must adopt a code of conduct to be observed by councillors, members of staff of council and delegates of the council. A council must, within 12 months after each ordinary election, review its adopted code of conduct and make such changes as it considers appropriate and are consistent with section 440.

Section 440 states:

- 1. The regulations may prescribe a Model Code of Conduct (the **Model Code**) applicable to councillors, members of staff of councils and delegates of councils.*
- 2. Without limiting what may be included in the Model Code, the Model Code may:*
  - (a) relate to any conduct (whether by way of act or omission) of a councillor, member of staff or delegate in carrying out his or her functions that is likely to bring the council or holders of civic office into disrepute, and*
  - (b) in particular, contain provisions for or with respect to conduct specified in Schedule 6A.*
- 3. A council must adopt a code of conduct (the **adopted code**) that incorporates the provisions of the Model Code. The adopted code may include provisions that supplement the Model Code.*
- 4. A council's adopted code has no effect to the extent that it is inconsistent with the Model Code as in force for the time being.*
- 5. Councillors, members of staff and delegates of a council must comply with the applicable provisions of:*
  - (a) the council's adopted code, except to the extent of any inconsistency with the Model Code as in force for the time being, and*
  - (b) the Model Code as in force for the time being, to the extent that:*
    - (i) the council has not adopted a code of conduct, or*
    - (ii) the adopted code is inconsistent with the Model Code, or*
    - (iii) the Model Code contains provisions or requirements not included in the adopted code.*



*6. A provision of a council's adopted code is not inconsistent with the Model Code merely because the provision makes a requirement of the Model Code more onerous for persons required to observe the requirement.*

*7. A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.*

*8. Nothing in this section or such a code gives rise to, or can be taken into account in, any civil cause of action, but nothing in this section affects rights or liabilities arising apart from this section.*

## 7 Definitions

The following definitions are used in these guidelines:

the Act	the <i>Local Government Act 1993</i>
act of disorder	has the same meaning as in clause 256 of the Local Government (General) Regulation 2005
code of conduct	means the relevant council's adopted code of conduct
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	has the same meaning as in section 441 of the Act
misbehaviour	has the same meaning as in section 440F of the Act
Model Code	means the Model Code of Conduct for Local Councils in NSW, June 2008
pecuniary interest	means 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. ( <i>section 442</i> )

non-pecuniary interest	means 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.
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.
significant non-pecuniary conflict of interests	<p>means where a matter does not raise a pecuniary interests but involves:</p> <ul style="list-style-type: none"><li>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</li><li>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</li><li>c. an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.</li></ul>

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*Under Careful Consideration: Key Issues for Local Government*, March 1997.

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# Ku-ring-gai Council

## Code of Conduct

November 2008

This is the Ku-ring-gai Council *Code of Conduct*. It is based on the Department of Local Government *Model Code of Conduct for Local Councils in NSW*, June 2008. It should be read in conjunction with the Department of Local Government *Guidelines for the Model Code of Conduct for Local Councils in NSW*, October 2008.

## 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

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## PART 1: CONTEXT

*This Part of the 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 Code of Conduct (“the Code”) 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 Department of Local Government *Model Code of Conduct for Local Councils in NSW*. For the purposes of section 440 of the Act, the Code 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 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 by the Department of Local Government 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 Code 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 Code refers to council officials.

### 3 PURPOSE OF THE CODE OF CONDUCT

The Code sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code, from which this Code is derived, is prescribed by regulation.

The Code 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 Code 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 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.

For further information about general conduct obligations in respect of business relationships, see Council's *Statement of Business Ethics*.  
Staff should also seek advice from Human Resources in respect of relevant human resource management policies.

## **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.

For further information about other business or employment (staff)  
see Council's *Secondary Employment Policy*.

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.

For further information about conflict of interests  
see Council's *Conflict of Interests Policy*.

## **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 Council's Gifts and Benefits 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.

<p>For further information about personal benefit see Council's <i>Gifts and Benefits Policy</i>.</p>
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## **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* 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.

For further information about obligations during meetings,  
see Council's *Code of Meeting Practice*.

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.

For further information about relationship between council officials  
see Council's *Councillor Access to Information and Interaction with Staff 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.

For further information about councillor access to information  
see Council's *Councillor Access to Information and Interaction with Staff Policy*.

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

For further information about privacy  
see Council's *Privacy Management Plan*.

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.

For further information about use of council resources see Council's *Internet and Email Policy* (all council officials), *Mobile Phone Policy* (staff) and *Office Equipment Policy* (staff).

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.<sup>1</sup>
- 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.'*

<p>For further information about protected disclosures see Council's <i>Internal Reporting Policy Protected Disclosures</i>.</p>
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### 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.

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<sup>1</sup> Protected Disclosures Guidelines, 5<sup>th</sup> Edition, NSW Ombudsman, May 2004, Annexure 2.

- 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.
- 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.

DRAFT

## **PART 3: PROCEDURES**

*This Part of the 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 GUIDELINES<sup>2</sup>**

### **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.

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<sup>2</sup> The operating guidelines have been adapted from the Ku-ring-gai Council Conduct Committee Guidelines – 25 October 2006  
S02236, S02554, 2008/032104

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.<sup>3</sup>

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.

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<sup>3</sup> 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.

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## APPOINTMENT OF INDEPENDENT CODE OF CONDUCT PANEL

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To seek Council's consideration of the appointment of persons to review allegations of breaches of the Code of Conduct.

**BACKGROUND:**

On 20 June 2008, the Department of Local Government published the revised Model Code of Conduct (Circular No. 08-38). The Model Code prescribed a number of changes in the way that Councils are required to assess Code of Conduct complaints, the most notable being that the Mayor and General Manager of a Council could no longer form part of the Conduct Committee to assess complaints.

On 22 July 2008, Council unanimously adopted the revised Model Code of Conduct as prescribed by the Department of Local Government.

**COMMENTS:**

Subsequent to the Resolution of 22 July 2008, NSROC General Managers resolved on 28 August 2008 to support a regional approach to securing new regional Code of Conduct committee members.

**RECOMMENDATION:**

That Council appoint the identified persons to review allegations of breaches of the Code of Conduct.

## PURPOSE OF REPORT

To seek Council's consideration of the appointment of persons to review allegations of breaches of the Code of Conduct.

## BACKGROUND

On 20 June 2008, the Department of Local Government published the revised Model Code of Conduct (Circular No. 08-38). The Model Code prescribed a number of changes in the way that Councils are required to assess Code of Conduct complaints, the most notable being that the Mayor and General Manager of a Council could no longer form part of the Conduct Committee to assess complaints.

On 22 July 2008, Council unanimously adopted the revised Model Code of Conduct as prescribed by the Department of Local Government. In assessing this report, Council resolved further as follows:

- "c. That Council endorse the concept to establish a Panel of independent members to deal with the Code of Conduct issues regarding the General Manager 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."*

## COMMENTS

Subsequent to the abovementioned Resolution, NSROC General Managers resolved on 28 August 2008 to support a regional approach to securing new regional Code of Conduct committee members. This was viewed as assisting to ensure consistency in assessing Code of Conduct matters across the region, providing a more efficient manner in which to identify and contact Panel members, and provide optimum flexibility for selecting Panel members, or sole reviewers, as required by the Model Code of Conduct.

General Managers John McKee and Michael Whittaker (Ryde) were nominated to undertake the EOI. It was also agreed to develop a set of guidelines and protocols to facilitate the uniform conduct of the Review Committees.

Expressions of Interest were advertised in the Sydney Morning Herald on 12 August 2008 and the North Shore Times and Northern District Times on 13 August 2008.

Expressions of Interest closed on 3 September 2008 at 3.00 pm, and twelve responses were received. On 3 September 2008, the relevant documentation was distributed to John McKee and Michael Whittaker, and the evaluation meeting was held on 10 September 2008.

The following Evaluation Criteria was used to assess the EOI applicants:

- Understanding of local Government, procedural fairness and ethical decision making.

Item 2

**S06344**  
**13 February 2009**

- Independence and standing in the local community in relation to local Councils in the NSROC region.
- Ability to conduct investigations, review conduct matters and deliberate on these matters.
- Ability to prepare a report to Council on the Conduct Committee's findings and recommendations.
- Ability to provide the service at a high standard and at a reasonable rate.
- Ability to communicate effectively and work in partnership with Officers of the Council.
- Ability to provide flexibility and availability of time whenever the Committee is convened.
- Ability to travel throughout the NSROC region of Councils.

The results were as follows:

<b>Applicant</b>	<b>Suitable/Not Suitable</b>	<b>Comments</b>
Ian Ellis-Jones	Suitable	Met Criteria. *Unable to be used by LCC and KMC
Bronwyn Connolly	Suitable	Met Criteria
Kath Roach	Suitable	Met Criteria
Mitchell Morley	Suitable	Met Criteria
Christopher Shaw	Suitable	Met Criteria
Melissa Gibbs	Suitable	Met Criteria
Steven Blackadder	Suitable	Met Criteria
Ken Davidson	Suitable	Met Criteria
James Marshall	Suitable	Met Criteria *Location
Claire Brogan	Suitable	Met Criteria
Bernard Smith	Suitable	Met Criteria *Location
John Kleem	Suitable	Met Criteria



Item 2

S06344  
13 February 2009

*Regional Tool Kit*

A Regional Tool Kit has been developed by Ian Ellis-Jones for use by Panel Members which includes:-

- GIS Checklist
- *"Report to Council"* Template
- *"Minutes of Meeting"* Template
- *"Standard letter to person subject of the complaint"* Template
- *"Standard letter to person subject of the complaint at the Preliminary Stage"* Template
- *"Standard letter to person subject of the complaint at the Enquiries Stage"* Template
- *"Standard letter to the complainant at the Preliminary Stage"* Template
- *"Standard letter to the complainant"* Template

Following this process, the matter was referred to the NSROC Board Meeting No. 124, held on Thursday, 13 November 2008, and was duly supported by the Board.

## CONSULTATION

All NSROC General Managers were involved in developing/reviewing the process, and the matter has been considered by the full Board of NSROC.

## FINANCIAL CONSIDERATIONS

Confidential Appendix 1 provides an analysis of each applicant against the criteria defined in the process. One such criteria is stated as the *"ability to provide the service at a high standard and at a reasonable rate"* and this is detailed in the said attachment.

Annual costs of servicing the Code of Conduct will be dependent on the number of matters deemed as warranting assessment by the Committee, and the complexity of such matters.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

On 20 June 2008, the Department of Local Government published the revised Model Code of Conduct. This was subsequently adopted by Council at its Ordinary Meeting of 22 July 2008, and Council resolved to endorse the concept to establish a Panel of independent members on a regional basis.

Following Council's resolution, the matter was referred to all General Managers across NSROC who endorsed the concept and developed a template in line with Council's resolution. This process resulted in applications being received from twelve individuals, all of whom were viewed as suitable to service a regional Code of Conduct Committee. The matter was subsequently referred to the NSROC Board on 13 November 2008, and received Board support. Accordingly, the matter is now referred to Council to consider the appointment of the identified persons.

## RECOMMENDATION

That Council appoint the following persons to review allegations of breaches of the Code of Conduct:

Bronwyn Connolly  
Kath Roach  
Mitchell Morley  
Christopher Shaw  
Melissa Gibbs  
Steven Blackadder  
Ken Davidson  
James Marshall  
Claire Brogan  
Bernard Smith  
John Kleem

John McKee  
**General Manager**

**Attachments:**      **A. Committee/Sole Reviewer Tool Kit - 2009/018756**  
                             **B. Confidential - Assessment of Applicants - circulated separately**



**REGIONAL CONDUCT REVIEW  
COMMITTEE/SOLE REVIEWER  
TOOL KIT**

**Standard Forms**

**October 2008**

# SUMMARY OF THE PROVISIONS OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

## Disclaimer

Due to its condensed format this summary, which has been prepared by Ellis-Jones Enterprises Pty Limited, should not be used as a substitute for *The Model Code of Conduct for Local Councils in NSW* (June 2008), relevantly applicable legislation or professional advice, and does not, and is not intended to, offer professional advice in any form. No warranty or guarantee of any kind is provided by Ellis-Jones Enterprises Pty Limited relating to, and no liability is accepted for, any loss or damage resulting from any person relying on or using the information contained in this summary.

## General Introduction

The regulations made under *the Local Government Act 1993* (NSW) (the "LG Act") may prescribe a *model code of conduct* applicable to councillors, members of staff of councils and delegates of councils.<sup>1</sup> The most recent, and now relevantly applicable, Model Code, entitled *The Model Code of Conduct for Local Councils in NSW* (the "Model Code" or "Code"), is dated June 2008.<sup>2</sup>

A council must adopt a code of conduct that incorporates the provisions of the Model Code. The adopted code may include provisions that supplement the Model Code.<sup>3</sup> However, a council's adopted code has no effect to the extent that it is inconsistent with the Model Code as in force for the time being.<sup>4</sup>

Councillors, members of staff and delegates of a council must comply with the applicable provisions of:

- (a) the council's adopted code, except to the extent of any inconsistency with the Model Code as in force for the time being, and
- (b) the Model Code as in force for the time being, to the extent that:
  - (i) the council has not adopted a code of conduct, or

- (ii) the adopted code is inconsistent with the Model Code, or
- (iii) the Model Code contains provisions or requirements not included in the adopted code.<sup>5</sup>

What now follows is a summary of the Model Code.

## **PART 1: CONTEXT**

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

### **1 INTRODUCTION**

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. – *Introduction, Model Code.*

The Code is made in 3 Parts: Context, Standards of Conduct, and Procedures.

- **Part 1: Context**

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

- **Part 2: Standards of Conduct**

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

- **Part 3: Procedures**



This part 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.

## 2 DEFINITIONS

Some of the more important definitions for the purposes of the Model Code are the following:

**act of disorder** see the definition in clause 256 of the *Local Government (General) Regulation 2005*

**NOTE.** A councillor commits an **act of disorder** if the councillor, at a meeting of a council or a committee of a council:

(a) contravenes the LG Act or any regulation in force under that Act, or

(b) assaults or threatens to assault another councillor or person present at the meeting, or

(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or

(d) insults or makes personal reflections on or imputes improper motives to any other councillor, or

(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.

**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

**misbehaviour**

see the definition in section 440F of the Act

**NOTE.** "Misbehaviour" of a councillor is defined to mean any of the following:

(a) a contravention by the councillor of the LG Act or the regulations made under that Act,

(b) a failure by the councillor to comply with an applicable requirement of a code of conduct as required under s. 440 (5) of the LG Act,

(c) an act of disorder committed by the councillor at a meeting of the council or a committee of the council,

but does not include a contravention of the pecuniary interest disclosure requirements of Pt 2 of Ch 14 of the LG Act.

NOTE. The term "you" used in the Model Code refers to council officials.

### **3 PURPOSE OF THE CODE**

The Model Code:

- sets a mandatory *minimum* standard for conduct by all Council officials including councillors and council staff
- 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<sup>6</sup>
  - act in a way that enhances public confidence in the integrity of local government.

### **4 KEY PRINCIPLES**

The Model Code is based on the following key principles:<sup>7</sup>

- Integrity
- Leadership
- Selflessness
- Impartiality
- Accountability
- Openness
- Honesty<sup>8</sup>
- Respect

**NOTE.** A person acts "honestly" if the person acts in **good faith** with no ulterior or improper motive. Acting in good faith means exercising a power *strictly* for the purpose for which the power was given. Although one must act in good faith in order to act honestly, bad faith is not necessarily the same thing as dishonesty. Bad faith implies improper purpose and can occur *even in the absence of dishonesty*.

A breach of the obligation to act honestly involves:

- a **consciousness** (i.e. awareness / knowledge) that what is being done is not in the interests of council, or the community or both, *and*
- **deliberate conduct** in disregard of that knowledge.

## 5 GUIDE TO ETHICAL DECISION MAKING

### *General decision making*

#### The "five points"

1. Is the decision or conduct lawful?



2. Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
3. What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
4. Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
5. Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?<sup>9</sup>

### ***Conflict of interests***

#### **The "six points"**

1. Do you have a personal interest in a matter you are officially involved with?
2. Is it likely you could be influenced by a personal interest in carrying out your public duty?
3. Would a reasonable person believe you could be so influenced?
4. What would be the public perception of whether or not you have a conflict of interests?
5. Do your personal interests conflict with your official role?
6. What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?<sup>10</sup>

### ***Political donations and conflict of interests***

Councillors to take all reasonable steps to identify circumstances where any such contributions could give rise to a "reasonable perception of influence" in relation to their vote or support.<sup>11</sup>

### ***Seeking advice***

If uncertain about an action or decision, you may need to seek advice from other

people.<sup>12</sup>

## **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 of the Model Code – the “standards of conduct” - constitutes “misbehavior” within the meaning of the LG Act.

The LG Act provides for suspension of councillors from civic office for up to 6 months for proven misbehaviour.

Further, failure by a councillor to comply with Part 2 of the Model Code may even constitute a “substantial breach” for the purposes of section 9 of the *Independent Commission Against Corruption Act 1988* (NSW) (the “ICAC Act”) (that is, “corrupt conduct” within the meaning of that Act by reason of being a “disciplinary offence”).<sup>13</sup>

## **6 GENERAL CONDUCT OBLIGATIONS**

### **General Conduct**

You must act lawfully, properly and ethically, exercising a reasonable degree of care and diligence. You must not abuse your powers. You must not act in a manner that could bring the council or holders of civic office into disrepute. There must be no intimidation, harassment, abuse, discrimination, adverse treatment, etc.<sup>14</sup> You must treat others with respect.<sup>15</sup>

Any councilor found in breach of the Code must comply with any council resolution requiring the taking of action as a result of the breach.<sup>16</sup>

### **Fairness and equity**

You must consider issues consistently, promptly and fairly, and deal with matters in accordance with established procedures, in a non-discriminatory manner.<sup>17</sup>

You must take all relevant facts, and no irrelevant matters, into consideration having

regard to the particular merits of each case.<sup>18</sup>

### **Harassment and discrimination**

You must not engage in harassment or discrimination of any kind or in any form, including 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.<sup>19</sup>

### **Development decisions**

You must ensure that development decisions are properly made and that parties involved are dealt with fairly, avoiding any occasion for suspicion of improper conduct.<sup>20</sup>

You must ensure that there is no suggestion of willingness to provide improper concessions or preferential treatment.<sup>21</sup>

## **7 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.<sup>22</sup>

You must avoid or appropriately manage any conflict of interest, as well as identifying any such conflict and taking the appropriate action to manage the conflict.<sup>23</sup> A conflict of interests must be managed in favour of one's public duty<sup>24</sup> and upholding the probity of council decision making.<sup>25</sup>

Private interests can be pecuniary or non-pecuniary.<sup>26</sup> (NOTE. If an interest is not "pecuniary" that does not necessarily mean that the interest is "non-pecuniary". There are interests that are neither "pecuniary" nor "non-pecuniary", e.g. an interest that a councillor has in preserving the heritage of an area.)



## What is a pecuniary interest?

A pecuniary interest is an interest that a person (or the 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 in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.<sup>27</sup>

### *The elements of a pecuniary interest*

#### PECUNIARY

"OF, BELONGING TO OR HAVING RELATION TO MONEY"

\$\$\$ - FINANCIAL - MONETARY - \$\$\$

EXCLUDES THE KIND OF INTEREST WHICH CANNOT BE SO DESCRIBED

DOES NOT, HOWEVER, EXTEND TO EVERYTHING FOR WHICH MONEY CAN BE OBTAINED

ANYTHING THAT "SOUNDS IN MONEY".

#### REASONABLE

A REFERENCE TO WHAT WOULD BE SEEN TO BE THE CORRECT STATE OF AFFAIRS BY AN ORDINARY *RESPONSIBLE* PERSON

- WHO IS CAPABLE OF *REASONING*
- WHO HAS KNOWLEDGE OF ALL RELEVANT OBJECTIVE FACTS PERTAINING TO THE MATTER ...BUT NOT "INSIDE KNOWLEDGE" OF YOUR STATE OF MIND.

#### LIKELIHOOD

The *ordinary* meaning of word likelihood is "probability"

AN **OBJECTIVE** TEST.

### **EXPECTATION**

"Expectation" imports the notion of waiting for or looking for something to happen (Oxford English Dictionary).

The *Australian Concise Oxford Dictionary* (2<sup>nd</sup> edn, 1992) adds the secondary meaning of something expected or hoped for.

**NOTE.** According to the NSW Local Government Pecuniary Interest and Disciplinary Tribunal

- The notion of "probability" is **not** a necessary element of the meaning of the word "expectation"
- the word "expectation" refers to a situation where the prospects of financial gain or loss fall short of being a probability but consist of a "**reasonable chance or possibility**".

One's motives in dealing with the matter are entirely IRRELEVANT. The question is whether the pecuniary interest

- can reasonably be said to exist, and
- can reasonably be regarded as likely to influence any decision one might make in relation to the matter,

**not** whether or how it had an effect on one's vote.

### **APPRECIABLE**

MEASURABLE OR QUANTIFIABLE

SUFFICIENTLY LARGE TO BE DISCERNIBLE

THE AMOUNT OF THE GAIN OR LOSS (ACTUAL OR POTENTIAL OR OTHERWISE) DOES NOT MATTER ... *PROVIDED THE AMOUNT INVOLVED IS NOT TRIFLING.*

### **FINANCIAL GAIN OR LOSS**

WOULD THE MATTER, IF DEALT WITH IN A PARTICULAR WAY BY COUNCIL, RESULT IN THE PAYMENT OF MONEY TO YOU OR TO ANOTHER PERSON WITH WHOM YOU ARE ASSOCIATED OR WOULD GIVE RISE TO AN EXPECTATION (SO LONG AS IT IS NOT TOO REMOTE) OF THE PAYMENT OR RECEIPT, OR GAIN OR SAVING OR LOSS, OF MONEY BY OR TO YOU OR THAT OTHER PERSON?

"ACTUAL", "POTENTIAL", "CONTINGENT" OR "PROSPECTIVE" FINANCIAL CONSEQUENCES.

**TOO REMOTE**

REFERS TO LEGAL CAUSATION ... **NOT** GEOGRAPHICAL LOCATION OR DISTANCE.

**TOO INSIGNIFICANT**

SO NEGLIGIBLE THAT IT IS UNLIKELY TO INFLUENCE ANY DECISION YOU MIGHT MAKE IN RELATION TO THE MATTER.

Pecuniary interests are regulated by Pt 2 of Ch 14 of the LG Act. The LG Act requires, among other things, 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
- 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
- c) designated persons immediately declare, in writing, any pecuniary interest.<sup>28</sup>

**What is a non-pecuniary conflict of interests?**

Non-pecuniary interests are private or personal interests that do not amount to a pecuniary interest as defined in the LG Act, eg interests arising 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.<sup>29</sup> The political views of a councillor do not constitute a private interest.<sup>30</sup>



### **Managing non-pecuniary conflict of interests**

In the case of a conflict that conflict's with your public duty, the interest must be disclosed fully and in writing.<sup>31</sup> Disclosures made at meetings must be recorded in the minutes.<sup>32</sup>

A non-pecuniary conflict of interests may be **significant** or **non-significant**, and needs to be managed accordingly.<sup>33</sup>

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 being 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.<sup>34</sup>

A councilor must manage a **significant non-pecuniary conflict of interests** 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 s.451(2) of the LG Act apply.<sup>35</sup>

In the case of a non-pecuniary conflict of interests that is adjudged to be **less than significant** and does not require further action, you must still provide an explanation of



why you consider that the conflict does not require further action in the circumstances.<sup>36</sup>

In the case of 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.<sup>37</sup>

### **Political donations exceeding \$1,000**

Matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.<sup>38</sup>

Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns.<sup>39</sup>

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 cl. 7.17(b).<sup>40</sup>

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.<sup>41</sup>

### **Other business or employment**

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 must:

- notify and seek the approval of the general manager in writing<sup>42</sup>
- ensure that any outside employment or business engaged in will not conflict with one's official duties, involve using confidential information or council resources obtained through one's work with the council, require one to work while on council duty, or discredit or disadvantage the council.<sup>43</sup>

### **Personal dealings with council**

When dealing with council in a **personal capacity** (eg, 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, and must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.<sup>44</sup>

## **8 PERSONAL BENEFIT**

### **Gifts and benefits**

You must not seek or accept a bribe or other improper inducement, seek gifts or benefits of any kind, 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, accept any gift or benefit of **more than token value**, or accept an offer of money, regardless of the amount.<sup>45</sup>

A gift or benefit of more than token value that cannot reasonably be refused or returned must be disclosed promptly to your supervisor, the Mayor or the GM.<sup>46</sup>

### **Improper and undue influence**

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,<sup>47</sup> nor 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.<sup>48</sup>

## **9 RELATIONSHIP BETWEEN COUNCIL OFFICIALS**

### **Obligations of councillors and administrators**

The governing body (comprising the councilors) has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, eg, those relating to industrial relations policy.<sup>49</sup>

Councillors or administrators must not (a) direct council staff other than by giving appropriate direction to the GM in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under s.226 of the LG Act (see s.352 of that Act); (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 (see Sch 6A to the LG 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 GM; (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.)<sup>50</sup>



### **Obligations of staff**

Members of staff of council must give their attention to the business of council while on duty, ensure that their work is carried out efficiently, economically and effectively, carry out lawful directions given by any person having authority to give such directions, and give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them.<sup>51</sup>

### **Obligations during meetings**

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.<sup>52</sup>

### **Inappropriate interactions**

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 DA 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 DAs 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 GM or, in the case of the Mayor or administrator, exercising their power under s.226 of the LG Act.<sup>53</sup>

## **10 ACCESS TO INFORMATION AND COUNCIL RESOURCES**

### **Councillor and administrator access to information**

The GM must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.<sup>54</sup>

### **Councillors and administrators to properly examine and consider information**

Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with.<sup>55</sup>

### **Refusal of access to documents**

Where the GM and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. Reasons must be given if access is refused.<sup>56</sup>

### **Use of certain council information**

In your capacity as a council official, you must only access council information needed for council business, and must not use that council information for private purposes.<sup>57</sup>

### **Use and security of confidential information**

You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.<sup>58</sup> In addition, you must protect confidential information, only release confidential information if you have authority to do so, only use confidential information for the purpose it is intended to be used, not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person, not use confidential information with the intention to cause harm or detriment to your council or any other person or body, and not disclose any information discussed during a confidential session of a council meeting.<sup>59</sup>

### **Personal information**

You must comply with all relevantly applicable laws, etc, relating to the protection and proper use of personal information.<sup>60</sup>

### **Use of council resources**

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.<sup>61</sup>

### **Councillor access to council buildings**

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 GM,<sup>62</sup> and must not enter staff-only areas of council buildings without the approval of the GM (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.<sup>63</sup>

## **11 REPORTING BREACHES**

Any person, whether or not a council official, may make a complaint alleging a breach of the Code.<sup>64</sup>

If a complaint under the 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 1994 (NSW)*.<sup>65</sup>

You should report suspected breaches of the Code by councillors, members of staff of council (excluding the general manager) or delegates to the GM in writing.<sup>66</sup> Where you believe that the GM has breached the Code, you should report the matter to the Mayor in writing.<sup>67</sup>

## **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, and should be used to guide the management of complaints about breaches of the Code.

## **12 COMPLAINT HANDLING PROCEDURES & SANCTIONS**

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 GM.<sup>68</sup> Complaints about the conduct of the GM should be addressed in writing to the Mayor.<sup>69</sup>

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

The GM deals with and determines complaints alleging breach of the Code regarding members of staff of council, delegates of council and/or members of council committees (other than councillors).<sup>70</sup>

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.<sup>71</sup>

Sanctions for delegates and/or members of council committees depend on the severity, scale and importance of the breach and may include censure, requiring the person to apologise to any person adversely affected by the breach, counseling, prosecution for any breach of the law, removing or restricting the person's delegation, removing the person from membership of the relevant council committee, and revising any of council's policies, procedures and/or the Code.<sup>72</sup>

### **Complaint handling procedures – councillor conduct**

The GM assesses complaints alleging breaches of the Code by councillors in accordance with the assessment criteria provided at Section 13 of the Code in order to determine whether to refer the matter to the conduct review committee/reviewer.<sup>73</sup>

### **Complaint handling procedures – general manager conduct**

The Mayor assesses complaints alleging breaches of the Code by the GM in accordance with the assessment criteria provided at Section 13 of the Code in order to determine whether to refer the matter to the conduct review committee/reviewer.<sup>74</sup>

### **Conduct review committee/reviewer**

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.<sup>75</sup> 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.<sup>76</sup>

The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.<sup>77</sup>

The conduct review committee/reviewer will operate in accordance with the operating guidelines at Section 14 of the Code,<sup>78</sup> and will report its findings and any recommendations to council only when it has completed its deliberations.<sup>79</sup>

### **Sanctions**

Where the council finds that a councillor or general manager has breached the code, it may decide by resolution to censure the councillor for misbehaviour in accordance with s.440G of the LG Act, require the councillor or general manager to apologise to any person adversely affected by the breach, counsel the councillor or general manager, make public findings of inappropriate conduct, or prosecute for any breach of law.<sup>80</sup>

### **Councillor misbehaviour**

Under s.440G of the LG Act a council may by resolution at a meeting formally censure a councillor for misbehaviour.<sup>81</sup> The 2 grounds for suspension action, which can only take place after proper censure and prior expulsion from meetings,<sup>82</sup> are as follows;

- where the councillor's behaviour has been disruptive over a period, involving more than 1 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,<sup>83</sup> or
- where the councillor's behaviour has involved 1 incident of misbehavior that is of such a sufficiently serious nature as to warrant the councillor's suspension.<sup>84</sup>

Under s.440H of the LG Act, 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.<sup>85</sup>

### **Reporting on complaints**

The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the number of complaints received, the nature of the issues raised by complainants, and outcomes of complaints.<sup>86</sup>

### **13 COMPLAINT ASSESSMENT CRITERIA**

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 GM, the Mayor and the conduct review committee/sole conduct reviewer.<sup>87</sup>

If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the same complaint assessment criteria

for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.<sup>88</sup>

### **14 CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES**

#### **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 cl.11.1, about councillors and/or the GM.<sup>89</sup>

#### **Role of the general manager and Mayor**

The GM, or in the case of complaints about the GM, the Mayor, will provide procedural advice when requested, ensure adequate resources are provided, including providing secretariat support, and so forth.<sup>90</sup>

The GM 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.

#### **Composition of the conduct review committee**

The council must appoint 3 or more persons to act in the role as members of the conduct review committee.<sup>91</sup>

#### **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.<sup>92</sup>

#### **Voting of the conduct review committee**

Each member of the conduct review committee has one vote. In the event of an equality of votes, the chairperson has a casting vote.<sup>93</sup>

#### **Procedures of the conduct review committee/reviewer**

The conduct review committee/reviewer will conduct business in the absence of the public, and shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.<sup>94</sup>

#### **Procedural fairness**

In conducting enquiries, the conduct review committee/reviewer or the person engaged to do so should follow the **rules of procedural fairness** (also known as the “rules of natural justice”).<sup>95</sup>

There are 3 such rules: the hearing rule, the bias rule, and the probative evidence rule.

The **hearing rule** requires that a person be properly and fairly heard before any right, interest or legitimate expectation of some benefit enjoyed by or otherwise available to the person is *affected*.



The **bias rule** is designed to ensure that there be no reasonable apprehension of bias (partiality) on the part of those involved in the decision making process.

The **probative evidence rule** requires that an administrative decision be based upon logically probative material, that is, facts relevant to the issues to be decided.

Clause 14.7 sets out what must be done in order to satisfy those rules. More may be required on the facts of a particular case.

#### **Natural Justice ... in simple terms**

The critical question is not whether the rules of procedural fairness (natural justice) apply but **what does the duty to act fairly require in the circumstances of the particular case?** It has been said that "the contents of natural justice range from a full-blown trial into nothingness", for the rules of procedural fairness have a flexible quality and are "chameleon-like". As to the legal requirements of a "fair hearing":

1. The requirements depend on the circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting, the subject-matter that is being dealt with, etc.
2. The giving of notice (containing sufficient information) is the minimum content of the rules of procedural fairness. The hearing will not be a fair one if the person affected is not told the case against him or her.
3. The decision makers need not quote "chapter and verse". An outline of the alleged breach will usually suffice. However, sufficient information must be given and must not be vague or general but complete (even if concisely worded) and in intelligible language.
4. The person concerned must be given a reasonable opportunity of presenting his or her case.
5. Ordinarily, under the general law, a hearing does not have to be oral. An opportunity to make written submissions will usually be sufficient, but a reasonable time must be given for the making of any written submissions and representations. However, the Section 14 guidelines of the Code expressly provide that the conduct review committee/reviewer **must** provide the person the subject of the complaint with an *opportunity* to address the conduct review committee/reviewer in person.
6. The decision makers must act in good faith and listen fairly and impartially to the other party. In particular, an opportunity must be given to the person likely to be affected to correct or contradict any relevant statement prejudicial to that person. Further, where it is proposed to make adverse comments about the person in a report or submission recommending some adverse or potentially adverse action, the person must first be given the opportunity to comment on, or "rebut", the allegation, even more so where it is intended to rely upon some new or additional material in respect of which the person

- affected has not had an opportunity to respond.
7. Even where an oral hearing is given, the person ought to be given a fair opportunity to respond to any adverse finding or conclusion in respect of which the person had not previously been afforded such an opportunity. There is no absolute entitlement to legal representation in administrative enquiries. As regards meetings of the conduct review committee/reviewer, the person subject of the complaint is entitled to bring a support person or legal adviser. That person may only act in an advisory and support role to the person affected, and cannot speak on behalf of the subject person.
  8. There is also no general right in administrative hearings to cross-examine other witnesses, or to be given transcripts of evidence, but sufficient information as to the case against the person the subject of the hearing must still be given to him or her.
  9. Findings of fact, and the drawing of conclusions and inferences from objective facts, must be properly made. Only facts relevant to the critical issues to be decided may be relied upon, as opposed to prejudice, speculation and hearsay.

### **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 the Code.<sup>96</sup>

### **Findings and recommendations of the conduct review committee/reviewer**

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 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.

Where the conduct review committee/reviewer determines, in its view that the conduct referred to it comprises a breach of the Code it may, in its report to the council, make recommendations, that the council take any of the following actions: censure the councillor for misbehavior, require the councillor or GM to apologise to any person adversely affected by the breach, counsel the councillor or GM, make public findings of



inappropriate conduct, prosecute for any breach of the law, or revise any of council's policies, procedures and/or the Code.<sup>97</sup>

Before making any such recommendations, the conduct review committee/reviewer shall have regard to the various matters for consideration listed in cl.14.9.

### **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.<sup>98</sup>

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<sup>1</sup> See s.440(1), LG Act.

<sup>2</sup> ISBN 1 920766 72 3.

<sup>3</sup> See s.440(3), LG Act.

<sup>4</sup> See s.440(4), LG Act.

<sup>5</sup> See s.440(5), LG Act.

<sup>6</sup> Cf. s.439, LG Act.

<sup>7</sup> See cl.4.1-4.8, Model Code.

<sup>8</sup> By virtue of s.439(1) of the LG Act a councillor, a member of staff of council and a delegate of council must act *honestly* in carrying out his or her functions under that Act. The word "honesty" [from the Latin, *honestas*, "oneness"] means *oneness with the truth, the facts*. Facts are occurrences in space and time, that is, reality. Thus, anything that is *not* a fact, or not in accordance with the facts, is dishonest.

<sup>9</sup> See cl.5.1, Model Code.

<sup>10</sup> See cl.5.2, Model Code.

<sup>11</sup> See cl.5.3, Model Code.

<sup>12</sup> See cl.5.4, Model Code.

<sup>13</sup> See, relevantly, s.9(1)(b) and (3), ICAC Act.

<sup>14</sup> See cl.6.1 and 6.2, Model Code.

<sup>15</sup> See cl.6.3, Model Code.

<sup>16</sup> See cl.6.4, Model Code.

<sup>17</sup> See cl.6.5, Model Code.

<sup>18</sup> See cl.6.6, Model Code.

<sup>19</sup> See cl.6.7, Model Code.

<sup>20</sup> See cl.6.8, Model Code.

<sup>21</sup> See cl.6.9, Model Code.

<sup>22</sup> See cl.7.1, Model Code.

<sup>23</sup> See cl.7.2, Model Code.

<sup>24</sup> See cl.7.2, Model Code.

<sup>25</sup> See cl.7.3, Model Code.

<sup>26</sup> See cl.7.4, Model Code.

<sup>27</sup> See s.442, LG Act, and cl.7.5 and 7.6, Model Code.

<sup>28</sup> See cl.7.7, Model Code.

<sup>29</sup> See cl.7.10, Model Code.

<sup>30</sup> See cl.7.12, Model Code.

<sup>31</sup> See cl.7.13, Model Code.

<sup>32</sup> See cl.7.14, Model Code.

<sup>33</sup> See cl.7.15, Model Code.

<sup>34</sup> See cl.7.16, Model Code.

<sup>35</sup> See cl.7.17, Model Code. However, 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.

<sup>36</sup> See cl.7.18, Model Code.

<sup>37</sup> See cl.7.19, Model Code.

<sup>38</sup> See cl.7.21, Model Code.

<sup>39</sup> See cl.7.22, Model Code.

<sup>40</sup> See cl.7.23, Model Code.

<sup>41</sup> See cl.12.24, Model Code.

<sup>42</sup> See cl.7.26, Model Code. See also s.353, LG Act.

<sup>43</sup> See cl.7.27, Model Code.

<sup>44</sup> See cl.7.28, Model Code.

<sup>45</sup> See cl.8.3, Model Code. See cl.8.1 re token gifts and benefits, and cl.8.2 re gifts and benefits of value.

<sup>46</sup> See cl.8.4, Model Code. See also cl.8.5 and 8.6 as to further obligations.

<sup>47</sup> See cl.8.7, Model Code.

<sup>48</sup> See cl.8.8, Model Code.

<sup>49</sup> See cl.9.1, Model Code. See also ss.222 and 223, LG Act.

<sup>50</sup> See cl.9.2, Model Code.

<sup>51</sup> See cl.9.4, Model Code. See cl.9.3 of the Model Code (and s.335 of the LG Act) re the GM.

<sup>52</sup> See cl.9.5, Model Code. See also cl.9.6 re the need to show respect to the Chair, etc.

<sup>53</sup> See cl.9.7, Model Code. It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy: cl.9.8, Model Code.

<sup>54</sup> See cl.10.2, Model Code.

<sup>55</sup> See cl.10.6, Model Code.

<sup>56</sup> See cl.10.7, Model Code.

<sup>57</sup> See cl.10.8, Model Code.

<sup>58</sup> See cl.10.9, Model Code.

<sup>59</sup> See cl.10.10, Model Code.

<sup>60</sup> See cl.10.11, Model Code.

<sup>61</sup> See cl.10.12, Model Code. See also cl.10.14-10.18 as to other obligations relating to the proper use of council resources.

<sup>62</sup> See cl.10.19, Model Code.

<sup>63</sup> See cl.10.20, Model Code. See also cl.10.21, Model Code, as to councilor/administrator conduct within staff areas.

<sup>64</sup> See cl.11.1, Model Code.

<sup>65</sup> See cl.11.5, Model Code, and s.22, *Protected Disclosures Act 1994* (NSW).

<sup>66</sup> See cl.11.6, Model Code.

<sup>67</sup> See cl.11.7, Model Code. See cl.11.8, Model Code, with respect to the making of a complaint in relation to the conduct of an administrator.

<sup>68</sup> See cl.12.1, Model Code.

<sup>69</sup> See cl.12.2, Model Code.

<sup>70</sup> See cl.12.3, Model Code.

<sup>71</sup> See cl.12.6, Model Code.

<sup>72</sup> See cl.12.7, Model Code.

<sup>73</sup> See cl.12.8, Model Code.

<sup>74</sup> See cl.12.10, Model Code.

<sup>75</sup> See cl.12.12, Model Code.

<sup>76</sup> See cl.12.13, Model Code.

<sup>77</sup> See cl.12.14, Model Code.

<sup>78</sup> See cl.12.17, Model Code.

<sup>79</sup> See cl.12.23, Model Code.

<sup>80</sup> See cl.12.25, Model Code. A councillor found in breach of the Code must comply with any council resolution requiring you to take action as a result of that breach: cl.6.4, Model Code.

<sup>81</sup> See cl.12.26, Model Code.

<sup>82</sup> See cl.12.29 and 12.31, respectively, of the Model Code.

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<sup>83</sup> See cl.12.28, Model Code.

<sup>84</sup> See cl.12.30, Model Code.

<sup>85</sup> See cl.12.27, Model Code. Under s.440H of the LG Act, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the ICAC or the NSW Ombudsman.

<sup>86</sup> See cl.12.33, Model Code.

<sup>87</sup> See cl.13.1, Model Code.

<sup>88</sup> See cl.13.3, Model Code.

<sup>89</sup> See cl.14.1, Model Code.

<sup>90</sup> See cl.14.2, Model Code.

<sup>91</sup> See cl.14.3, Model Code.

<sup>92</sup> See cl.14.4, Model Code.

<sup>93</sup> See cl.14.5, Model Code.

<sup>94</sup> See cl.14.6, Model Code.

<sup>95</sup> See cl.14.7, Model Code.

<sup>96</sup> See cl.14.8, Model Code.

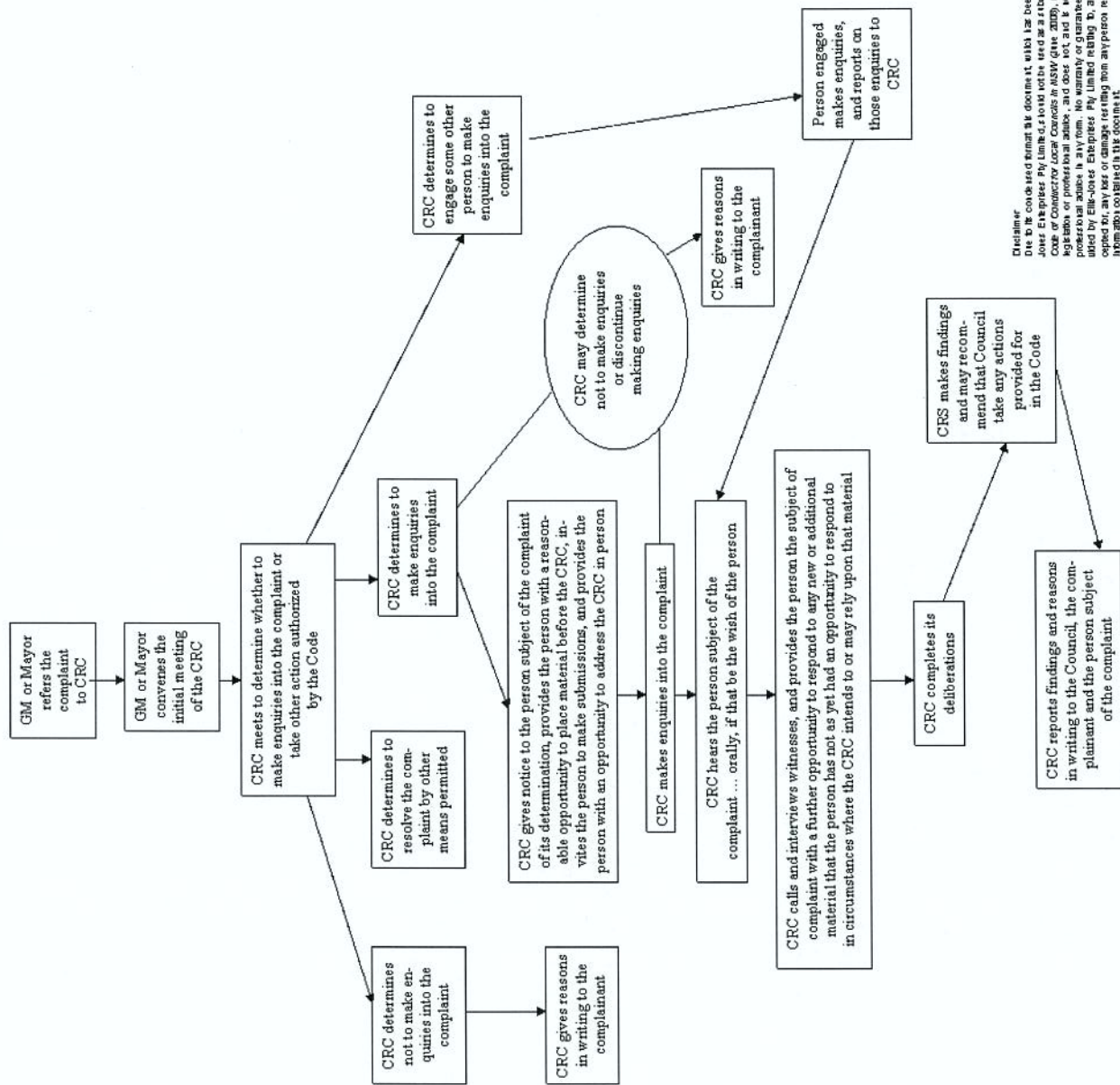
<sup>97</sup> See cl.14.9, Model Code.

<sup>98</sup> See cl.14.10, Model Code.



## CHECKLIST

- Has a complaint alleging a breach of the Code of Conduct been referred to the CRC?
- Has the initial meeting of the CRC been properly convened?
- Does each member of the CRC have a copy of the Code, Operating Guidelines (see Section 14, Model Code), any supplementary guidelines, etc?
- Has a chairperson been elected by the members of the CRC?
- Has the CRC taken steps to ensure that no person decides a case in which they have a conflict of interests?
- Is there a quorum for each meeting of the CRC?
- Check that the GM/Mayor is available to perform, and performs, their specified functions in relation to the CRC?
- Has the CRC made a valid determination as to whether to make enquiries, resolve the complaint by other means permitted, etc?
- Has the CRC conducted its enquiries diligently and without undue delay?
- Has proper and reasonable notice been given to the person subject of the complaint, with sufficient information as to the nature and subject-matter of the complaint?
- Has the person been given a reasonable opportunity to place before the CRC any information the person considers relevant to the enquiry?
- Has the person been provided with an opportunity to address the CRC in person?
- Has the person been afforded sufficient time to prepare their case?
- Has the person been afforded the opportunity to bring a support person or legal advisor (either acting only in an advisory and support, as opposed to advocacy, role)?
- Have witnesses been afforded reasonable advance notice of the CRC's intention to receive their testimony?
- Has a fair opportunity been given to the person subject of the complaint to correct or contradict any relevant statement prejudicial to that person?
- Further, where it is proposed to make adverse comments about the person in a report recommending some adverse or potentially adverse action, has the person first been given the opportunity to comment on, or rebut, the allegation, especially where it is intended to rely upon some new or additional material in respect of which the person affected has not had an opportunity to respond?
- Has only probative material been taken into account (that is, facts that are relevant to the issues to be decided)?
- Has the CRC completed its deliberations?
- Has the CRC kept proper records of its deliberations?
- Has it made findings that can reasonably be drawn from the probative material collected?
- In reporting those findings, have reasons been given, and are those reasons clear and unambiguous and in intelligible language?
- Where the CRC determines in its view that the conduct referred to it comprises a breach of the Code, has the CRC directed its mind to making a recommendation of the kind permitted?
- Has the CRC made all reasonable enquiries before making any such recommendations?
- Has the CRC properly reported its findings and reasons in writing to the Council, the complainant and the person subject of the complaint?



<p style="text-align: center;"><b>NSROC REGIONAL CONDUCT REVIEW COMMITTEE/REVIEWER REPORT TO ..... COUNCIL</b></p>
--

**NAME OF COUNCIL:**

.....

**NAME OF COUNCILLOR/GENERAL MANAGER THE SUBJECT OF COMPLAINT:**

.....

**NAMES OF MEMBERS OF CONDUCT REVIEW COMMITTEE/NAME OF REVIEWER:**

.....

.....

.....

**DESCRIPTION OF THE COMPLAINT ALLEGING A BREACH OF THE CODE OF  
CONDUCT:**

.....

.....

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.....

.....

.....

**DATE REFERRED TO REGIONAL CONDUCT REVIEW COMMITTEE/REVIEWER:**

.....

**PROCEDURAL HISTORY:**

.....

.....

.....

.....

.....

**ISSUES FOR DETERMINATION:**

.....

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**MEETING DATES (WITH NAMES OF PERSONS IN ATTENDANCE):**

.....

.....

**FACTUAL BACKGROUND AND DETAILS OF ENQUIRIES MADE:**

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**NOTE.** The conduct review committee/reviewer may determine not to make enquiries into the complaint and give the complainant the reason/s in writing as provided in clause 13.1 of the Model Code of conduct (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** may 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** engage another appropriately qualified person to make enquiries into the complaint, **or** 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. (Clause 12.19, Model Code of Conduct.)

**NAMES OF WITNESSES AND OTHER PERSONS INTERVIEWED/QUESTIONED:**

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**FINDINGS OF MATERIAL FACT:**

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**REASONS FOR FINDINGS OF MATERIAL FACT:**

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**RECOMMENDATIONS:**

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**NOTE.** 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. (Clause 14.9, Model Code of Conduct.)

**REASONS FOR RECOMMENDATIONS:**

.....

.....

.....

.....

.....

**VOTING:** Unanimous / By majority\*

**NOTE.** If the vote on a matter is not unanimous, then this needs to be noted in any report to Council on its findings.  
(See clause 14.5, Model Code of Conduct.)

**SIGNED:**

.....

.....

.....

**DATE OF REPORT:** .....

**MINUTES OF NSROC REGIONAL CONDUCT REVIEW COMMITTEE  
MEETING HELD ON ..... [INSERT DATE]**

**NAME OF COUNCIL:**

.....

**NAME OF COUNCILLOR/GENERAL MANAGER THE SUBJECT OF COMPLAINT:**

.....

**PRESENT:**

**APOLOGIES:**

**Meeting commenced: ...**

**1. Introduction by Chairperson**

The Chairperson thanked everyone for their attendance.

**2. Adoption of Minutes from the meeting of .....**

**3. Business Arising from Previous Minutes**

**4. New Business**

**5. Correspondence**

**6. Next meeting: .....**

**Meeting closed at .....**

.....

**Chair**

**Date: .....**

<b>STANDARD LETTER TO THE PERSON SUBJECT OF THE COMPLAINT</b>
---

Dear ...,

**RE: COMPLAINT CONCERNING ...**

I refer to the complaint alleging a breach by you of the ..... **[INSERT NAME OF COUNCIL]** Code of Conduct.

The complaint was referred to the NSROC Regional Conduct Review Committee by ..... **[INSERT NAME OF GENERAL MANAGER]** of ..... **[INSERT NAME OF COUNCIL]** on ..... **[INSERT DATE]**.

The members of the Conduct Review Committee which enquired into the complaint were ..... **[INSERT NAMES OF MEMBERS OF COMMITTEE]**.

The Conduct Review Committee has now completed its deliberations into the complaint and has made the following findings:

..... **[INSERT FINDINGS]**.

The reasons for those findings are as follows:

..... **[INSERT REASONS FOR FINDINGS]**.

Yours faithfully,

Chairperson

**NOTES.**

1. Where the conduct review committee makes findings, the committee must report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.
2. This letter will need to be altered where there is a sole conduct reviewer and also where the Committee/reviewer determines not to make enquiries into the complaint, in which case the complainant must be given the reason/s in writing as provided in cl.13.1 of the Model Code of Conduct.
3. The letter to Council should enclose a copy of the report, which should also contain recommendations. The latter need not, and ought not, be included in the letters to the complainant and the person subject of the complaint.



<p style="text-align: center;"><b>STANDARD LETTER TO THE PERSON SUBJECT OF THE COMPLAINT AT THE PRELIMINARY STAGE</b></p>
---

Dear ...,

**RE: COMPLAINT CONCERNING ...**

A complaint has been made alleging a breach by you of the ..... **[INSERT NAME OF COUNCIL]** Code of Conduct. The substance of the complaint is as follows:

..... **[INSERT A SHORT BUT OTHERWISE COMPLETE DESCRIPTION OF THE ALLEGED BREACH]**.

The complaint has been referred to the NSROC Regional Conduct Review Committee by ..... **[INSERT NAME OF GENERAL MANAGER]** of ..... **[INSERT NAME OF COUNCIL]** on ..... **[INSERT DATE]**.

The Conduct Review Committee is responsible for making enquiries into complaints made alleging breaches of the code of conduct by Councillors or the General Manager of a member Council of NSROC and may determine either to:

- a) not make enquiries into the complaint and give the complainant the reason/s in writing, 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 you 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 of the same.

In the event that the Conduct Review Committee conducts enquiries or causes enquiries to be made the Committee or the person engaged to do so is required to follow the rules of procedural fairness and must:

- provide you with a reasonable opportunity to respond to the substance of the allegation,



- provide you with an opportunity to place before the Committee or person undertaking the enquiry any information the person considers relevant to the enquiry,
- provide you with an opportunity to address the Committee in person,
- hear all parties to a matter and consider submissions before deciding the substance of any complaint,
- make reasonable enquiries before making any recommendations,
- act fairly and without prejudice or bias,
- ensure that no person decides a case in which they have a conflict of interests, and
- conduct the enquiries without undue delay.

Where the Conduct Review Committee conducts enquiries or causes enquiries to be conducted, the Conduct Review Committee must make findings on whether, in its view, the conduct referred to it comprises a breach of the Code of Conduct.

Where the Conduct Review Committee makes findings, the Committee

- may recommend that the Council take any actions provided for in the Code of Conduct that it considers reasonable in the circumstances, and
- will report its findings, and the reasons for those findings, in writing to the Council, the complainant and yourself.

The Conduct Review Committee will report its findings and any recommendations to the Council only when it has completed its deliberations. When making any report to the Council, the Committee is mindful that there may be a need to protect the identity of the person making the complaint.

The whole process outlined above may take up to 2 months or more, depending upon the complexity of the matter, but you may rest assured that the matter will be dealt with as expeditiously as possible.

For your information **attached** are salient excerpts from the Model Code of Conduct. **[ATTACH A COPY OF ALL OF PART 3 OF THE MODEL CODE OF CONDUCT]**.

I will be in touch with you as soon as the Committee has made a determination as to how to deal with the complaint.

In the meantime, should you have any queries or require any further information please do not hesitate to contact me on ..... **[INSERT TELEPHONE NUMBER]**.

Yours faithfully,

Chairperson

**Attach.**

<p style="text-align: center;"><b>STANDARD LETTER TO THE PERSON SUBJECT OF THE COMPLAINT AT THE ENQUIRIES STAGE</b></p>
---

Dear ...,

**RE: COMPLAINT CONCERNING ...**

I refer to my letter of ..... **[INSERT DATE OF PREVIOUS LETTER]** relating to the complaint that has been made alleging a breach by you of the ..... **[INSERT NAME OF COUNCIL]** Code of Conduct, and which has been referred to the NSROC Regional Conduct Review Committee by ..... **[INSERT NAME OF GENERAL MANAGER]** of ..... **[INSERT NAME OF COUNCIL]**.

As previously advised, the substance of the complaint is as follows:

..... **[INSERT A SHORT BUT OTHERWISE COMPLETE DESCRIPTION OF THE ALLEGED BREACH]**.

The Conduct Review Committee has determined to make enquiries into the complaint.

As previously indicated, where the Conduct Review Committee conducts enquiries the Committee is required to follow the rules of procedural fairness and must:

- provide you with a reasonable opportunity to respond to the substance of the allegation,
- provide you with an opportunity to place before the Committee or person undertaking the enquiry any information the person considers relevant to the enquiry,
- provide you with an opportunity to address the Committee in person,
- hear all parties to a matter and consider submissions before deciding the substance of any complaint,
- make reasonable enquiries before making any recommendations,
- act fairly and without prejudice or bias,
- ensure that no person decides a case in which they have a conflict of interests, and
- conduct the enquiries without undue delay.



You are now invited to respond to the substance of the allegation by one or other or both of the following means:

- in writing, in which case anything you may wish to place before the Committee should reach me no later than ..... **[INSERT DATE THAT IS REASONABLE IN ALL THE CIRCUMSTANCES, SAY, IN 21 OR 28 DAYS TIME]**
- orally, that is, by addressing the Committee in person.

In the event that you elect to meet with the Conduct Review Committee, you are entitled to bring a support person or legal adviser. However, that person may only act in an advisory and support role to yourself, and is not allowed to speak on your behalf.

If you would like to address the Committee in person would you kindly advise me of your desire so to do by no later than ..... **[INSERT DATE THAT IS REASONABLE IN ALL THE CIRCUMSTANCES, SAY, IN 7 DAYS TIME]**. If you advise that you desire to address the Committee in person, I will write back to you as soon as practicable thereafter advising of the date of the hearing.

If I do not hear from you by the above mentioned date I will assume that you do not wish to address the Committee, and the Committee will proceed to deal with the matter in accordance with the Code of Conduct in the manner previously advised.

In the meantime, should you have any queries or require any further information please do not hesitate to contact me on ..... **[INSERT TELEPHONE NUMBER]**.

Yours faithfully,

Chairperson

<p style="text-align: center;"><b>STANDARD LETTER TO THE COMPLAINANT AT THE PRELIMINARY STAGE</b></p>
---

Dear ...,

**RE: COMPLAINT CONCERNING ...**

I refer to your complaint alleging a breach of the ..... **[INSERT NAME OF COUNCIL]** Code of Conduct by ..... **[INSERT NAME OF PERSON SUBJECT OF THE COMPLAINT]** of ..... **[INSERT NAME OF COUNCIL]**.

Your complaint has been referred to the NSROC Regional Conduct Review Committee by ..... **[INSERT NAME OF GENERAL MANAGER]** of ..... **[INSERT NAME OF COUNCIL]** on ..... **[INSERT DATE]**.

The Conduct Review Committee is responsible for making enquiries into complaints made alleging breaches of the code of conduct by Councillors or the General Manager of a member Council of NSROC and may determine either to:

a) not make enquiries into the complaint and give you the reason/s in writing, 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 you 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 you in writing of the same.

In the event that the Conduct Review Committee conducts enquiries or causes enquiries to be made the Committee or the person engaged to do so is required to follow the rules of procedural fairness and must:

- provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation,
- provide the person the subject of the complaint with an opportunity to place before the Committee or person undertaking the enquiry any information the person considers relevant to the enquiry,



- provide the person the subject of the complaint with an opportunity to address the Committee in person,
- hear all parties to a matter and consider submissions before deciding the substance of any complaint,
- make reasonable enquiries before making any recommendations,
- act fairly and without prejudice or bias,
- ensure that no person decides a case in which they have a conflict of interests, and
- conduct the enquiries without undue delay.

Where the Conduct Review Committee conducts enquiries or causes enquiries to be conducted, the Conduct Review Committee must make findings on whether, in its view, the conduct referred to it comprises a breach of the Code of Conduct.

Where the Conduct Review Committee makes findings, the Committee:

- may recommend that the Council take any actions provided for in the Code of Conduct that it considers reasonable in the circumstances, and
- will report its findings, and the reasons for those findings, in writing to the Council, yourself and the person subject of the complaint.

The Conduct Review Committee will report its findings and any recommendations to the Council only when it has completed its deliberations. When making any report to the Council, the Committee is mindful that there may be a need to protect the identity of the person making the complaint.

The whole process outlined above may take up to 2 months or more, depending upon the complexity of the matter, but you may rest assured that the matter will be dealt with as expeditiously as possible.

For your information **attached** are salient excerpts from the Model Code of Conduct. **[ATTACH A COPY OF ALL OF PART 3 OF THE MODEL CODE OF CONDUCT]**.

I will be in touch with you as soon as the Committee has made a determination as to how to deal with the complaint.

In the meantime, should you have any queries or require any further information please do not hesitate to contact me on ..... **[INSERT TELEPHONE NUMBER]**.

Yours faithfully,

Chairperson

**Attach.**

<b>STANDARD LETTER TO THE COMPLAINANT</b>
---

Dear ...,

**RE: COMPLAINT CONCERNING ...**

I refer to your complaint alleging a breach of the ..... **[INSERT NAME OF COUNCIL]** Code of Conduct by ..... **[INSERT NAME OF PERSON SUBJECT OF THE COMPLAINT]** of ..... **[INSERT NAME OF COUNCIL]**.

Your complaint was referred to the NSROC Regional Conduct Review Committee by ..... **[INSERT NAME OF GENERAL MANAGER]** of ..... **[INSERT NAME OF COUNCIL]** on ..... **[INSERT DATE]**.

The members of the Conduct Review Committee which enquired into the complaint were ..... **[INSERT NAMES OF MEMBERS OF COMMITTEE]**.

The Conduct Review Committee has now completed its deliberations into the complaint and has made the following findings:

..... **[INSERT FINDINGS]**.

The reasons for those findings are as follows:

..... **[INSERT REASONS FOR FINDINGS]**.

Yours faithfully,

Chairperson



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## ALGWA (NSW) CONFERENCE 2009

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

For Council to nominate delegates to the 56th Australian Local Government Women's Association (NSW) Annual Conference 2009.

**BACKGROUND:**

Correspondence has been received from the ALGWA NSW Branch calling for nominations to attend the Conference.

**COMMENTS:**

A Program for the Conference is **attached** to the report.

**RECOMMENDATION:**

That Council determine its delegates to the Australian Local Government Women's Association (NSW) Annual Conference 2009.

## PURPOSE OF REPORT

For Council to nominate delegates to the 56th Australian Local Government Women's Association (NSW) Annual Conference 2009.

## BACKGROUND

Correspondence has been received from the ALGWA (NSW) calling for nominations to attend the Conference. The Conference will be hosted by Queanbeyan City Council from Thursday, 19 March to Sunday, 22 March 2009.

## COMMENTS

The theme for the Conference is "Women in Leadership - The Roadmap". A Program for the Conference is **attached** to the report. For delegates to participate in the Annual General Meeting, which is part of the Annual Conference, delegates need to be financial members of the ALGWA. Membership forms are available through the Association's website.

## FINANCIAL CONSIDERATIONS

The Conferences budget for Councillors is currently overspent. Should any Councillor wish to attend, funds will have to be re-allocated to this Cost Centre in the next quarterly review.

The cost of attending the Conference is \$500.00 (full member)/\$550 (non-member) per delegate.

Accommodation & travel expenses are additional.

## RECOMMENDATION

That Council determine its delegates to the Australian Local Government Women's Association (NSW) Annual Conference 2009.

Geoff O'Rourke  
Senior Governance Officer

John McKee  
General Manager

Attachments:      Program - ALGWA (NSW) 2009 Annual Conference - 2009/018933

# Women In Leadership - The Roadmap

**Thursday evening 19 March to Sunday morning 22nd March**  
ALGWA - Australian Local Government Women's Association  
Queanbeyan City Council

## Who should attend?

- NSW elected representatives – not exclusively female!
- Councillors in Local Government.
- Practitioners working within local government in NSW including: General Managers, Managers and support staff.
- Those people with an interest in encouraging women into professional careers in Local Government.

*On behalf of the Australian Local Government Women's Association (ALGWA) NSW Branch, I extend a warm invitation to you to attend the 56th Annual Conference "Women in Leadership – The Roadmap" hosted by Queanbeyan City Council, Thursday 19th March to Sunday 22nd March 2009.*

*The conference organising committee has developed an exciting program of recognised experts in areas concerning women and women's issues within Local Government.*

*This years theme "Women in Leadership – the Roadmap" will look at issues facing women in Local Government on the road to getting things done.*

*I look forward to welcoming you to Queanbeyan.*

*Yours Sincerely  
Fadwa Kebbe  
Acting President  
ALGWA NSW Branch*

# Women In Leadership - Guest Speakers



Verity Firth

**Verity Firth** grew up in Glebe, where she continues to live with her husband Matthew and daughter April.

She previously worked as a lawyer for the respected national firm Slater & Gordon.

She has served on the boards of both the Law and Justice Foundation - an organisation dedicated to improving

access to justice for socially and economically disadvantaged Australians.

In March 2007, Verity was elected the State Member for Balmain. She was also elevated to the Ministry, becoming Minister for Women, Minister for Science & Medical Research, Minister for Health (Cancer), and Minister Assisting the Minister for Environment.



Elizabeth Cosson

**Major General Elizabeth Cosson** is Australia's first female General, her work in defence logistics has contributed to peace operations in Cambodia, East Timor and Bougainville.

Liz Cosson joined the Australian Army in 1979 as an officer cadet and was commissioned into the Royal Australian Army Ordnance Corps.

In 1991 she was appointed to a position at the Royal Australian Air Force Logistics

Command where she was responsible for improving the availability of the Black Hawk helicopter fleet and supporting the fleet deployment to Cambodia, she received a commendation from the Air Officer Commanding Logistics.

In November 2007 Liz Cosson was promoted to Major General and appointed Head of National Operations, Defence Support Group.

A graduate of the Australian Command and Staff College at Queenscliff (1994) and the Defence Strategic Studies Course (2005), Elizabeth Cosson holds a Graduate Diploma in Management Studies, a Bachelor of Social Sciences and a Master of Arts in Strategic Studies.



Susan Thompson

**Dr Susan Thompson** has over 30 years of experience as an urban planning practitioner, teacher and researcher. She is currently an Associate Professor in the Urban Planning and Development Program, Faculty of the Built Environment, University of NSW. Her interests are wide and cross-disciplinary, encompassing healthy planning, meanings of home and belonging, the implications of cultural diversity for cities and planning practice,

and the importance of local environments for communities. Susan is a passionate advocate of qualitative research methods, pioneering their use in built environment disciplines, particularly in facilitating better understandings of people / place relationships. Over the years Susan has received various awards for her contributions to planning scholarship. Most recently her edited text, *Planning Australia*, published by Cambridge University Press in 2007, was awarded the National Planning Institute of Australia's Prize for Excellence. Details of Susan's other key publications can be found at: <http://www.fbe.unsw.edu.au/staff/susan.thompson/>



Lyn McDade

**Brigadier Lyn McDade** is the first Australian Director of Military Prosecutions.

Brigadier McDade graduated in Law from the University of Adelaide in 1980. She was admitted as a barrister and solicitor of the Supreme Court of South Australia in December 1980, and to the register of practitioners of the High Court of Australia in 1981.

Her military career has included postings as a legal officer working with Headquarters 3rd Brigade and as the Army's Chief Legal Officer for the State of South Australia. From 1991 Brigadier McDade was posted to Darwin as the Army's Chief Legal Officer for the Northern Territory.

Brigadier McDade was appointed and sworn as the Director of Military Prosecutions on 10 July 2006.



Sue Currie

**Sue Currie** has spent many years in the public eye, both on and off camera and with her years of experience, knows what it takes to create a strong personal brand that supports you in enhancing your career.

With Sue's presentation, **BRAND YOU – How to Take Control of Your Personal Brand**, you will identify your authentic

brand values and learn how to project those consistently, make a lasting first impression and use your personal brand for effective communication.

Sue Currie is the director of Shine Communications Consultancy [www.shinecomms.com.au](http://www.shinecomms.com.au) an executive development company providing successful solutions to corporate and independent professionals on boosting and enhancing image and brand. She is a former television newsreader, TV publicist and award-winning public relations consultant.





Amanda Horne

**Amanda Horne** provides executive coaching, facilitation and advisory services in the public, private and not-for-profit sectors. She specialises in helping to create positive, high-functioning people and organisations in through the practical application of Positive Psychology's strengths-based research and evidence. Amanda has over 25 years of corporate experience, including two decades with

international professional services firm Ernst & Young.

Amanda's session will focus on how you can strengthen your leadership and build positive teamwork. What helps people, teams and organisations to be their best? Positive Psychology, a field grounded in rigour and research, is the scientific study of what builds our strength and optimal performance. In this interactive and practical session, you will be introduced to key concepts and how they can be applied to your work and life.



Jenny Dowell

**Cr Jenny Dowell** is Mayor of Lismore and president of NOROC. Prior to her election to LCC in 2004, Jenny spent 35 years in special education in Melbourne and on the north coast and as a volunteer and Board member of a many community organisations. She is a member of ALGWA.



Trudy Taylor

**Trudy Taylor** is a life-long Queanbeyan resident and a staunch supporter of all things Queanbeyan in both her personal and professional life. After completing high school, Cr Taylor immediately became involved in the local community through her work at The Queanbeyan Age – the city's locally produced newspaper – where she worked for more than 22 years. During this time, Cr Taylor worked in several positions, including as editor for about five

years and manager for two years. She is a qualified photographer, and along with her council duties is also working as a creative writer at The Canberra Times.

Cr Taylor's interests include tennis and she held several positions on the executive committee of the Queanbeyan Park Tennis Club for a number of years. She is also a supporter of the Rotary Club of Queanbeyan West where her husband is a member. Cr Taylor has also given freely of her time to the Queanbeyan Show Society over the last 10 years, as judge of the photography section.



Jenny Grinlinton

**Jenny Grinlinton** originally trained as a Speech Pathologist and worked in community health in Broken Hill and Queanbeyan. In 1994 she became the team leader of the Queanbeyan Community Health Service for a period of 6 months.

In May 2007 she was successful in obtaining the position of Director Social and Community Services. Jenny is currently

responsible for five sections of Council which all focus on people service delivery and is currently completing a Graduate Diploma in Local Government Management.



Natasha Abbott

**Natasha Abbott** is the Manager of Environment and Health for Queanbeyan City Council. She started with the organisation in 1989 as a Trainee Environmental Health and Building Surveyor.

Natasha has a wide range of multi-disciplinary environmental health experience and skills.

Natasha is concerned that there are issues facing our community which need to be recognised such as instilling a respect for our environment and changing behaviour to preserve the amazing place in which we live.

As a Manager of Council she encourages programs which would promote sustainability and improve the condition of our local environment.



Diana Ryall

**Diana Ryall** was Managing Director at Apple Computer Australia from 1997 to 2001. While holding this position, the company was recognised by Hewitt Associates as 'Employer of the Year'. Diana stepped down from that position at the end of 2001 to expand her involvement in those areas in which she is passionate: inspiring leadership, supportive workplace cultures and the success of women.

Since leaving Apple, Diana founded the company "Xplore for Success" which offers services to organisations to support talented men and women to achieve personal success. The Xplore offerings include career development programs, professional coaching, interactive workshops, building in-house mentoring programs and focus groups. The Xplore programs have challenged over 2000 women and men since 2002. Diana also offers presentations and consulting services in positive leadership, building inclusive organisational culture and senior executive coaching.

# Sample Menu

## Flavours From Kashmir to Tuscany

### Cocktail Function

Canapés  
Sweet Onion Tarts  
Sun Dried Tomato & Avocado Mousse Tartlets  
Sushi & California Rolls  
Thai Green Curry Prawns in Pastry  
Vegetable Pakora Bites with Tamarind Chutney  
Butter Chicken Curry Puffs  
Fish Bites & Salt & Pepper Squid with Tartar Sauce

### Dinner Function

Chicken Parmigina with Potato Mash  
& Seasonal Vegetables  
Baked Fish & Chive Butter with Mash Potato & Salad with  
Balsamic Vinaigrette  
Dessert  
Raspberry Panna Cotta with Orange Salad

### Formal Dinner Function

Entrée  
Jerusalem Artichoke & English Spinach Soup  
Cajun Chicken Caesar Salad  
Marinated Pork Fillet Salad  
Main  
Parmesan Chicken Tenderloins with  
Sweet Potato Mash & Salsa Verde  
Sirloin of Beef with Smoked Cheese Bread & Butter  
Pudding Topped With Onion Marmalade & Red Jus  
Main Meals Served With Seasonal Vegetables  
Dessert  
Sticky Date Pudding with Butterscotch Sauce  
Grand Marnier Profiteroles with Chocolate Sauce



### Conference Door Prize

You could win a white, lustrous 11-12mm freshwater pearl necklace with a sterling silver bolt ring clasp. Valued at \$495.00

# Queanbeyan

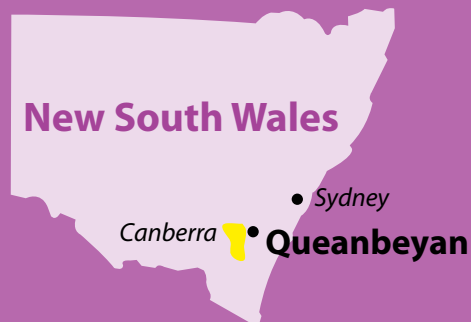


Queanbeyan has developed into a major NSW Regional Centre with many government departments headquartered or represented in the City.

Licensed clubs, hotels and accommodation and conference venues are available and the city is renowned for its wide range of restaurants. These range from intimate restaurants through a range of ethnic cuisine to the popular family chains.

Queanbeyan City is a classic example of old real estate adage of 'location, location, location'. Queanbeyan's proximity to the nation's capital provides unique cross fertilisation opportunities in tourism and hospitality businesses as well as logistics and knowledge industries.

### New South Wales



# Women In Leadership - Program

## Thursday 19 March 2009

Time	What's on
4.00-6.00pm	Conference registration
6.00-7.30pm	Mayoral Cocktail Reception

## Friday 20 March 2009

Time	What's on
8.00am	Registration and coffee networking
9.00am	Official opening
9.15am	Verity Firth Minister for Education Minister for Women
10.00am	Major General Elizabeth Cosson
10.30am	Morning Tea
11.00am	Panel Discussion Themed Follow the Yellow Brick Road
12.45pm	Lunch
1.45pm	Introduction of Executive Members nominees (President; City Vice President, Country Vice President; Secretary; Treasurer) and introduction of Executive members nominees (9 positions)
2.00pm	Amanda Horne – Positive Leadership
3.00pm	Kaele Way – National ALGWA president “The Way Forward”
3.30pm	Afternoon tea
4.00pm	Brigadier Lyn McDade – Director Military Prosecutions
4.45pm	Wrap up of Day
5.00pm	Close
7.00pm-late	Informal dinner Conference centre - Presentation for 2011 conference Entertainment

## Saturday 21 March 2009

Time	What's on
8.30am	Coffee networking
9.00am	Keynote speaker Susan Thompson
9.45am	Hotspots
10.30am	Morning Tea
11.00am	Empowering staff for success <ul style="list-style-type: none"> <li>• Speaker 1: Sue Currie</li> <li>• Speaker 2: Diana Ryall</li> </ul>
12.00pm	Lunch
1.00pm	ALGWA AGM
2.30pm	Bus Tour – Bungendore & Bungendore Woodworks David MacLaren ½ hour
	Afternoon tea at Mulloon Creek property of Tony Coote (ex Chairman Angus & Coote Holdings)
	Deliver back around 5.30pm Queanbeyan
7.00pm	Pre-dinner drinks
7.30pm-late	Formal dinner – Entertainment (Marsh & Lee J Collier) / Dancing / music. Announcement winner of 2011 conference

## Sunday 22 March 2009

Time	What's on
7.00am	Light fresh organic breakfast with Wellbeing session in TheQ
10.00am	ALGWA Exec Meeting

**Dress Code:** Smart Casual

The program may be subject to change due to circumstance beyond our control.

\* Please remember that our sponsors and supporters assist in maintaining the high standard of content that defines the ALGWA NSW Conference. In addition to this, they help keep registration fees to a minimum.

# Women In Leadership - Information

## Accommodation Details

Queanbeyan City Council recommends the following venues for accommodation and please mention you are going to the ALGWA Conference for special rates.

*Delegates are strongly advised to book early to get the best accommodation.*

Accommodation	Phone Number	Reservation Email	Star Rating	Room Type	Rates per night
Mid City Motor Inn 215 Crawford St Queanbeyan	02 6297 7366	No Email-Fax 02 6299 3046	N/A	Single Double Triple	\$85.0 \$95.00 \$105.00
Motel Marguerita Cnr Canberra Ave & McIntosh St	02 6297 5531	motelmargeurita@bigpond.com	★ ★ ★	Single Double Triple	\$80.00 \$95.00 \$110.00
Airport International Motor Inn 57-73 Yass Rd	02 6128 0300	stay@airportinternational.com.au	★ ★ ★ ★	Standard Executive	\$99.00 \$125.00
Parkway Motel 8 Lowe St	02 6297 1788	parkway@parkwaymotel.com.au	★ ★ ★	Single Double Twin (split) Triple (3 Singles) Deluxe Room Deluxe Queen	\$90.00 \$100.00 \$110.00 \$130.00  \$100.00 \$110.00
Wallaby Motel 88 Crawford St	02 6297 1533	wallabymotel@gmail.com	★ ★ ★ ★	Twin Share	\$60.00pp

If you require help registering and would like to speak to someone please phone Communication Link on 02 6226 8880.

## Cancellation Policy

Refunds less 25% will be granted for written cancellations up to 21 days prior to the conference. There will be no refunds after this time. Substitutions are allowed up to 48 hours prior.

## How to Register:

- To register on line - <http://www.algwa.org.au> - and follow the links to the conference
- To register by fax please fill in the form and fax to 02 6226 8704
- To register by mail - please fill in the form and mail to Communication Link  
PO Box 5256  
Lyneham  
ACT 2612



# Women In Leadership - Registration Form

## Registration Form

The ALGWA is a not for profit organisation and GST does not apply (ie: GST not included in registration fee).

## Tax Invoice

Title: Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other

Family Name:

First Name:

Name Badge:

Organisation:

Position:

Address:

State:  Post Code:

Mobile:

Telephone:

Facsimile:

Email:

Special Requirements (eg dietary, access etc):

Type of Card: AMEX ☐ Diners ☐ Mastercard ☐ Visa ☐

Card Number:

Expiry Date:

Name on Card:

Total:  exc GST

# Women In Leadership - Registration Form

## Registration Fees & Payment

(please tick to indicate your requirements)

☐ Member Early Bird (payment by 13 February 2009) \$450 (exc. GST)

☐ Non-member Early Bird (payment by 13 February 2009) \$500 (exc. GST)

☐ Full Member Registration \$500 (exc. GST)

☐ Full Non-member Registration \$550 (exc. GST)

(Includes Mayoral Reception Thursday evening, morning and afternoon teas, lunch, attendance at the two day conference program, informal dinner on Friday evening, official conference dinner on Saturday night and Wellbeing Breakfast.)

☐ Day Delegate Registration Member \$175 (exc. GST)

☐ Day Delegate Registration Non-member \$215 (exc. GST)

(Includes attendance for one day of the conference program, from 8am until 5pm, does not include dinners or tours.)

☐ Friday ☐ Saturday

## Accompanying Guest Tickets Per Person

☐ Mayoral Welcome Reception 19 March 2009 \$45 per person (exc. GST)

☐ Informal Dinner 20 March 2009 \$100 per person (exc. GST)

☐ Mullon Creek Bus Trip 21 March 2009 \$60 per person (exc. GST)

☐ Official Dinner 21 March 2009 \$120 per person (exc. GST)

☐ Sunday Wellbeing Breakfast 22 March 2009 \$35 per person (exc. GST)

☐ We will be collecting information for session sponsors, please indicate by ticking the box if you do not want your information passed on.

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## COUNCIL COMMITTEES

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To report back to Council on the establishment of a Committee of the Whole and Reference Committees.
<b>BACKGROUND:</b>	On 3 February 2009 Council agreed in principle to the establishment of a Committee of the Whole supported by four Reference Committees – Community, Planning & Heritage, Open Space and Sustainability.
<b>COMMENTS:</b>	Draft Charters and additional information have been prepared for Council's consideration.
<b>RECOMMENDATION:</b>	That Council establish a General Committee, comprising all Councillors supported by four Reference Committees - Community, Planning & Heritage, Open Space and Sustainability.

## PURPOSE OF REPORT

To report back to Council on the establishment of a Committee of the Whole and Reference Committees.

## BACKGROUND

On 3 February 2009 Council agreed in principle to the establishment of a Committee of the Whole supported by four Reference Committees - Community, Planning & Heritage and, Open Space and Sustainability.

Council resolved, in part:

1. *That the existing Councillor Forums cease to operate.*
2. *That Council agree in principle to the establishment of a Committee of the Whole, supported by three Reference Committees - Community, Planning & Heritage and, Open Space, [as well as the Sustainability Committee, which has been resolved earlier in the meeting].*
3. *That further details on the establishment and operation of the Committee of the Whole and draft charters for the Reference Committees be developed and reported to Council for consideration, together with recommendations for a process to provide for community membership of the Reference Committees.*

At the same meeting Council earlier resolved:

- A. *That Council form a Sustainability Reference Committee.*
- B. *That this Committee be structured as a section 355 committee consistent with the Open Space and Community Development Committees as previously adopted.*
- C. *That the charter for all committees including the Sustainability Reference Committee be developed and reported to Council on 24 February 2009.*
- D. *That, as one of its first tasks, the Sustainability Reference Group investigate policies from other Councils, with a view to Council adopting a Sustainability Policy for Council's endorsement.*

This report address resolutions 2 and 3 in relation to the establishment of a committee structure and A, B and C in regard to the formation of the Sustainability Reference Committee.

## COMMENTS

Draft Charters and additional information have been prepared for Council's consideration.

Committee comprising all Councillors

The following legislation is relevant to this matter.

Clause 260 of the *Local Government (General) Regulation 2005* (the Regulation) states:

- (1) A council may, by resolution, establish such committees as it considers necessary.*
- (2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.*
- (3) The quorum for a meeting of a committee is to be:*
  - (a) such number of members as the council decides, or*
  - (b) if the council has not decided a number - a majority of the members of the committee.*

Clause 261 of the Regulation states:

*A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.*

Clause 265 of the Regulation states:

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.*
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.*
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands)*

Clause 266 of the Regulation states:

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:*
  - (a) details of each motion moved at a meeting and of any amendments moved to it,*
  - (b) the names of the mover and seconder of the motion or amendment,*
  - (c) whether the motion or amendment is passed or lost.*
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.*

Clause 267 of the Regulation states:

- (1) The chairperson of each committee of the council must be:*
  - (a) the mayor, or*
  - (b) if the mayor does not wish to be the chairperson of a committee - a member of the committee elected by the council, or*
  - (c) if the council does not elect such a member - a member of the committee elected by the committee.*
- (2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.*

Item 4

S06952  
13 February 2009

- (3) *If neither the chairperson nor the deputy chairperson of a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.*
- (4) *The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.*

The information in this report has been prepared on the understanding that the Committee will:

- now be known as the General Committee to avoid any confusion with a Committee of the Whole held during a Council Meeting;
- comprise all 10 Councillors;
- be chaired by the Mayor;
- have a quorum of 6 Councillors;
- generally meet on the 4<sup>th</sup> Tuesday of the month, with Council Meetings held on the 2<sup>nd</sup> Tuesday;
- operate with delegated authority to determine all matters;
- operate with a degree of informality to encourage a free exchange of comments and full participation by all Councillors and staff; and

A Charter for the General Committee has been drafted and is attached (**Attachment 1**).

The following additional comments are made.

Meeting cycles

Having cycles for Council and Committee meetings that are fixed to certain days of the month is advantageous for not only Councillors and staff but also the public. The volume of Council business can vary from time to time so the Charter provides for some flexibility in the calling of meetings.

Ideally, to the extent that it is possible, Council should strive to adhere to the cycle so there are no complications with the giving of the required notice to the public for meetings, particularly having regard to the lead times that exist for the placing of newspaper advertisements.

Casting Vote

Because of the wording of clause 265 (2) of the Regulation the committee will need to decide if the Chairperson is to have a casting vote in the event of equality of voting. This would be best addressed as an item at the first meeting of the Committee. As the Committee is to operate with delegation it would seem appropriate for the Chairperson to have a casting vote as occurs at a Council meeting.

Minutes

To comply with Clause 266 of the Regulation the committee will need to confirm its own minutes at each subsequent meeting. Minutes of the committee cannot be confirmed by Council and vice versa. This does not delay action being taken on the decisions of the meetings.

Committee Procedures

The provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and the Council's *Code of Meeting Practice* apply to the Committee.

Item 4

S06952  
13 February 2009

Clause 265 of the *Local Government (General) Regulation 2005* however, allows the Committee to regulate its own procedure. The following procedures are suggested and should be considered for adoption at the first meeting of the Committee.

1. Agendas

The General Manager, after consultation with the Mayor, shall, when preparing each Committee Agenda, allocate approximate time periods for the consideration of the items on each Agenda. These allocated time periods shall take into account the likelihood of there being discussion and questioning of members of the public and staff as permitted in 4. and 5. below.

2. Speeches

There shall be no limitation on the number of, or time allowed for, speeches that may be made by any Committee member. However all Committee members, under the guidance of the Chairperson, shall strive to ensure that the consideration of Agenda items does not exceed the times allocated in 1. above.

3. Standing

There is no requirement for anyone to stand during a meeting of the Committee.

4. Addresses by members of the public

The procedures (including time limits) that apply to addresses made by members of the public at Council Meetings shall also apply to addresses made by members of the public at Committee meetings. However, in addition to the time utilised for any such addresses, members of the Committee may engage in subsequent discussion and questioning of any members of the public who have addressed the Committee.

5. Presentations by staff

Presentations may be made at a Committee meeting by staff on any item and Committee members may engage in subsequent discussion and questioning of staff.

Additional procedures and changes to these procedures could be considered by the Committee as thought appropriate over time.

Reference Committees

The following legislation is relevant to this matter.

Section 355 of the *Local Government Act 1993* states:

*A function of a council may, subject to this Chapter, be exercised:*

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*
- (d) jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*
- (e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).*

Item 4

S06952  
13 February 2009

**Attachment 2** provides a guideline on the responsibilities, functions and operations of the respective Reference Committees. Specifically this outlines the purpose and role, membership, meeting procedures and other issues affecting its operation and liability. For each reference committee, charters have been established that detail among other matters expertise and experience of members (excluding Councillors), objectives, terms of reference and meeting frequency.

It is anticipated that the respective charters may be reviewed by the Committee once established. However, it is important to outline the intent and direction of each of the committees to inform potential nominees and to ensure minimal overlap in functions.

As outlined in **Attachment 2**, selection of committee members would be the responsibility of Council. This would follow an advertising and marketing program to promote the existence of the committees to get as wide as possible response. It would be anticipated that the recruitment for the committees would follow as soon as practicable following a resolution of Council on this matter.

In terms of sub-committees, the terms of reference for each committee enables such groups to form. Most notably is the establishment of a Heritage Sub-Committee. Recognition is also made of other committees that play a role in or assist council process and decision making, specifically the Traffic Committee.

The guideline has not incorporated the existence of working groups or similar entities, particularly with a singular focus such as Blue Gum High Forest Steering Committee (established under Agreement with the Federal Government to provide direction for the management of the 102 Rosedale Road, St Ives site) and State Emergency Services Working Party (to identify and implement options for the facility at Golden Jubilee Oval). It is envisaged that these would continue to operate under the existing terms of reference or scope and report to Council when and as necessary.

## **CONSULTATION**

No public consultation has occurred in relation to this matter.

## **FINANCIAL CONSIDERATIONS**

There may be some additional costs associated with the administration of this committee system, however it is not possible to quantify them at this time.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

The General Manager and Directors have been involved in the preparation of this report.



## SUMMARY

This report has outlined the formation and function of a General Committee and the four Reference Committees as resolved by Council. Draft charters and additional information are provided for Council's consideration. Subject to the approval of the operation and charters of the Reference Committees, a recruitment process will commence and will be reported to Council as soon as practicable.

## RECOMMENDATION

- A. That, in accordance with clause 260 of *Local Government (General) Regulation 2005*, a General Committee be established with the functions set out in the draft Charter and further that the draft Charter be adopted.
- B. That, at the first meeting of the General Committee, the Committee give consideration to the adoption of meeting procedures and whether or not, in the event of an equality of voting, the Chairperson shall have a casting vote in addition to an original vote.
- C. That, in accordance with section 355 of the *Local Government Act 1993*, the Committees listed below be established with the functions set out in the draft Charters and further that the draft Charters be adopted:
  - 1. Community Reference Committee
  - 2. Planning & Heritage Reference Committee
  - 3. Open Space Reference Committee
  - 4. Sustainability Reference Committee
- D. That the previously adopted Council meeting cycle remain unchanged with the exception of the second meeting of each month being changed to a General Committee meeting.
- E. That Council adopt the General Committee Charter.
- F. Recruitment for the reference committees commence in March 2009 and that a report be returned to Council recommending membership by May 2009.

Peter Davies  
**Manager Corporate Planning & Sustainability**

Andrew Watson  
**Director Strategy**

John Clark  
**Director Corporate**

**Attachments:**

- 1. General Committee Charter - 2009/018388**
- 2. Reference Committee Charters - 2009/018471**



## **GENERAL COMMITTEE**

### **Charter of Responsibility**

#### **Purpose**

To address issues relating to the management of Council's financial, human and physical resources through the adoption and monitoring of strategies, policies, budgets and procedures that will enable Council to achieve its visions for Ku-ring-gai.

#### **Functions**

To consider all matters referred to the Committee, including but not limited to:

##### *Finance*

Consider funding strategies and revenue raising opportunities and adopt funding strategies for long and short term budgets that will ensure Council's financial security.

##### *Budget*

Monitor and review the adopted Management Plan.

##### *Organisational Issues*

Review organisation and management structures and issues and adopt policies.

##### *Initiatives*

Examine, review and adopt business plans and strategies for the funding of major capital purchases, entrepreneurial activities and development proposals.

##### *Major Issues*

Address and determine any other issues of a significant nature impacting on Ku-ring-gai or the Council.

##### *Referrals*

Deal with matters referred from other Committees including the Community, Planning & Heritage, Open Space and Sustainability Reference Committees.

##### *Notices of Motion*

Deal with any Notice of Motion submitted by a Councillor for consideration by the Committee

## **Powers**

The Committee shall have delegated authority under section 377 of the Local Government Act 1993 to determine all matters dealt with by the Committee.

## **Regular Meeting Time**

4<sup>th</sup> Tuesday of the months February to November, commencing at 7.00pm. Meetings to be held only if there are sufficient items to warrant the calling of a meeting.

Additional meetings to be held if the Council so resolves or meetings are considered necessary by the Mayor and General Manager.

## **Membership**

All Councillors

The Chairperson shall be the Mayor

The Deputy Chairperson shall be the Deputy Mayor

## **Quorum**

Six (6) Councillors

## **Voting**

Each Councillor present is entitled to one vote for each motion and amendment put to a meeting.

The Committee shall decide in accordance with clause 265 of the *Local Government (General) Regulation 2005* whether, in the event of an equality of voting at a Committee Meeting, the Chairperson of the meeting shall have a casting vote in addition to an original vote.

## **Meeting procedures**

The provisions of the Local Government Act 1993, the *Local Government (General) Regulation 2005* and the Council's Code of Meeting Practice apply to the Committee.

The Committee may, as provided by clause 265 of the *Local Government (General) Regulation 2005*, regulate its own procedure.

# Reference Committees Guideline

## INTRODUCTION

Ku-ring-gai Council values the contributions of individuals and community representatives who become members of community reference committees. The major type of committee supported by Council is the Reference Committee. In addition there are other reference groups, technical panels and associations to which council staff contribute to facilitate open and accountable government.

This document provides a guideline on the responsibilities of Reference Committees.

Upon formal approval of a Reference Committee by Council, its members are required to adopt and adhere to the conditions set out in this document.

The manual is divided into five sections, namely:

**Purpose and role:** Provides details of establishment, representation and membership.

**Membership:** Details how appointments are made and vacancies are filled in Reference Committees.

**Meeting procedures:** Outlines procedures for the management of committee meetings.

**Miscellaneous issues:** Includes induction, insurance and pecuniary interest related matters.

**Reference committee charters:** outlines the terms of reference, representation, meeting frequency and related matters

Committee members who wish to seek clarification of any issue raised in this document should contact the Governance section of Ku-ring-gai Council on 9424 0000.

# SECTION 1: PURPOSE AND ROLE OF REFERENCE COMMITTEES

## 1.1 WHY DOES COUNCIL HAVE REFERENCE COMMITTEES?

Reference Committees provide a mechanism by which interested residents and experts can play an active role in the formulation of council policy, direction and practice. Reference Committees are an important link in Council's communication strategy with the community and are supported via other community consultative methods.

## 1.2 DELEGATION OF FUNCTIONS AND DECISION MAKING

Under the *Local Government Act 1993* Council is able to delegate some of its functions to a committee of Council. Under the Reference Committees as outlined no delegated authority has been given to them and therefore they serve to provide recommendations and advice for Council. In other words, Reference Committees do not have the power to make a final determination on any matter referred to them. Their role is to advise on a particular position, or course of action. This advice is then considered by Council in its deliberations on a matter.

## 1.3 HOW ARE REFERENCE COMMITTEES ESTABLISHED?

Reference Committees are established by a resolution of Council in accordance with section 355(b) of the *Local Government Act 1993*.

The Committees referred to in this document were established by Council at its meeting on 3 February 2009. These include:

- Sustainability Reference Committee;
- Community Reference Committee;
- Planning and Heritage Reference Committee; and
- Open Space Reference Committee.

Prior to establishing a Reference Committee Council will set out the following criteria:

1. the terms of reference for the committee;
2. the expertise or relevant background which community members should possess;
3. the size (minimum and maximum) of the committee;
4. quorum requirements;
5. frequency of meetings (minimum and regularity);
6. any specific interest groups that are to be represented on the committee (eg. government departments, community organisations etc); and
7. its term and tenure of members.

This document serves to address these seven elements.

Supporting these committees are other decision making bodies established under other legislation. These are listed in attachment 1.

## **1.4 TERMS OF REFERENCE**

The Reference Committee will be responsible for providing advice to Council in accordance with the Committee's Terms of Reference. Details of the terms of reference of each committee are presented in part 5 of this document.

## **1.5 LIMITATION OF POWERS**

Reference committees do not have any decision making powers pursuant to section 377 of the *Local Government Act 1993*.

Reference Committees can not instruct staff or make decisions for Council. All matters raised by the committee must either be referred to Council, or to the General Manager, for determination.

The Reference Committees will observe any rules and regulations made by the Council.

## **1.6 CODE OF CONDUCT**

Ku-ring-gai Council has adopted a draft Code of Conduct that is applicable to both elected Councillors and employed staff. This Code of Conduct sets out principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

As Reference Committees are operating in conjunction with Council, it is important for committee members to be aware of and comply with the contents of this Code of Conduct. The adopted code will form an attachment to this guide. Training on the code will be provided as part of the induction process for all Reference Committee members.

It is the responsibility of the chair of the meeting to inform and take necessary action with respect to the members in relation to this code.

## **1.7 COUNCIL OBLIGATIONS**

In constituting a Reference Committee, Council agrees to:

- give due and proper consideration to all recommendations and suggestions put forward;
- give members feedback on how their recommendations have been used;
- encourage member participation and meeting attendance;
- respond within a reasonable timeframe to requests for relevant information;
- provide administrative resources to assist in the smooth operation of the committee; and
- accurately record and represent the views of the committee.

## 1.8 MEMBER OBLIGATIONS

As a member of the committee, members agree to:

- attend meetings and participate in discussions;
- adequately review any agenda attachments or documents as required prior to meetings;
- report their views and, where known, those of the Ku-ring-gai community;
- give feedback from meetings to the wider community where possible;
- allow all committee members to present their views and opinions;
- suggest agenda items;
- make suggestions regarding improvements to reference and consultative committees;
- work within the timeframe of the committee charter and structure;
- clearly declare any conflict of interest regarding any issue under discussion;
- maintain confidentiality where appropriate;
- not speak publicly such as to the media on behalf of Council; and
- only maintain membership to one committee at any time.

## **SECTION 2: MEMBERSHIP OF REFERENCE COMMITTEES**

### **2.1 COUNCILLOR MEMBERSHIP**

Two (2) Councillors would be appointed to each of the Reference Committees. Appointments would be made every 12 months at the same time as the Mayoral election. This would include a chairperson, Deputy Chairperson and two (2) other delegates.

All other Councillors are able to attend Reference Committee meetings.

### **2.2 COMMUNITY MEMBERSHIP**

Community membership will vary according to the committee and its charter, as outlined in section 5. Representatives shall reflect areas such as the objectives and terms of reference of the charter such as expertise, experience, demographics, special interest groups that exist within or are able to contribute to the Reference Committee and relevant government authorities.

Council must appoint all Reference Committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may dissolve any Reference Committee or release individual members at any time.

Council may also appoint any new members to a Reference Committee at any time by Resolution of Council.

The term of office for Reference Committees will be two (2) years from the date of Council resolution. At the expiration of two (2) years, members will be asked to renew membership. The renewal of membership would occur automatically unless otherwise determined by the Chairperson. Should the Chairperson wish to change the membership at this or other time, this would then be a matter for Council consideration and resolution.

Notwithstanding the above, membership will cease as determined by a sunset clause, or election of a new Council (refer to section 2.3).

All nominations for appointment to Reference Committees are formally submitted in writing to Council. Applicants would be reviewed against their expertise and experience and ability to contribute to the committee in relation to its objectives and terms of reference.

### **2.3 DISSOLUTION OF COMMITTEE**

The Council may dissolve a Reference Committee at any time.

Committees are formally appointed by the Councillors in office.

At the time of the general election of Councillors, all Reference Committee members will cease to hold office.



All Reference Committee members are eligible for re-appointment. Council will advertise for and receive nominations, unless otherwise decided by Council.

## **2.4 VACATION OF OFFICE**

Membership of the Committee will become vacant in the following circumstances:

- if the member resigns membership by notice in writing to the committee;
- if the member is absent for more than three (3) consecutive meetings without prior leave of absence or an apology being accepted by the committee, subject to confirmation by the elected Council of the resignation;
- if the member ceases to be a member of the organisation which he/she represents;
- upon the death of the member;
- if the member becomes a mentally incapacitated person; and
- if a member is found to be in breach of the Code of Conduct.

Council shall advertise for nominations for vacancies, unless otherwise decided by Council.

## **2.5 CHAIRPERSON**

There are two formal positions on Reference Committees – Chairperson and Deputy Chairperson. These roles are resolved by Council.

The Chairperson is usually the spokesperson for the committee and therefore needs to be certain that the committee is running smoothly and achieving its aims and objectives.

If the Chairperson is not present at the time designated for the meeting, the Deputy Chairperson shall take the responsibilities of the Chairperson.

If the appointed Chairperson and all Councillors are absent at the time designated for the meeting, the relevant council officer shall undertake the role of Chairperson for that meeting.

### **2.5.1 RESPONSIBILITIES OF THE CHAIRPERSON**

The Chairperson generally has the following specific duties, which make up the major part of their responsibility:

(i) Before a meeting:

- prepares the agenda in consultation with the relevant director or manager, setting out the terms of business to be considered; and
- ensures the meeting is properly convened in accordance with the organisation's rules, such as proper notice of a meeting is given and that a quorum is present.

(ii) During the meeting:

- chairs all meetings, opens meeting, welcomes and introduces members and guests;
- keeps individuals and the meeting focused on the topics being discussed and
- encourages all members to participate, ensuring adequate opportunity is given to members who wish to speak;
- ensures correct meeting procedures are followed and control of the meeting is maintained, keeping track of time (or delegates this to someone );
- makes sure members are aware of decisions being made and that the note taker has recorded decisions of the meeting;
- acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders - that is method of conducting meetings;
- ensures all statutory regulations and organisation's rules (such as code of conduct) are observed; and
- closes meeting after business at hand has been properly concluded.

(iii) Other responsibilities:

- be aware of certain issues and procedures and the importance of establishing and maintaining a working relationship with Council;
- approve the notes of the meeting prior to them being reported to Council (refer to section 3.4);
- advise and report to Council on the ongoing suitability of current and potential members; and
- speak on behalf of the committee where appropriate.

## **SECTION 3: MEETING PROCEDURES FOR REFERENCE COMMITTEES**

Meetings are to be conducted to standard guidelines as detailed in this section.

### **3.1 STARTING TIME FOR MEETINGS**

Meetings are to commence at the time designated for the meeting. If the meeting has not commenced within 15 minutes of the designated time it must be cancelled.

### **3.2 AGENDA**

The agenda is an organised list of headings of all the major items, in order, that will be discussed at the meeting. A copy of the agenda should be distributed electronically to all the committee members at least seven (7) days before the commencement of the meeting.

Each item of business to discuss at the meeting needs to be put on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under 'Business arising from previous meeting'.

If any items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

Agenda for meetings shall be made publicly available on Council's website not less than three (3) working days before the meeting.

### **3.3 CONDUCT OF BUSINESS**

Each item of business is discussed in the order in which it appears on the agenda. Adequate time is to be allowed for discussion on important issues.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda to all members and Councillors with the approval of the Chairperson.

### **3.4 NOTES OF MEETINGS**

Notes of the meeting will be taken that reflect the discussion and any voting on matters. These are not minutes and therefore do not require acceptance at the following meeting.

The appointed Director must ensure accurate notes of the meeting are maintained.

The correctness of the draft notes of the preceding meeting are to be circulated electronically to all members within seven (7) working days of the meeting. Any amendments to the notes must be circulated to all members. After seven (7) days, the appointed director shall finalise the notes and refer them to the chairperson for approval within five (5) working days. The Chairperson shall have three (3) working days to approve the notes.

Notes will be prepared in a report for consideration by Council within six (6) weeks of the meeting. These shall include officers' comments including, though not limited to, impact on budget, policy or current program delivery.

Notes and the accompanying business paper will be made available to the public in line with the ordinary process for Council business.

### **3.5 VOTING**

Voting can be used as a mechanism through which members can express their agreement or disagreement on an item. The Chairperson or two (2) or more members can determine what matters require voting. Voting can be conducted in two ways, verbally or by show of hands (or in special circumstances in another appropriate way as agreed by the committee members). For a vote to be carried it is necessary that a majority of participants vote for that matter. If a vote is tied, the chairperson shall have the casting vote.

A member who is present but who abstains from voting on a motion is counted as having voted against the motion. Members who are not present may not vote by proxy or any other means.

### **3.6 GENERAL MANAGER AND STAFF ATTENDANCE AT MEETINGS**

The General Manager is entitled to attend committee meetings. The General Manager shall ensure that appropriate staff attend the meetings.

The role of staff attending will be to offer advice and to answer questions within their individual fields of expertise and experience. Council staff are not permitted to vote. Representatives from State and Federal agencies (if the committee has members representing these agencies) are permitted to vote unless otherwise determined by the Chairperson.

### **3.7 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS**

Members of the public who are not members of a Reference Committee are entitled to attend committee meetings as observers.

Such persons are not entitled to:

- move or second a motion at the meeting;
- vote at the meeting;
- address the meeting unless otherwise determined by the Chairperson. Such addresses are to be limited to a maximum of three (3) minutes unless otherwise agreed to by the majority of member; and
- table documents to the meeting.

### **3.8 DURATION OF MEETINGS**

Committee meetings shall close at the scheduled finish time, however a motion to extend the meeting for up to an extra 30 minutes may be considered. Matters listed on the agenda and not dealt with by the conclusion of the meeting should be carried forward to the next meeting of the committee.

### **3.9 SUB COMMITTEES**

The committee may appoint working groups to report back to the committee. These 'sub-committees' have no formal standing and must recommend back to the committee for its determination and/ or ratification.

Members of sub-committees must be duly appointed members of the Reference Committee unless otherwise determined by Council.

## SECTION 4: MISCELLANEOUS ISSUES

### 4.1 INSURANCE ISSUES

#### 4.1.1 Public Liability

The Committee members are covered by the public liability policy of Council (currently \$50 million). This insurance does not preclude the committee from due diligence and all Council policies must be adhered to.

#### 4.1.2 Personal Accident

Committee members are covered when injured whilst undertaking actions authorised by Council relating to their role in the committee.

#### 4.1.3 Motor Vehicle

In the event that a committee member utilises a Council vehicle, the motor vehicle policy of Council will provide cover.

### 4.2 LEGAL ISSUES

From a legal perspective it is important for committees of Council to be aware of their relationship with Council. Legally, the committee is 'Council' and any action undertaken by the committee is Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council has resolved to constitute the Reference Committee and Council can dissolve the committee at any time, if deemed necessary.

### 4.3 PECUNIARY INTEREST

Pecuniary interest may be defined as an interest that a committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the committee person.

Section 446 of the *Local Government Act 1993* states that:

"a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests."

Even though the *Local Government Act 1993* provides an exemption to disclose pecuniary interests for Reference Committees, Council's preference is for all members to declare pecuniary interests where applicable.

#### **Disclosure of Pecuniary Interests**

The procedure to be followed in the disclosure of pecuniary interests is as follows:

(a) If:

(i) a Reference Committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting; or

(ii) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the meeting.

(b) The Reference Committee must ensure that the particulars of any disclosure made under this clause are recorded in the minute book kept for the purpose.

(c) After a member of a Reference Committee has disclosed the nature of an interest in any matter, the member can:

(i) be present during any deliberation of the committee with respect to the matter; or

(ii) take part in the determination of any recommendation of the committee with respect to that matter.

#### **4.4 INDUCTION**

All representatives will be required to participate in an induction process within 12 months of appointment.

#### **4.5 CHILD PROTECTION**

Child Protection Legislation may require committee members to complete and sign a Prohibited Person Declaration Form and a Working with Children Check consent form for the basis of conducting selection screening. All checks will be treated as confidential and will be kept secure.

# SECTION 5: REFERENCE COMMITTEES CHARTERS

## 5.1 SUSTAINABILITY REFERENCE COMMITTEE

### Membership

Councillors (2) including a Chairperson and Deputy Chairperson.

Community and experts (minimum 12 and maximum of 20) covering a range of expertise incorporating:

- physical sciences;
- engineering;
- geography;
- environmental;
- social sciences;
- business and finance;
- law;
- public policy; and
- education – primary, secondary and tertiary teachers and students.

As part of the composition, generational representation is to be provided with at least two school-aged students.

### Objectives

The principle objective of this Committee will be to support the aim of sustainability. That is to conserve a quality of life and natural environment for present and future generations of the Ku-ring-gai local government area (LGA). This will rely upon maintaining a healthy diverse community and environment which is founded on local culture, heritage, ethical practices and a stable economy. The role of the Reference Committee is to support and assist residents, businesses, Council and others to engage in sustainability.

Underlying sustainability are the principles of ecologically sustainable development (ESD) as defined within the *Local Government Act 1993*. The four principles of ESD include:

1. intergenerational equity;
2. the precautionary approach;
3. biodiversity conservation; and
4. improved valuation, pricing and incentive measures to protect the environment.

### Terms of Reference

1. Public policy
2. Medium (up to four years) and long term planning, including Community Strategic Plan and Management Plan
3. Corporate reporting and sustainability assurance
4. Social, environmental and financial planning and risk management
5. Waste, recycling and consumption, including use of non-renewable resources
6. Research and development



7. Facilitation of partnerships, community participation and volunteer programs relating to sustainability
8. Community engagement with sustainability programs
9. Providing support to specific project working groups established by Council from time to time, such as climate change
10. Research and evaluation.

### **Meeting Frequency**

Minimum four (4) meetings per year.

### **Quorum**

This refers to the minimum number of members who must be in attendance to transact business.

A quorum consists of one third of the members in addition to one Councillor.

If a quorum is not present within fifteen minutes after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson or those present can hold an informal meeting to discuss matters. However, any decisions made by the committee are not recognised until a meeting has ratified them where a quorum is present.

### **Responsible officers**

Primary - Director Strategy  
Secondary - Director Finance

Managers:  
Corporate Planning and Sustainability  
Business and Finance

### **Subgroups**

As determined.

## **5.2 PLANNING AND HERITAGE REFERENCE COMMITTEE**

### **Membership**

All Councillors with Chairperson and Deputy Chairperson to be determined by resolution.

### **Objectives**

To provide strategic advice on urban planning matters excluding matters within the statutory responsibility of the Ku-ring-gai Planning Panel.

### **Terms of Reference**

1. Local environmental plans and development control plans
2. Heritage
3. Purchase and sale of land and properties
4. Town centres and commercial development
5. Landuse planning
6. Urban design
7. Development contributions systems
8. Strategic transport planning (traffic and parking).

*(Excluding Ku-ring-gai Planning Panel matters).*

### **Meeting Frequency**

Minimum four (4) meetings per year.

### **Quorum**

This refers to the minimum number of members who must be in attendance to transact business.

A quorum consists of one third of the members in addition to one Councillor.

If a quorum is not present within fifteen minutes after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson or those present can hold an informal meeting to discuss matters. However, any decisions made by the committee are not recognised until a meeting has ratified them where a quorum is present.

### **Responsible officers**

Primary - Director Strategy

Second - Director Development and Regulation

Managers:

Urban Planning

Strategic Assets & Services

## **Subgroups**

### **Heritage sub-committee**

The aims of this sub committee are to:

- provide advice to Council on heritage matters; and
- provide assistance to Council in promoting an understanding and appreciation of heritage through specific activities and events.

The objective is to conserve the identity of the Ku-ring-gai area as established by its environmental heritage, character, topography, rural environment and residential amenity. Council's heritage program should aim to achieve, or be consistent with the following:

- to retain specific evidence of the development of the Ku-ring-gai areas;
- to further integrate heritage conservation into the planning and development control process;
- to develop conservation objectives, policy and strategies for use in environmental plans or development control plans;
- to actively seek opportunities for the enhancement and promotion of Ku-ring-gai's heritage, eg via the publication of design guidelines, information pamphlets, community involvement and education activities, etc; and
- to allow members of the public to address the committee on heritage issues.

This is to be conducted: in accordance with the conservation principles outlined in the Burra Charter and within ongoing review and development of heritage policy. Development applications may be referred to this committee at the discretion of the Director Strategy or Director Development and Regulation.

### **Membership**

Two (2) Councillors as nominated by the Planning and Heritage Committee.

One (1) representation from each of the following organisations:

- National Trust of Australia
- Ku-ring-gai Historical Society
- Royal Australian Institute of Architects (RAIA)

One (1) community representative who is a resident of Ku-ring-gai.

### **Meeting Frequency**

Monthly

### **Quorum**

This refers to the minimum number of members who must be in attendance to transact business.

A quorum consists of one third of the members in addition to one Councillor.

If a quorum is not present within fifteen minutes after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson or those present can hold an informal meeting to discuss matters. However, any decisions made by the committee are not recognised until a meeting has ratified them where a quorum is present.

Notes from this sub-committee would be reported directly to Council as per the process outlines in section 3.4.

## **5.3 OPEN SPACE REFERENCE COMMITTEE**

### **Membership**

Councillors (2) including a Chairperson and Deputy Chairperson.

Community and experts (minimum 12 and maximum of 20) covering a range of expertise incorporating:

- Key local community groups (four (4) representing STEP, Ku-ring-gai Bushcare Association, Australian Native Plants Society, Ku-ring-gai Bat Conservation Society);
- Key sporting associations (four (4) representing major winter and summer sports);
- Targeted groups (four (4) identified in strategic plan, including women's sport, youth sport and minority sports);
- Local school representative (public schools, sporting association);
- Industry expert (eg. Department of Tourism, Parks & Leisure Association nominee or academic representation);
- Three (3) community members (addressing youth, aged, less able, family and companion animals); and
- Relevant government agencies (eg: catchment management authorities, Department of Environment and Climate Change, Department of Sport and Recreation, Rural Fire Service) and non-government agencies (eg; Nature Conservation Council).

As part of the composition, generational representation is to be provided with at least two school-aged students.

### **Objectives**

To provide expert advice on matters related to natural area and sport and recreation management and planning.

### **Terms of Reference**

1. Capital works planning
2. Parks and recreation areas
3. Sports grounds
4. Bushland management
5. Street trees
6. Asset maintenance
7. Environmental grants
8. Companion animals
9. Landscape masterplans
10. Community land plans of management.

### **Meeting Frequency**

Minimum four (4) meetings per year.

### **Quorum**

This refers to the minimum number of members who must be in attendance to transact business.

A quorum consists of one third of the members in addition to one Councillor.

If a quorum is not present within fifteen minutes after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson or those present can hold an informal meeting to discuss matters. However, any decisions made by the committee are not recognised until a meeting has ratified them where a quorum is present.

### **Responsible officers**

Primary - Director Operations

Secondary - Director Strategy

### **Relevant managers and staff**

Capital Works

Open Space

Community and Recreation Property

Corporate Planning and Sustainability

Regulation and Compliance

### **Subgroups**

As required.

## **5.4 COMMUNITY REFERENCE COMMITTEE**

### **Membership**

Councillors (2) including a Chairperson and Deputy Chairperson.  
Community representatives (minimum of 8 maximum of 12), with considerable expertise or experience, or who have a particular interest in, one or more of the following target groups:

- Older people
- Young people
- Children
- Arts cultural
- People with disabilities
- Knowledge and education
- Community Safety
- Transport
- Culturally and linguistically diverse communities.

As part of the composition, generational representation is to be provided with at least two school-aged students.

### **Objectives**

To discuss, advise and offer guidance on matters relating to community services and programs, strategies, and policies.

### **Terms of Reference**

1. Community and cultural planning and provision of services
2. Community events and festivals
3. Community safety
4. Library services
5. Children's services
6. Aged services
7. Youth services
8. Community facilities
9. Transport
10. Housing
11. Access and equity matters
12. Health and welfare matters

### **Meeting Frequency**

Minimum four (4) meetings per year.

## **Quorum**

This refers to the minimum number of members who must be in attendance to transact business.

A quorum consists of one third of the members in addition to one Councillor.

If a quorum is not present within fifteen minutes after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson or those present can hold an informal meeting to discuss matters. However, any decisions made by the committee are not recognised until a meeting has ratified them where a quorum is present.

## **Responsible officers**

Director Community

## **Relevant managers and staff**

Community Development  
Library Services  
Community and Recreation Property  
Leisure and Cultural Services  
Operations staff  
Strategy staff

## **Subgroups**

Access Committee  
Youth Council  
Seniors' Advisory Committee

## **Working Groups**

The Committee may, from time to time, establish ad-hoc working groups consisting of Councillors, staff, and representatives of the community or professional organisations, to work on projects of relevance to the Committee. Such working groups are responsible to the Committee, and any recommendations from a working group must be made to the Committee.



# Attachment 1: OTHER COMMITTEES

## Meeting procedures for Ku-ring-gai Traffic Committee

The Ku-ring-gai Traffic Committee is not a 'Committee of the Council' within the Meaning of the Local Government Act 1993, and is therefore not constrained by the Council's Code of Meeting Practice. The Committee has been formed in response to the conditional Delegation of Authority to Council from the Roads & Traffic Authority.

In the absence of a direction from the Roads & Traffic Authority, and consistent with provision for local government authorities under the Local Government Act, the Committee may determine its own Meeting Procedures.

Set out below are the procedures in relation to Ku-ring-gai Traffic Committee Meetings.

1 The meeting will operate on a formal basis. The Chair will take precedence at all times. All business will be transacted through the Chair. A formal vote will be taken on each item and the vote will be recorded in the minutes of the Meeting. Only members of the Committee will be positioned at the meeting table.

2 Meetings of the Ku-ring-gai Traffic Committee are not public meetings. Written submissions are preferred, however provision is made for interested members of the public to address the Committee under certain circumstances. Members of the public (including Councillors) may only address the Committee on matters listed on the Agenda under general business where - prior notice of the intention to speak has been made to the Chairman; approval of the Chairman has been given; and the intended speaker has a relevant interest in the subject matter.

3 Committee membership is limited to 'formal' (voting) Members and 'informal' (non-voting) Members - each category provides a single representative.

- Formal Members are from Council (1), the Roads & Traffic Authority (1), local Member of Parliament (for the respective electorate only) (1), and the local area Police Command (for the respective command only) (1). The formal Members may (with the Committee's approval) have additional persons attend in a support or observer or technical capacity.

- Informal Members are representatives of the local bus companies, Bicycle Institute of NSW, Ambulance Service and Fire Service, and others as determined by the Committee.

4 Only Committee Members may submit items for the Agenda, ask questions about items that are not listed as General business, address the Committee with respect to confirmation of minutes, raise late items, or ask a question of Committee members.

5 'Address the Committee' will normally take place immediately before each relevant item is considered. Generally items which have speakers will be dealt with earlier in the meeting - with the order of business being changed accordingly with the consent of the Committee.

6 Members of the public (excluding Councillors) shall leave the meeting room after all addresses relating to the item under consideration have been made. Members of the public wanting to address on more than one item shall re-enter the meeting room when invited to do so.

7 Technical discussion on agenda items and establishment of recommendations for Council are undertaken in closed session.

8 The Chairperson of the Committee will be the representative appointed on behalf of the Council (or their duly authorised representative) in accordance with Roads & Traffic Committee Guidelines.

9 All formal Members of the Committee have an equal vote on all matters on the agenda. The majority view becomes the recommendation to the Council. A tied vote results in no recommendation with the matter being referred to Council for determination. If a formal member objects to a Recommendation they may have their objection noted in the minutes of the meeting.

\* \* \* \* \*

## ATTACHMENT 2: NOMINATION FORM

Ku-ring-gai Council – Reference Committee Nomination Form

	<b>Date:</b>
<b>1. Name of Committee:</b> <input type="checkbox"/> Sustainability Reference Committee <input type="checkbox"/> Community Reference Committee <input type="checkbox"/> Planning & Heritage Reference Committee <input type="checkbox"/> Open Space Reference Committee	
<b>2. Your Name:</b>	
<b>3. Are you wishing to represent a Group or Organisation:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" please advise name of Group/ Organisation:	
<b>4. Postal Address:</b>  Postcode:	
<b>5. Telephone Numbers:</b> Home Work Mobile: Fax:	
<b>6. Email Address:</b>	
<b>7. Please outline why you would like to be a member of this Committee:</b>	
<b>8. Personal attributes, experience and qualifications you will bring to this Committee</b> (Please list everything of relevance including local knowledge and volunteer experience):	
<b>9. Have you been on any previous Council Committees?</b> If so, please list the name of Committee(s), period of service and past experience?	

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10. Any other information you wish to include to support your nomination:
11. Do you have any health limitations?
12. Do you require assistance with accessing information?
13. Emergency Details – please advise below who to contact in the event of an emergency
Emergency Contact Name: .....
Emergency Contact Phone: .....
Relationship to you:.....
14 What days of the week are you available to attend meetings? (Please list all days available and any limitations on days or times of meetings – whilst Council will not be able to accommodate all requests we will endeavour to determine an appropriate day and time for meetings)

# Use of Personal Information Consent Form



Community Reference Committee

***NOTE: This consent form will remain with Ku-ring-gai Council for its records***

Thankyou for agreeing to be a part of Councils Reference Committees, your contributions will be valuable for the future directions of Ku-ring-gai.

Please read the following carefully:

I consent to the personal information provided on my nomination form being used for the purposes of distributing a contact list to councillors, staff and community members involved with Council's Reference Committee.

**Signed:**

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**Name:**

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—

**Date:**

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## Use and Disclosure of Information

The *Privacy and Personal Information Protection Act 1998* provides for the protection of personal information and for the protection of privacy of individuals generally. In compliance with the Act, and *Privacy Code of Practice for Local Government 2000*, your personal information will only be used for the distribution of information between Council and the members of Council's Reference Committees. It will not be added to other mailing lists or provided to a third party. We will not disclose your personal information without your consent.

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## APPLICATION FOR A NEW FACILITIES SPECIAL VARIATION

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To seek the approval of Council to apply to the Minister for Local Government for a New Facilities special variation to fund a new indoor aquatic and leisure facility at West Pymble Pool and development of the North Turramurra Recreation Area.
<b>BACKGROUND:</b>	On 16 December 2008, Council gave consideration and support for the use of a special rate to fund the upgrade and development of the West Pymble Indoor Aquatic and Leisure Facility and North Turramurra Recreation Area. As part of the resolution on this matter, an additional report was sought that provides more detailed costing for the new facilities and information on the associated special rate variation.
<b>COMMENTS:</b>	The 2009/10 to 2028/29 Long Term Financial Plan has incorporated the two projects as part of the funding for new facilities across Ku-ring-gai. While some sources of funding are identified for the respective projects, there is a net shortfall. This report recommends the use of a special rate levy for the new facilities to fund the gap in both the capital and operating costs associated with the facilities.
<b>RECOMMENDATION:</b>	That Council apply to the Minister for Local Government for a New Facilities special variation under Section 508(2) of the Local Government Act 1993. The variation would be for a 5% increase for 6 years from 2009/10 to 2014/15. The funding would be used to construct and operate the indoor aquatic and leisure facilities at West Pymble Pool and develop the North Turramurra Recreation Area.

## PURPOSE OF REPORT

To seek the approval of Council to apply to the Minister for Local Government for a New Facilities special variation to fund a new indoor aquatic and leisure facility at West Pymble Pool and development of the North Turramurra Recreation Area.

## BACKGROUND

Council at its meeting on 16 December 2008 resolved in part, as follows:

- A. *That pending Ministerial approval, a Recreational Facilities special rate variation be applied from 2009/2010, equating to a maximum of 5% rates increase over a maximum of 10 years, to fund revenue funding component of specific projects in Case 3 namely:*
  - 1. *West Pymble Pool Upgrade*
  - 2. *North Turramurra Recreation Area*
- B. *That \$200K be voted in the current 2008/09 budget, for the design and professional costs for West Pymble Pool, and funded from S94 2004-2009 Plan, and the remaining \$510K be included in the 2009/10 budget.*
- C. *That a further report on the West Pymble Pool Upgrade and the North Turramurra Recreation Area providing further details, including total project costs, for the Recreational special rate variation, be provided to Council in February 2009.*
- D. *That in relation to the proposed Recreational Facilities special rate variation, the public consultation process commence immediately and Council staff undertake a capital expenditure review in accordance with the Department's guidelines in Council Circular 97-55 for each of the major projects.*

This report seeks to address matters A. and C. of this resolution and to provide reference to the information likely to be required by the Department of Local Government in relation to an application for a rate variation.

## COMMENTS

### *North Turramurra Recreation Area*

Council has sought for many years to develop a recreation area incorporating playing fields and a rejuvenated golf course on the former tip site, off Curagul Road, North Turramurra, incorporating the current golf course location. This has been the subject of numerous reports over the years and of particular note the report on 16 December 2003 Council resolved to re-affirm its commitment to the development of a recreation facility at North Turramurra. This resolution included approval to commence the development of a facility concept including the extension of the golf course and preferred location for the sportsfields and recreation area. This lead to numerous studies, reviews and community and other stakeholder input culminating in the adoption of a preferred master plan

Item 5

FY000019  
16 February 2009

on 13 November 2007. As part of this process, funding sources were identified and specifically noted where there were shortfalls and options through which these could be overcome.

The size and complexity of delivery of this project will mean multiple funding sources will be required, including funding from Section 94 Plans, past, current and future; funds from the Golf Course Improvement Levy; Domestic Waste Reserve; grant funds; and user contributions. It was noted in the May 2007 report that the funding deficit for this project could be met from a combination of sources, including Council's New Facilities Reserve, borrowing, partnership arrangements, and/or a levy through a special rate variation.

***West Pymble Indoor Aquatic and Leisure Facility***

The West Pymble Indoor Aquatic and Leisure Facility has been the subject of five reports to Council since May 2007. On 8 May 2007, Council considered a report dealing with responses received during the public exhibition of the Aquatic Feasibility Study. At this meeting Council resolved to redevelop and expand West Pymble Pool rather than proceed with an aquatic facility at an alternative location in Ku-ring-gai. Following this a consultant architect prepared a number of concept designs with cost estimates for construction. A separate 15-year financial plan was developed for the facility based on the preferred option. On 13 November 2007 Council adopted a preferred option that included new indoor aquatic facilities. A community meeting was held on Saturday 16 February 2008 attended by 56 community members, 5 Councillors and 2 Council staff to discuss the proposal.

In 2008 an expression of interest (EOI) process commenced to gauge interest from the private sector in investing in the development and or ongoing management of the facility. A number of firms responded noting that the inclusion of a dry health and fitness centre would complement the facility and improve returns to Council.

A select tender process followed for the design and provisional appointment was made on 25 November 2008 to engage the team of consultants to undertake design of the indoor facility. The appointment was conditional in that it would follow a determination by Council in December 2008 with respect to the funding source for construction, as part of the long term financial plan. It also required the preparation of a financial plan to evaluate the financial impact of including a dry health and fitness centre within the facility.

The financial analysis with the inclusion of a dry health and fitness centre as part of the indoor aquatic facility was considered by Council at its meeting on 16 December 2008. Financial plans were prepared for three scenarios for the redevelopment of the pool. These included no dry facilities, an indoor cardio/weights room, and cardio/weights room plus multi-purpose fitness room. The modelling reported higher returns to Council as the dry facilities increased. At this meeting Council resolved to include an indoor health and fitness centre with a cardio/weights area and multi-purpose fitness area as part of the design for the new indoor aquatic and leisure facility.

The budget for the project, including consultant and construction costs, is \$12.3 million, which has been allocated in the long term financial plan.

***Long term financial model***

The 2009/10 to 2028/29 Long Term Financial Plan was adopted by Council on 16 December 2008 which proposed expenditure on these two major projects as above noting the need for additional



## Item 5

FY000019  
16 February 2009

funding from a special rate variation to make them financially sustainable. Given the scope and nature of the projects, it is considered more appropriate to call the proposed rate variation the New Facilities special rate variation. The two facilities have significantly different financial profiles both from a capital, operational and return perspective. Importantly however both seek to fill a substantial gap in the provision of the relevant recreation and sport facilities for the local government area.

North Turramurra Recreation Area has two major components. Reconfiguration and relocation of parts of the existing golf course to the retired land fill site and the construction of new sport and recreation facilities. The golf course would expect to have a positive financial return to Council in the long term, as occurs at present. The degree of this return is difficult to speculate given the general downturn in the golfing sector in recent years. However, the current facility is one of only a few council operated courses in Australia to return a profit to Council and this is expected to continue given its rejuvenation accompanied by an irrigation system to maintain the course at the high standard expected by users in this area. The three sportsfields would operate similarly to others by local government in that they provide the physical infrastructure to meet competition and social needs across formal sport and other recreation. These will have a net operating loss for Council.

The West Pymble Indoor Aquatic and Leisure Facility has a high up front capital cost and would be expended over a short period due to the limited scope to stage the project. It is anticipated that this facility will have an eventual operating surplus based on financial modelling on the operation of a business covering wet and dry facilities.

***Requirements for the Submission to the Department of Local Government***

The Department of Local Government was contacted regarding obtaining current guidelines for an application for a special variation to general income under Section 508(2) of the Local Government Act 1993. The Department advised that these guidelines were not yet available, but did provide a draft. The draft guidelines state that the application must include the following key points:

- (1) Purpose of the variation*
- (2) Impact on ratepayers*
- (3) Consultation with ratepayers*
- (4) Special variations history*
- (5) Financial information*
- (6) Capital expenditure review*
- (7) Other funding options*
- (8) Productivity and savings initiatives*
- (9) Asset management plans*
- (10) Long Term Financial Plan*
- (11) Council resolution to apply for the special variation*
- (12) Council resolution to adopt draft management plan*

The draft guidelines also state that the application should be received by the Department within 2 weeks of the rate-peg announcement. The rate-peg announcement date is not known but generally occurs during May

## CONSULTATION

### *North Turramurra Recreation Area*

The preparation of the draft concept masterplan for North Turramurra Recreation Area involved consultation meetings with the community and stakeholders, including Ku-ring-gai High School, local residents, North Turramurra Action Group, bushcare groups, the North Shore Beekeepers Association, Council's Golf Course contract managers, golfers, Knox Grammar School (due to the proximity of the Curagul playing fields), and Council's Parks Sport and Recreation Reference Group. Public exhibition of the draft masterplan from May to July 2007 involved extensive community and stakeholder consultation, including written notification to all households on the North Turramurra peninsula, north of Burns Road (over 1,600 letters), and all sport and recreation groups in Ku-ring-gai. During the exhibition a community open day was conducted at the North Turramurra golf course clubhouse, attracting a full room of over 30 people. In all, there is strong support for the project, though noting local neighbourhood issues particularly traffic and parking.

### *West Pymble Indoor Aquatic and Leisure Facility*

During the development of the Aquatic and Leisure Facility Development and Feasibility Study in 2006 Council conducted a West Pymble Swimming Pool Users Survey. A total of 200 people were interviewed across week days and weekends and at various times of the day during February and March 2005. This sampling process helped to ensure the responses were representative of the different users of the pool. There were several themes and preferences evident from the survey, the most important of which included:

- the provision of indoor year round swimming facilities
- a strong preference for new indoor aquatic and related leisure facilities which are located on the site of the existing pool
- retaining the character of the site and ensuring any new facilities do not compromise this
- improved leisure options for social interaction and children including play equipment, water play and water slides.

In summary, 67% of survey respondents supported adding a new indoor, all year lap pool, spa , aquarobics, special program pools and other health and fitness, social and learn to swim facilities at West Pymble Pool

A community consultation session was held on Saturday 16 February 2008, at West Pymble Bowling Club to consider the concept option adopted by Council in November 2007 as the preferred concept option for the development of the indoor facility. The session was attended by 56 community members, 5 Councillors and 2 Council staff.

## FINANCIAL CONSIDERATIONS

To illustrate the projected cash flows and funding requirements for the two projects the following attachments are provided:

Item 5

FY000019  
16 February 2009

- Attachment A shows the net cash flow projections for the West Pymble Indoor Aquatic and Leisure Facility.
- Attachment B shows the net cash flow projections for the North Turramurra Recreation Area.
- Attachment C combines the net cash flow projections for both projects and the funding provided for by the special rate variation.
- Attachment D shows net funds provided from the special rate variation over 6 years taking account of pegging, growth and pensioner rebates.

Further explanation for attachment C is provided below:

- The combined cash flows for both projects produce the 'Net Cash Flow Before the New Facility Rate' column, showing the net funding for each year. It can be seen that funds are required to 2013/14, with positive cash flows from 2014/15 onwards. This is due mainly to all capital costs having been incurred, positive returns from the West Pymble Indoor Aquatic and Leisure Facility operations and further funding from the golf course levies and domestic waste reserve.
- The funding shortfall is offset by new facility rates receipts in the 'Net Special Rate Funding' column to produce the 'Loans/Repayments' column.
- The 'Loans/Repayments' column shows when loans are required and when they can be paid back. When this amount in this column is negative a loan is required, when it is positive the funds are used to repay the loans.
- Interest is charged at 6.1%, being an approximate average of forecasts over the next 20 years.
- The 'Loan Outstanding' column either increases or decreases depending on the net cash flows produced in the 'Loan/Repayments' column. Loans can be fully repaid after 20 years if the New Facilities rate is set at a 5% increase to Council's current rates level and charged for 6 years (to 2014/15).

All projections for operating costs and revenue have been indexed using future price forecasts from Access Economics as used in Council's Long Term Financial Plan (LTFP). These estimates are life cycle project costs as they include projections of incremental operating costs and revenue associated with the new projects. Capital costs are increased by forecasts of changes in the Australian Bureau of Statistics index of materials used in infrastructure construction, which averages 4.2 % per year.

As up front capital costs are significant, external borrowings are required as follows:

2009/10	\$6.25 million
2010/11	\$2.75 million
2011/12	\$0.5 million
2012/13	\$0.5 million
2013/14	\$5 million

## Item 5

FY000019  
16 February 2009

Additionally some funds are taken from internal project reserves to fund the project as follows:

2009/10	\$5.477 million
2010/11	\$0.9 million
2012/13	\$0.2 million
2013/14	\$1 million

Interest costs for both internal and external borrowings are funded through the special rate levy as well as the repayment of principal.

In order to fund the Domestic Waste component of the projects' funding a \$9.46 increase in the Domestic Waste Management (DWM) charge is required in 2009/10. This will be in addition to any increase required as a consequence of increases in the costs of providing the service.

The combination of cash flows results in a special rate variation of 5% over the next 6 years with the West Pymble Indoor Aquatic and Leisure Facility planned for completion in 2010/12 and the North Turramurra Recreation Area in 2014/15.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation was undertaken between Corporate, Strategy, Operations and Community Departments.

## SUMMARY

Council has sought for many years to develop a recreation area incorporating new playing fields and a rejuvenated golf course at the former tip site at North Turramurra. This site provides a rare opportunity to meet the recreational and sporting needs of Ku-ring-gai's growing population.

The 2006 Aquatic and Leisure Facility Feasibility Study demonstrated the strong need for a year round indoor aquatic and fitness facility to meet the strong and growing need for such a facility in Ku-ring-gai.

The major barrier to the progress of both facilities for many years has been funding. While a number of funding sources have been identified, Council is unable to meet the funding shortfall for both facilities. A special variation is a possible funding source as identified in previous reports considered by Council, though never actually recommended as a funding strategy.

Cash flow projections have been developed for each of the two facilities and are attached to this report. It is proposed that Council apply to the Minister for Local Government for a New Facilities special variation under Section 508(2) of the Local Government Act 1993, of 5% increase for 6 years from 2009/10 to 2014/15, to fund the West Pymble Indoor Aquatic and Leisure Facility and North Turramurra Recreation Area redevelopment.

## RECOMMENDATION

- A. That this report on the West Pymble Indoor Aquatic and Leisure Facility and the North Turramurra Recreation Area providing further details, including total project costs, be received and noted.
- B. That Council apply to the Minister for Local Government for a New Facilities special variation to general income under Section 508(2) of the Local Government Act 1993, of 5% increase for 6 years from 2009/10 to 2014/15, to fund West Pymble Pool upgrade and North Turramurra Recreation Area redevelopment.

Andrew Watson  
Director Strategy

John Clark  
Director Corporate

**Attachments:**

- A. West Pymble Indoor Aquatic and Leisure Facility net cash flow projections - 2009/019025**
- B. North Turramurra Recreation Area net cash flow projections - 2009/019030**
- C. West Pymble Indoor Aquatic and Leisure Facility & North Turramurra Recreation Area net cash flow projections - 2009/019095**
- D. Special rate variation - net income table - 2009/019084**

# ATTACHMENT A

## WEST PYMBLE INDOOR AQUATIC AND LEISURE FACILITY

Year	Pool Capital	s94 2004	Pool Operating Cashflow	NET Cash Flow Before New Facilities Rate
2009	-200,000	200,000		0
2010	-9,774,000	245,000		-9,529,000
2011	-3,177,800			-3,177,800
2012			640,081	640,081
2013			696,020	696,020
2014			871,295	871,295
2015			995,263	995,263
2016			1,128,538	1,128,538
2017			1,233,303	1,233,303
2018			1,263,914	1,263,914
2019			1,262,049	1,262,049
2020			1,165,892	1,165,892
2021			244,506	244,506
2022			1,326,711	1,326,711
2023			1,360,201	1,360,201
2024			1,345,118	1,345,118
2025			1,278,216	1,278,216
2026			1,258,647	1,258,647
2027			1,258,647	1,258,647
2028			1,258,647	1,258,647
2029			1,258,647	1,258,647
<b>TOTALS</b>	<b>-13,151,800</b>	<b>445,000</b>	<b>19,845,695</b>	<b>7,138,895</b>

**ATTACHMENT B**

**NORTH TURRAMURRA RECREATION AREA**

Year	NTRA Capital	Future s94 Plans	s94 2004	S94 2000	Golf Course Levy	DWM	NTRA Op Cashflow	NET Cash Flow Before New Facilities Rate
2009	0	0		0	0	0	0	0
2010	-3,336,200	0		1,824,500	551,600	0	0	-960,100
2011	-4,888,900	0	2,933,300	54,300	222,600	1,000,000	-31,200	-709,900
2012	-2,267,200	0	340,100	0	227,900	350,000	-31,200	-1,380,400
2013	-3,247,400	856,100	0	0	233,800	350,000	-31,200	-1,838,700
2014	-9,893,500	215,300	0	0	239,900	350,000	62,400	-9,025,900
2015	-1,025,500	0	0	0	246,300	350,000	31,300	-397,900
2016		0	0	0	252,800	350,000	27,431	630,231
2017		0	0	0	259,500	250,000	23,407	532,907
2018		0	0	0	266,300	250,000	19,274	535,574
2019		0	0	0	273,300	250,000	14,878	538,178
2020		0	0	0	280,600	0	10,137	290,737
2021		0	0	0	288,000	0	5,096	293,096
2022		0	0	0	295,600	0	28	295,628
2023		0	0	0	0	0	-5,251	-5,251
2024		0	0	0	0	0	-11,154	-11,154
2025		0	0	0	0	0	-17,309	-17,309
2026		0	0	0	0	0	-23,414	-23,414
2027		0	0	0	0	0	-30,111	-30,111
2028		0	0	0	0	0	-37,107	-37,107
2029		0	0	0	0	0	-44,172	-44,172
<b>TOTALS</b>	<b>-24,658,700</b>	<b>1,071,400</b>	<b>3,273,400</b>	<b>1,878,800</b>	<b>3,638,200</b>	<b>3,500,000</b>	<b>-68,166</b>	<b>-11,365,066</b>

**ATTACHMENT C**

**NTRA AND WEST PYMBLE POOL CASH FLOWS**

[Cash flows indexed to Future prices]

6.1%

Year	CAPITAL COSTS		CAPITAL FUNDING SOURCES					OPERATING CASH FLOWS		NET Cash Flow Before New Facility Rate	NET Special Rate Funding	Loans/ Repayments	Interest	Loan Outstanding
	Pool Capital	NTRA Capital	Future s94 Plans	s94 2004	S94 2000	Golf Course Levy	DWM	Pool Operating Cashflow	NTRA Op Cashflow					
2009	-200,000	0	0	200,000	0	0	0	0	0	0		0		0
2010	-9,774,000	-3,336,200	0	245,000	1,824,500	551,600	0	0	0	-10,489,100	2,102,574	-8,386,526	-255,789	-8,642,315
2011	-3,177,800	-4,888,900	0	2,933,300	54,300	222,600	1,000,000	0	-31,200	-3,887,700	2,188,780	-1,698,920	-578,998	-10,920,234
2012	0	-2,267,200	0	340,100	0	227,900	350,000	640,081	-31,200	-740,319	2,254,443	1,514,124	-619,953	-10,026,063
2013	0	-3,247,400	856,100	0	0	233,800	350,000	696,020	-31,200	-1,142,680	2,326,585	1,183,905	-575,481	-9,417,639
2014	0	-9,893,500	215,300	0	0	239,900	350,000	871,295	62,400	-8,154,605	2,403,363	-5,751,242	-749,889	-15,918,770
2015	0	-1,025,500	0	0	0	246,300	350,000	995,263	31,300	597,363	2,482,673	3,080,036	-877,104	-13,715,837
2016	0	0	0	0	0	252,800	350,000	1,128,538	27,431	1,758,769	0	1,758,769	-783,024	-12,740,092
2017	0	0	0	0	0	259,500	250,000	1,233,303	23,407	1,766,210	0	1,766,210	-723,276	-11,697,158
2018	0	0	0	0	0	266,300	250,000	1,263,914	19,274	1,799,488	0	1,799,488	-658,642	-10,556,312
2019	0	0	0	0	0	273,300	250,000	1,262,049	14,878	1,800,227	0	1,800,227	-589,028	-9,345,113
2020	0	0	0	0	0	280,600	0	1,165,892	10,137	1,456,629		1,456,629	-525,625	-8,414,108
2021	0	0	0	0	0	288,000	0	244,506	5,096	537,602		537,602	-496,864	-8,373,369
2022	0	0	0	0	0	295,600	0	1,326,711	28	1,622,339		1,622,339	-461,294	-7,212,325
2023	0	0	0	0	0	0	0	1,360,201	-5,251	1,354,950		1,354,950	-398,626	-6,256,001
2024	0	0	0	0	0	0	0	1,345,118	-11,154	1,333,964		1,333,964	-340,930	-5,262,967
2025	0	0	0	0	0	0	0	1,278,216	-17,309	1,260,907		1,260,907	-282,583	-4,284,643
2026	0	0	0	0	0	0	0	1,258,647	-23,414	1,235,233		1,235,233	-223,689	-3,273,099
2027	0	0	0	0	0	0	0	1,258,647	-30,111	1,228,536		1,228,536	-162,189	-2,206,751
2028	0	0	0	0	0	0	0	1,258,647	-37,107	1,221,540		1,221,540	-97,355	-1,082,566
2029	0	0	0	0	0	0	0	1,258,647	-44,172	1,214,475		1,214,475	-28,995	102,914
<b>TOTALS</b>	<b>-13,151,800</b>	<b>-24,658,700</b>	<b>1,071,400</b>	<b>3,718,400</b>	<b>1,878,800</b>	<b>3,638,200</b>	<b>3,500,000</b>	<b>19,845,695</b>	<b>-68,166</b>	<b>-4,226,171</b>	<b>13,758,418</b>	<b>9,532,247</b>	<b>-9,429,334</b>	



## ATTACHMENT D

2008/09 Rates	45,023,000	
Special Variation %	5.0%	Per Ratepayer
Special Variation \$	2,251,150	61

Pegging & Growth		Special Rate	Pension Concession	NET Rate
		2,251,150	-148,576	2,102,574
4.1%	92,297	2,343,447	-154,668	2,188,780
3.0%	70,303	2,413,751	-159,308	2,254,443
3.2%	77,240	2,490,991	-164,405	2,326,585
3.3%	82,203	2,573,193	-169,831	2,403,363
3.3%	84,915	2,658,109	-175,435	2,482,673

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## INVESTMENT REPORT AS AT 31 DECEMBER 2008

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To present to Council investment allocations and returns on investments for December 2008.

**BACKGROUND:**

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 28 August 2007 (Minute No. 319).

**COMMENTS:**

The Reserve Bank of Australia (RBA) lowered the official cash rate by 100bps to 4.25% in December.

**RECOMMENDATION:**

That the summary of investments and performance for December be received and noted. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

## PURPOSE OF REPORT

To present to Council investment allocations and returns on investments for December 2008.

## BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 28 August 2007 (Minute No. 319).

This Policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

## COMMENTS

During the month of December, Council had a net cash outflow of \$2,586,000 and a net investment gain (interest and capital) of \$255,351. The cash outflow was mainly related to the purchase of a property at 31 Bridge Street Pymble.

Council's total investment portfolio at the end of December 2008 is \$72,016,095. This compares to an opening balance of \$72,680,680 as at 1 July 2008.

Council's net investment gain in December is a result of our strategy to move from managed funds to investing in high quality interest bearing bank notes (subordinate and senior debt), in anticipation of global financial markets experiencing further extraordinary levels of volatility with credit markets and credit rated funds performing poorly.

### Implications and recommendations of the Cole report

As previously reported to Council, in April 2008 the Department of Local Government (DLG) issued Circular 08-10 'Council Invested Funds and the Cole Inquiry Report', which advised that the report by Michael Cole on a review of NSW Local Government Investments had been released. The Circular summarised the recommendations contained within the report and the implementation process for those recommendations that the DLG was undertaking.

Council's investment advisor Grove Research & Advisory Services met with the DLG to clarify some of the issues raised by the recommendations. Council officers have met with Grove to seek their advice in relation to the key points of the recommendations that directly affect Council. A new Ministerial Order has been legislated, but Council is still awaiting guidelines from the DLG. Once these guidelines are received, a revised investment strategy and policy will be developed and reported to Council. At this stage the recommendation from our advisors is to take no action, where possible, in relation to existing investments.

## PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Funds Performance against the UBS Bank Bill Index**

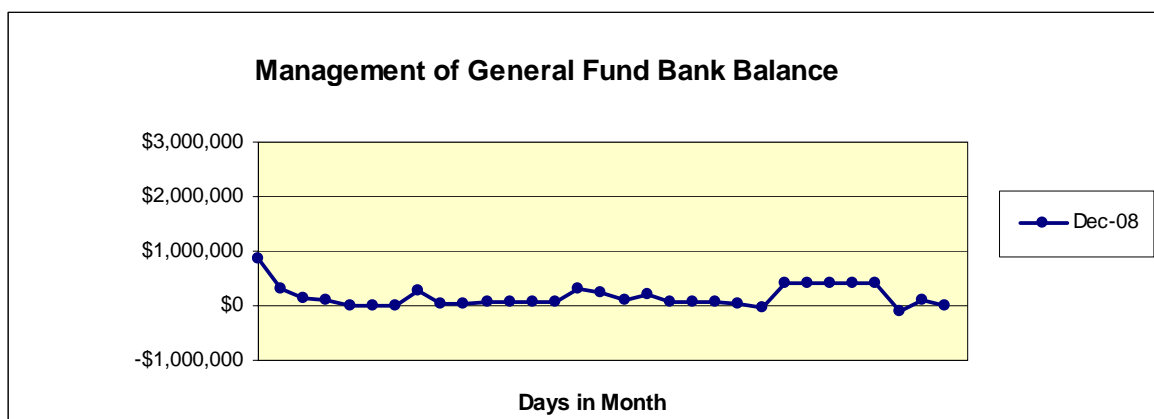
This measures the annualised yield (net of fees and charges) for Council's portfolio. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBS Bank Bill Index.

- **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council's fund managers and direct securities.

### Management of General Fund Bank Balance

During December Council had a net outflow of funds of \$2,586,000.



### Investment Portfolio

Council's investment portfolio consists of the following types of investment:

#### 1. Floating Rate Notes (FRN)

FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

Item 6

S05273  
27 January 2009

The following investments are classified as FRNs

ANZ sub-debt AA-	purchased 18/12/07 at discount
ANZ sub-debt AA-	purchased 20/12/07 at discount
Bendigo Bank BBB	purchased 9/11/07 at par
ANZ sub-debt AA-	purchased 17/1/08 at par
HSBC Bank AA-	purchased 14/3/08 at par
BOQ senior-debt BBB+	purchased 08/09/08 at discount
Phoenix Notes AA+	purchased at par

These FRNs are all sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

1. Term Deposits
2. Senior Debt
3. Subordinated Debt
4. Hybrids
5. Preference shares
6. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.

These types of investment are classified as Held to Maturity assets and they are therefore measured at amortised cost using the effective interest method in accordance with AASB 139: Financial Instruments: Recognition and Measurement.

In terms of reporting, these investments are shown at their purchase price which is then adjusted up or down each month in accordance with the amortisation of the discount or premium. The effect of this is to show the investment at face value at maturity.

## 2. Fixed Interest Notes, Term Deposits, Transferable Deposits and Bonds

Fixed interest notes and term deposits pay a fixed amount of interest on a regular basis until their maturity date. Council has one fixed interest note and one term deposit:

Westpac Fixed sub-debt AA-	purchased 25/02/08 at discount
Investec Bank Term Deposit BBB	purchased 03/09/08 at par

As with FRNs, these investments are shown at purchase price with the discount or premium amortised over the period to maturity.

Council has one fixed interest deposit:

Bendigo Bank BBB+	purchased 27/02/08 and held at par
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Item 6

S05273  
27 January 2009

A Transferable Certificate of Deposit is a bank deposit (ie fixed interest) that may be transferred from one party to another. Council has two transferable deposits.

ANZ Transferable Deposits AA-	purchased 22/04/08 at par
Elders Rural Bank (Transferable Deposit) BBB	purchased 18/06/08 at par

A bank bond is a debt security, in which the authorised bank owes the holders a debt and is obliged to repay the principal and interest (the coupon) at a later date, termed maturity.

The revised Ministerial Investment Order dated 31 July 2008 section (d) states that councils may invest in "bonds issued by an authorised deposit-taking institution (as defined in the Banking Act 1959), but excluding subordinated debt obligations".

The Reserve Bank of Australia (RBA) has eased the monetary policy by 0.75% this month. This is seen as an easing cycle with further falls in interest rates expected over the next few months. Bonds provide an opportunity to take a longer view and lock in at current interest rate levels.

Council has two fixed rate bank bonds with senior debt obligations:

BOQ Bank Bond BBB+	purchased 04/09/08 at discount
Suncorp Metway Bank Bond A+	purchased 04/09/08 at premium

### 3. Collateralised Debt Obligations (CDO)

The following investments are classified as CDOs :

Titanium AAA	purchased at discount
Maple Hill 11 BBB- (downgraded from AA by S&P)	purchased at par
Oasis Portfolio Note B- (downgraded from AAA by S&P)	purchased at par
(Please refer to Comments on Individual Investment Performance section for details)	

A CDO is a structured financial product whose returns are linked to the performance of a portfolio of debt obligations. It is split into tranches, whereby the riskiest or lowest tranche, the "equity tranche", receives the highest returns. Higher rated tranches offer protection against the risk of capital loss, but at proportionately diminishing returns.

These investments are also classified as held to maturity assets and are therefore measured at amortised cost using the effective interest method in accordance with AASB 139: Financial Instruments: Recognition and Measurement.

These investments are reported in the same manner as FRNs.

### 4. Constant Proportion Debt Obligations (CPDO)

The following investment is classified as a CPDO :

ABN AMRO CPDO PP AA-	purchased at par
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This is an investment whose returns are based on trading credit default swap (CDS) contracts. A CDS is a contract between two parties where one agrees to accept the risk that a company will default on its loan repayment obligations in return for payment of a fee. Only contracts on investment grade organisations in the CDX (US) and ITraxx (Europe) indices are permissible. The risk to Council is that if enough of the companies default on their loan payment obligations,

## Item 6

S05273  
27 January 2009

Council's regular payments of interest may be reduced or cease. Return of principal is guaranteed by ABN AMRO bank (rated AA-).

## 5. Growth Investments

Investments that have been purchased on the basis of an anticipated growth in asset value rather than returns being based on an interest coupon have been classified as Growth Investments. The following investments are included in this category:

- Longreach CPWF AAA
- Longreach STIRM A+ (downgraded from AA- by S&P)
- Longreach s26 Property A+ (downgraded from AA by S&P)
- Camelot AA
- KRGC TCorp LTGF unrated

These investments are valued at fair value where the capital gain is credited to the Income Statement and a capital loss is debited to the Income Statement. All of these investments except for the KRGC TCorp LTGF are principal guaranteed. The value shown in the monthly investment report is based on the redeemable Net Asset Value (NAV). The NAV is the total current market value of all securities plus interest or dividends received to date. This is the price or value of the investment at the time of preparing the report. Although the investments are principal guaranteed, reports are based on the NAV even when it falls below the par value.

The principal is guaranteed by the investment issuer monitoring the net asset value and selling the investments if the NAV falls below the level where a risk free investment will return the principal at the maturity date. For example, to guarantee the repayment of \$100 in 6 years a bank bill could be purchased at current rates for approximately \$65. Thus the worst case scenario, provided that the issuer remains solvent, for these investments is that overall return will be returns received to date plus return of principal at maturity date and no further interest payments for the remaining period.

An exception to this is the Longreach CPWF product where the principal is guaranteed as well as a 2% semi annual coupon.

While accounting and reporting for these investments is in accordance with the above, the following information is provided for each:

**Longreach CPWF:** This investment pays a guaranteed 2% coupon semi-annually and is principal guaranteed by Rabobank who are rated AAA. Actual returns depend upon growth of the investment. The worst case performance scenario is a 2% coupon and principal returned at maturity.

**Longreach STIRM:** This investment pays a fixed coupon of 2.5% and a floating coupon of 125% of the quarterly performance. A cap is applied to the total coupon at BBSW+25bps with any additional income going into the NAV. The worst case performance scenario is no coupon is paid due to 100% of investors' funds being redeemed from the STIRM strategy and invested in a discount security to guarantee principal is returned at maturity.

**Longreach Global Property:** This investment pays a fixed coupon of 7%pa payable semi annually. This coupon is contingent on 100% of funds being invested in the Global Property basket. The worst case performance scenario is no coupon is paid and 100% is redeemed from the Global Property basket and invested in a discount security to guarantee principal is returned at maturity.

## Item 6

S05273  
27 January 2009

**Camelot:** This is an investment in a fund which invests in \$US foreign exchange rate movements, which have low correlation to other products and asset classes. It is reported at its market value each month. This is the Net Asset Value (NAV) of the fund's assets. Accrued interest is included in the return as it is included in the NAV like the other growth investment products. The fund guarantees the repayment of capital by calculating the "equity gap" each month. This is the surplus of fund assets above the level of assets required to guarantee return of capital at maturity. In December 2008 this equity gap was 9.30% as the fund was valued at \$90.37 per unit and the assets required to return \$100 at maturity were \$81.07  $[(90.37-81.07)/100 = 9.30\%]$ .

**KRGC TCorp LTGF NSW Treasury Corporation:** This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds, listed property and cash 38%. The return is based on the fund's unit price at month end supplied by the fund. There is no principal guarantee with this fund and it is unrated.

## 6. Managed Funds

Council uses a variety of managed funds for liquidity and diversification purposes. These funds are rated from AA through to A and returns are based on the fund's unit price at month end.

## Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested @31st December 2008 \$000's	Period Return (%)	Annualised YTD Return (%)	Performance Since purchase/inception (%)	% of Total Invested	Valuation M=Mark to Market H=Hold to Maturity	Maturity
<b>Working capital (0-3 Months)</b>									
Westpac Bank	Westpac Bank Deposit	AA	3,163	0.38	5.81	*	4.39	M	0-3 mths
BlackRock Investment	BlackRock Diversified Credit	A	4,385	-1.79	-20.96	*	6.09	M	0-3 mths
LGFS	Fixed Out Performance Fund	AA-	16,370	0.46	7.95	*	22.71	M	0-3 mths
<b>Short -MediumTerm (1-2 Years)</b>									
Bendigo Bank	Fixed Deposit TCB	BBB+	500	0.66	8.25	8.25	0.69	H	1-2 yrs
Select Access Investments	Titanium AAA	AAA	2,000	0.54	8.28	7.89	2.78	H	1-2 yrs
Elders Rural Bank	Elders Rural Bank TD	BBB	2,000	0.60	8.79	8.82	2.78	H	1-2 yrs
Bank of Queensland	Bank of Queensland Bond	BBB+	1,931	0.84	10.42	10.42	2.68	H	1-2 yrs
Bank of Queensland	Bank of Queensland FRN	BBB+	1,966	0.49	8.82	8.82	2.73	H	1-2 yrs
NSW Treasury Corp	KRGC Tcorp LTGF	UNRATED	1,677	-0.08	-13.62	-7.33	2.33	M	1-2 yrs
<b>MediumTerm (2-5 Years)</b>									
ABN AMRO/Nomura	Pheonix Notes	AA+	2,000	0.68	9.74	9.77	2.78	H	2-5 yrs
ANZ Bank	ANZ Sub FRN	AA-	2,943	0.50	8.33	8.61	4.09	H	2-5 yrs
ANZ TD	ANZ Sub FRN	AA-	2,000	0.59	8.56	8.80	2.78	H	2-5 yrs
Westpac Bank	Westpac Subdebt	AA-	932	0.79	9.78	9.77	1.29	H	2-5 yrs
Suncorp Metway	Suncorp Metway Bond	A+	2,034	0.65	8.02	8.02	2.82	H	2-5 yrs
Investec Bank	Investec TD	BBB	3,000	0.60	9.37	9.37	4.17	H	2-5 yrs
HSBC Australia	HSBC MTN (Medium Term Notes)	AA-	4,000	0.66	9.76	10.07	5.55	H	2-5 yrs
CBA/Helix Capital Jersey	Oasis Portfolio Note	B-	2,000	0.47	8.03	7.89	2.78	H	2-5 yrs
Longreach/Rabobank	Longreach CPWF	AAA	2,971	-1.43	21.34	-0.43	4.13	M	5 yrs +
ANZ Bank	ANZ Sub FRN	AA-	2,971	0.55	8.11	8.35	4.13	H	5 yrs +
UBS AG London	LongreachSTIRM	A+	981	2.33	-6.95	-1.04	1.36	M	5 yrs +
Athena Finance (Westpac)	Camelot	AA	904	1.86	6.95	-1.35	1.26	M	5 yrs +
<b>Long Term (5 Years+)</b>									
HSBC Bank	Maple Hill 11	BBB-	3,000	0.70	9.98	9.92	4.17	H	5 yrs +
Bendigo Bank	Bendigo Bank FRN	BBB	500	0.51	8.17	8.58	0.69	H	5 yrs +
Deutsche Bank	Longreach s26 Prop	A+	789	3.49	24.83	-13.35	1.10	M	5 yrs +
ABN AMRO Bank London	CPDO PP	AA-	6,000	0.44	7.96	8.23	8.33	H	5 yrs +
ANZ Bank	ANZ Subdebt 2018	AA-	1,000	0.57	8.36	8.65	1.39	H	5 yrs +
<b>TOTAL /WEIGHTED AVERAGE</b>			<b>72,017</b>	<b>4.44</b>	<b>5.26</b>		<b>100</b>		
Matured/Traded Investments - Weighted YTD Average Return (%)					7.99				
Weighted Average Overall Return Year To Date (%)					5.27				
Benchmark Return: UBSWA Bank Bill Index(%)					7.39				
Variance From Benchmark (%)					-2.12				

\* Cannot be calculated with 100% accuracy



## Item 6

S05273  
27 January 2009

The weighted average return for the total portfolio year to date was 5.27% compared to the benchmark of the UBS Bank Bill Index of 7.39%.

**Income Investments and Growth Investments**

Since Council's investment policy was changed in August 2006, a wider range of investments has been made involving diversification of the portfolio into different investment types, longer maturities and different markets. Council's investments now include several growth investments, where returns are principally derived from growth in the value of capital invested, rather than income payments. These investments can be expected to show higher volatility in price movement on a month to month basis. With the exception of the NSW Treasury Corporation investment, Council has only purchased growth investments which have a capital protection provided by a bank of at least AA ratings. As these investments are long term and not intended to be traded monthly, volatility is of less concern.

**Comments on Individual Investment Performance**

**Longreach CPWF 1-2006:** This investment is in property, infrastructure and utilities and was made on 27 September 2006. From inception to the end of December 2008, the investment has returned -0.43% with a -1.43% decrease in net asset value for December 2008, and the year to date return rate was 21.34%.

The Fund's Unit NAV at month end provided to the Investment Manager by the calculation agent was \$0.9902. This NAV represents a -1.43% decrease from the previous month end. This valuation represents the price at which a unit holder could have redeemed fund units at month end inclusive of fund ordinary expenses. General information on the fund is included in the monthly Unit Holder Report (**Attachment A**).

**Longreach Series 26 Global Property:** This investment was made in June 2007 in a basket of property spread globally across seven geographical areas. Due to the volatility and poor performance of the property market during the current global economic crisis the allocation in the property basket is now zero with 100% of the funds in the discount debt security, and Deutsche Bank has informed Longreach that Series 26 Global Property has completely de-levered. The funds are now notionally invested in a fixed income bond until maturity.

All other aspects of the note are unchanged:

- Capital protection at maturity;
- Buy back facility through Deutsche Bank;

The current unit price of Series 26 is \$78.94 up from \$76.23 in November. The principal guarantee mechanism means that the note will be matured to \$100.00 in June 2014. As the capital loss on the note has been brought to account through the income statement in accordance with the relevant accounting standards, the note will now provide for a return of approximately 5.56% over the next 5.6 years. It is therefore recommended, at present, to hold on to this investment considering the reasonably generous return rate and the ongoing volatility in the market. During December the credit rating for this investment was downgraded from AA (neg) to A+ (stable).

## Item 6

S05273  
27 January 2009

General information on the fund is included in the monthly Noteholder Performance Report (Attachment B).

**Longreach Series 23 STIRM:** This investment is a capital protected note with exposure to a short term interest rate yield enhancement strategy. The redeemable NAV of the notes is \$98.08 whereas last month it was \$95.80. The year to date return on the investment is -6.95% annualised and -1.04% since inception. In December 2008 the credit rating for this investment was downgraded from AA- (neg) to A+ (stable). General information on the fund is included in the monthly Noteholder Performance Report (Attachment C).

**NSW Treasury Corporation:** The investment was made in October 2006. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds, listed property and cash 38%. The fund's annualised return was -13.62% and is -7.33% since purchase.

**Athena Finance (Westpac)/Camelot:** This investment was made at the end of February 2007 in a fund which invests in foreign exchange rate movements with low correlation to other products and asset classes. The fund's annualised return is 6.95% with a return of -1.35% since inception. The fund has continued to maintain a strong capital preservation focus during the volatile markets.

**Blackrock Diversified Credit Fund:** Blackrock Investment Management had informed Council of its decision to close the Blackrock Diversified Credit Fund of which Council had \$4.39M invested as at 31 December 2008. This action was taken due to the Cole Report recommending removal of the option for local councils to invest in managed funds. The fund was specifically created for, and targeted toward, NSW local councils' requirements.

After careful consideration, a decision was made to proceed with taking a cash contribution rather than an "in specie" transfer of assets. An in specie transfer involves an investor receiving, based on their proportionate interest in the assets of the Fund, assets which are representative of the assets of the Fund, rather than cash.

The reasons for this decision include:

- (1) Sufficient time was not given to review the template instruction documentation (contractual agreement) "in specie" transfer of assets. At the time of making the decision this documentation still had not been received.
- (2) The risk of any defaults over the three (3) year period with the "in specie" transfer of assets option. At the time of making the decision, we expected to realise a significant portion of the Fund's assets within a six to eight week timeframe with the cash contribution option.
- (3) No Ministerial approval.
- (4) In order to mitigate any further risk.
- (5) Existing market volatility.

In closing down the fund, BlackRock is required to conduct the sell down process in an orderly fashion to achieve the best possible outcome. Whilst liquidity has not improved dramatically, BlackRock have managed to sell down more of the portfolio. A cash distribution of \$1.49M was made in December which represents approximately 25% of Council's holding.

Item 6

S05273  
27 January 2009

BlackRock is still attempting to sell down the remaining portfolio which is comprised of largely domestic assets (over 85%). The domestic credit markets are still highly illiquid and BlackRock will liquidate this portfolio at the earliest opportunity being cognisant of getting “reasonable” value for the securities sold. All the securities held within the portfolio will continue to pay coupons and BlackRock see no further credit impairment of the portfolio.

**ABN AMRO CPDOs PP:** This is an investment whose returns are based on trading credit default swap (CDS) contracts. Only contracts on investment grade organisations in the CDX (US) and ITraxx (Europe) indices are permissible. The risk to Council is that if enough of the companies default on their loan payment obligations, Council’s regular payments of interest may be reduced or cease.

Recent falling interest rates combined with widening credit spreads have increased this risk. This means that the note reverts to a risk free bond investment to guarantee principal on maturity. Although the principal is guaranteed, no interest would be paid on the investment in the event of cash-out.

In an effort to reduce the risk of this occurring, it was decided to lock in a zero coupon bond at the current rates in early November. The benefit of doing this was that if swap rates fall going forward then investors will have locked into a zero coupon bond at a lower price with a higher yield, reducing Council’s risk. Since then credit spreads have decreased resulting in less chance of a cash-out, however this investment is being closely monitored as any further widening of credit spreads could trigger the cash-out event.

**CDOs:**

As a result of the global financial market crisis and in particular the collapse of Lehman Brothers the following CDO investments have been downgraded as follows:

Maple Hill 11 BBB- (downgraded from AA by S&P)  
Oasis Portfolio Note B- (downgraded from AAA by S&P)

The risk of losing principal in a CDO is based on the number of defaults in the portfolio of debt obligations combined with weighting of the entity in the portfolio and the recovery rate of the entities that default. The following information is provided for these two CDOs:

**Maple Hill 11**

- Losses absorbed: 5.39%
- Losses remaining: 4.20% (manager’s estimate, which Grove believe is reasonable)
- Recovery: Floating
- Portfolio: 139 (unequal weight)
- Credit events to date: 3 (Lehman Brothers, Fannie Mae, Freddie Mac)
- Credit events supported: nearly 11.2 average sized, assuming average 33% recovery
- Credit events remaining: 8.7 average sized, assuming average 33% recovery

**Oasis Portfolio Note**

- Losses absorbed: 4.30%
- Losses remaining: For the AAA tranche 1.45%

Item 6

S05273  
27 January 2009

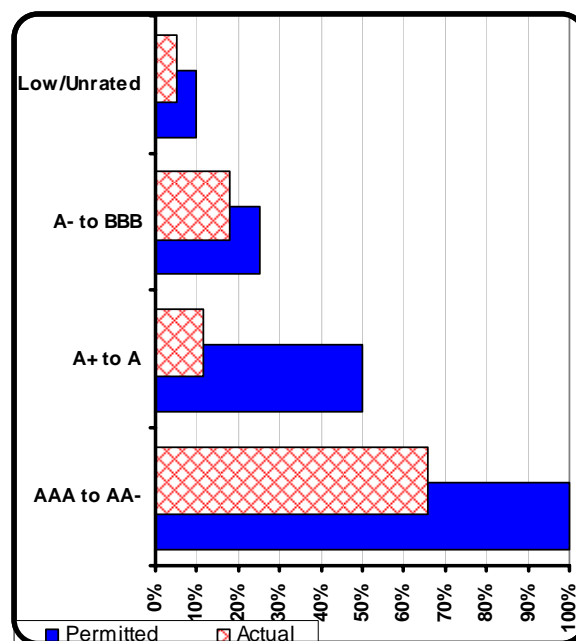
- Recovery: Fixed Rate at 40%
- Portfolio: 118 reference entities (unequal weight and started with 120)
- Credit events to date: Lehman Brothers, Fannie Mae, Washington Mutual, Kaupthing Bank
- Credit events supported: Variable = 14 minimum sized; 8.5 average weightings; 4 maximum sized
- Credit events remaining: Depends on the weighting of the credit event – maximum size (1.5% exposure) then 1 more; minimum size (0.5% exposure) then 4 more. The note can withstand 2.9% of the portfolio defaulting.

As this note has a 40% fixed recovery the default of Fannie Mae had a much larger impact on the note's subordination. Fannie Mae and Kaupthing Bank each represented 1.5% of the references and Lehman Brothers was 1.25%.

### Allocation of funds

The following charts show the allocations of Council's investment funds by the categories shown:

- 1) **Credit Rating:** Actual level of investment compared to proportion permitted by policy.



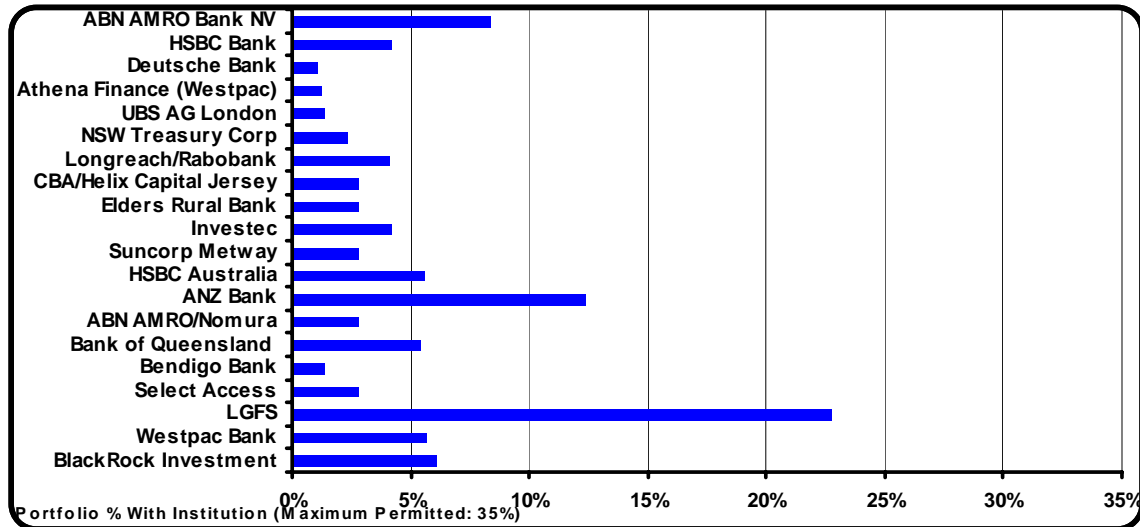
Investment Rating	Proportion
AAA to AA-	65.62%
A+ to A	11.37%
A- to BBB	17.91%
Less than BBB	5.10%

- 2) **Proportional Split of Investments by Investment Institution:** Actual portion of investments by investment institutions.

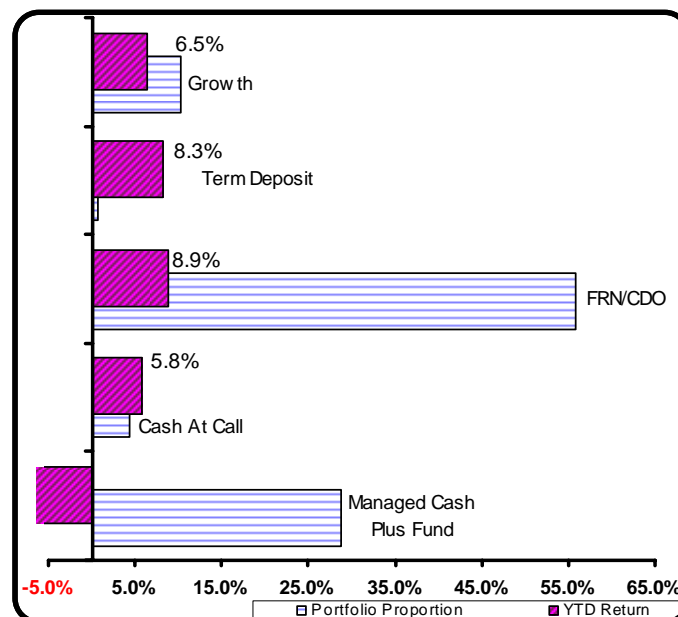
Item 6

S05273  
27 January 2009

Council's Investment Policy requires that the maximum proportion of its portfolio invested with any individual financial institution is 35%.



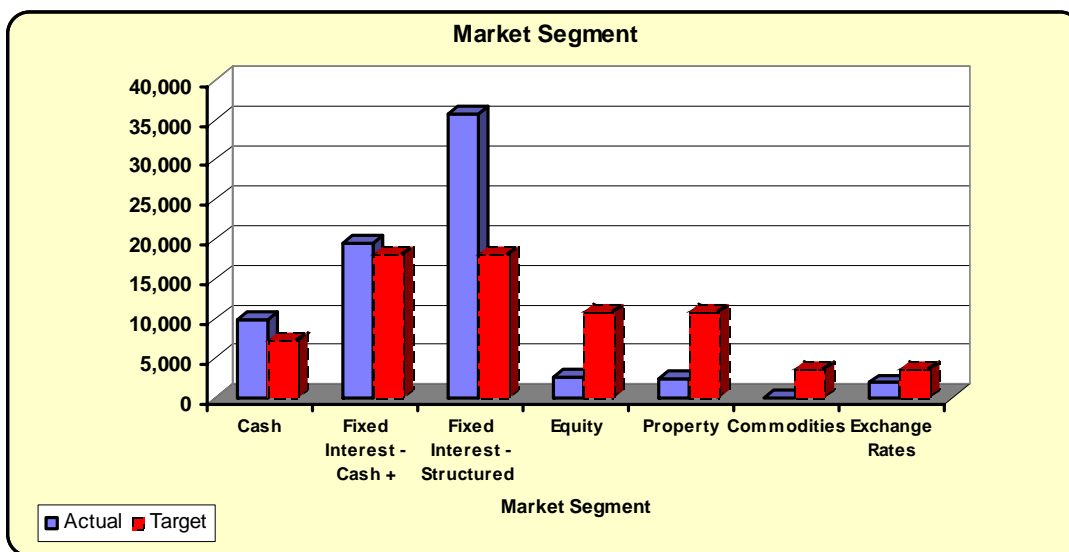
3) **Investment type and YTD return:** Actual proportion of investments by type and year to date return.



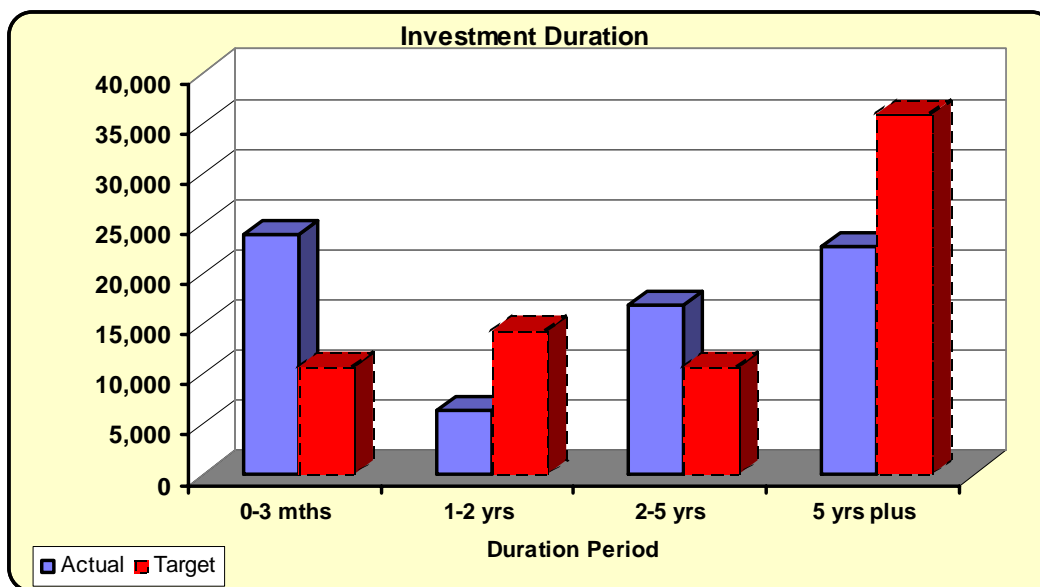
Item 6

S05273  
27 January 2009

- 4) **Market Segment:** Strategic allocation of investments by market segment compared to current level.



- 5) **Duration:** Strategic allocation of investments by duration compared to current level.



## Item 6

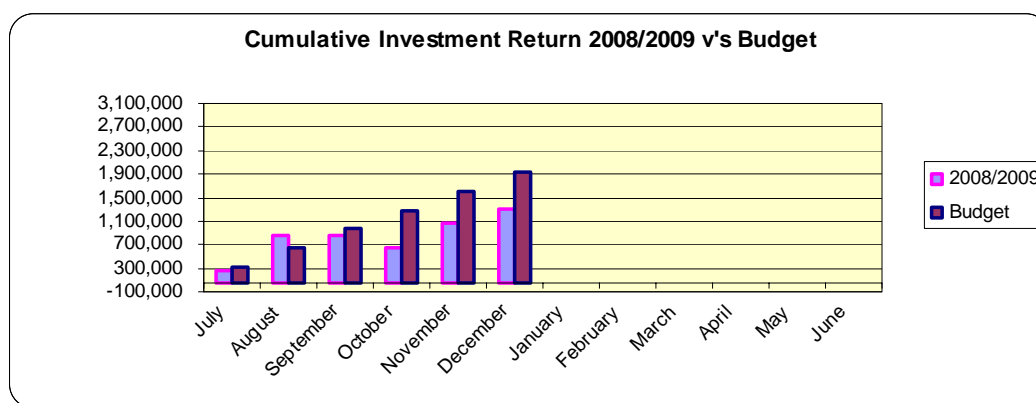
S05273  
27 January 2009**Cumulative Investment Return**

The following table shows Council's total return on investments for December and financial year to date, split into capital and interest components and compared to budget:

\$000's	Month	Financial YTD
Interest	2,007	3,810
Cap Gain	75	1,167
Cap Loss	-1,827	-3,668
Net Return	255	1,309
Budget	321	1,924
<b>Variance</b>	<b>-66</b>	<b>-615</b>

At the end of December 2008, the net return on investments totalled \$1,309,000 against a year to date budget of \$1,924,000, giving a negative variance of \$615,000. At the end of November year to date returns on investments were 5.46% compared to 5.27% in December, a drop of 0.19%.

The ongoing market volatility during December has seen Council's returns significantly affected. It is anticipated that year end return on investment will not be achieved, therefore a proposed revised budget will be reported to Council as part of the December Quarterly Budget Review process.

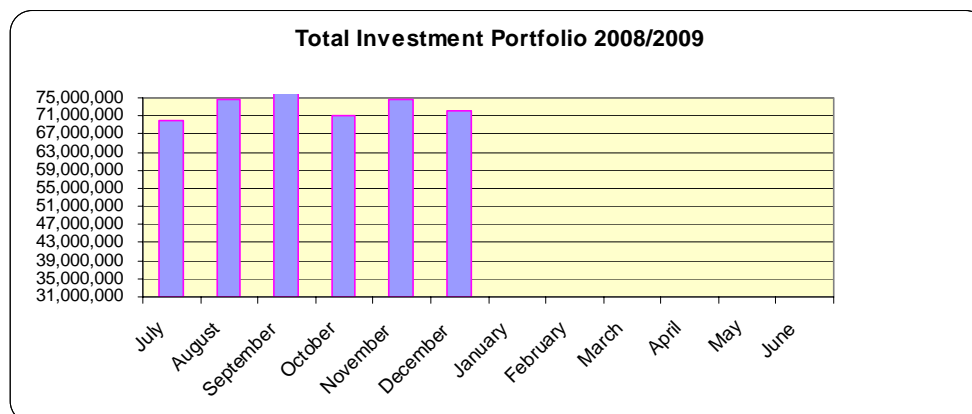


Item 6

S05273  
27 January 2009

# Total Investment Portfolio

The following chart compares the year to date investment portfolio balances for 2008/2009.



During December 2008 Council's investment portfolio decreased by \$2,586,000.

## Some key points in relation to investments and associated markets during December are:

### International Market

Despite the dismal economic news throughout December, equity markets appeared to be more resilient. Overall, there seemed to be less reactive selling as investor confidence rebounded with the view that markets may be reaching their lows and that stock prices were considered to be trading below fundamentals. There was also strong anticipation that the US government would not allow the collapse of the US auto industry.

Although the US senate rejected the bailout of the US auto industry in early December, financial markets quickly stabilised as President Bush provided a \$US13.4 billion lifeline to General Motors Corp. (GM) and Chrysler LLC a week later. Under the deal, the government will obtain warrants and generate profits if the rescue is successful or receive seniority over the companies' debt if the bailout fails. Separately, the US Treasury took a \$US5 billion stake in GMAC, the financing arm of GM, as well as providing a loan of \$US1 billion to the automaker that will be invested into GMAC to boost its capital.

Generally, financial markets were more resilient to some of the weak economic news revealed during the month:

- The National Bureau of Economic Research declaring that the US entered a recession during the December quarter of 2007, after a 73-month expansion, mostly due to a weakening labour market;
- The US unemployment rate rising to 6.7% in November, the highest level since 1993;
- Retail sales in the US falling 1.8% in November, a record fifth consecutive drop;



## Item 6

S05273  
27 January 2009

- According to industry figures, in November, auto sales sank to the lowest level since 1982;
- Tribune Co., publisher of the Los Angeles Times and Chicago Tribune, seeking court approval to borrow \$US125 million to help it operate while in bankruptcy;

Along with the bailout of the US automakers, offsetting the bad news was the emergence of President-elect Obama's strategy to enact additional stimulus packages once he commences office. Financial markets were also assisted by co-ordinated interest rate cuts from several global central banks:

- In early December, the European Central Bank slashed rates to 2.50% from 3.75% while the Bank of England cut rates to 2.00% from 3.00%;
- The most significant move came as the US Federal Reserve (Fed) cut its rate by at least 75bps in mid-December, resulting in a floating rate between 0.00% to 0.25% and a rate which is now reset daily;
- Following on from the US, the Bank of Japan cut interest rates to 0.10% from 0.30% while the People's Bank of China cut its benchmark one-year Yuan lending rate to 5.31% from 5.58%.

Overall, the bleak outlook for the global economy did not spark a major sell-off that has occurred over the past few months. The Dow Jones finished the month relatively flat, falling -0.60% to 8,776. Global equities rebounded strongly with Germany's DAX gaining +3.01%, Japan's Nikkei Index surging +4.08%, while the UK's FTSE 100 increased by +3.41%. The MSCI World Index gained +3.06% in December to be down -37.24% for the calendar year of 2008.

### Domestic Market

The Reserve Bank of Australia (RBA) sliced another one percentage point off the official cash rate to 4.25% in its December meeting, bringing the cuts since September to three full percentage points - the most aggressive Australian monetary policy action since the mid-1980s. Markets anticipate the easing cycle to continue with a cut of around 75bps priced in for February. For the three months to September, gross domestic product (GDP) grew by 0.1%, seasonally adjusted, down from a revised 0.4% gain in the June quarter - the weakest pace since December 2000. Alarming, over the past six months, consumer spending - the largest part of the economy - has recorded the smallest contribution to GDP growth since 1993.

With the introduction of the Australian Government's wholesale funding-guarantee scheme, major domestic financial institutions started to issue bonds (for a fee) using the Australian Government's AAA credit rating as backing instead of issuing bonds under their "normal" credit rating. These issuances led to some major re-pricings in the Australian fixed-income markets as interest rates on semi-government bonds rose significantly relative to rates on bank-accepted bonds and Federal Government-issued bonds.

The domestic equity market was dominated by the major banks recapitalising and increasing their Tier 1 capital ratios. With ANZ and NAB already having raised \$AUD6.4 billion between them, Westpac announced a \$AUD2.5 billion institutional raising at \$16 per share or at a 10% discount to its share price. CBA, lagging behind after its acquisition of BankWest, initially raised \$AUD2 billion in an institutional share placement at \$27 per share or a 7% discount to its share price. However, it was forced to scrap the capital raising and then replace it with a reduced deal of around \$26 per share or an 11% discount, after it miscalculated that its bad debts would rise to 0.6% of gross

Item 6

S05273  
27 January 2009

loans. Overall, the domestic equity market had a flat month, with the All Ordinaries declining by -0.36% to 3,659. The benchmark S&P/ASX 200 Index fell -0.54% to 3,722, to be down -41.29% for the calendar year

The Australian dollar (AUD) surged on the back of the Fed cutting its rate to 0.00 to 0.25% in mid-December. The AUD reached an approximate two month high at US70 cents, before finishing the month at US69 cents.

### Credit Market

The rise in credit spreads in the first half of December was attributed to the delay in the bailout of the US auto industry. Global credit indices rallied late in the month following US Treasury's intervention. The US CDX Investment Grade index contracted 39bps to finish the month off at 197bps after being as wide as 277bps earlier in the month. The European ITraxx (178bps) and Australian ITraxx (343bps) also rallied in the second half of December, finishing the month wider by 7bps and 18bps respectively.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

The budget for interest on investments for 2008/2009 is \$3,848,200. Of this amount approximately \$2,209,200 is restricted for the benefit of future expenditure relating to developers' contributions, \$744,100 transferred to internally restricted Infrastructure & Facility reserve, and the remainder is available for operations.

At the end of December the net return on investments totals \$1,309,000 against a year to date budget of \$1,924,000 giving a negative variance of \$615,000.

It is anticipated that year end return on investment will not be achieved, therefore a proposed revised budget will be reported to Council as part of the December Quarterly Budget Review process.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

As at 31 December 2008:

- Council's total investment portfolio is \$72,016,095. This compares to an opening balance of \$72,680,680 as at 1 July 2008, an decrease of \$664,585

Item 6

**S05273**  
**27 January 2009**

- Council's year to date net return on investments (interest and capital) totals \$1,309,000. This compares to the year to date budget of \$1,924,000, giving a negative variance of \$615,000.

**RECOMMENDATION**

- A. That the summary of investments and performance for December 2008 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

Tony Ly  
**Financial Accounting Officer**

Tino Caltabiano  
**Manager Finance**

John Clark  
**Director Corporate**

**Attachments:**

- A. Longreach Capital Protected Wholesale Fund 1-2006 Monthly Unit Holder Report December 2008 - 2009/009047**
- B. Longreach Capital Protected Series 26 Noteholder Performance Report December 2008 - 2009/003299**
- C. Longreach Series 23 Noteholder Performance Report December 2008 - 2009/003121**



# **LONGREACH CAPITAL PROTECTED WHOLESALE FUND 1-2006 PROPERTY, INFRASTRUCTURE AND UTILITIES MONTHLY UNIT HOLDER REPORT December 2008**

Longreach Global Capital Pty Limited, as Investment Manager for the Longreach Capital Protected Wholesale Fund, 1-2006 Property, Infrastructure and Utilities, is pleased to provide Unit holders of the Fund with the Monthly Unit holder Report for December 2008.

## **Longreach Capital Protected Wholesale Fund 1-2006 General Information**

<b>Type of Fund: Medium Term Growth</b> AAf rated Capital Protected Growth Fund with equal exposure to the price growth of the S&P/ASX 200 Property Trust Index and UBS Australia Infrastructure and Utilities Index (ASX Index Investments)	<b>Fund Investment Date:</b> 29 September 2006	<b>Buy/Sell Spread:</b> Nil
<b>Investment Objectives:</b> The Fund aims to provide investors with semi-annual distributions of 2% p.a. on their invested amount after ordinary expenses, the opportunity for enhanced participation in any price growth of the ASX Index Investments over the life of the Payment Contract and 100% capital protection of their invested amount at Payment Contract Maturity.	<b>Recommended Investment Timeframe:</b> 5 years	<b>Distributions:</b> 2% p.a. Paid Semi Annually: 30 June 31 December
<b>Rating:</b> AAf (S&P)		

## **Actual Performance of Fund's ASX Index Investments**

Index	Index Value at Fund Investment Date	Index Value at Previous Month End	Index Value at Latest Month End	Month on Month movement	% Change Since Fund Investment Date
ASX 200 Listed Property Trust Index	2,186.00	1,025.40	913.10	-10.95%	-58.23%
UBS Australia Infrastructure & Utilities	2,483.00	2,026.00	2,156.42	6.44%	-13.15%
ASX Index Investments*				-2.26%	-35.69%

## **Fund Unit Net Asset Value**

Fund Unit Price at Fund Investment Date	Unit Net Asset Value at Month End	Growth	2% p.a. Income (Accrued)	Actual % Change in Unit Price Since Inception
\$1.0000	\$ 0.9902	0.98020	0.01000	-0.98%

The Fund's Unit NAV at month end provided to the Investment Manager by the Calculation Agent was 0.9902. This NAV represents a -1.46% decrease from the previous month end. This valuation represents the price at which a Unit holder could have redeemed Fund Units at month end inclusive of Fund Ordinary Expenses.

The Fund return to Unit holders at the Payment Contract Maturity is based on the enhanced price growth of the Fund's ASX Index Investments. In accordance with the Fund's Information Memorandum dated 20 September 2006, Unit holders will receive 130% (i.e the Index Participation Multiplier) of the price growth of the Fund's ASX Index Investments.

## Fund Distribution

The Fund distribution of 1% for the 6 months ended 31 December 2008 was paid to investors on 5 January 2009.

## Market Commentary

Interest rates continued to fall over the course of the month: the Reserve Bank cut the discount rate to 4.25% at the beginning of the month and the markets are expecting that the state of the economy will see further reductions in rates in the near future.

The economic argument for further rate cuts by the RBA in the immediate future is not straightforward, however. The unemployment rate rose less than expected to 4.4% in November and most market commentators had been expected a larger movement. Full time employment actually rose 8,800 and total new jobs created over the year were just over 142,000.

The November retail sales results were released on 7 January and showed surprising strength in the face of the overall bearish sentiment being expressed by market commentators. With the effect of the Government's fiscal stimulus expected to affect the December sales data.

### Contact:

**Longreach Global Capital Pty Limited AFSL : 247 015 ABN : 27 080 373 762**  
**Phone : (02) 9241-1313 Fax: (02) 9252-9537**

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***Disclaimer: This report has been prepared by Longreach Global Capital Pty Limited in its role as Manager of the Longreach Capital Protected Wholesale Fund 1 – 2006, Property, Infrastructure and Utilities (the "Fund"). Full details of the Fund can be found in the Information Memorandum dated 20 September 2006. Terms defined in that Information Memorandum have the same meaning in this report.***

***The information contained in this report is current as at the close of business on the date indicated and is for the information of wholesale clients within the meaning of section 761G of the Corporations Act 2001 who have invested in the Fund. Performance of the Fund to date is not a guarantee or indicator of Fund performance in future. Similarly, references to the performance of ASX Index Investments do not imply future performance guarantees or returns. To the maximum extent permitted by law, Longreach Global Capital Pty Limited will not be liable in any way for any loss or damage suffered by you through use or reliance on this information. Our liability for negligence, breach of contract or contravention of any law, which can not be lawfully excluded, is limited, at our option and to the maximum extent permitted by law, to resupplying this information or any part of it to you, or to paying for the resupply of this information or any part of it to you.***



# NOTEHOLDER PERFORMANCE REPORT

## December 2008

### Longreach Series 26

### Capital Protected Medium Term Note

#### Maturity Date

7 June 2014

#### Capital Protection

100% of initial principal invested in the issue is protected if held to maturity.

#### Capital protection provider

Deutsche Bank AG, London Branch

#### Standard & Poor's Credit Rating

A+/Stable

#### Status of Note

The Note is 100% allocated to the notional cash units in the Dynamic Portfolio.

#### Net Asset Value (NAV)

The NAV of the Notes as reported by Deutsche Bank's middle office at month end was 78.94 (last month 76.23). Investors seeking an indicative exit price are advised to contact Longreach Global Capital.

#### Coupon Payments

As a result of the Note's Dynamic Portfolio being 100% allocated to the notional cash units the Note will not pay any further interest to investors.

The following is a history of the coupon payments made by the note

	Coupon Payment Date	Per Annum %	BBSW Comparison %
Coupon 1	07-Dec-07	7.00	6.48

#### Dynamic Portfolio Allocation

The allocations within the Dynamic Portfolio as at month end were:

Series Basket	0.00%
Discount Debt Security	100.00%

These allocations will remain until the Note matures.

## Market Recap

Interest rates continued to fall over the course of the month: the Reserve Bank cut the discount rate to 4.25% at the beginning of the month and the markets are expecting that the state of the economy will see further reductions in rates in the near future.

The economic argument for further rate cuts by the RBA in the immediate future is not straightforward, however. The unemployment rate rose to a less than expected 4.4% in November. Full time employment actually rose 8,800 and total new jobs created over the year were just over 142,000.

The December retail sales results are due to be released on 7 January and will be keenly watched for indications of just when the Reserve Bank may be required to take additional action to forestall any further deterioration in the state of the Australian economy.

### Contact

**Longreach Global Capital Pty Ltd AFSL 247 015 ABN : 27 080 373 762**  
**Phone : (02)9241-1313 Fax: (02) 9252-9537**

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### Important Information

This monthly report has been prepared by Longreach Global Capital Pty Limited (ABN 27 080 373 765, AFSL 247015). The forecasts in this report are subject to change. Past performance does not guarantee future returns. Accordingly, investors should make their own assessment of the adequacy, relevance and accuracy of the information in this report (together with the Series documentation of each Series) and in making any investment decision should rely on their own independent investigations

This report has been prepared exclusively for use by wholesale clients (within the meaning of section 761G of the Corporations Act 2001) of Longreach CP Limited, Longreach Capital Markets Pty Limited and Longreach Global Capital Pty Limited and may not be distributed to external parties without the prior written consent. The report has been prepared solely for informational purposes. It includes certain information that has been obtained from independent sources that Longreach considers to be both accurate and reliable. To the maximum extent permitted by law, neither Longreach Capital Markets Pty Limited nor Longreach Global Capital Pty Limited will be liable in any way for any loss or damage suffered by you through use or reliance on this information. Our liability for negligence, breach of contract or contravention of any law, which can not be lawfully excluded, is limited, at our option and to the maximum extent permitted by law, to resupplying this information or any part of it to you, or to paying for the resupply of this information or any part of it to you.



## NOTEHOLDER PERFORMANCE REPORT December 2008

### Longreach Series 23 Constant Proportion Portfolio Technique Note

#### Series 23 – Capital Protected Notes – 'STIRM'

<b>Type of Note:</b> Capital Protected Note with exposure to a short term interest rate yield enhancement strategy	<b>Investment Date:</b> 26 February 2007	<b>Liquidity:</b> Available Daily
<b>Investment Objectives:</b> The short term interest rate yield enhancement strategy provide for both a potentially high regular income via performance based coupon component as well as any potential capital growth within the capital protection mechanism.	<b>Recommended Investment Timeframe:</b> 5 years	<b>Distributions:</b> Distributions paid quarterly.
<b>Capital Protection Provider:</b> UBS AG, London Branch <b>Rating:</b> A+/Stable (S&P)		

#### Net Asset Value (NAV)

The NAV of the Notes at current month end was 98.08 (compared with 95.80 for the previous reporting period).

#### Internal Rate of Return (IRR)

The IRR of the Notes is 3.15%% **p.a.** This represents the true annual rate of earnings on an investment. This rate takes into account the movements in the underlying securities as well as compound interest factors (time value of money).

*\* IRR is a discounted cashflow method of calculating returns defined mathematically as the rate by which future anticipated net cash flow must be discounted so that their value will be equal to the initial cost of the investment.*

#### Coupon Payments

The coupon will be made up of a Fixed and Floating component as outlined in the Series 23 Discussion document. The **Fixed** component is set at 2.50% p.a. payable quarterly (unless strategy is fully allocated to the UBS cash investment), and the **Floating** component is set at 125% of the strategy's positive intra period performance, with a cap on total coupon of BBSW + 40bps.

The Note paid a distribution during the reporting month as shown below.

	Coupon Payment Date	Per Annum %	BBSW Comparison %
Coupon 1	10-May-07	2.50	6.42
Coupon 2	10-Aug-07	2.50	6.39
Coupon 3	11-Nov-07	2.47	6.73
Coupon 4	12-Feb-08	7.25	7.12
Coupon 5	13-May-08	2.47	7.77
Coupon 6	11-Aug-08	5.77	7.32
Coupon 7	10-Nov-08	8.01	4.92



## Allocation to the Diversified Basket

The current allocations within the Dynamic Portfolio are:

STIRM Strategy	100%
UBS Discount Debt Security	0%

Please refer to the Series 23 Discussion Paper for a description of the workings of the capital protection mechanism.

## Market Recap/STIRM Performance Report

The Fortinbras report will be forwarded when it arrives.

### Notes:

### Contact:

<b>Longreach Global Capital Pty Ltd</b>	<b>AFSL : 247 015</b>	<b>ABN : 27 080 373 762</b>
Phone :	(02) 9241-1313	Fax: (02) 9252-9537

### Important Information

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## INVESTMENT REPORT AS AT 31 JANUARY 2009

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To present to Council investment allocations and returns on investments for January 2009.
<b>BACKGROUND:</b>	Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 28 August 2007
<b>COMMENTS:</b>	The Reserve Bank of Australia (RBA) retained the official cash rate at 4.25% in January.
<b>RECOMMENDATION:</b>	That the summary of investments and performance for January be received and noted. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

## PURPOSE OF REPORT

To present to Council investment allocations and returns on investments for January 2009.

## BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 28 August 2007 (Minute No. 319).

This Policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

## COMMENTS

During the month of January, Council had a net cash outflow of \$1,887,950 and a net investment gain (interest and capital) of \$338,440. The cash outflow was partially related to NSW Fire Brigades quarterly contribution of \$479,973.

Council's total investment portfolio at the end of January 2009 is \$70,128,145. This compares to an opening balance of \$72,680,680 as at 1 July 2008.

Council's net investment gain in January is a result of our strategy to move from managed funds to investing in high quality interest bearing bank notes (subordinate and senior debt), in anticipation of global financial markets experiencing further extraordinary levels of volatility with credit markets and credit rated funds performing poorly.

### Implications and recommendations of the Cole report

As previously reported to Council, in April 2008 the Department of Local Government (DLG) issued Circular 08-10 'Council Invested Funds and the Cole Inquiry Report', which advised that the report by Michael Cole on a review of NSW Local Government Investments had been released. The Circular summarised the recommendations contained within the report and the implementation process for those recommendations that the DLG was undertaking.

Council's investment advisor CPG Research & Advisory (previously known as Grove Research & Advisory Services) met with the DLG to clarify some of the issues raised by the recommendations. Council officers have met with CPG to seek their advice in relation to the key points of the recommendations that directly affect Council. A new Ministerial Order has been legislated, but Council is still awaiting guidelines from the DLG. Once these guidelines are received, a revised investment strategy and policy will be developed and reported to Council.

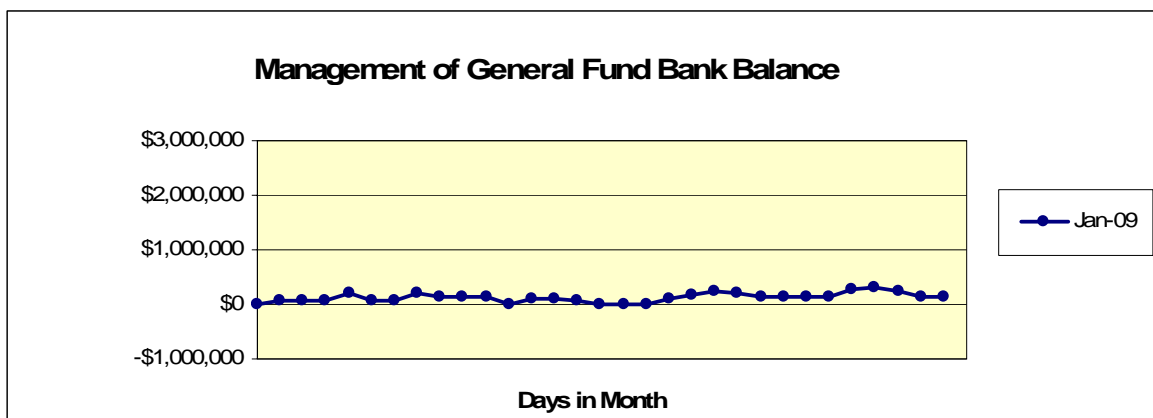
## PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**  
The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.
- **Funds Performance against the UBS Bank Bill Index**  
This measures the annualised yield (net of fees and charges) for Council's portfolio. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBS Bank Bill Index.
- **Allocation of Surplus Funds**  
This represents the mix or allocation of surplus funds with each of Council's fund managers and direct securities.

### Management of General Fund Bank Balance

During January Council had a net outflow of funds of \$1,887,950.



### Investment Portfolio

Council's investment portfolio consists of the following types of investment:

#### 1. Floating Rate Notes (FRN)

FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

The following investments are classified as FRNs

ANZ sub-debt AA-  
ANZ sub-debt AA-

purchased 18/12/07 at discount  
purchased 20/12/07 at discount

Item 7

S05273  
4 February 2009

Bendigo Bank BBB	purchased 9/11/07 at par
ANZ sub-debt AA-	purchased 17/1/08 at par
HSBC Bank AA-	purchased 14/3/08 at par
BOQ senior-debt BBB+	purchased 08/09/08 at discount
Phoenix Notes AA+	purchased at par

These FRNs are all sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

1. Term Deposits
2. Senior Debt
3. Subordinated Debt
4. Hybrids
5. Preference shares
6. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.

These types of investment are classified as Held to Maturity assets and they are therefore measured at amortised cost using the effective interest method in accordance with AASB 139: Financial Instruments: Recognition and Measurement.

In terms of reporting, these investments are shown at their purchase price which is then adjusted up or down each month in accordance with the amortisation of the discount or premium. The effect of this is to show the investment at face value at maturity.

## 2. Fixed Interest Notes, Term Deposits, Transferable Deposits and Bonds

Fixed interest notes and term deposits pay a fixed amount of interest on a regular basis until their maturity date. Council has one fixed interest note and one term deposit:

Westpac Fixed sub-debt AA-	purchased 25/02/08 at discount
Investec Bank Term Deposit BBB	purchased 03/09/08 at par

As with FRNs, these investments are shown at purchase price with the discount or premium amortised over the period to maturity.

Council has one fixed interest deposit:

Bendigo Bank BBB+	purchased 27/02/08 and held at par
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A Transferable Certificate of Deposit is a bank deposit (ie fixed interest) that may be transferred from one party to another. Council has two transferable deposits.

ANZ Transferable Deposits AA-	purchased 22/04/08 at par
Elders Rural Bank (Transferable Deposit) BBB	purchased 18/06/08 at par

Item 7

S05273  
4 February 2009

A bank bond is a debt security, in which the authorised bank owes the holders a debt and is obliged to repay the principal and interest (the coupon) at a later date, termed maturity.

The revised Ministerial Investment Order dated 31 July 2008 section (d) states that councils may invest in "bonds issued by an authorised deposit-taking institution (as defined in the Banking Act 1959), but excluding subordinated debt obligations."

Council has two fixed rate bank bonds with senior debt obligations:

BOQ Bank Bond BBB+	purchased 04/09/08 at discount
Suncorp Metway Bank Bond A+	purchased 04/09/08 at premium

### 3. Collateralised Debt Obligations (CDO)

The following investments are classified as CDOs:

Titanium AAA	purchased at discount
Maple Hill 11 BBB- (downgraded from AA by S&P)	purchased at par
Oasis Portfolio Note CCC+ (downgraded from AAA by S&P)	purchased at par

(Please refer to Comments on Individual Investment Performance section for details)

A CDO is a structured financial product whose returns are linked to the performance of a portfolio of debt obligations. It is split into tranches, whereby the riskiest or lowest tranche, the "equity tranche", receives the highest returns. Higher rated tranches offer protection against the risk of capital loss, but at proportionately diminishing returns.

These investments are also classified as held to maturity assets and are therefore measured at amortised cost using the effective interest method in accordance with AASB 139: Financial Instruments: Recognition and Measurement.

These investments are reported in the same manner as FRNs.

### 4. Constant Proportion Debt Obligations (CPDO)

The following investment is classified as a CPDO:

ABN AMRO CPDO PP AA-	purchased at par
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This is an investment whose returns are based on trading credit default swap (CDS) contracts. A CDS is a contract between two parties where one agrees to accept the risk that a company will default on its loan repayment obligations in return for payment of a fee. Only contracts on investment grade organisations in the CDX (US) and ITraxx (Europe) indices are permissible. The risk to Council is that if enough of the companies default on their loan payment obligations, Council's regular payments of interest may be reduced or cease. Return of principal is guaranteed by ABN AMRO bank (rated AA-).

### 5. Growth Investments

Investments that have been purchased on the basis of an anticipated growth in asset value rather than returns being based on an interest coupon have been classified as Growth Investments. The following investments are included in this category:

Item 7

S05273  
4 February 2009

Longreach CPWF AAA  
Longreach STIRM A+ (downgraded from AA- by S&P)  
Longreach s26 Property A+ (downgraded from AA by S&P)  
Camelot AA  
KRG C TCorp LTGF unrated

These investments are valued at fair value where the capital gain is credited to the Income Statement and a capital loss is debited to the Income Statement. All of these investments except for the KRG C TCorp LTGF are principal guaranteed. The value shown in the monthly investment report is based on the redeemable Net Asset Value (NAV). The NAV is the total current market value of all securities plus interest or dividends received to date. This is the price or value of the investment at the time of preparing the report. Although the investments are principal guaranteed, reports are based on the NAV even when it falls below the par value.

The principal is guaranteed by the investment issuer monitoring the net asset value and selling the investments if the NAV falls below the level where a risk free investment will return the principal at the maturity date. For example, to guarantee the repayment of \$100 in 6 years a bank bill could be purchased at current rates for approximately \$65. Thus the worst case scenario, provided that the issuer remains solvent, for these investments is that overall return will be returns received to date plus return of principal at maturity date and no further interest payments for the remaining period.

An exception to this is the Longreach CPWF product where the principal is guaranteed as well as a 2% semi annual coupon.

While accounting and reporting for these investments is in accordance with the above, the following information is provided for each:

**Longreach CPWF:** This investment pays a guaranteed 2% coupon semi-annually and is principal guaranteed by Rabobank who are rated AAA. Actual returns depend upon growth of the investment. The worst case performance scenario is a 2% coupon and principal returned at maturity.

**Longreach STIRM:** This investment pays a fixed coupon of 2.5% and a floating coupon of 125% of the quarterly performance. A cap is applied to the total coupon at BBSW+25bps with any additional income going into the NAV. The worst case performance scenario is no coupon is paid due to 100% of investors' funds being redeemed from the STIRM strategy and invested in a discount security to guarantee principal is returned at maturity.

**Longreach Global Property:** This investment pays a fixed coupon of 7% pa payable semi annually. This coupon is contingent on 100% of funds being invested in the Global Property basket. The worst case performance scenario is no coupon is paid and 100% is redeemed from the Global Property basket and invested in a discount security to guarantee principal is returned at maturity.

**Camelot:** This is an investment in a fund which invests in \$US foreign exchange rate movements, which have low correlation to other products and asset classes. It is reported at its market value each month. This is the Net Asset Value (NAV) of the fund's assets. Accrued interest is included in the return as it is included in the NAV like the other growth investment products. The fund guarantees the repayment of capital by calculating the "equity gap" each month. This is the surplus of fund assets above the level of assets required to guarantee return of capital at maturity.

## Item 7

S05273  
4 February 2009

**KRGC TCorp LTGF NSW Treasury Corporation:** This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds, listed property and cash 38%. The return is based on the fund's unit price at month end supplied by the fund. There is no principal guarantee with this fund and it is unrated.

## 6. Managed Funds

Council uses a variety of managed funds for liquidity and diversification purposes. These funds are rated from AA through to A and returns are based on the fund's unit price at month end.

### Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested @31st January 2009 \$000's	Period Return (%)	Annualised YTD Return (%)	Performance Since purchase/inception (%)	% of Total Invested	Valuation M=Mark to Market H=Hold to Maturity	Maturity
<b>Working capital (0-3 Months)</b>									
Westpac Bank	Westpac Bank Deposit	AA	1,156	0.32	5.62	*	1.65	M	0-3 mths
BlackRock Investment	BlackRock Diversified Credit	A	4,374	-0.25	-19.44	*	6.24	M	0-3 mths
LGFS	Fixed Out Performance Fund	AA-	16,442	0.43	7.59	*	23.45	M	0-3 mths
<b>Short -MediumTerm (1-2 Years)</b>									
Bendigo Bank	Fixed Deposit TCB	BBB+	500	0.66	8.25	8.25	0.71	H	1-2 yrs
Select Access Investments	Titanium AAA	AAA	2,000	0.44	7.87	7.81	2.85	H	1-2 yrs
Elders Rural Bank	Elders Rural Bank TD	BBB	2,000	0.46	8.35	8.40	2.85	H	1-2 yrs
Bank of Queensland	Bank of Queensland Bond	BBB+	1,934	0.84	10.44	10.44	2.76	H	1-2 yrs
Bank of Queensland	Bank of Queensland FRN	BBB+	1,967	0.48	8.20	8.20	2.80	H	1-2 yrs
NSW Treasury Corp	KRGC Tcorp LTGF	UNRATED	1,636	-2.38	-15.14	-7.94	2.33	M	1-2 yrs
<b>MediumTerm (2-5 Years)</b>									
ABN AMRO/Nomura	Phoenix Notes	AA+	2,000	0.52	9.27	9.59	2.85	H	2-5 yrs
ANZ Bank	ANZ Sub FRN	AA-	2,945	0.47	7.96	8.39	4.20	H	2-5 yrs
ANZ TD	ANZ Sub FRN	AA-	2,000	0.53	8.28	8.56	2.85	H	2-5 yrs
Westpac Bank	Westpac Subdebt	AA-	934	0.79	9.78	9.77	1.33	H	2-5 yrs
Suncorp Metway	Suncorp Metway Bond	A+	2,033	0.65	8.03	8.03	2.90	H	2-5 yrs
Investec Bank	Investec TD	BBB	3,000	0.59	8.93	8.93	4.28	H	2-5 yrs
HSBC Australia	HSBC MTN (Medium Term Notes)	AA-	4,000	0.56	9.35	9.76	5.70	H	2-5 yrs
CBA/Helix Capital Jersey	Oasis Portfolio Note	CCC+	2,000	0.45	7.67	7.81	2.85	H	2-5 yrs
Longreach/Rabobank	Longreach CPWF	AAA	3,012	1.37	20.81	0.17	4.30	M	5 yrs +
ANZ Bank	ANZ Sub FRN	AA-	2,971	0.48	7.79	8.16	4.24	H	5 yrs +
UBS AG London	Longreach STIRM	A+	1,002	2.13	-1.88	0.11	1.43	M	5 yrs +
Athena Finance (Westpac)	Camelot	AA	914	1.15	7.84	-0.75	1.30	M	5 yrs +
<b>Long Term (5 Years+)</b>									
HSBC Bank	Maple Hill 11	BBB-	3,000	0.54	9.50	9.73	4.28	H	5 yrs +
Bendigo Bank	Bendigo Bank FRN	BBB	500	0.51	7.90	8.43	0.71	H	5 yrs +
Deutsche Bank	Longreach s26 Prop	A+	809	2.38	26.02	-11.51	1.15	M	5 yrs +
ABN AMRO Bank London	CPDO PP	AA-	6,000	0.41	7.53	7.92	8.56	H	5 yrs +
ANZ Bank	ANZ Subdebt 2018	AA-	1,000	0.49	8.03	8.44	1.43	H	5 yrs +
<b>TOTAL /WEIGHTED AVERAGE</b>			<b>70,129</b>	<b>5.96</b>	<b>5.34</b>		<b>100</b>		

Matured/Traded Investments - Weighted YTD Average Return (%)	7.99
Weighted Average Overall Return Year To Date (%)	5.35
Benchmark Return: UBSWA Bank Bill Index(%)	7.02
Variance From Benchmark (%)	-1.67

\* Cannot be calculated with 100% accuracy

The weighted average return for the total portfolio year to date was 5.35% compared to the benchmark of the UBS Bank Bill Index of 7.02%.

### Income Investments and Growth Investments

Since Council's investment policy was changed in August 2006, a wider range of investments has been made involving diversification of the portfolio into different investment types, longer



## Item 7

S05273  
4 February 2009

maturities and different markets. Council's investments now include several growth investments, where returns are principally derived from growth in the value of capital invested, rather than income payments. These investments can be expected to show higher volatility in price movement on a month to month basis. With the exception of the NSW Treasury Corporation investment, Council has only purchased growth investments which have a capital protection provided by a bank of at least AA ratings. As these investments are long term and not intended to be traded monthly, volatility is of less concern.

**Comments on Individual Investment Performance**

**Longreach CPWF 1-2006:** This investment is in property, infrastructure and utilities and was made on 27 September 2006. From inception to the end of January 2009, the investment has returned 0.17% with a 1.37% increase in net asset value for January 2009, and the year to date return rate was 20.81%.

The Fund's Unit NAV at month end provided to the Investment Manager by the calculation agent was \$1.0040. This NAV represents a 1.37% increase from the previous month end. This valuation represents the price at which a unit holder could have redeemed fund units at month end inclusive of fund ordinary expenses. General information on the fund is included in the monthly Unit Holder Report (**Attachment A**).

**Longreach Series 26 Global Property:** This investment was made in June 2007 in a basket of property spread globally across seven geographical areas. Due to the volatility and poor performance of the property market during the current global economic crisis the allocation in the property basket is now zero with 100% of the funds in the discount debt security, and Deutsche Bank has informed Longreach that Series 26 global Property has completely de-levered. The funds are now notionally invested in a fixed income bond until maturity.

All other aspects of the note are unchanged:

- Capital protection at maturity;
- Buy back facility through Deutsche Bank;

The current unit price of Series 26 is \$80.86 up from \$78.94 in December. The principal guarantee mechanism means that the note will be matured to \$100.00 in June 2014. As the capital loss on the note has been brought to account through the income statement in accordance with the relevant accounting standards, the note will now provide for a return of approximately 5.5% over the next 5.6 years. It is therefore recommended, at present, to hold on to this investment considering the reasonably generous return rate and the ongoing volatility in the market. During December the credit rating for this investment was downgraded from AA (neg) to A+ (stable).

General information on the fund is included in the monthly Noteholder Performance Report (**Attachment B**).

**Longreach Series 23 STIRM:** This investment is a capital protected note with exposure to a short term interest rate yield enhancement strategy. The redeemable NAV of the notes is \$100.21 whereas last month it was \$98.08. The year to date return on the investment is -1.88% annualised and 0.11% since inception. The credit rating for this investment was downgraded from AA- (neg) to A+ (stable) in December 2008. General information on the fund is included in the monthly Noteholder Performance Report (**Attachment C**).

Item 7

S05273  
4 February 2009

**NSW Treasury Corporation:** The investment was made in October 2006. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds, listed property and cash 38%. The fund's annualised return was -15.14% and is -7.94% since purchase.

**Athena Finance (Westpac)/Camelot:** This investment was made at the end of February 2007 in a fund which invests in foreign exchange rate movements with low correlation to other products and asset classes. The fund's annualised return is 7.84% with a return of -0.75% since inception. The fund has continued to maintain a strong capital preservation focus during the volatile markets.

In January 2009, the equity gap was reduced to 0% resulting in the note de-levering. The fund's allocation to the active portfolio (Camelot und AUD/USD Investment Strategy) was then permanently allocated (100%) to the fixed portfolio (Westpac Zero Coupon Bonds). This means the note will not have any further exposure to the active portfolio. However, Council will still receive the full redemption amount on maturity date. The current unit price is valued at \$91.43 up from \$90.37 in December 2008.

As the capital loss on the note has been brought to account through the income statement in accordance with the relevant accounting standards, the note will now provide for a return of approximately 3% over the next 3 years. It is therefore recommended, at present, to hold on to this investment in the short term, however if opportunities arise to trade out of the note into a higher yielding investment they will be considered.

**Blackrock Diversified Credit Fund:** Blackrock Investment Management had informed Council of its decision to close the Blackrock Diversified Credit Fund of which Council had \$4.37M invested as at 31 January 2009. This action was taken due to the Cole Report recommending removal of the option for local councils to invest in managed funds. The fund was specifically created for, and targeted toward, NSW local councils' requirements.

After careful consideration, a decision was made to proceed with taking a cash contribution rather than an "in specie" transfer of assets. An in specie transfer involves an investor receiving, based on their proportionate interest in the assets of the Fund, assets which are representative of the assets of the Fund, rather than cash.

The reasons for this decision include:

- (1) Sufficient time was not given to review the template instruction documentation (contractual agreement) "in specie" transfer of assets. At the time of making the decision this documentation still had not been received.
- (2) The risk of any defaults over the three (3) year period with the "in specie" transfer of assets option. At the time of making the decision, we expected to realise a significant portion of the Fund's assets within a six to eight week timeframe with the cash contribution option.
- (3) No Ministerial approval.
- (4) In order to mitigate any further risk.
- (5) Existing market volatility.

## Item 7

S05273  
4 February 2009

In closing down the fund, BlackRock is required to conduct the sell down process in an orderly fashion to achieve the best possible outcome. Whilst liquidity has not improved dramatically, BlackRock have managed to sell down more of the portfolio.

BlackRock is still attempting to sell down the remaining portfolio which is comprised of largely domestic assets (over 85%). The domestic credit markets are still highly illiquid and BlackRock will liquidate this portfolio at the earliest opportunity being cognisant of getting "reasonable" value for the securities sold. All the securities held within the portfolio will continue to pay coupons and BlackRock see no further credit impairment of the portfolio.

**ABN AMRO CPDOs PP:** This is an investment whose returns are based on trading credit default swap (CDS) contracts. Only contracts on investment grade organisations in the CDX (US) and ITraxx (Europe) indices are permissible. The risk to Council is that if enough of the companies default on their loan payment obligations, Council's regular payments of interest may be reduced or cease.

Recent falling interest rates combined with widening credit spreads have increased this risk. This means that the note reverts to a risk free bond investment to guarantee principal on maturity. Although the principal is guaranteed, no interest would be paid on the investment in the event of cash-out.

In an effort to reduce the risk of this occurring, it was decided to lock in a zero coupon bond at the current rates in early November. The benefit of doing this was that if swap rates fall going forward then investors will have locked into a zero coupon bond at a lower price with a higher yield, reducing Council's risk. Since then credit spreads have decreased resulting in less chance of a cash-out, however this investment is being closely monitored as any further widening of credit spreads could trigger the cash-out event.

**CDOs:**

As a result of the global financial market crisis and in particular the collapse of Lehman Brothers the following CDO investments have been downgraded as follows:

Maple Hill 11 BBB- (downgraded from AA by S&P)  
Oasis Portfolio Note CCC+ (downgraded from AAA by S&P)

The risk of losing principal in a CDO is based on the number of defaults in the portfolio of debt obligations combined with weighting of the entity in the portfolio and the recovery rate of the entities that default. The following information is provided for these two CDOs:

**Maple Hill 11**

- Losses absorbed: 5.39%
- Losses remaining: 4.20% (manager's estimate, which Grove believe is reasonable)
- Recovery: Floating
- Portfolio: 139 (unequal weight)
- Credit events to date: 3 (Lehman Brothers, Fannie Mae, Freddie Mac)
- Credit events supported: nearly 11.2 average sized, assuming average 33% recovery
- Credit events remaining: 8.7 average sized, assuming average 33% recovery

Item 7

S05273  
4 February 2009

Oasis Portfolio Note

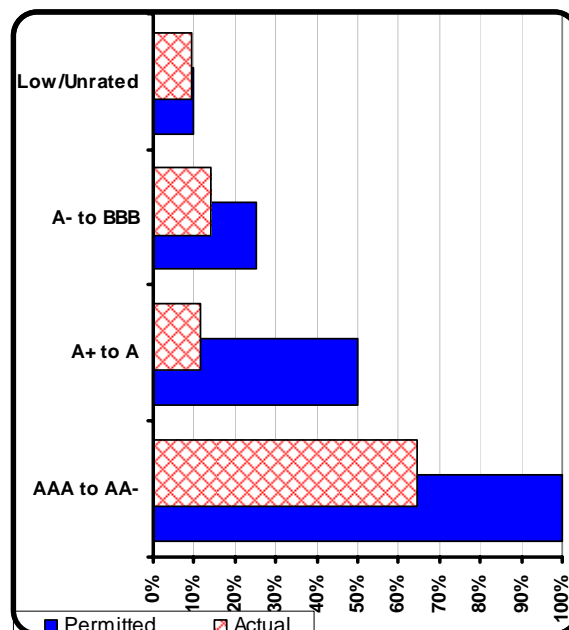
- Losses absorbed: 4.30%
- Losses remaining: For the AAA tranche 1.45%
- Recovery: Fixed Rate at 40%
- Portfolio: 118 reference entities (unequal weight and started with 120)
- Credit events to date: Lehman Brothers, Fannie Mae, Washington Mutual, Kaupthing Bank
- Credit events supported: Variable = 14 minimum sized; 8.5 average weightings; 4 maximum sized
- Credit events remaining: Depends on the weighting of the credit event – maximum size (1.5% exposure) then 1 more; minimum size (0.5% exposure) then 4 more. The note can withstand 2.9% of the portfolio defaulting.

As this note has a 40% fixed recovery the default of Fannie Mae had a much larger impact on the note's subordination. Fannie Mae and Kaupthing Bank each represented 1.5% of the references And Lehman Brothers was 1.25%.

**Allocation of funds**

The following charts show the allocations of Council's investment funds by the categories shown:

- 1) **Credit Rating:** Actual level of investment compared to proportion permitted by policy.



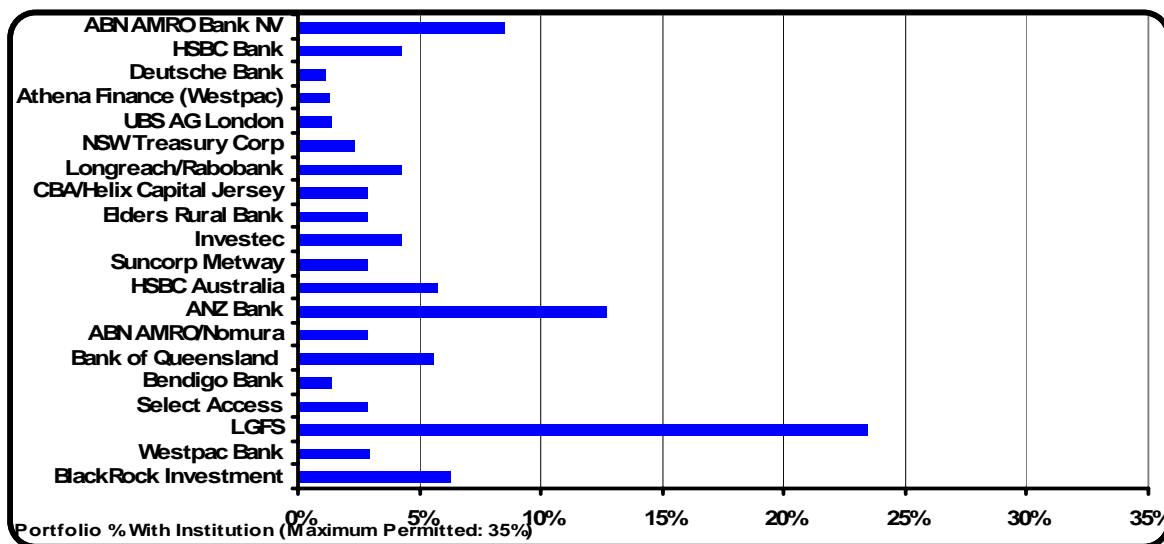
Investment Rating	Proportion
AAA to AA-	64.70%
A+ to A	11.72%
A- to BBB	14.12%
Less than BBB	9.46%

Item 7

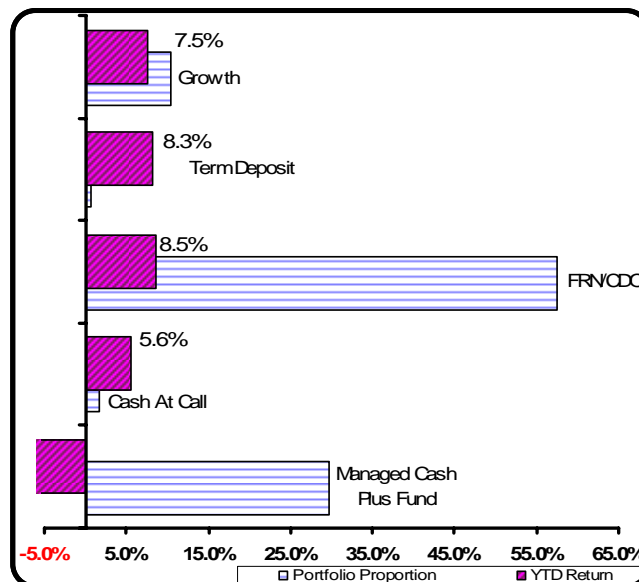
S05273  
4 February 2009

2) **Proportional Split of Investments by Investment Institution:** Actual portion of investments by investment institutions.

Council's Investment Policy requires that the maximum proportion of its portfolio invested with any individual financial institution is 35%.



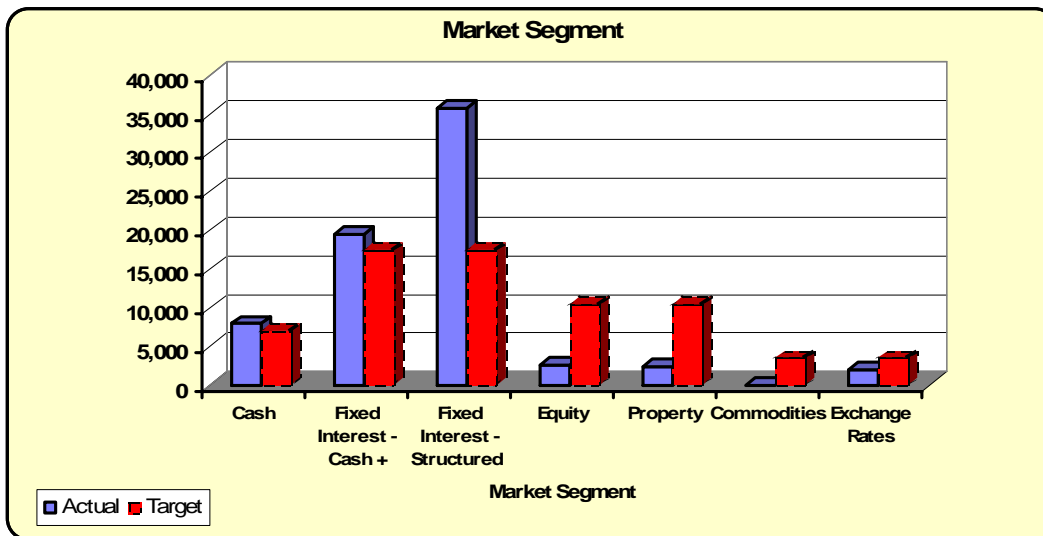
3) **Investment type and YTD return:** Actual proportion of investments by type and year to date return.



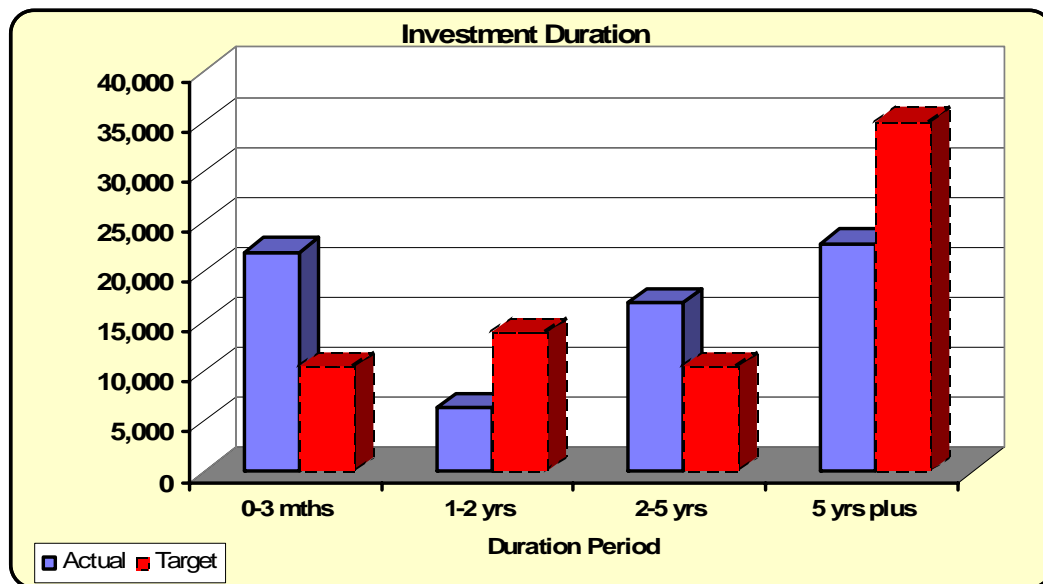
Item 7

S05273  
4 February 2009

- 4) **Market Segment:** Strategic allocation of investments by market segment compared to current level.



- 5) **Duration:** Strategic allocation of investments by duration compared to current level.



Item 7

S05273  
4 February 2009

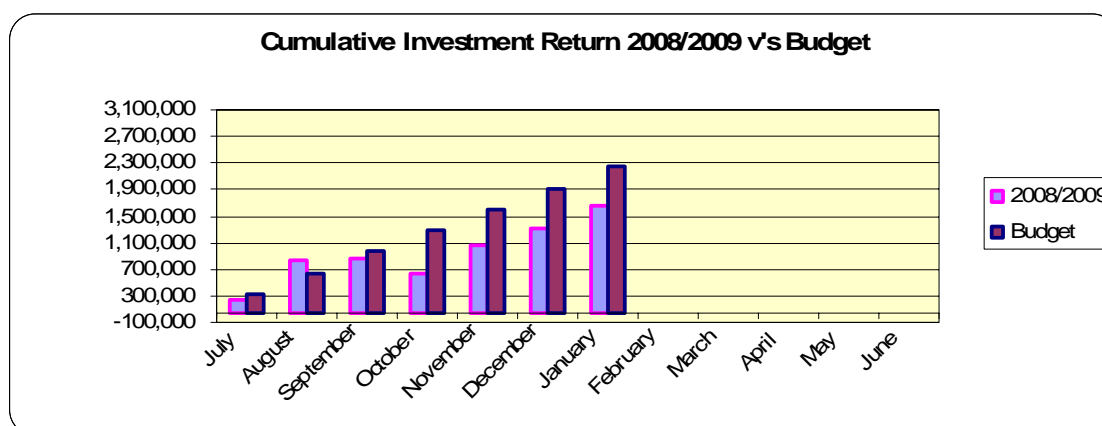
### Cumulative Investment Return

The following table shows Council's total return on investments for January and financial year to date, split into capital and interest components and compared to budget:

\$000's	Month	Financial YTD
Interest	219	4,029
Cap Gain	173	1,340
Cap Loss	-53	-3,721
Net Return	339	1,648
Budget	321	2,245
<b>Variance</b>	<b>18</b>	<b>-597</b>

At the end of January 2009, the net return on investments totalled \$1,648,000 against a year to date budget of \$2,245,000, giving a negative variance of \$597,000. At the end of December year to date returns on investments were 5.27% compared to 5.35% in January, an increase of 0.08%.

The ongoing market volatility during January has seen Council's returns significantly affected. It is anticipated that year end return on investment will not be achieved, therefore a proposed revised budget will be reported to Council as part of the December Quarterly Budget Review process.

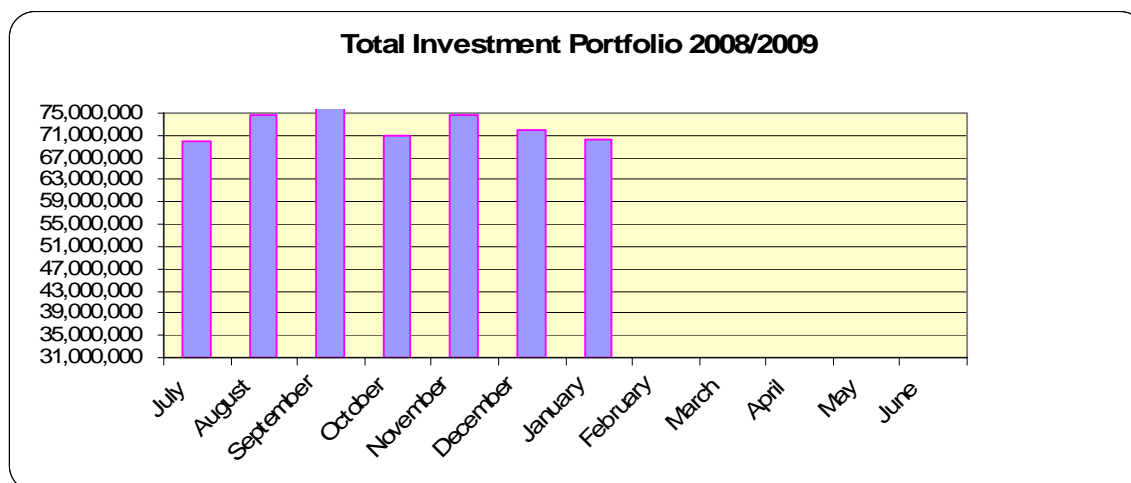


Item 7

S05273  
4 February 2009

**Total Investment Portfolio**

The following chart compares the year to date investment portfolio balances for 2008/2009.



During January 2009 Council's investment portfolio decreased by \$1,887,950.

**Some key points in relation to investments and associated markets during January are:**

**International Market**

Despite a positive lead to the start of the year following the US Treasury's \$US4 billion rescue loan to General Motors Corp., overall, in January, equity markets continued the momentum from 2008. The Dow Jones plummeted another -8.8%, losing 776 points to 8,001. Global equities followed with Germany's DAX and Japan's Nikkei Index both falling -9.8%, while the UK's FTSE 100 Index fell -6.4%. The MSCI World Index, a broad measure of global shares, fell -8.9%.

January was another month of uncertainty surrounding global financials as several large US and European banks required bailouts. Bank of America Corp. required a \$US20 billion cash injection in addition to a government backing of a pool of bad assets valued at approximately \$US118 billion following its acquisition of Merrill Lynch in March 2008. Meanwhile, the UK government had to increase its stake in Royal Bank of Scotland (RBS) to 70% from 58% after the bank forecasted the biggest ever loss by a British company – up to £28 billion.

Evidence of the bleak outlook for the global economy continues to be highlighted by the poor economic news:

- US economic growth shrank the most in the fourth quarter since 1982, as GDP declined by 3.8% (annual pace);
- The US Labour Department revealed that the nation lost more than 2.6 million jobs in 2008, the most since 1945, pushing the unemployment rate to 7.2% in December;
- According to the S&P/Case-Shiller index, home prices in 20 US cities declined by 18.2% in November from a year earlier, the fastest drop on record;



## Item 7

S05273  
4 February 2009

- US retail sales fell 0.1% in 2008 compared with the prior year, the first decrease in the Commerce Department's records dating back to 1992;
- Britain officially entering into a recession after statistics showed the economy shrank by 1.5% in the fourth quarter last year - the biggest drop since 1980 - following its fall of 0.6% in the third quarter. Britain's economy grew by just 0.7% in 2008, the weakest annual growth since 1992;
- UK unemployment rose at the second-fastest pace since 1991 in December. The number of people receiving unemployment benefits rose to 1.16million, the highest level since January 2000.

To shore up confidence and stabilise financial markets, central banks continued their easing monetary policy. The US Federal Reserve (Fed) maintained interest rates between 0-0.25% and said it may keep it at "exceptionally low levels" for some time. The Bank of England cut interest rates by 0.5% to 1.5%, the lowest since the central bank was founded in 1694, while the European Central Bank cut its benchmark rate by 0.5% to 2.0%, matching a record low last experienced between 2003 and 2005.

**Domestic Market**

After the Reserve Bank of Australia (RBA) cut interest rates by 1.0% to 4.25% in its December meeting, the market turned its focus on the fourth quarter inflation figure as a signal for future interest rate cuts in January. The quarterly inflation rate dropped by -0.3% in the fourth quarter of last year from an increase of 1.2% in the third quarter. This resulted in the headline inflation rate falling to 3.7%pa from 5.0%pa moving closer to the RBA's target band of 2.0%-3.0%pa which allowed them more room to aggressively cut interest rates going forward. The RBA duly obliged and slashed rates by a further 1.0% to 3.25% in February citing further growth concerns. The economy lost 44,000 full-time jobs in December with the unemployment rate rising to 4.5% from 4.4% in November.

Domestic equity markets followed their global peers and lost more ground in January. The benchmark S&P ASX 200 Index fell 182 points or -4.9%, while the broader All Ordinaries Index fell 181 points or -5.0%.

**Credit Market**

Credit spreads moved wider in the first half of the month before rallying following US President Obama's inauguration. The various stimulus packages and discussions of a "bad bank" are positive signs that regulators and governments are helping unfreeze credit markets. The US CDX Investment Grade credit index finished the month relatively flat, widening by 1bp to 198bps after peaking as much as 223bps mid-month. The European ITraxx (160bps) and Australian ITraxx (319bps) also rallied in the second half of the month. Over the month, they contracted by 18bps and 24bps respectively.

**CONSULTATION**

Not applicable.

## FINANCIAL CONSIDERATIONS

The budget for interest on investments for 2008/2009 is \$3,848,200. Of this amount approximately \$2,209,200 is restricted for the benefit of future expenditure relating to developers' contributions, \$744,100 transferred to internally restricted Infrastructure & Facility reserve, and the remainder is available for operations.

At the end of January the net return on investments totals \$1,648,000 against a year to date budget of \$2,245,000 giving a negative variance of \$597,000.

It is anticipated that year end return on investment will not be achieved, therefore a proposed revised budget will be reported to Council as part of the December Quarterly Budget Review process.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

As at 31 January 2009:

- Council's total investment portfolio is \$70,128,145. This compares to an opening balance of \$72,680,680 as at 1 July 2008, a decrease of \$2,552,535.
- Council's year to date net return on investments (interest and capital) totals \$1,648,000. This compares to the year to date budget of \$2,245,000, giving a negative variance of \$597,000.

## RECOMMENDATION

- A. That the summary of investments and performance for January 2009 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

Tony Ly  
Financial Accounting Officer

Tino Caltabiano  
Manager Finance

John Clark  
Director Corporate

**Attachments:**

- A. Longreach Capital Protected Wholesale Fund 1-2006 Monthly Unit Holder Report January 2009 - 2009/017248**
- B. Longreach Capital Protected Series 26 Noteholder Performance Report January 2009 - 2009/017264**
- C. Longreach Series 23 Noteholder Performance Report January 2009 - 2009/017299**



# **LONGREACH CAPITAL PROTECTED WHOLESALE FUND 1-2006** **PROPERTY, INFRASTRUCTURE AND UTILITIES** **MONTHLY UNIT HOLDER REPORT** **January 2009**

Longreach Global Capital Pty Limited, as Investment Manager for the Longreach Capital Protected Wholesale Fund, 1-2006 Property, Infrastructure and Utilities, is pleased to provide Unit holders of the Fund with the latest monthly Unit holder Report.

## **Longreach Capital Protected Wholesale Fund 1-2006 General Information**

<b>Type of Fund: Medium Term Growth</b> AAAf rated Capital Protected Growth Fund with equal exposure to the price growth of the S&P/ASX 200 Property Trust Index and UBS Australia Infrastructure and Utilities Index (ASX Index Investments)	<b>Fund Investment Date:</b> 29 September 2006	<b>Buy/Sell Spread:</b> Nil
<b>Investment Objectives:</b> The Fund aims to provide investors with semi-annual distributions of 2% p.a. on their invested amount after ordinary expenses, the opportunity for enhanced participation in any price growth of the ASX Index Investments over the life of the Payment Contract and 100% capital protection of their invested amount at Payment Contract Maturity.	<b>Recommended Investment Timeframe:</b> 5 years	<b>Distributions:</b> 2% p.a. Paid Semi Annually: 30 June 31 December
<b>Rating:</b> AAAf (S&P)		

## **Actual Performance of Fund's ASX Index Investments**

Index	Index Value at Fund Investment Date	Index Value at Previous Month End	Index Value at Latest Month End	Change over month	% Change Since Fund Investment Date
ASX 200 Listed Property Trust	2,474.60	913.10	812.00	-11.07%	-67.19%
UBS Australia Infrastructure Investments*	3,011.00	2,156.42	2,032.72	-5.74%	-32.49%
				-7.34%	-42.90%

## **Fund Unit Net Asset Value**

Fund Unit Price at Fund Investment Date	Unit Net Asset Value at Month End	Growth	2% p.a. Income (Accrued)	Actual % Change in Unit Price Since Inception
\$1.0000	\$ 1.0040	1.00230	0.00170	0.40%

The Fund's Unit NAV at month end provided to the Investment Manager by the Calculation Agent was \$ 1.0040 . This NAV represents a 1.39% increase from the previous month end and was the price at which a Unit holder could have redeemed Fund Units at month end inclusive of Fund Ordinary Expenses.

The Fund return to Unit holders at the Payment Contract Maturity is based on the enhanced price growth of the Fund's ASX Index Investments. In accordance with the Fund's Information

Memorandum dated 20 September 2006, Unit holders will receive 130% (i.e the Index Participation Multiplier) of the price growth of the Fund's ASX Index Investments.

## Market Commentary

A raft of Australian economic data is scheduled to be released during February:

Building Approvals and Retail sales	4 February
Housing Finance	11 February
Employment	12 February
Retail Trade (December Quarter)	18 February
New motor vehicle sales	19 February
Private new capital expenditure	26 February

This follows hard on the heels of both the Reserve Bank's action on 3 February, the Federal Government's update to the state of the economy's finances and bleak reports on the state of international economies.

The Reserve Bank cut rates by 100 basis points on 3 February. Official rates are now lower than at any time since 1968. Market commentators are expecting further significant cuts in coming months.

The IMF released its World Economic Outlook and Global Financial Stability Reports at the end of the month. The core element of the report is that developed economies are expected to contract at a sharper rate than has been recorded since the end of World War II. The Australian economy is forecast to decline by 0.2%. The outlook for the US economy is only marginally better. Australia's trading partners' economies are all announcing significant reductions in output and profits. China's growth is expected to be 5.5%. Overall world growth is forecast to be just 0.5% in 2009. What is more remarkable about these forecasts is that they are in stark contrast to the update provided by the IMF just 3 months ago.

The Federal Government has provided further pointers to just how quickly the economy is contracting. After indicating in the Mid Year Economic and Fiscal Outlook in November that government revenues had taken a \$40billion hit as a result of the downturn in the economy, the Treasurer announced on 2 February that a further \$75billion in forecast revenues has been lost from forward estimates of government revenue. State Governments will therefore be further affected due to the loss of GST revenue. Notwithstanding this background, the Government on 3 February announced a \$42billion in of measures to help stimulate the economy to the tune of approximately 0.5% of GDP in the coming year. The federal government is expected to re-enter to the debt markets mid year for the first time in over 10 years.

All signs point to a rocky ride for the economy for the foreseeable future.

### Contact:

**Longreach Global Capital Pty Limited AFSL : 247 015 ABN : 27 080 373 762**  
**Phone : (02) 9241-1313 Fax: (02) 9252-9537**

*Disclaimer: This report has been prepared by Longreach Global Capital Pty Limited in its role as Manager of the Longreach Capital Protected Wholesale Fund 1 – 2006, Property, Infrastructure and Utilities (the "Fund"). Full details of the Fund can be found in the Information Memorandum dated 20 September 2006. Terms defined in that Information Memorandum have the same meaning in this report.*

*The information contained in this report is current as at the close of business on the date indicated and is for the information of wholesale clients within the meaning of section 761G of the Corporations Act 2001 who have invested in the Fund. Performance of the Fund to date is not a guarantee or indicator of Fund performance in future. Similarly, references to the performance of ASX Index Investments do not imply future performance guarantees or returns. To the maximum extent permitted by law, Longreach Global Capital Pty Limited will not be liable in any way for any loss or damage suffered by you through use or reliance on this information. Our liability for negligence, breach of contract or contravention of any law, which can not be lawfully excluded, is limited, at our option and to the maximum extent permitted by law, to resupplying this information or any part of it to you, or to paying for the resupply of this information or any part of it to you.*

## **NOTEHOLDER PERFORMANCE REPORT**

### **January 2009**

### **Longreach Series 26**

### **Capital Protected Medium Term Note**

#### **Maturity Date**

7 June 2014

#### **Capital Protection**

100% of initial principal invested in the issue is protected if held to maturity.

#### **Capital protection provider**

Deutsche Bank AG, London Branch

#### **Standard & Poor's Credit Rating**

A+/Stable

#### **Status of Note**

The Note is 100% allocated to the notional cash units in the Dynamic Portfolio.

#### **Net Asset Value (NAV)**

The Hold to Maturity NAV of the Notes is 80.86 (last month 78.94). The NAV at Issue Date was 97.00 – being 100 less LCM upfront distribution fees. If an investor chose to exit prior to maturity the 'Redeemable NAV' would incorporate the current NAV less the cost of unwind of the currency protection mechanism. The currency hedge ensures buy and hold investors are not exposed to changes in the underlying currencies at maturity.

#### **Coupon Payments**

As a result of the Note's Dynamic Portfolio being 100% allocated to the notional cash units the Note will not pay any further interest to investors.

The following is a history of the coupon payments made by the note: -

	Coupon Payment Date	Per Annum %	BBSW Comparison %
Coupon 1	07-Dec-07	7.00	6.48

#### **Dynamic Portfolio Allocation**

The allocations within the Dynamic Portfolio as at month end were:

Series Basket	0.00%
Discount Debt Security	100.00%

These allocations will remain until the Note matures.

#### **Market Recap**

A raft of Australian economic data is scheduled to be released during February:

Building Approvals and Retail sales	4 February
Housing Finance	11 February
Employment	12 February
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**NOTEHOLDER PERFORMANCE REPORT****January 2009****Longreach Series 23****Constant Proportion Portfolio Technique Note****Series 23 – Capital Protected Notes – 'STIRM'**

<b>Type of Note:</b> Capital Protected Note with exposure to a short term interest rate yield enhancement strategy	<b>Investment Date:</b> 26 February 2007	<b>Liquidity:</b> Available Daily
<b>Investment Objectives:</b> The short term interest rate yield enhancement strategy provide for both a potentially high regular income via performance based coupon component as well as any potential capital growth within the capital protection mechanism.	<b>Recommended Investment Timeframe:</b> 5 years	<b>Distributions:</b> Distributions paid quarterly.
<b>Capital Protection Provider:</b> UBS AG, London Branch <b>Rating:</b> A+/Stable (S&P)		

**Net Asset Value (NAV)**

The NAV of the Notes at current month end was 100.21 (compared with 98.08 for the previous reporting period).

**Internal Rate of Return (IRR)**

The IRR of the Notes is 4.13% **p.a.** This represents the true annual rate of earnings on an investment. This rate takes into account the movements in the underlying securities as well as compound interest factors (time value of money).

*\* IRR is a discounted cashflow method of calculating returns defined mathematically as the rate by which future anticipated net cash flow must be discounted so that their value will be equal to the initial cost of the investment.*

**Coupon Payments**

The coupon will be made up of a Fixed and Floating component as outlined in the Series 23 Discussion document. The **Fixed** component is set at 2.50% p.a. payable quarterly (unless strategy is fully allocated to the UBS cash investment), and the **Floating** component is set at 125% of the strategy's positive intra period performance, with a cap on total coupon of BBSW + 40bps.

A coupon is due to be paid on 10 February. The following lists coupons paid to date by the Note.

	Coupon Payment Date	Per Annum %	BBSW Comparison %
Coupon 1	10-May-07	2.50	6.42
Coupon 2	10-Aug-07	2.50	6.39
Coupon 3	11-Nov-07	2.47	6.73
Coupon 4	12-Feb-08	7.25	7.12
Coupon 5	13-May-08	2.47	7.77
Coupon 6	11-Aug-08	5.77	7.32
Coupon 7	10-Nov-08	8.01	4.92

## Allocation to the Diversified Basket

The current allocations within the Dynamic Portfolio are:

STIRM Strategy	100%
UBS Discount Debt Security	0%

Please refer to the Series 23 Discussion Paper for a description of the workings of the capital protection mechanism.

## Market Recap/STIRM Performance Report

The monthly report from Fortinbras is attached to this report.

### Notes:

### Contact:

**Longreach Global Capital Pty Ltd**      **AFSL : 247 015**      **ABN : 27 080 373 762**  
 Phone : (02) 9241-1313      Fax: (02) 9252-9537

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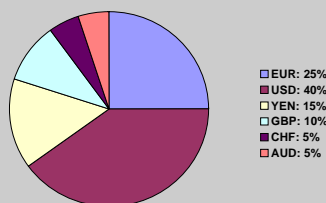
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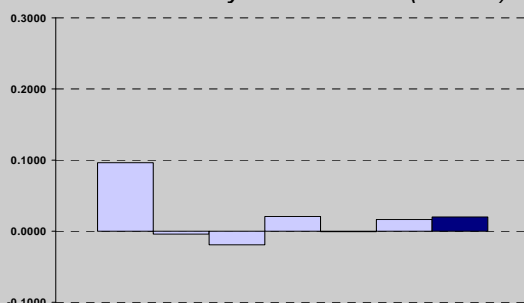
STIRM Cumulative Return<sup>i</sup>



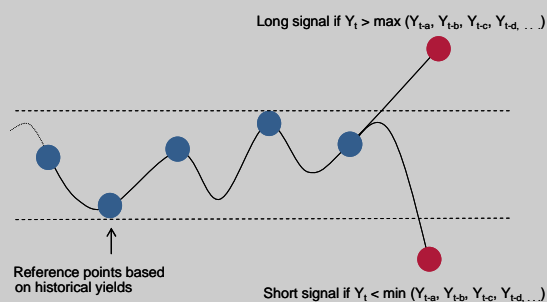
STIRM Futures' Allocation



STIRM Monthly Performance (in ticks)



STIRM Algorithmic Principle



## Market Overview

In January only the ECB and the BoE cut their policy rates. Both lowered their policy rates by 50 bps each. All other key rates remained unchanged and markets let off some speculative steam.

There is not much further room left on the downside for rates in the US, Japan and Switzerland. Only in Euroland, UK and Australia further cuts may be envisioned.

So far low key rates have not restored confidence in the financial sector, which remains buffeted by illiquidity and toxic assets. Without its normal functioning economies won't get back on track. Leading indicators around the globe point to more negative surprises.

## Monthly Performance

The STIRM Index finished this month 2 ticks higher at 109.671.

- By far the best performer was the EUR. In descending order the AUD and GBP followed. The programs closing in negative territory were the USD, CHF and YEN.
- Average duration<sup>i</sup> at the start of December was 1. At the end of this month the duration remained at 1.
- In January no change was recorded.
- Current Libor futures positioning: USD, EUR, YEN, GBP, CHF and AUD are long.

## STIRM Description

The Short-Term Interest Rate Model ("STIRM") is a long / short strategy based on a proprietary trend-following approach applied to three month interest rate futures contracts across six currencies. A modified channel break-out approach, STIRM trades long a future if the current yield is greater than the maximum of a historical reference group; the Model trades short if the yield is lower than the minimum. Volatility plays an important role in defining the length of reference history. The algorithmic principle that underlies STIRM has been applied to interest rate trading since 1989.

**STIRM Strategy Notes**

UBS Limited, the investment banking arm of UBS, has structured a series of investment products that track the STIRM performance. Fortinbras Asset Management advises UBS according to their STIRM algorithm as to the respective futures positioning, and the all strategy trading, administration and risk management is executed by UBS.

Invested cash will accrue interest at money-market rate and will also be used to collateralise the STIRM strategy overlay with suitable leverage. Investor's return is the interest from the money-market investment plus the performance of the STIRM strategy.

**Bloomberg  
Delivery Platform  
Structurer & Distributor  
Advisor**

The STIRM Index is published as UBFSTIRM UBS-issued notes or UCITS III fund  
UBS Limited, London  
Fortinbras Asset Management GmbH, Frankfurt

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<sup>i</sup> Duration is defined as the weighted, net long/short futures positions across all six programs.

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## **ANALYSIS OF LAND & ENVIRONMENT COURT COSTS, 2ND QUARTER, 2008 TO 2009**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To report legal costs in relation to planning matters in the Land & Environment Court for the quarter ended December 2008.

**BACKGROUND:**

A person may commence proceedings in the Land & Environment Court in relation to a development application which has either been refused by Council or is deemed to have been refused. An appeal may also be commenced in relation to conditions of development consent and the issue of building certificates and orders.

**COMMENTS:**

For the two quarters ended 31 December 2008, Council's legal costs and associated expenses in relation to Land & Environment Court planning matters were \$479,950. This compares with the year to date budget of \$640,000 a positive variance of \$160,050.

**RECOMMENDATION:**

That the analysis of Land & Environment Court costs for the second quarter ended 31 December 2008 be received and noted.

## PURPOSE OF REPORT

To report legal costs in relation to planning matters in the Land & Environment Court for the quarter ended December 2008.

## BACKGROUND

A person may commence proceedings in the Land and Environment Court in relation to a development application which has either been refused by Council or is deemed to have been refused (a development application is deemed to have been refused if it has not been determined within a period of 40 days or such longer period that may be calculated in accordance with the Act). An appeal may also be commenced in relation to conditions of development consent and the issue of building certificates and orders. Council is a respondent to such proceedings.

Under Section 428 of the Local Government Act 1993, Council is required to report legal costs, and the outcome of each case in its Annual Report.

## COMMENTS

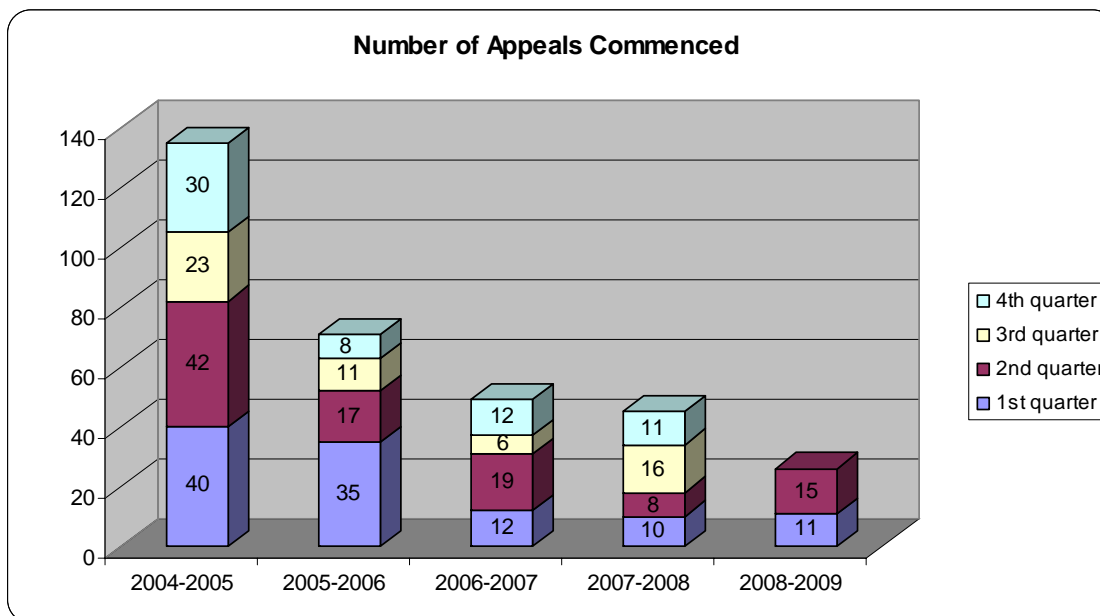
### APPEALS LODGED

In the three months ended December 2008, there were 15 new appeals lodged with the Land and Environment Court, of which 2 have incurred costs to Council during the reporting period. The number of appeals received in prior years is as follows:

Financial year	Number of appeals received (whole year)
2004/2005	135
2005/2006	71
2006/2007	49
2007/2008	45
2008/2009	26 (to 31 December 2008)

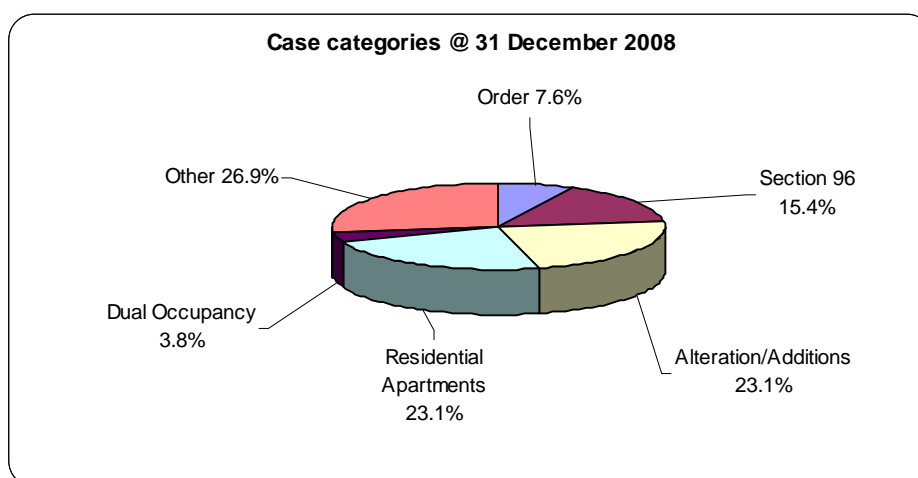
Item 8

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5 February 2009



Of the appeals received, 13 were in respect of an actual determination, one was in respect of deemed refusal, and one was against an order issued by Council. The proportion of deemed refusal appeals (7%) is low. The percentage of deemed refusal appeals in 2007-2008 was 22%; and before that, 43% in 2006-2007 and 60% in 2005-2006. A falling proportion of deemed refusal appeals would be consistent with an overall decrease in the time taken for determination of development applications.

Appeals commenced for half year ended December 2008 are made up of the following development categories:



The larger categories are appeals in respect of Residential Apartments and Alterations/Additions (23.1%) and Other, which includes single dwelling (26.9%).

## Item 8

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5 February 2009**COSTS**

For the two quarters ending December 2008, Council had a net expenditure of \$479,950 on legal costs and associated expenses in relation to Land & Environment Court matters. This compares to the December year to date budget of \$640,000 giving it a positive variation of \$160,050.

These costs are made up of legal costs, fees charged by any consultants retained as expert witnesses and other costs incurred as a result of Council's role in the proceedings. In addition to expenditure on appeals a further amount of \$37,616 was spent in the obtaining of expert legal advice regarding development assessment matters.

<b>Legal Costs and Associated Expenses 2003/2004 - 2008/2009</b>					
<i>Financial Year</i>	<i>Total Costs</i>	<i>1st quarter September</i>	<i>2nd quarter December</i>	<i>3rd quarter March</i>	<i>4th quarter June</i>
<b>2003/2004</b> (128 appeals lodged)	<b>\$2,205,000</b>	\$468,000	\$378,000	\$605,000	\$754,000
<b>2004/2005</b> (135 appeals lodged)	<b>\$1,867,000</b>	\$274,000	\$562,000	\$314,000	\$717,000
<b>2005/2006</b> (71 appeals lodged)	<b>\$1,239,900</b>	\$338,350	\$362,950	\$329,300	\$209,300
<b>2006/2007</b> (49 appeals lodged)	<b>\$1,195,900</b>	\$141,950	\$148,520	\$350,730	\$554,700
<b>2007/2008</b> (45 appeals lodged)	<b>\$1,136,648</b>	\$7,800	\$336,600	\$381,300	\$410,948
<b>2008/2009</b> ( appeals lodged)	<b>\$479,950</b>	\$134,409	\$345,541		

Partly offsetting the expenditure of \$345,541, actual receipts of legal costs recovered by Council during this period amounted to \$5,500.

**SUMMARY BY WARD**

A summary of Land & Environment Court costs (excluding legal associated expenses) this year by Ward is shown in the following table:

<b>Land &amp; Environment Court Costs by Ward 2008/2009</b>		
Commenara	\$10,695	2.2%
Gordon	\$128,599	26.8%
Roseville	\$20,709	4.3%
St Ives	\$65,002	13.5%
Wahroonga	\$254,945	53.1%
<b>Total Costs</b>	<b>\$479,950</b>	<b>100%</b>

## OUTCOMES

At an early stage of each appeal, Council as respondent is required to file with the Court a Statement of Facts and Contentions outlining the grounds which Council asserts as warranting refusal of a development, or alternatively, that may be addressed by way of conditions of consent.

In cases where issues raised by Council are capable of resolution by the provision by the applicant of additional information or amendment of the proposal, it is the Court's expectation that this should occur. The Court's current practice of listing appeals for a preliminary mediation conference before a Commissioner of the Court pursuant to section 34 of the *Land & Environment Court Act*, strongly encourages this.

In this context, any of three outcomes can be regarded as favorable, namely:

1. If the appeal is in relation to a deemed refusal of an application which, upon assessment, is appropriate for approval: that the development is determined by Council, allowing the appeal to be discontinued by the applicant and avoiding as much as is practicable the incurring of unnecessary legal costs;
2. If the issues raised by Council are capable of resolution by the applicant providing further information, or amending the proposal: that this occurs, so that development consent should be granted, either by Council or the Court;
3. If the issues raised by Council are either not capable of resolution, or the applicant declines to take the steps that are necessary to resolve them: that the appeal is either discontinued by the applicant, or dismissed (refused) by the Court.

19 appeals were concluded in the period ended December 2008. In all appeals, a wholly or substantially favorable outcome was achieved. Eleven proceedings were resolved by amendments agreed to by the applicant. Seven proceedings were subject to determination by the Court, with the proceedings dismissed in five cases and upheld, subject to an amended proposal, in the other two. One appeal was discontinued by the applicant.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

Land & Environment Court legal costs form part of Council's recurrent operating budget. The result after the first quarter is a positive variance of \$160,050.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been developed with input from Council's Corporate Lawyer, Director Corporate and Director Development & Regulation.

## SUMMARY

For the two quarters ended December 2008 Council has expended \$479,950 on legal costs and associated expenses in relation to Land & Environment Court planning matters. This compares to the original annual budget of \$1,280,000, and the December quarter budget of \$640,000, the result at the end of the first quarter therefore represents a positive variation of \$160,050.

## RECOMMENDATION

That the analysis of Land & Environment Court costs for the first quarter ended December 2008 be received and noted.

Tony Ly  
**Financing Accounting Officer**

Jamie Taylor  
**Corporate Lawyer**

John Clark  
**Director Corporate**

Michael Miocic  
**Director Development & Regulation**

**Attachments:**      **Individual Case Summary December 2008 - 2009/019156**



Individual Case Summary December 2008 - Land Environment Court Costs

No	Date Lodged	Appeal #	Appellant (Solicitor)	Property Address	DA No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	2008/2009 Costs \$
1	June 17, 2005	40607 of 2005	David McGovern & Roslyn McGovern	49 Telegraph Road Pymble	DA1417/04	Class 4 Challenge to validity of consent. (M Allan is second Respondent)	Deacons	4,5 & 6 September 2006	February 20, 2007	Pain J	Dismissed, subject to appeal in Court of Appeal heard on 30 June & 1 July 2008 and dismissed on 1 September 2008. Applicant has made application to High Court for leave to appeal.	51,611
2	December 18, 2007	11284 of 2007	Alois Steger	31 Murdoch Street, Turramurra	DA0237/04	Refusal of Section 96 application to modify the approval given in DA0237/04	HWL			Hoffman	Resolved by agreement at section 34 conference - 3 June 2008	239
3	June 8, 2004	10718 of 2004	Lydia Zhang	17 Highbridge Road, Killara	DA1011/03	Deemed refusal of attached dual occupancy	HWL Ebsworth	December 8, 2004	December 8, 2004	Watts	Consent Orders	(182)
4	February 18, 2008	10145 of 2008	Margaret Kennedy	22 Konda Place Turramurra	DA1428/06	Refusal of detached dual occupancy	DLA Phillips Fox	April 23, 2008	April 23, 2008	Acting Commissioner Watts	Consent Orders	(64)
5	September 18, 2006	11510 of 2004	Mirvac Homes (NSW) Pty Ltd	134-138 Eastern Road Wahroonga	DA0992/04	Modification of Court-approved dwelling houses	HWL Ebsworth	February 1, 2007	February 1, 2007	Murrell	Appeal allowed after amendment to proposal	10,912
6	April 18, 2008	10393 of 2008	Kieran Williams	81 Grosvenor Rd Wahroonga	DA0009/08	Refusal of demolition of heritage dwelling and construction of detached dual occupancy	Wilshire Webb Staunton Beattie	August 7 & 8, 2008	September 5, 2008	Hussey	Dismissed	9,843
7	October 15, 2007	11033 of 2007	Alfred Attard	37 Burns Road, Wahroonga	DA1241/06	Refusal of Dual Occupancy (erection of detached two-storey dwelling, alterations and additions to existing dwelling, swimming pool, tennis court and landscaping.	Deacons	February 13 & 14, 2008	February 27, 2008	Brown	Dismissed	(856)
8	December 11, 2006	11193 of 2006	Murlan Consulting Pty Ltd	35 Water Street & 64 Billyard Avenue Wahroonga	DA0855/06	Deemed refusal of adaptive reuse of heritage building and seniors living resort	Deacons	30 April, 1,2 & 28 May 2007	26 June 2007	Watts & Taylor	Dismissed, subject to S56A appeal heard by Pain J - dismissed on 29 October 2007	51,924
9	April 11, 2008	10352 of 2008	Lindy de Stoop	1574-1578 Pacific Hwy Wahroonga	DA0652/07	Refusal of SEPP (Seniors Living) development	HWL Ebsworth	October 27, 2008 (for preliminary question of law) Sheahon J - decision reserved				56,362
10	January 15, 2008	10837 of 2004	Pam Grant	52 Grosvenor Road Wahroonga	DA0236/03	S96 application to Court to amend condition in court consent from 3 to 5 years	DLA Phillips Fox				Consent Orders - 8 April 2008	(42)
11	July 12, 2006	10601 of 2006	Aussie Glo Pty Ltd	18 Fiddens Wharf Road Killara	DA0265/06	Deemed refusal of additions and alterations to create a long day child care centre	Wilshire Webb Staunton Beattie	1 & 2 November 2006; 30 November 2006		Murrell	Amended proposal approved by agreement reached at s34 conference - 15 February 2008	7,608
12	April 4, 2008	10320 of 2008	Nelson Silva	27 Miowera Road North Turramurra	DA0994/07	Refusal of stormwater pipe in drainage channel	Deacons				discontinued by applicant	(6,671)
13	March 26, 2008	10288 of 2008	The Plan Shop Pty Ltd	8 Ross Place Wahroonga	DA1002/07	Refusal of Dwelling house	Wilshire Webb Staunton Beattie				discontinued by applicant	2,066

Individual Case Summary December 2008 - Land Environment Court Costs

No	Date Lodged	Appeal #	Appellant (Solicitor)	Property Address	DA No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	2008/2009 Costs \$
14	September 10, 2007	10887 of 2007	Rafat George Wassef	21 Rothwell Road Turramurra	DA1717/01	Appeal against conditions imposed in determination of s96 application in relation to approval for dwelling	Deacons	03-Dec-07	5 December 2007	Tuor	Dismissed (excepting minor amendment)	2,937
15	January 11, 2007	10023 of 2007	Mirvac Projects Pty Ltd	10 Marian Street Killara	DA1388/04	Deemed refusal of section 96 modification application	DLA Phillips Fox	May 12 & 13, June 21 2007	16 October 2007	Taylor J Hoffman	Dismissed	(164)
16	September 23, 2008	10955 of 2008	Steve Donnellan (Lindsay Taylor Lawyers)	26, 28 & 30 Marian Street Killara	DA0820/07	Refusal of application to modify condition requiring payment of s94 contribution	DLA Phillips Fox	19 November 2008 (for consent orders)			Resolved by agreement - 19 November 2008	6,410
17	November 8, 2007	11130 of 2007	Meriton Apartments Pty Ltd	5-10 Sturt Place, 102-108 & 114-118 Killeaton Street, St Ives	DA0221/05	Determination of Section 96 Application which sought to delete certain conditions relating to bonds & infrastructure restoration	DLA Phillips Fox	S34 conference on 26 February 2008			Resolved by Consent - 28 February 2008	(32)
18	October 12, 2007	11030 of 2007	Fraser's Greendale Pty Ltd	25A, 27 & 29 Lorne Avenue Killara	DA0425/05	Refusal of section 96 application to modify multi unit residential building in relation to landscaping and right-of-way	Wilshire Webb Staunton Beattie	December 14, 2007 & February 28, 2008	June 30, 2008	Murrell	Dismissed	3,703
19	April 23, 2008	10418 of 2008	Cedric Milner	2-4 Sturt Place, St Ives	DA0962/06	Deemed refusal of amendment of section 94 contribution	DLA Phillips Fox				discontinued by applicant	5,859
20	February 29, 2008	10183 of 2008	Dazdon Pty Ltd	152 Killeaton Street St Ives	DA1211/07	Refusal of Boundary adjustment, 3-lot subdivision and 3 detached dwellings	Deacons	May 26, 2008	May 27, 2008	Tuor	Dismissed	(11,987)
21	May 14, 2008	10474 of 2008	Peter Graham	22 Roland Ave Wahroonga	DA0044/08	Refusal of subdivision of one lot into two lots	Wilshire Webb Staunton Beattie	August 5, 2008	August 26, 2008	Hussey	Dismissed	10,419
22	December 20, 2007	11311 of 2007	Peter Sotirou	12 Woonona Avenue, Wahroonga	DA0416/07	Refusal of residential flat building	Deacons	March 13 & 17 2008	May 7, 2008	Murrell	Dismissed	240
23	April 4, 2008	10270 of 2008	Dugald McKenzie	16-22 Dumaresq Street Gordon	DA0960/07	Refusal of residential flat building	HWL Ebsworth	5 & 8 September 2008	September 8, 2008	Moore & Taylor	Proposal amended during hearing - upheld	42,365
24	March 7, 2008	10225 of 2008	Filadelphia Projects Pty Ltd	3-13 & 10 Bundarra & Woonona Ave Wahroonga	DA1136/07	Refusal of residential flat building	HWL Ebsworth	June 26, 2008	June 27, 2008	Brown	dismissed	3,071
25	April 17, 2008	10391 of 2008	David Naylor	1 Warrangi St Turramurra	DA0037/07	Refusal of 7 units	Wilshire Webb Staunton Beattie	September 2, 2008	September 3, 2008	Tuor	Consent orders in relation to amended proposal	13,485
26	May 5, 2008	10443 of 2008	Georges Construction	2 & 2A Yarabah Ave & 3 Cecil St Gordon	DA1317/07	Refusal of two 5-storey residential flat buildings	HWL Ebsworth	22 July, 14 August, 25 September, 16 October 2008	October 21, 2008	Roseth	Proposal amended during hearing - upheld	26,302
27	June 4, 2008	10544 of 2008	Crown Mews St Ives Pty Ltd	8 Collins Road St Ives	DA0970/07	Refusal of demolition of existing structures and construction of SEPP (seniors living) development of 8 dwellings	Wilshire Webb Staunton Beattie			Murrell	proceedings resolved by agreement at section 34 conference - 18 September 2008	5,913
28	August 4, 2008	10752 of 2008	Ecology Development Pty Ltd	37-41 Millewa Avenue Wahroonga	DA0556/08	Deemed refusal of demolition of existing dwelling and construction of five-storey residential building comprising 22 strata units and associated carparking and landscaping	DLA Phillips Fox			Roseth	Resolved by consent at section 34 conference - 13 November 2008	16,928

Individual Case Summary December 2008 - Land Environment Court Costs

No	Date Lodged	Appeal #	Appellant (Solicitor)	Property Address	DA No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	2008/2009 Costs \$
29	July 9, 2008	10667 of 2008	Dugald MacKenzie	220-222 Mona Vale Road Street Ives	DA0991/07	Refusal of demolition of existing dwellings and construction of 45 residential units	HWL Ebsworth				Resolved by consent (amended proposal) - 12 December 2008	6,586
30	August 7, 2006	30688 of 2006	Tenacity Investments	2-4 Everton Street & 2 Pymble Avenue Pymble	N/A	Class 3 (Application for order that Easement by Imposed)	DLA Phillips Fox	30,31 October, 19 Nov & 3 December 2007	January 31, 2008	Pain J	N/A	340
31	August 12, 2008	10072 of 2008	Acrewoods Childcare Roseville (Hones La Hood)	81 Clanville Road Roseville	DA1266/04	Application to Court to amende consent to increase number of children permitted in childcare centre	Wilshire Webb Staunton Beattie			Murrell	Resolved by consent at section 34 Conference - 29 October 2008	6,428
32	July 25, 2008	10719 of 2008	Ian Black (Maddocks)	55 Mahratta Avenue Wahroonga	DA1003/07	Refusal of dwelling house	Wilshire Webb Staunton Beattie	9 & 10 October 2008	December 24, 2008	Tuor & Taylor	Amended proposal approved	16,588
33	August 9, 2008	10823 of 2008	Kaligem Pty Ltd (Pikes Lawyers)	1-9 Buckingham Road Killara (10823/08)	DA0681/08	Deemed refusal of residential flat building (40 units) and strata subdivision	Deacons			Bly	Resolved by consent at section 34 conference (amended plans) - 14 November 2008 - applicant to pay \$2,500 costs	26,851
34	September 1, 2008	10880 of 2008	Mark Allaby & Susan Allaby (Maddocks)	29 Allard Avenue Roseville	DA0578/08	Refusal of new dwelling	HWL Ebsworth	16 & 17 February 2009				6,673
35	August 26, 2008	10858 of 2008	Mohebat-Arani	696 Pacific Hwy Killara	DA0611/08	Refusal of construction of additional dwelling unit to existing block of units	HWL Ebsworth	February 23, 2009				5,676
36	August 15, 2008	10805 of 2008	Nelson Silva (Storey & Gough)	27 Miowera Road North Turramurra (10805/08)	DA0415/08	Refusal of piping of existing open channel watercourse	Deacons					20,723
37	September 23, 2008	10955 of 2008	Steve Donnellan (Lindsay Taylor Lawyers)	26-30 Marian Street Killara	DA0820/07	Refusal of modification to court-granted consent (amend s94 contribution)	DLA Phillips Fox		November 19, 2008	Hussey	Resolved by consent - 19 November 2008	2,803
38	September 11, 2008	10925 of 2008	Aushome Developments Pty Ltd (Maddocks)	667 Pacific Hwy & A Bruce Ave Killara	DA1300/07	Refusal of residential flat building (32 units)	DLA Phillips Fox			Tuor	Resolved by consent at s34 conference	9,019
39	October 16, 2008	41039 of 2008	Joseph Banek & Sally Anne Banek (Steven Klinger)	14 Alma & 20 Station St Pymble	DA0404/08	Challenge to validity of consent (alterations and additions to dwelling)	Deacons					7,052
40	October 9, 2008	11007 of 2008	Bijan Ahmadian (Atkinson Vinden)	21 Vale St Gordon	DA0766/07	Refusal of detached dual occupancy	DLA Phillips Fox	5 & 6 March 2009				5,817
41	June 16, 2008	10578 of 2008	Alfred Attard	37 Burns Rd Wahroonga (10578/08)	DA0409/08	Deemed refusal fo tennis court, swimming pool, additional garage, media room, attic conversion & studio split into gymnasium and music room	Deacons	2 December 2008 & 26 & 27 February 2009				57,195
<b>Total Legal Costs</b>												<b>479,950</b>

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## DEVELOPMENT APPLICATION

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### SUMMARY SHEET

<b>REPORT TITLE:</b>	24 GERALD AVENUE, ROSEVILLE - CONSTRUCTION OF NEW CARPORT
<b>WARD:</b>	Roseville
<b>DEVELOPMENT APPLICATION N<sup>o</sup>:</b>	1262/08
<b>SUBJECT LAND:</b>	24 Gerald Avenue, Roseville
<b>APPLICANT:</b>	Lindsay Little and Associates Pty Ltd
<b>OWNER:</b>	Mr. M. J Carroll
<b>DESIGNER:</b>	Lindsay Little and Associates Pty Ltd
<b>PRESENT USE:</b>	Residential
<b>ZONING:</b>	Residential 2(c1)
<b>HERITAGE:</b>	No
<b>PERMISSIBLE UNDER:</b>	KPSO (LEP 194)
<b>COUNCIL'S POLICIES APPLICABLE:</b>	LEP 194, DCP 38 – Residential Design Manual, DCP 31 – Access, DCP 40 – Waste Management, DCP 43 – Car Parking, DCP 47 – Water Management, DCP 56 - Notification
<b>COMPLIANCE WITH CODES/POLICIES:</b>	No
<b>GOVERNMENT POLICIES APPLICABLE:</b>	SEPP 1 (Objection to a development standard), SEPP 55 (Remediation of land), SREP (Sydney Harbour Catchment 2005, SEPP BASIX, Water Management Act 2004
<b>COMPLIANCE WITH GOVERNMENT POLICIES:</b>	No
<b>DATE LODGED:</b>	9 December 2008
<b>40 DAY PERIOD EXPIRED:</b>	18 January 2009
<b>PROPOSAL:</b>	Construction of new carport
<b>RECOMMENDATION:</b>	Refusal.

Item 9

**DEVELOPMENT APPLICATION N<sup>o</sup>** 1262/08  
**PREMISES:** 24 GERALD AVENUE, ROSEVILLE  
**PROPOSAL:** CONSTRUCTION OF NEW CARPORT  
**APPLICANT:** LINDSAY LITTLE AND ASSOCIATES PTY LTD  
**OWNER:** MR. M. J CARROLL  
**DESIGNER:** LINDSAY LITTLE AND ASSOCIATES PTY LTD

**PURPOSE FOR REPORT**

To determine development application No.1262/08 for the construction of a new double carport.

This matter was called to full Council for determination by Councillor Jennifer Anderson.

**EXECUTIVE SUMMARY**

**Issues:**

- Front setback
- built-upon area
- streetscape

**Submissions:** No

**Land & Environment Court Appeal:** N/A

**Recommendation:** Refusal

**HISTORY**

**Site history:**

- December 2008, application lodged.
- 5 January 2008, preliminary assessment letter completed.
- 27 January 2009, Councillor Jennifer Anderson calls the application to full Council for determination.

**THE SITE AND SURROUNDING AREA**

**The site:**

Zoning: Residential 2(c1)  
Visual Character Study Category: 1920-1945  
Lot Number: 1  
DP Number: 104088  
Area: 739.8m<sup>2</sup>  
Side of Street: North-western  
Cross Fall: West to east

Item 9

Stormwater Drainage:	Existing
Heritage Affected:	No
Required Front Setback:	12-14 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	Blue Gum High Forest (no impact)
Urban Bushland:	No
Contaminated Land:	No

## THE SITE AND SURROUNDING AREA

### The Site

The subject site is legally described as Lot 1 of DP 104088 and is known as 24 Gerald Avenue, Roseville. The site is rectangular in shape, with a 17.22m frontage to Gerald Avenue, a maximum depth of 39.625m and a total area of 739.8m<sup>2</sup>. The site is visually prominent within the streetscape, being located at the head of a cul-de-sac and is currently occupied by a single storey brick dwelling with a pitched tiled roof, a detached garage and a swimming pool. The site is relatively flat, with less than 1m fall towards the front property boundary. Vehicular access to the property is currently provided by a single width driveway from Gerald Avenue.

The driveway aligns the eastern boundary separating the dwelling house and a public footpath. Adjoining the dwelling house the driveway has a width of 3.75m, extending for a depth of 11.2m, stepping into a width of 3.15m for a length of 2.6m before extending to the existing garage at the north-eastern corner of the site.

### Surrounding area

The surrounding area is described in the Ku-ring-gai Visual Character Study as being characterised by screened residences with consistent setbacks and single car accommodation at the rear of the site. The predominant housing style in the street is a mix of one and two storey dwellings where garages/carports are set behind the building line. They are as follows:

Whilst there are three exceptions to this, they are long established and pre-date the current DCP. They are as follows:

Address	Setback to Gerald Avenue
18 Gerald Avenue	2m setback, carport is located behind an existing hedge and accessed from the side (built circa 2000)
8 Gerald Avenue	approximately 5m (built circa 1989)
2 Dudley Avenue	approximately 6.3m, corner site, Gerald Avenue secondary street frontage (built before 1987)



Despite the above examples, the streetscape presents an established predominant building line.

## THE PROPOSAL

Consent is sought to construct a detached double carport and new driveway within the front yard. The proposed carport will measure 6.32m in width, 5.6m in depth and be set back 3.5m from the front boundary and 250mm from the north-eastern (side) boundary. The proposed carport includes a pitched gable roof with a maximum height of 4.8m to the ridge. Some excavation and fill is proposed to provide a suitable grade for the carport and associated driveway. Removal of the African Olive located with the front setback is also proposed.

## CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP 56, owners of surrounding properties were given notice of the application.

Item 9

No submissions were received.

## CONSULTATION - WITHIN COUNCIL

### Engineering

Council's Development Engineer, Masa Kimura, commented on the proposal as follows;

*The site drains to the street.*

*As the site's impervious area generating runoff has been calculated to decrease an on-site stormwater retention and reuse system will not be required.*

*Approval under Sections 138 & 139 of the Road's Act 1993 is required for the proposed stormwater diversion hump in the verge area. Construction plans will be required for approval by Council's Operations Department prior to Construction Certificate issue.*

*Carport dimensions and driveway grades comply with AS/NZS 2890.1 (2004) - "Off-street car parking".*

*In summary, Development Engineers are satisfied with the engineering aspects of the proposed development, subject to appropriate engineering conditions.*

### Landscaping

Council's landscape services were consulted during the assessment of the application. No objection is raised to the removal of the *Olea europaea subsp. africana* (African Olive) as it is an urban environmental weed.

## STATUTORY PROVISIONS

### State Environmental Planning Policy No. 1 –Development Standard (SEPP1)

Clause 60(c) of the KPSO states that the maximum built upon area of land on which a dwelling house is proposed to be erected or extended shall be 60%.

The existing BUA of the subject site is 67.40% (499.2m<sup>2</sup>), already breaching the prescribed standard. The application proposes to reduce the built upon area by deleting a component of the driveway behind the proposed carport. Although the proposed hard-surface area is being reduced resulting in a proposed BUA of 64.93% there remains a breach of a development standard. Accordingly, the breach of the standard must be considered against the provisions of SEPP1.

### Draft State Environmental Planning Policy (Application of Development Standards)

The objectives of this policy seek to provide an appropriate degree of flexibility in the application to particular development standards specified in or under an environmental planning instrument, to achieve better outcomes for and from development in the circumstances in the policy and to promote good strategic planning practice by incorporating provisions allowing flexibility in local



## Item 9

environmental plans.

The proposed variations to the development standard are inconsistent with the provisions of the Draft SEPP. As discussed throughout the report, the development although permissible in the zone would be inconsistent with the underlying objectives stated above. The variations are unreasonable in this instance given that the proposal would incorporate a dominate structure forward of the building line in combination with additional hard surfacing within the front setback. Consequently, the proposed variations are inconsistent with the provisions of the Draft SEPP.

### State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require consideration of 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.

### State Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration include biodiversity, ecology, and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not in close proximity to or within views of the waterway, or wetland.

The proposed development has been found to adequately satisfy the provisions of the SREP.

### Ku-ring-gai Planning Scheme Ordinance

#### Part A Development Standards

Development standard	Proposed	Complies
Site area: 739.8m <sup>2</sup>		
Building height 8m (max)	4.8m	YES
Built upon area 60%{444.24m <sup>2</sup> }(max)	64.93% (480.35m <sup>2</sup> )	NO

#### Built-upon area (Clause 60C)

The proposed development would result in a built upon area of 64.93% and does not comply with Council's maximum built upon area requirement under clause 60 of the KPSO. The applicant's SEPP 1 objection is considered against the following relevant provisions:

#### whether the planning control to be varied is a development standard

Clause 60C of the Ku-ring-gai Planning Scheme Ordinance (KPSO), states:

- (2) The maximum built-upon area of land to which this clause applies is 60%.
- (3) In this clause;

*Built-upon area" means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, hard-surface recreation*

Item 9

*area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.*

Clause 60C of the KPSO restricts the land on which dwelling houses are constructed to a maximum built upon area of 60%. As the KPSO is a statutory planning instrument, this control is considered to be a development standard as defined under Section 4 of the Environmental Planning & Assessment Act, 1979.

**the underlying objective or purpose of the standard**

There are no specifically stated purposes or objectives expressed in clause 60(c) of the KPSO.

Objectives of part 4.2 (Building Form) of Development Control Plan No. 38 include the following:

- (a) To ensure that the bulk, scale and height of the proposed works do not dominate the natural landscape, existing streetscape, nor adversely impact on the tree canopy vista.*
- (b) To ensure that building bulk, height, location and footprint provide for sufficient soft landscape area for planting and retention of large canopy trees*
- (f) To encourage well designed, attractive and site responsive buildings.*

Objectives from section 4.2.7 (Built-upon Area) of Development Control Plan No. 38 should therefore also be considered. The intention of the control specified by this section of the DCP is outlined by the following objective:

- *Maintain a reasonable proportion of the site as soft landscaping to ensure the predominant landscape character of the locality is maintained or enhanced*

**whether compliance with the development standard is consistent with the aims of the policy and whether compliance hinders the attainment of the objectives specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act**

The aim of SEPP 1 is to:

*Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act.*

In this regard, the objects of Section 5(a)(i) and (ii) of the Act are:

- (a) To encourage:*
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land.*

Item 9

Compliance with the development standard is considered to be consistent with SEPP 1 and compliance will not hinder attainment of the objectives in Section 5(a)(i) and (ii) for the reasons advanced below.

**Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

The applicant has put forward the following arguments in their SEPP 1 objection in support of the variation to the development standard:

- *The proposed development will result in a reduction of built upon area from 67.4% to 64.25%, which represents a reduction of 24m<sup>2</sup>.*
- *As there is a reduction in the built upon area, the proposal will not result in additional runoff or the potential for drainage problems to the adjoining properties. The existing site has no known drainage problems.*
- *The site provides for ample area of private open space at the rear of the site.*
- *The proposed carport is well separated from adjoining premises given that the sites north-east boundary adjoins a public pathway with a width of 1.37m.*
- *The proposal does not result in the removal of any significant trees on the site and will not have any detrimental impact on the landscape quality of the Municipality.*
- *It is my opinion, given that the existing built upon area exceeds 60% and this proposal reduces the existing built upon area, that an objection under SEPP 1 is not required.*

Strict compliance with the development standard is considered warranted in the circumstances of the case and the proposal is considered contrary to the objectives specified in Section 5(a)(i) and (ii) of the EP & A Act. Although the site currently breaches the BUA development standard, the proposed redistribution of the hard surfacing in combination with the proposed carport would dominate the streetscape and would not contribute positively to the landscaped character of Kuring-gai.

The current BUA calculation for the site is 67.4%, the proposed works will reduce this BUA to 64.93%. Even though the proposed works are reducing the BUA, a variation to the development standard is unacceptable. The applicant has not adequately demonstrated that the proposed works improve the existing amenity and environmental character of the area. As stated previously, although the proposed hard-surface area is being reduced, the new location of the BUA within the front setback is inappropriate and would have an adverse impact on the streetscape for the following reasons:

- The proposed development provides for a utilitarian structure forward of the building line reducing the landscaping quality and extent of soft landscaping within the front setback of the property, which detrimentally impacts on the streetscape character.
- The proposed development is inconsistent with the established development within the streetscape in terms of siting of the carport, bulk and appearance and will impact unreasonably on the character of the area.
- Although the proposal would reduce the amount of built upon area on the site, the redistribution of hard surface area actually increases built upon area in the front setback. The cumulative impacts of the carport being forward of the dwelling, increased hard

Item 9

surfacing within the front setback and the nature strip impacts negatively on the streetscape and the character of the area.

**whether the objection is well founded**

Considering the SEPP 1 objection submitted with the application, the arguments are considered not to be well founded as the proposal does not achieve the underlying objectives/purpose of the site coverage standard and results in adverse streetscape impacts.

**Part B: Aims and objectives for residential zones:**

The development is unsatisfactory having regard to the following specific aims and objectives for residential development as outlined clauses 25(c) and 25(d):

- (a) to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai*
- (b) to encourage environmental, economic, social and physical well-being so that Ku-ring-gai continues to be an enjoyable place to live in harmony with the environment.*
- (c) to achieve high quality urban design and architectural design,*
- (d) to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out, to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping,*
- (e) to minimise adverse impacts of car parking on landscape character,*
- (f) to provide built upon area controls to protect the tree canopy of Ku-ring-gai, and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so that tree canopy will be in scale with the built form,*

In particular:

- 1) The siting and design of the proposed carport fails to maintain the existing prevailing streetscape and visual character of the locality, due to its location 3.5m metres from the front boundary, and forward of the existing building line.
- 2) The proposal would result in the undue imposition of car parking structures forward of the building line. With the exception of 18 and 8 Gerald Avenue and 2 Dudley Avenue, car parking within the context of the existing streetscape is predominantly in-line with or set behind the building line.
- 3) The location of the proposed carport in association with the paved areas forward of the dwelling would dominate the landscape setting and fails to ensure the landscape quality of the locality.



Item 9

Development Control	Proposed	Complies
<b>Cut &amp; fill (s.4.2.14)</b> Max cut 900mm	150mm	YES
Max cut & fill across building area of 1800mm and 900mm	385mm	YES
No cut or fill within side setbacks	Cut – 150mm Fill – 235mm	NO NO
<b>4.3 Open space &amp; landscaping:</b>		
<b>Soft landscaping area (s.4.3.3)</b> 40% (296.16m <sup>2</sup> ) (min)	35.07% (259.45m <sup>2</sup> )	NO
<b>Tree replenishment (s.4.3.6)</b> 3 Trees required	2 trees provided	NO
<b>Useable open space (s.4.3.8)</b> Min depth 5m and min area 50m <sup>2</sup>	Depth >5m & Area >50m <sup>2</sup>	YES
<b>4.4 Privacy and Security:</b> See below discussion.		
<b>4.5 Access &amp; parking:</b>		
<b>No. of car parking spaces (s.4.5.1)</b> 2 spaces behind building line	2 spaces forward of the building line	NO
<b>Size of car parking space (s.4.5.2)</b> 5.4m x 5.4m	6.32m x 5.6m	YES
<b>Design of Carports and Garages (s.4.5.3)</b> Where forward of the building line, front setback complies with s.4.5.3 and/or the building line		NO
Carport/garage <6m in width or <40% site width whichever is the lesser	6.32m in width (36.7%)	NO
<b>Driveway width (s.4.5.6)</b> 3.5m	5.55m	NO
<b>4.6 Ancillary facilities:</b>		
<b>Swimming pools (s.4.6.1)</b> Setback from boundary: 2m Pool coping <500mm above ground level Pool excavation not below the canopy of trees	No change to existing pool	N/A
<b>Outbuildings (s.4.6.3)</b> Setback from boundary: 2m	250mm	NO

#### **Part 4.1 - Visual Character**

The proposed carport fails to meet the objectives of Part 4.1 of DCP 38.

The desired future character for this area as espoused by DCP 38 and the visual character study for Ku-ring-gai is one that reflects and enhances the existing streetscape and treed character of Ku-ring-gai. The DCP also seeks to encourage sensitive, high visual quality development which enhances the streetscape within the local context and surrounding area. The character should be reinforced in new development which should compliment the existing streetscape character and contribute positively to the surrounding locality.

Given the proximity of the carport to the street, its visually prominent location at the head of a cul-de-sac and the additional BUA forward of the building line, the development is considered inconsistent with the streetscape character and would have a detrimental impact on the surrounding area.

#### **Part 4.2 – Building Form**

##### **Built Upon Area (s.4.2.7)**

This issue has been addressed under the assessment of the proposal against the provisions of SEPP1, above. Here, it has been established that although the proposed BUA across the site would be reduced, additional paving would be provided forward of the building line. In combination with the proposed carport structure and given its proximity to the property boundary and the prominent location of the site, the development is considered to impact unreasonably upon the character of the streetscape.

#### **Part 4.3 – Open Space and Landscaping**

##### **Soft landscaping area (SLA) (s.4.3.3)**

This issue has been addressed under the assessment of the proposal against the provisions of SEPP1, above. Here, it has been established that the additional BUA forward of the front building line is unacceptable. The cumulative impact of the additional BUA within the front setback and the nature strip in combination with the siting of a utilitarian structure forward of the established building line would result in adverse streetscape impacts. Consequently, the objectives stated by this section of the DCP would not be achieved by this proposal.

#### **Part 4.4 – Privacy and Security**

The proposed carport is located aligning the north eastern boundary of the site adjacent to a public footpath. Given the existing boundary fence, the type of development and the location of the footpath no unreasonable privacy impacts or security issues are anticipated.

#### **Part 4.5 – Access and Parking**

##### **Location of parking structures (s4.5.1 & s4.5.3)**

The site is located at the end of a cul-de-sac in a prominent position in the streetscape. The proposed carport would be set back 3.5m from the front boundary and 250mm off the north-

Item 9

eastern (side) boundary, adjacent to a public footpath. The breach of the 12 – 14 metres setback and, more importantly, the provision of a car parking structure forward of the building line defined by the existing dwelling, results in an unsatisfactory streetscape impact. The resultant development would introduce a utilitarian structure forward of the house which would compete with the existing dwelling as a dominant element within the streetscape but would also reduce the dwelling's landscaped garden setting, typical to streets within Ku-ring-gai detrimentally impacting on the existing streetscape and the desired future character of the area.

DCP 38 specifies that Council may consider carports forward of the building line when the site is steeply sloping and where owing to limited side setbacks (less than 3.6m). In this case the proposed carport would have enough width to be located within the side setback (3.75m). Accordingly, the site circumstances do not qualify for dispensation in DCP 38 that allow for carports forward of the building line.

An alternative exists for the owners of the property with both an adequate side setback (3.75m) between the house and the north-eastern boundary and adequate length to provide a tandem carport located behind the façade of the dwelling in accordance with section 4.5.3 of DCP 38.

**Driveway width (s4.5.6)**

The proposed driveway width of 5.55m exceeds the maximum allowable crossing width of 3.5m at the front boundary. In addition, the vehicular crossover also has to be increased accordingly over the nature strip.

The existing vehicular crossover for 24 Gerald Avenue also enables access to 21A Gerald Avenue. Currently a small section of the nature strip is soft landscaped area between the crossover for 24 / 21A Gerald Avenue and the crossover for No. 17 Gerald Avenue. This landscaped area between the driveways would be reduced, which would result in an excessive amount of hard surface area within the nature strip and would result in adverse streetscape impacts.

**LIKELY IMPACTS**

The likely impacts of the proposed carport have been considered elsewhere in this report.

**SUITABILITY OF THE SITE**

The site is currently used as a dwelling house and would be suitable for the proposed development. No objection is raised on the basis of the suitability of the site.

**ANY SUBMISSIONS**

No submissions have been received.

**PUBLIC INTEREST**

The approval of the application is not in the public interest.



Item 9

## ANY OTHER RELEVANT CONSIDERATIONS

There are no other matters for consideration.

## CONCLUSION

Having regard to the provisions of the section 79C of the Environmental Planning Assessment Act 1979, the proposed development is considered unsatisfactory. Therefore, it is recommended that the application be refused.

## RECOMMENDATION

THAT the Council, as the consent authority, refuse development consent to DA1262/08 for the construction of a new carport on land at 24 Gerald Avenue, Roseville, for the following reasons:

### Design

1. The proposal does not satisfy the objectives of Part 4.1 streetscape and Part 4.5 of Access and Parking of Development Control Plan 38
  - (a) The proposed development is not sensitive to its setting. The proposal is not well designed nor responsive to the site characteristics.
  - (b) The proposal does not ensure that the bulk and scale of the proposed works do not dominate the existing streetscape.

### Particulars

- The proposed carport is a dominant structure of excessive scale and bulk given its prominent location. The carport will be unsympathetic to the natural and built environment in this location. The carport and driveway/paving do not allow for sufficient soft landscaping area which is inconsistent with the objectives set out in clauses of the Ku-ring-gai Planning Scheme Ordinance.
- The cumulative impact of both the carport and the additional hard surface area forward of the dwelling and within the nature strip undermines the streetscape setting of the locality contrary to the street in general.
- The development fails to comply with clause 4.1.3 of DCP 38 (building setbacks) (front) in that the development has a front setback of 3.5 metres to the proposed carport which is in breach of the front setback control of 12m to 14m.
- The development fails to comply with clause 4.5.1 and 4.5.3 of DCP 38 (car parking spaces) in that the development proposes car parking forward of the front building line, particularly where adequate space is available within the side setback (3.7m).
- The development fails to comply with clause 4.5.3 of DCP 38 (design of carports and garages) with the development resulting in a utilitarian structure forward of the dwelling that will

Item 9

dominate the site and streetscape and will reduce the dwelling's existing landscaped garden setting.

**Amenity and environmental character**

2. The development is unsatisfactory having regard to the following specific aims and objectives for residential development as outlined clauses 25(c) and 25(d):
  - (a) to achieve high quality urban design and architectural design,
  - (b) to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping,
  - (c) to minimise adverse impacts of car parking on landscape character,
  - (d) to provide built upon area controls to protect the tree canopy of Ku-ring-gai, and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so that tree canopy will be in scale with the built form,

**Particulars**

- The siting of the proposed carport would be incompatible with the environmental character of the locality and would not respond sympathetically to the prevailing landscape setting.

B Sneesby  
**Senior Development Assessment Officer**

S Garland  
**Team Leader**  
**Development Assessment – South**

C Swanepoel  
**Manager**  
**Development Assessment Services**

M Miocic  
**Director**  
**Development & Regulation**

**Attachments:**      **Locality Sketch – 2009/019148**  
                             **Zoning Extract – 2009/019148**  
                             **Floor Plan, Elevations, and Site Analysis Plan– 2009/019151**  
                             **Survey Plan– 2009/019151**



**24 Gerald Avenue, ROSEVILLE**



**DATE: 10-02-2009**



## SUBJECT LAND





# Zoning Extract

## 24 Gerald Avenue, ROSEVILLE



### ZONES

#### 2. RESIDENTIAL

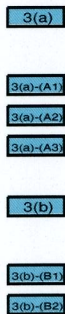
- (a) RESIDENTIAL A
- (b) RESIDENTIAL B
- (c) RESIDENTIAL C
- (c1) RESIDENTIAL C1
- (c2) RESIDENTIAL C2
- (d) RESIDENTIAL D
- (d3) RESIDENTIAL D3
- (e) RESIDENTIAL E
- (f) RESIDENTIAL F
- (g) RESIDENTIAL G
- (h) RESIDENTIAL H



#### 3. BUSINESS

- (a) RETAIL SERVICES
- FLOOR SPACE RATIOS
- A1 2.0:1
- A2 1.0:1
- A3 0.75:1

- (b) COMMERCIAL SERVICES
- FLOOR SPACE RATIOS
- B1 1.0:1
- B2 1.0:1



#### 5. SPECIAL USES

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

#### 6. OPEN SPACE

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



### RESERVATIONS

#### OPEN SPACE

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

#### SPECIAL USES

- SPECIAL USES (Parking etc)

#### ROADS

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

### GENERAL

- EXISTING COUNTY ROAD
- OTHER PLANNING INSTRUMENTS



Scale: 1:2000  
Date: 10-02-2009









1  
D.P 176845

# NOTES

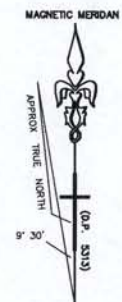
1. DIMENSIONS AND SITE AREA OBTAINED FROM D.P. 104088 AND ARE SUBJECT TO SURVEY. NO BOUNDARY SURVEY HAS BEEN MADE.
2. ORIGIN OF LEVEL DATUM - S.S.M. 88934 - R.L. 98.15 A.H.D.
3. THIS PLAN IS PREPARED FOR M. J. CARROLL FROM A COMBINATION OF FIELD SURVEY AND EXISTING RECORDS FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS ON THE LAND AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
4. THE RELATIONSHIP OF STRUCTURES TO BOUNDARIES IS DIAGRAMMATIC ONLY, WHERE OFFSETS ARE CRITICAL, THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.
5. THE TITLE BOUNDARIES SHOWN WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY FIELD MEASUREMENTS.
6. THE LOCATION OF SERVICES WERE NOT SURVEYED OR SHOWN ON THIS PLAN.
7. THE POSITION, SPREAD AND DIAMETER OF TREES ARE APPROXIMATE ONLY WHERE THE POSITION OF TREES IS CRITICAL, THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.
8.
 



DENOTES A TREE



DENOTES A PALM
9. (6/0.5) DENOTES APPROX SPREAD/DIAM.
10. THE INFORMATION IS ONLY TO BE USED AT A SCALE ACCURACY OF 1:100.
11. CONTOURS SHOWN DEPICT THE TOPOGRAPHY AND EXCEPT AT SPOT LEVELS SHOWN THEY DO NOT REPRESENT THE EXACT LEVEL AT ANY PARTICULAR POINT.
12. THE BEARINGS ON THESE PLAN BOUNDARIES ARE FROM LAND TITLE OFFICE PLANS, THEY ARE ON MAGNETIC MERIDIAN.
13. IF ACCURATE TRUE NORTH IS REQUIRED A FURTHER SURVEY WOULD BE NECESSARY.
14. IF ACCURATE TRUE NORTH IS REQUIRED A FURTHER SURVEY WOULD BE NECESSARY.
15. THESE NOTES ARE AN INTEGRAL PART OF THE PLAN.



1  
D.P 223841

3  
D.P 223841

2  
D.P 543924

3  
D.P 543924

PLAN SHOWING LEVELS AND DETAILS ON LOTS 1 IN D.P.104088 AND ADJOINING LAND.  
24 GERALD AVENUE ROSEVILLE.

N. K. BENNETT & O'DONNELL  
LAND & ENGINEERING SURVEYORS  
1A BROUGHTON RD. ARTARMON 2064  
PHONE: 9413 1788 FAX: 9411 7457  
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ABN 79 701 971 803

REDUCTION RATIO	1 : 100	SHEET
DATUM	A. I. L. D.	OF SHEETS
DATE	15 - 10 - 2008	9703-1L1

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## 2ND QUARTER MANAGEMENT PLAN - UPDATE

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2008-2012 Management Plan.

**BACKGROUND:**

Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.

**COMMENTS:**

A progress report for all actions and key performance indicators contained in the 2008-2012 Management Plan is attached.

**RECOMMENDATION:**

That the 2nd quarter Management Plan review 2008-2012 be received and noted.

## PURPOSE OF REPORT

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2008-2012 Management Plan.

## BACKGROUND

Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.

The 2008-2012 Management Plan was adopted by Council on 24 June 2008.

The Management Plan contains six principal activities, namely:

- Civic Leadership and Corporate Services;
- Built Environment;
- Natural Environment;
- Integrated Planning;
- Financial Sustainability; and
- Community Development.

Each of the principal activities contain a series of Issues, five year and one year objectives, key performance indicators (KPIs) and major projects which provide detail on how Council plans to achieve desired outcomes and how performance will be measured.

## COMMENTS

The requirements set out in Council's Management Plan provide the foundation for measuring the performance of the organisation at a given point in time.

To ensure that the reporting of performance is both accurate and meaningful, targets have been developed for all the KPIs, providing an outcome based approach to measuring performance. The attached report identifies the function areas and their KPIs, yearly target and what has been achieved to date, during the last quarter period for each area.

The following comments outline the activity against some of the most significant indicators for the period ending 31 December 2008.

### Civic Leadership and Corporate Services

#### *Geographical Information System*

In December 2008 Council resolved to go to tender to replace our Geographical Information System (GIS). The GIS contains over 350 layers of spatial information ranging from infrastructure, assets, development constraints, topography, bushfire data and records, vegetation, flora and



Item 10

S06351  
16 February 2009

fauna, aerial photography, traffic accidents and reserve details. This has resulted in a GIS that has become not only a vital tool in the provision of services to the community but also a major component of Council's corporate knowledge database.

The current vendor has informed Council that that they will no longer undertaking any development work for the product and it is likely that ongoing support will eventually cease.

Work on preparing the tender document commenced in December and was substantially completed by the end of the year. It is anticipated that tender advertisements will be placed during March 2009.

*Workforce Planning*

Following a managers' planning workshop held in November 2008, data on Council's workforce was collected from across the organisation in December 2008 and collated during the first half of January 2009. This will be the starting point for developing Council's first Workforce Plan. A preliminary report of the data collected will be presented to the General Manager in early 2009.

*Occupational Health and Safety (OH&S)*

A significant improvement to our management of OH&S has occurred with the recruitment of a Return to Work Officer and a Safety Officer in addition to the Health and Safety Coordinator. These new positions were established within existing budgets through the rationalisation of some positions.

During the quarter the OH&S Committee finalised a review of the constitution and the way OH&S inspections are conducted by committee members. As a result, committee numbers were expanded to include representatives from all departments and the focus will be on a more proactive approach to OH&S actions and inspections.

*Consultation*

Council undertook various consultation activities involving residents and community members such as:

- Dog Off leash at Acron Oval and Bert Oldfield Oval
- Community facilities strategy
- Wahroonga Fair
- Draft Local Environment Plan (Town Centres) 2008. This followed from previous consultations as part of the preparation of this planning instrument previously under the direction of Council and in this case the Ku-ring-gai Planning Panel.

A community consultation program for the next 12 months has been completed and distributed to Councillors as well as being placed on Council's website. This list details a range of projects that will involve consultation with residents or specific stakeholders as identified in various plans and strategies.

Internally, a workshop was held with all Managers In November, designed to increase awareness and understanding of the principles behind consultation and the importance of consultation in decision making.

Item 10

S06351  
16 February 2009

*Corporate Planning*

DLG changes

The Department of Local Government is proposing amendments to the *Local Government Act 1993* affecting strategic planning and reporting. This follows the preparation of a discussion paper and subsequent consultation undertaken in 2007 with a view to introducing a Bill to parliament in 2009.

In preparation for the amendments and to improve internal processes Council has been moving toward an integrated system over the past 2 years. Examples include the development of a Sustainability Plan, the draft Action Plan being adopted by Council, quadruple bottom line reporting within the Annual report among others.

Management Plan

The development of the draft management plan for 2009/10 has continued throughout the quarter with workshops with Managers in November and December. Managers have subsequently consulted with their teams, allowing all staff to comment on the development of the forward plan and operational plan. This process has improved the ownership and transparency with the internal staff.

State of Environment Report

The State of the Environment report was prepared in conjunction with the NSROC and submitted to the Department in November. This formed an annexure to Council's Annual Report.

**Built Environment**

Capital Works

Work is progressing well on all the approved capital works projects. In the first quarter, work focused on the completion of the carry forward works from the 2007/08 programs.

It is expected that most of the road works program will be completed by April 2009. The new footpath, drainage and traffic facilities programs are on track to be completed prior to June 2009, weather permitting. Following investigation of some listed projects and the advice from the RTA regarding grants, it will be necessary to adjust the footpath and traffic facilities programs. This is included in the 2<sup>nd</sup> quarter budget review report.

Capital work for the parks development, sportsfield and hard court upgrades are progressing well and scheduled for completion by June 2009. Quotations for the new playgrounds at Memorial Avenue Reserve and Eldinhope Reserve have been obtained with the aim of having the works completed by the end of April 2009.

Maintenance Programs

All maintenance programs are underway and on target for completion and within the targets set in the Key Performance Indicators.

*Asset Management*

The ongoing management of the commercial property portfolio resulted in a full occupancy rate during the quarter, providing commercial returns. The inception of the Asset Management Working Group (AMWG) has developed Council's asset class hierarchy and draft asset

Item 10

S06351  
16 February 2009

management policy. An audit of Council's asset management practices and processes was undertaken. Workshops were held with key staff to develop an improvement plan/strategy.

*Development and Regulation*

Major projects completed this year included:

- reduction in legal costs for this quarter to \$517,565. This represents a saving of \$122,437 on the year to date budget of \$640,002;
- improvement in development assessment processing times. As at end December 2008, the number of outstanding applications (DA, S96 and S82A reviews) stood at 247. This represents a decrease from the 291 applications reported for the fourth quarter of 2007/2008. This is also significantly below the desired threshold of 450 applications. This is a continuing trend which is paralleled by an ongoing reduction in median processing times for all application types;
- the median processing time for all DA, S96 and S82A review applications for the this quarter was 41 days which is a reduction over the 45 days reported for the previous financial year; and
- as of 31 December 2008, 74 percent of buildings complied with fire safety standards and 256 buildings still have outstanding fire safety upgrade work to complete so as to comply with orders.

**Natural Environment**

As at 31 December 47% of the vegetation mapping of critically endangered ecological communities across private land was completed. This is the major focus for the bushland technical staff and the project will inform the development the town centres and Principle LEP and DCP as well as the revision to the Bushland Plan of Management and preparation of a policy on ecologically sensitive lands.

Four hazard reduction burns were completed with other fire agencies including Blackbutt Reserve, Bloomsbury Reserve, Richmond Park and Sir Eric Woodward Reserve. This was in spite of the weather limiting the burning opportunities

The water filtration system and associated storage tank at The Comenara playing field was completed. This project will complement the upgrade of the oval as part of the capital works program in 2009/10.

Council's first energy and water conservation contract was completed and during this quarter a review of sites and consumption data commenced to determine the effectiveness against the predicted outcomes.

Roll out of the bin lid replacement program for the waste area is scheduled for April 2009.

**Integrated Planning**

Across the recreation planning an initial consultation meeting regarding the future of Bannockburn Oval commenced. This was subsequently reported to Council that resolved to

Item 10

S06351  
16 February 2009

undertake a Landscape Master Plan for the site to determine the future uses. In addition the tender for a new indoor aquatic centre was approved as was the installation of new floodlights at Mimosa Oval.

An update report on Town Centres DCP was adopted by Council on 11 November 2008 - including a DCP template. A briefing scheduled for early 2009 on the Town Centres DCP. This project is aligned with the Ku-ring-gai Planning Panel DLEP Town Centres exhibited late 2008. The DCP will be contingent on finalisation of the DLEP by the KPP. Aligned projects to the DCP include the Public Domain Plan and Parking Management Plans.

The draft Town Centres LEP was placed on public exhibition from 17 November 2008 to 19 December 2008. Submissions are being summarised and reviewed. It is anticipated that this will be reported back to the Planning Panel in March 2009.

Dual Occupancy LEP/DCP have been placed on hold by the Ku-ring-gai Planning Panel until early 2009.

Interface Strategy for the Ku-ring-gai Planning Panel areas has been completed and will set context for interface planning under the Principle Local Environmental Plan.

Work is continuing on the centre-specific measures for parking management across the key Ku-ring-gai centres. The Parking Management Plan would also be consistent with the outcomes of the Town Centres DCP and would be exhibited together in early/ mid 2009.

A significant amount of work has been undertaken for the Public Domain Manual to date, principles have been developed and criteria for the selection of furniture and materials. A public exhibition is proposed in early 2009 subject to a further report to Council.

The Consolidation Development Contributions Plan project has been changed by the release of a Circular from the Department of Planning limiting contributions to \$20,000 per dwelling. A sizable proportion of Ku-ring-gai's contributions are above this figure. However these priorities continue to include the production of a revised Contributions Plan by 30 April 2009.

## Financial Sustainability

### *2007/08 Financial Statements*

Council's draft Annual Financial Statements for 2007/08 were presented to Council and referred to audit in October 2008. On 11 November the statements, along with the Auditors' Report were formally adopted by Council.

### *Long Term Financial Plan*

In December 2008 Council adopted a revised Long Term Financial Plan. The 20 year financial plan quantifies the cost of Council's services for the next 20 years and incorporate principles of total asset management, in particular, new facilities related to Town Centres. A portfolio of all project proposals has been developed, including estimates of costs (a number of operational project costs are yet to be determined) and funding sources to determine current and future funding requirements and the project funding gap. This project portfolio has been linked to the Long Term Financial Plan.

Item 10

S06351  
16 February 2009

The plan contains a core set of assumptions. The operating budget is based on Council's 2008/2009 revised budget. Years two (2) to twenty (20) are calculated by extrapolating the budgets across each of the remaining years using these core assumptions and known changes.

Council has a number of future options for which four cases have been presented in the 20 year financial plan, namely:

1. Base Case - Current level of service as per the 2008/09 revised budget and includes projects from the 2000 and 2004-2009 S94 Plans
2. Sustainable Assets Case (1+2) - Base case plus maintaining capital and operating project expenditure of \$2.3M from 2008/09 to partly address the infrastructure assets renewal gap.
3. Committed/Special Projects Case (1+2+3) - Base Case plus Sustainable assets case plus committed/special projects such as SES relocation, Marian Street Theatre Upgrade, North Turramurra Recreation Ares, Council Chamber Refurbishment and West Pymble Pool Upgrade.
4. Town Centres Facilities Case (1+2+3+4) - Base case plus Sustainable assets case plus committed/special projects plus total project portfolio, including Town Centres Facilities Plan.

The plan also reviews and makes recommendations on future borrowing, changes to Council's rating structure and additional revenue sources to determine the financial sustainability of each case.

In summary, additional borrowings and draw downs on internal reserves result in cases 1 through to 3 being regarded as financially sustainable. Case 4 is not found to be financially sustainable at present with the cost of works exceeding s94 collections by \$39.7M. Funding sources which were recommended to be considered in the near future include:

- Rates restructure
- Asset rationalisation
- Loans in line with borrowing policy
- Grants
- Public Private Partnerships (PPPs)
- Voluntary Planning Agreements (VPAs)

The plan is a constantly being reviewed and updated as existing circumstances and/or future directions change to ensure that Council's current and projected financial position remains sound.

*Investments*

Council's year to date returns on investments to the end of December was 5.27% compared to the benchmark of the UBS Bank Bill Index of 7.39%. Council's total investment portfolio at the end of September 2008 was \$72M.

Although not achieving benchmark, Council's investment performance for the first half of the year is considered reasonable considering the global economic crisis currently being experienced.

In anticipation of global financial markets experiencing further extraordinary levels of volatility with credit markets and credit rated funds performing poorly, the strategy has been to move from managed funds to investing in high quality interest bearing bank subordinate Floating Rate Notes and Senior Debt. This has helped minimise the volatility of returns and reduce risk of capital loss.

Item 10

S06351  
16 February 2009

However, it should be noted that the latter months of 2008 saw some of the most volatile results in many years and this will affect returns for the remainder of the financial year.

## Community Development

### *Youth Services*

Youth Services presented a series of programs throughout the quarter including the successful parent forums in partnership with KYDS. The forums, *What do Teens do Online*, *Information in Cyberspace*, and *Career Opportunities for Young People*, were very well attended by parents who provided positive feedback for the organisers.

Youth Services also ran its annual breakfast program for the HSC, with students from St Ives and Killara High Schools receiving breakfast, along with tips on stress management and relaxation, before sitting the exams.

Music events during the quarter, included a hardcore band night, a ballistic dance party and *Discobility* - a dance party for young people living with a disability. The annual *Dropp'n Hammers* Skate Competition was held at St Ives Skate Park in November. The day was a great success with over 50 entrants and over 250 spectators. The event has built a reputation over the years and now receives great support from local businesses and skateboarding brands.

### *Aged Services*

Information seminars were conducted for older people on various topics including *Making New Technology Work for You* and *Maintenance and Modifications in the Home*. Aged Services also commenced the operation of the Ku-ring-gai Shuttle Bus Service for older people and people with a disability, and their carers. In the first month of operation 45 seniors and frail aged people had used the service. Additionally a social isolation working party was established, in co-operation with the NSW Department of Ageing and Disability and other Northern Sydney Councils, to address issues of loneliness and safety among older people.

### *Library*

The Ezone facility continues to be very popular, with usage increases up to 22%, over the past year. Also, during this quarter, usage of the popular Yourtutor, the Library's online tutorial service for students from Year 4 to Year 12, was accessed by 118 students of whom 83% agreed that Yourtutor was helpful and 80% would recommend it to a friend.

### *Community and Recreation Programs*

Over 80 people participated in the 9 Active Ku-ring-gai programs offered in Term 4. The majority of programs exceeded minimum capacity, with Social Tennis, Gym without Walls, Pilates, Yoga and Fitball the most successful.

COUNCIL RESOLUTIONS/ QWN  
Status as at 28 January 2009

	Resolutions	Resolutions	QWN	QWN
	<i>Outstanding</i>	<i>Pending</i>	<i>Outstanding</i>	<i>Pending</i>
Civic	-	1	1	-
Community	2	-	-	-
Corporate	3	-	-	-
Development & Reg	1	-	3	-
Operations	4	-	-	-
Strategy	23	1	1	-

**CONSULTATION**

No applicable.

**FINANCIAL CONSIDERATIONS**

The requirements outlined in the Management Plan 2008-2012 are funded in Council's budget.

**CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

All departments have provided the status and comments on the progress of Key Performance Indicators and Performance Measures in the attached report (**Attachment 1**).

**SUMMARY**

Comments on the status of the second quarter report on the Management Plan have been included in the attached document. This includes comments on the status on key performance indicators for each function area.

## RECOMMENDATION

That the report on the progress of the Key Performance Indicators contained in the 2008-2012 Management Plan for the 2<sup>nd</sup> quarter of the Plan be received and noted.

Jeremy Pendergast  
**Corporate Planner**

Andrew Watson  
**Director Strategy**

John McKee  
**General Manager**

**Attachments:**      **Principal Activity progress report for the quarter ended 31 December 2008 - 2009/018800**



11 Governance and Corporate Performance

West Pymble Primary School and East Lindfield Public school assisted at the ceremonies.

## 112 Governance

SAOF01

This function area is responsible for Council's statutory governance obligations, providing support for Council meetings and assisting the public to access documents. This includes preparation of business papers, minutes, printing, governance policy and codes and compliance with legislation such as FOI, the LGA and Privacy.

Code	KPI	Target	Units	September	December	Notes
a	Department of Local Government Promoting Better Practice review action plan implemented	90	%	50	60	
b	FOI requests processed within set timeframe	100	%	100	100	
c	Requests to access publicly available information under Section 12 of the LGA 1993 are actioned within 10 working days	80	%	90	93	
d	Statutory governance requests are completed within legislative timeframe	100	%	100	100	

### September Comments:

#### Department of Local Government Better Practice Review

While a significant number of policies have been developed, updated and implemented there are still some that have not been reviewed in accordance with the checklist action plan. Other priorities and timing issues in terms of legislation and DLG guidelines has impacted compliance with the action plan. A review of the resources required to complete the plan will be conducted in conjunction with the preparation of the 2010 Management Plan.

#### Council Business

- Six ordinary meetings and one extraordinary meeting of Council were held during July - September.
- In accordance with Sections 449 and 450 of the Local Government Act, returns disclosing interests of Councillors and Designated Person were reported to Council by the due date.

#### Ku-ring-gai Planning Panel

- Six meetings of the Ku-ring-gai planning panel were held during July - September.

#### Print Room

- Business Papers and associate documents were produced for the 13 meetings of Council and Planning Panel.
- 122 print jobs were completed.

#### Access to Council Documents

- Three Freedom of Information applications were received.
- There were 254 requests for access to documents under Section 12 of the Local Government Act.

### December Comments:

#### Department of Local Government Better Practice Review

While a significant number of policies have been developed, updated and implemented there are still some that have not been reviewed in accordance with the checklist action plan. Other priorities and timing issues in terms of legislation and DLG guidelines has impacted compliance with the action plan. A review of the resources required to complete the plan will be conducted in conjunction with the preparation of the 2010 Management Plan.

#### Council Business

- Six ordinary meetings and one extraordinary meeting of Council were held during October - December.
- In accordance with Sections 449 and 450 of the Local Government Act, returns disclosing interests of Councillors and Designated Person were reported to Council by the due date.

#### Ku-ring-gai Planning Panel

- Five meetings of the Ku-ring-gai Planning Panel were held during October - December.

#### Print Room

- Business Papers and associate documents were produced for the 11 meetings of Council and Planning Panel.
- 103 print jobs were completed.

#### Access to Council Documents

- Eight Freedom of Information applications were received.
- There were 269 requests for access to documents under Section 12 of the Local Government Act.

## 113 Office of the internal ombudsman

Code	KPI	Target	Units	September	December	Notes
a	Complaints referred to the ombudsman investigated and assessed within set timeframe	100	%	0	100	

### December Comments:

During the last quarter the role of the Internal Ombudsman has been vacant. The KPI has been addressed by other parties within Civic Management and handled satisfactorily.

## 114 Corporate Planning and Reporting

CORP01

This function involves the development of corporate planning tools and documents, and providing reports that outline progress against the Council's Management Plan and Operational Plan and prepares the Annual Report

Code	KPI	Target	Units	September	December	Notes
a	100% of reports are prepared and submitted within statutory timeframe	100	%	100	100	
<b>September Comments:</b> <b>Annual Report</b> A draft annual report outline was prepared with input from all managers and directors. This has resulted in a more inclusive document to provide Council and the community with a better understanding of services and projects undertaken.		<b>December Comments:</b> <b>Consultation</b> For the period October to December 2008, Council undertook various consultation activities involving residents and community members such as:				
<b>Performance Planner</b> Performance planner is the management plan tracking and reporting system. In the first quarter training has been provided to relevant new staff as well as retraining on system upgrades. The first quarter report has been developed with the system to provide a more informative report to both staff and Councillors. The report covers a wider range of services and projects that Council has outlined for the year.		Dog Off leash at Acron Oval and Bert Oldfield Oval - meetings were held with residents living locally to ovals on the topic of dog off-leash areas with a view to discussing the results from a previous survey conducted earlier 2008. This was subsequently considered by Council at its December meeting.				
<b>Awards</b> Council received five awards under the NSW sustainable water challenge including: <ul style="list-style-type: none"> <li>Winner - Planning and Policy - Integrated water cycle management</li> <li>Winner - Research projects - Assessment of bioretention filter media effectiveness, Karuah Road</li> <li>Highly Commended - Retrofit - Retrofit of stormwater harvesting systems for sports field irrigation</li> <li>Highly Commended - Landscaping - Karuah Road upgrade</li> <li>Commended - Community engagement - Gordon West public school WSUD</li> </ul>		Council staff attended the Wahroonga Fair and provided a range of materials and information on a variety of council services and programs. This was a very successful day with one focus on water education as part of a grant from Sydney Water Corporation.				
<b>Consultation</b> <ul style="list-style-type: none"> <li>A council wide customer satisfaction survey was conducted with 400+ respondents. The results of the survey will be used to inform the development of the community consultation policy and guidelines were revised and adopted by Council.</li> <li>Community consultation policy and guidelines were revised and adopted by Council.</li> <li>Consultation and Community Planner was appointed</li> <li>Website feedback being captured through a web based survey</li> </ul>		The Ku-ring-gai Council - Draft Local Environment Plan (Town Centres) 2008. This followed from previous consultations as part of the preparation of this planning instrument previously under the direction of Council and in this case the Ku-ring-gai Planning Panel. The exhibition closed on Friday 19 December, incorporating not only the statutory exhibition materials but also a staffed display for the duration of the exhibition. This enabled residents and interested parties could come into Council and ask specific questions of staff and view a great deal of information such as artists impressions and 3D models of key sites. The key exhibition material was also distributed to over 5000 affected households across Ku-ring-gai to ensure information was freely available to residents within the Town Centres boundaries and fringes.				
<b>July:</b> <ul style="list-style-type: none"> <li>First of the Town Centre community information sessions run at Council Chambers</li> <li>Festival on the Green event evaluation conducted</li> </ul>		A community consultation program for the next 12 months has been completed and distributed to Councillors as well as being placed on Council's website. This list details a range of projects that will involve consultation with residents or specific stakeholders as identified in various plans and strategies.				
<b>August:</b> <ul style="list-style-type: none"> <li>A series of community information sessions run for each of the Town Centres over the course of 4 weeks, for the latter sessions attendance was very high.</li> <li>Information was presented to the community and a Q&amp;A session followed each session, all reports are available on Council's website</li> <li>Consultation updates made on Councils website allowing for greater access to consultation related information</li> <li>Survey conducted with residents surrounding and users of WA Bert Oldfield Oval in Killara on the topics of dogs off-leash</li> <li>Survey conducted with residents surrounding and users of Acron Oval St Ives on the topics of dogs off-leash</li> </ul>		Internally, a workshop was held with Ku-ring-gai Managers, designed to increase awareness and understanding of the principles behind consultation and the importance of consultation in decision making. The workshop was well received and will be supported by future training and awareness raising events.				
<b>September:</b> <ul style="list-style-type: none"> <li>Library Satisfaction survey - random survey with library users gauging satisfaction with a range of library services</li> <li>Consultation program for coming year being drafted in order to present to new Council, Managers, staff and community in November</li> <li>Sustainability Actions being analysed for the purpose of reporting in the future</li> </ul>		<b>Corporate Planning</b> DLG changes The Department of Local Government is proposing amendments to the Local Government Act 1993 affecting strategic planning and reporting. This follows the preparation of a discussion paper and subsequent consultation undertaken in 2007 with a view to introducing a Bill to parliament in 2009. In preparation for the amendments and to improve internal processes Council has been moving toward the integrated system over the past 2 years. Examples include the development of a Sustainability Plan, the draft Action Plan being adopted by Council, quadruple bottom line reporting within the Annual report among others.				
		<b>Management Plan</b> The development of the draft management plan for 2009/10 has continued throughout the quarter with workshops with Managers in November and December. Managers have subsequently consulted with their teams, allowing all staff to comment on the development of the forward plan and operational plan. This process has improved the ownership and transparency with the internal staff.				
		<b>Performance Planning</b> The 1st quarterly report was prepared and present to Council on 25th November.				
		<b>SOE</b> The State of the Environment report was prepared in conjunction with the NSROC and submitted to the Department in November. This formed an annexure to Council's Annual Report.				

## 12 Knowledge management

The Knowledge management program ensure the information flowing within, into and out of the Council is reliable, accurate and appropriate for the needs of all parties

### 121 Information Management

ACCO01

This function area is responsible for Council's records management practices. This includes system development, document registration and scanning, storage, retrieval, archiving and processing records information.

Code	KPI	Target Units	September	December	Notes
1	Performance In Period	100 %	100	100	
<b>September Comments:</b> The TRIM upgrade project has been deferred to the new year due to the project manager being on unexpected extended leave. The majority of the reconfiguration of container structures is complete and integration with Proclaim is being tested. The project is at a stage where we are able to go-live as soon as the project manager returns to work and staff throughout the organisation are trained.					
<b>Archiving of Development Applications (DA) files has continued during the 1st quarter.</b>					
<b>Mail – Outgoing July to September:</b> Small letters = 76,604 Large letters = 3,331 Other = 1,216					
<b>Registered Correspondence</b> Documents captured in TRIM – Councils Electronic Document Records Management System (EDRMS) - July to September = 47,500					
<b>Archival and Disposal</b> Archived – Government Records Repository July to September = 1,738 Retrieved – Government Records Repository July to September = 197					
<b>December Comments</b> In order to streamline processes and create a more efficient system of dealing with development application (DA) records, Council officers have commenced preliminary investigations into electronic lodgement of DAs as well as DA assessment software which will integrate with Council's electronic document records management system (EDRMS). It is anticipated that these systems can be introduced during 2009.					
<b>A project to upgrade and relaunch Council's EDRMS – TRIM has been underway for some time. The project has been deferred to the new year due to the project manager being on unexpected extended leave. The majority of the reconfiguration of container structures is complete and integration with Council's property software, Proclaim, had been tested. The project is at a stage where we are able to go-live as soon as the project manager returns to work and staff throughout the organisation are trained. This is being scheduled for March 2009.</b>					
<b>Mail – Outgoing October to December:</b> Small letters = 136,299 Large letters = 2,825 Other = 1,494					
<b>Registered Correspondence</b> Documents captured in TRIM – Council's Electronic Document Records Management System (EDRMS) - October to December = 47,500					
<b>Archiving and Retrieval</b> Archived – Government Records Repository October to December = 151 Boxes Retrieved – Government Records Repository October to December = 182 Boxes					

### 122 Information Technology

MGIS01

This function area develops and maintains Council's information technology and telecommunications systems to provide efficient and effective support and quality services to the organisation.

Code	KPI	Target Units	September	December	Notes
a	IT agreed project milestones completed	100 %	100	100	
b	Availability of IT systems	98 %	98	99	
c	Service requests completed in set timeframe	90 %	90	90	
<b>September Comments:</b> <b>Systems and User Support</b> The number of new support requests has been steady for this quarter with the number of open and outstanding requests continuing to remain at around 200. Preparations have also commenced to replace another batch of PC's and laptops due to a lease expiry.					
<b>TRIM Upgrade</b> IT staff have been working on finalising the development of the integration between TRIM and other Corporate systems. Testing of the integration has also commenced and is expected to be completed soon. IT staff have also been heavily involved in the overall user acceptance testing for the configuration of the new version of TRIM.					
<b>PABX Project</b> As part of the second phase of the PABX replacement all faxes have been converted to receive incoming faxes in an email mailbox. This project has now been completed and is due to be signed off by both Council and the system vendor.					
<b>December Comments:</b> <b>Systems and User Support</b> There was an increase in the number of support requests for this quarter with the number of open and outstanding requests currently at 285. The PC, Laptop and Printer replacement programs for this quarter have been completed and all new devices are in place and operational.					
<b>TRIM Upgrade</b> IT staff have finalised the integration between TRIM and Corporate systems and are preparing for the implementation which will occur once user training has been conducted.					
<b>PABX Project</b> The PABX replacement project was officially signed off this quarter as all contracted work was completed.					

## 123 Land Information

MGLI01

This function area is responsible for Council's Geographical Information System, property and land information and the provision of S149 planning certificates.

Code	KPI	Target Units	September	December	Notes
<i>a</i>	<i>Land information project milestones completed within set timeframe</i>	<i>100 %</i>	<i>0</i>	<i>100</i>	
<i>b</i>	<i>149s issued within set timeframes</i>	<i>95 %</i>	<i>100</i>	<i>100</i>	
<i>c</i>	<i>Availability of GIS system</i>	<i>98 %</i>	<i>98</i>	<i>98</i>	

### September Comments:

#### Geographical Information Systems

Commenced a project to scan all Council's historic Aerial Photos dating back to 1943. These will then be merged to create new GIS Aerial photo layers for 1943, 1947, 1951, 1956, 1961, 1968, 1970, 1972, 1975 and 1989. These should become available over the next few months and prove to be a valuable resource for the organisation and the community.

All cadastra and zoning layers have been updated as a result of 35 new subdivisions registered.

168 additional State Survey Marks (SSM) have been added to the GIS.

#### Property Information & Land Titles

In this quarter 28 Torrens Title and 7 Strata Title Subdivisions were registered at the Department of Lands. This resulted in the creation of 41 new allotments and 88 Residential Units. All records updated accordingly.

### December Comments:

All cadastra and zoning layers have been updated as a result of 53 new subdivisions registered.

#### Property Information & Land Titles

In this quarter 42 Torrens Title and 11 Strata Title Subdivisions were registered at the Department of Lands. This resulted in the creation of 60 new allotments and 358 Residential Units. All records updated accordingly.

#### S149 Planning Certificates

A total of 810 Planning Certificates were issued this quarter with a resulting income of \$50,240.00.

## 13 Staff management

The staff management program provides a process for appropriate decision-making, organisational planning and monitoring of the implementation and effectiveness of those plans and accountability of the people involved

### 131 Human Resources

MGHR01

Stemming from its Strategic Plan, Human Resources provides a service on all matters relating to the management, retention and performance assessment of Council's staff. This includes HR policy development, industrial relations, recruitment coordination, induction, OH&S, training coordination, payroll, child protection.

Code	KPI	Target	Units	September	December	Notes
a	5% reduction of lost time injury rate from previous year	-5	%	-26	-29	
b	Staff turnover less than 20%	0	%	15	19	
c	90% of training and development programs for direct reports implemented	90	%	100	100	

#### September Comments:

##### OHS

Used Australian Standards formula for lost time injury rate: number of lost time occurrences in the period divided by number of full-time equivalent employees (excluding casuals and vacancies) multiplied by 100. Compared first quarters 2007 and 2008 - 26% achieved.

##### Staff Turnover

16 staff left during the quarter, giving a turnover rate of 14.9%. Calculations used full time equivalent, exclusive of casuals.

##### Workforce Plan

Steering Committee established. Project scope was identified and initial data collection was undertaken.

##### Training and Development

The Learning and Development Policy is nearing completion.

28 programs were conducted, including an induction program for new employees; OHS training concentrated on ensuring the currency of certificates including First Aid, Red Card and White Card, a Leadership Program for directors and managers and a Workforce Planning program for the Workforce planning Steering Committee.

These figures do not include training conducted by individual managers, supervisors or staff on specific skills, eg., payroll processes or finance and budgetary requirements; at this stage such program

#### Workforce planning

Following a managers' planning workshop held in November 2008, data on Council's workforce is was collected from across the organisation in December and will continue to be collected and collated during the first half of January 2009.

The information that is provided on each section of Council will be the starting point for developing Council's first Workforce Plan. A preliminary report of the data collected will be presented at managers in January 2009.

#### HR Systems and payroll

Continued issues with employee leave entitlement accrual in the newly implemented payroll system were finally resolved in late 2008. The final solution to the problem occurred after extensive analysis and investigation by Council officers that enabled our software vendor to address the programming issues.

A draft payroll audit report was delivered to directors in late 2008. As a result, parts of the organisational structure in the payroll system were amended.

#### New salary and performance system

The new salary system is now in place.

The Remuneration and Rewards Agreement 2007 is due to expire in March 2009 and a review of the agreement is

#### Leadership Development

One-day Phase 3 Leadership Workshop for directors and managers focused on coaching and mentoring completed. Individual coaching programs commenced.

#### Workforce planning

The Workforce Planning Steering Committee has been established and trained. The Committee's current priority is to collect data from each department.

A number of issues have been identified at this early stage including knowledge management; the physical constraints of the building; resources sharing; the need to think outside the box; recognition that one solution does not fit all and the need for flexible approaches to work/life balance.

#### New salary and performance system

The new salary and performance assessment systems were effective on and from 1 July 2008.

Each employee has been advised of their new Salary Band.

#### Training

o In total, 19 programs were organised through Human Resources during the second quarter, including computer training and Microsoft Project.

o Two half-day occupational health and safety inductions took place during December. Additional OHS training concentrated on ensuring the currency of certificates including First Aid, Yellow and White Card as well as training on chemicals.

o Two leadership workshops focusing on planning took place in November and December while 20 managers accepted an invitation to participate in a personal coaching and mentoring session.

o The Orientation and Induction Policy is nearing finalisation and is expected to be adopted in January 2009.

#### Occupational Health and Safety

o Incidents including near misses - 38

o Number of incidents that resulted in lost time 9

o Lost time injury rate 2.33%

o A significant improvement to our management of OH&S has occurred with the recruitment of a Return to Work Officer and a Safety Officer in addition to the Health and Safety Coordinator. These new positions were established within existing budgets through the rationalisation of some positions.

o Following a self audit undertaken during 2008, StateCover, the insurer, awarded Council (for a second year in s

As all performance assessments were scheduled to take place between 1 July and 30 September 2008, all employees will soon receive advice of their assessment results.

Following the assessment process, all position descriptions will be amended, primarily to include the new Salary Bands, and Work Plans will be developed for the 2008-2009 financial year.

#### Recruitment

##### Workforce change

Total number of employees FTE excluding casuals July to September - 430

Number of terminations July to September - 16

Permanent employees employed July to September - 20

Employee turnover rate for July to September - 14.9%

#### OHS

Incidents including near misses July to September - 29

Number of incidents that resulted in lost time July to September - 6

Lost time injury rate for July to September - 1.45%

Following the consultative process, the Return to Work Program has been signed by the General Manager.

#### OH & S Committee

o During the period the committee finalised a review of the constitution and the way OH&S inspections are conducted by committee members.

o As a result, committee numbers were expanded to include representatives from all departments and it was decided to change the focus of inspections in 2009 from buildings and workshops to what was termed action inspections.

#### Joint Consultative Committee (JCC)

The lack of jurisdictional clarity over industrial relations coverage following the introduction of WorkChoices in March 2006 was resolved when assent was given to the Local Government Amendment (Legal Status) Act 2008 (NSW) which decorporatised all local councils and shires in NSW. As a result Ku-ring-gai Council, which had been covered by WorkChoices, now comes under the Local Government (State) Award 2007.

A plan for the orientation and induction of new employees and a draft Salary System Policy and Procedures to supplement the provisions in the Ku-ring-gai Council Skills, Performance, Remuneration and Rewards Agreement 2007 were both discussed prior to being approved by the General Manager.

## 14 Customer service

Customer services program provides prompt and courteous responses to the needs of Council customers, suppliers and stakeholders and internal support services for all Council administrative functions

### 141 Customer Service

CUSM01

The functions associated with the planning, monitoring and evaluation of services provided to customers by Council

Code	KPI	Target	Units	September	December	Notes
a	Customer requests (CRS) processed within service standard	80 %		94	97	
b	Customer requests (CRS) actioned within service standard	75 %		95	95	

#### September Comments:

Activities undertaken by Customer Service in the July to September quarter with comparative statistics for the same period 2007 where available

#### Customer Service – Counter

	July 08	July 07	Aug 08	Aug 07	Sept 08	Sept 07
No. of Receipts	3597	4032	4513	4849	3199	2979
No. of Certificates lodged	644	794	566	769	661	709
No. of DAs and associated applications lodged**	283	320	273	327	286	308
No. of TPOs lodged	158	148	103	132	129	149

#### CRS Lodged

	July 08	July 07	Aug 08	Aug 07	Sept 08	Sept 07
Total lodged	3333	3116	2563	2922	2831	2593
Total Actioned	3222	3098	2416	2895	2538	2576

#### Customer Service - Call Centre

	July 08	July 07	Aug 08	Aug 07	Sept 08	Sept 07
Total no. of calls	12305	10265	11267	10204	13158	10077
Clean Up Service	2238	1384	1966	1960	1934	1662
Reception Service	3058	N/A	2632	N/A	3602	N/A
Customer Service	7009	8881	6669	8244	7622	8415

#### Emails

	July 08	July 07	Aug 08	Aug 07	Sept 08	Sept 07
Total received & actioned	557	N/A	567	N/A	669	N/A
Thank you written responses	28	N/A	13	N/A	30	N/A

#### Faxes

	Jul 08	Jul 07	Aug 08	Aug 07	Sep 08	Sep 07
Total received and actioned	N/A	N/A	20	N/A	72	N/A

New Fax Gateway for Customer Service commenced 20 August 2008 - records available from next quarter

Due to the interest generated by the Council elections held on 13th September, the Customer Service Call Centre experienced a 25% increase in calls over the two week period leading up to the election. Many of the calls related to enquiries regarding wards and the location and times of pre-poll voting and voting booth sites on the day of the election.

#### Customer Service Standards and Policy

The recently adopted Service Standards were adopted by Council, with subsequent training sessions held for outdoor staff throughout August and September at the St Ives Showground and Council depot.

#### Corporate Uniforms

Council's new uniform was delivered on 18th September and launched by the Mayor and Deputy Mayor.

#### December Comments:

The following information represents a statistical breakdown of the major activities undertaken by Customer Service in the quarter of October to December 2008 with comparative statistics for the same period 2007.

#### Customer Service – Counter

	Oct.'08	Oct.'07	Nov.'08	Nov.'07	Dec.'08	Dec.'07
No. of Rec/ts	3084	3481	3343	4687	2,708	2512
No. of Cert/s lodged	795	829	550	802	382	449
No. of RAM	174	329	237	334	251	250
No. of TPOs lodged	128	150	127	110	108	96

#### CRS Lodged

	Oct.'08	Oct.'07	Nov.'08	Nov.'07	Dec.'08	Dec.'07
Total lodged	2964	3059	2787	3037	2896	3011
Total Actioned	2792	3037	2334	3022	2437	2991

#### Customer Service - Call Centre

	Oct.'08	Oct.'07	Nov.'08	Nov.'07	Dec.'08	Dec.'07
Total no. of calls	11,939	10,688	11,501	10,774	10,052	8323
Clean Up Queue	2,484	3,246	2,346	3,307	2,109	2,729
Reception Queue	2,796	N/A	2,638	N/A	2,281	N/A
Cust. Serv. Queue	6659	7,442	6,517	7,467	5,662	5,594

#### Emails

	Oct.'08	Oct.'07	Nov.'08	Nov.'07	Dec.'08	Dec.'07
Total received & actioned	686	N/A	566	N/A	517	N/A
Thank you written responses	40	N/A	38	N/A	20	N/A

#### Faxes

	Oct.'08	Oct.'07	Nov.'08	Nov.'07	Dec.'08	Dec.'07
Total received and actioned	56	N/A	51	N/A	50	N/A

Note: New Fax Gateway for Customer Service commenced 20 August 2008



## 2 Built Environment

This organisation is committed to the principles of sustainable development and management. This activity includes all activities that have significant impacts on the built environment

### 20 Engineering Services Asset Maintenance and Management

The Infrastructure and Assets Program covers the forecasting, planning, design, construction and maintenance of infrastructure, buildings and major assets as related to the Council's capital works program

#### 201 Engineering Services Asset Maintenance and Management

MGES01

Functions to Develop and implement Building Maintenance Programs and Road Maintenance Programs that support the work of the Department

Code	KPI	Target Units	September	December Notes
a	Building Maintenance Program completed	85 %	55	62 76 Contractor works in BMP completed (63%) and 35 Trades works completed (61%)
b	Improvement in the condition of Council's building assets	10 %	0	0 KPI report in 4th quarter

#### September Comments:

##### Building trades

##### Vandalism

Trades have completed 298 jobs due to vandalism. Of these 65% were reported by our staff 35 % were report by residents

##### Signs

The sign team have replaced 117 signs. A high number of the signs that were replaced was due to vandalism. Council staff are also replacing faded signs as reported by traffic staff.

##### Building Maintenance Program

By early November 2008, trades staff have completed 55% of the approved Building Maintenance Program and they are on target to complete 100% by the end of May 2009.

##### Building trades contractor

237 task completed which equals 39% for the program.

This included work on the following trades:

.Air Conditioning

.Compliance

.Functional Requirements

.General Repairs

.Lift Maintenance

.Occupational Health & Safety Non Compliance .Vandalism .User Needs

.Accidents

#### December Comments:

Vandalism in sign area is high for quarter (244 Work orders of 457 total). Air conditioning costs are higher than anticipated due to breakdowns caused by the hot weather. Generally the program is tracking well and on target for completion of the building maintenance program.

## 21 Fleet Maintenance and Management

### 211 Fleet Maintenance and Management

FLCO01

Code	KPI	Target Units	September	December Notes
a	Reduction of fuel consumption by passenger fleet	5 %	0	0 will be reported on at end of financial year
b	Reduction of fuel consumption by operational fleet	5 %	0	0 will be reported on at end of financial year

#### September Comments:

The replacement of priority one vehicles in the program is almost complete for the passenger fleet.

With priority two to start in January 2009. The majority of vehicle purchased are diesel 4 cylinder. A total of twenty 6 cylinder vehicles are expected to be sold this financial year.

The consultation process for the operational plant is continuing and no plant has been purchased until the consultation process has been completed.

#### December Comments:

Monitoring state of Used car market dropped 15% in the last month of 2008. Purchasing more fuel efficient vehicles i.e. diesel and smaller engine petrol vehicles.

#### For vehicle replacement program

Passenger: Phase one is almost complete - 20 of 21 replaced. Phase two has started comprising 16 vehicles, with orders to replace 3.

Operational plant: An order for the replacement backhoe has been placed with Kumatsu to replace the current backhoe Cat 428C, also the greens mower has been ordered in Nov 08 and delivery is expected in Feb/March 2009. An order has also been replaced for one tipper truck from Hino and delivery is expected in Jan 09. One 4x4 dual cab tipper due to be replaced is in consultation stage with expected delivery in late April 09.

## 22 Infrastructure Design and Construction

### 221 Infrastructure Design and Construction

MGDP01

This function area focuses on providing engineering designs and projects, capital works programmes and management of contracts and projects relating to Council infrastructure

Code	KPI	Target Units	September	December	Notes
a	Increase of recycle material in operational projects	10 %	0	0	This will be reported in the forth quarter update
b	Capital works project milestones are completed as per program	90 %	100	95	
c	Infrastructure levy project milestones are completed as per program	90 %	100	95	
d	Environmental levy project milestones are completed as per program	90 %	100	90	
e	Stormwater charge program implemented within set timeframe	90 %	100	85	

#### September Comments:

Investigation and design under taken in this quarter.

Footpath on The Comenarra Parkway almost complete.

Service location and minor concrete work under way for roadwork programs.

Roadworks completed in Warrimoo Ave, Redleaf Ave, Young St, Rosedale Rd and Bobbin Head Rd.

#### December Comments:

Infrastructure levy works are on schedule and works are expected to be completed by the end of March 2009. The footpath program is progressing well however, a budget adjustment will need to be made to fund Council's share of the cycleway grant from the RTA for the work on Lady Game Drive. This will be reported in the 2nd quarter budget review. The drainage program is progressing well and works are expected to be completed by June 2009.

Environmental levy projects are mostly on schedule.

Town centre allocated levy funds will not be used this financial year.

Following initial survey and design, some traffic projects will be reviewed and probably deleted as will require major service adjustments before any construction for the traffic facility.

## 23 Traffic & Transport

### 231 Traffic and Transport

MGTT01

This function provides professional assessment of traffic and transportation matters including forward planning of Council's road and pathway networks.

Code	KPI	Target Units	September	December	Notes
a	Road safety program completed within set timeframe	90 %	100	100	
b	Traffic facilities program completed within set timeframe	90 %	90	90	
c	Compliance with transport accessibility standard	25 %	0	0	Liaising with HREOC to clarify requirements on Council

#### September Comments:

Road Safety Program.

The program is up to date. Resources for the Safe Party Pack have been prepared and delivered to bottle shop outlets on time. The media launch was held on 31 October 2008. Project is to schedule to be current for the festive season commencing.

The 2008 Senior Road Safety Calendar is currently at the printers with distribution scheduled for November 2008.

2,100 leaflets were delivered to schools for distribution to primary and high school students and parents.

Traffic Facilities Program.

Consultation to be undertaken when designs are completed. Expect to commence in November/December 2008.

Compliance with Accessibility Requirements

Liaising with Human Rights and Equal Opportunity Commission to clarify requirements on Council. HREOC is preparing resources for Council's to undertake their studies.

#### December Comments:

Road Safety

Calendars have all been distributed and we have run out of stock. We have started receiving evaluation reports from residents.

Child restraint day booked for March.

Look stencil locations selected and will be booked in to be installed in March.

The rest of the Road Safety Program is running on time

Received newspaper coverage in the NST for our senior calendars.

We were successful in gaining NRMA funding grant for our Safety outside Schools project for 2009.

## 24 Development control

The regulation and approval of building and development applications for specific properties, buildings, fences, signs etc covered by Planning, Building and Environmental legislation

### 241 Development Control

MGDC01

This functional area includes Council regulation and approval of building and development applications for specific properties, buildings, fences, signs etc covered by Planning, Building and Environmental legislation

Code	KPI	Target Units	September	December	Notes
a	Median processing times for all applications is 60 days	Days		41	
b	70% of applications have a processing time of 50 days	70 %	66	67	
c	Land and Environment Court costs do not exceed budget	0 \$	147,418	517,565	
d	Number of undetermined development applications less than 450	0 DAs	271	274	
e	Median processing times for express assessment is 30 days	0 Days	25	28	

#### September Comments:

##### Processing Times

There are currently 271 Development Applications being processed. This is significantly (39%) below the desired threshold of 450 applications. The current median processing time for development applications is 39 days (these statistics exclude Section 96 and Section 82A applications as per the current methodology from the NSW Department of Planning).

##### Legal Costs

The Land and Environment Court costs to the end of September were 46% below the year-to-date budget of \$320,000.

##### Online DA Tracking

Online DA tracking was introduced in April 2008. The Masterview product, accessed through Council's website, allows anyone to enquire as to the current status of development applications. Apart from making the DA process more transparent its introduction has also resulted in fewer telephone enquiries with resultant improvements in staff productivity.

#### December Comments:

##### Legal Costs

The Land and Environment Court costs to the end of December were \$517,565 which is well below the year-to-date budget of \$640,002.

##### \*Processing times

The department is currently processing 247 development applications which is 45% below the desired 450 threshold. In the quarter a median processing time of 41 days was maintained for all applications and is well below the 60 day target.

##### \*New staff

Belinda Sneesby started as a Senior Development Assessment Officer and it is envisaged that the department will have a full staff complement by the next quarter.

##### \* Projects

Updating of the DA checklist is well underway and roll out is expected in the next quarter. With the imminent TRIM update the department will also be introducing TRAPEZE software to streamline assessment and plan stamping procedures. Electronic lodgement of DA documentation will be phased in during the next two quarters.

## 25 Regulation and enforcement

The regulation program includes all health, development control, parking and other enforcement services

### 251 Regulation and Compliance

MRRS01

The function comprises of four main areas responsible for regulating the local area to ensure compliance with statutory controls and local policies. Tools used include education and encouragement, investigation and inspection of premises and formal Orders.

Code	KPI	Target	Units	September	December	Notes
a	Construction certificates are processed within 14 days	90 %		100	96	
b	Residential flat buildings comply with fire safety standards	80 %		65	74	

#### September Comments:

Council's market share of processing construction certificates continues to diminish as a result of competition from the private sector. Council's CC activity centres mainly on alterations and additions to residential dwellings. In the current quarter Council received 44 CC applications, whilst the private sector processed 281. Council's fees and charges are most competitive for this service, the choice of owners to engage private authorities is outside our immediate control.

Council's fire safety programme that commenced some 6 years ago in an effort to bring about minimum standards of occupant safety within both commercial and multi unit residential flat buildings is continuing. Currently 65% of our commercial and multi unit buildings are considered to comply. The remainder are all working towards achieving their goals, with individual buildings at differing stages of upgrade. 180 Orders are current, with building owners working towards agreed timetables for completion of works. The staggered nature of the compliance time table being a direct result of working with building owners and their individual resource capabilities.

#### December Comments:

Generally the programmes have been completed on time. The assessment of Construction Certificates is prioritised so as ensure competitiveness with the private sector.

The fire safety programme for residential flat buildings continues. Fire Safety Officers continually responding to unit programmes to check compliance with Orders. Annual Fire Safety Statements are being submitted with regularity after reminder letters are forwarded by Council.

Highlights: Council's market share of work in respect of issuing of construction certificates continues to fall. In the 6 months to year end, Council was responsible for just 16% of certificates issued.

## 26 Emergency Management

Emergency management addresses the potential occurrence of major emergency situations, involving disaster and risk management, development and maintenance of the Local DISPLAN and Sub-plans relating to specific hazards or emergencies.

### 261 Emergency Management

MGES01

Emergency management addresses the potential occurrence of major emergency situations, involving disaster and risk management, development and maintenance of the Local DISPLAN and Sub-plans relating to specific hazards or emergencies.

#### September Comments:

SES Working party meetings held in September quarter to review and discuss options for permanent accommodation.

Site meeting held 7 July at Kate Street - this option not preferred by SES.

Meeting held 23 October - Resolved to undertake Geophysical survey to determine extent of landfill and solid ground at area between Golden Jubilee Oval and current RFS/SES compound. Detail survey of SES HQ Wahroonga in August indicated further signs of movement.

Updated HK DISPLAN and SOP for Emergency Operations Centre signed off by Area Commander.

Significant changes to forms and procedures to improve effectiveness and efficiency of capturing and documenting message flow and actions.

#### December Comments:

3 Requests relate to maintenance on SES building. Work on the relocation of the SES headquarters is continuing with geotechnical investigation being carried out for the proposed new building.

The 3rd quarter was relatively minimal in respect to Emergency response from Council.

27

Waste Management

271

Waste Management

MGWM01

Function includes the provision of solid waste removal, destruction and waste reduction services by Council to ratepayers.

Code	KPI	Target	Units	September	December	Notes
a	Diversion of waste from landfill	60	%	58	0	This will be reported on in the fourth quarter.
b	Below 4% contamination by weight for dry recyclables and green waste	4	%	0	0	This will be reported on in the fourth quarter.
c	Compliance with Landfill Environmental Management Plan	95	%	100	100	

**September Comments:**  
Sight variation in recovery rate for the quarter. A review for the next quarter will be undertaken as the tonnage can reflect seasonal variations.

**December Comments:**  
Figures relate to end of year performance but where possible updates for tonnages of recycling and diversion rates will be provided in future quarters and also comments on any contamination issues.

This information is required from Waste Services transfer stations.

## 28 Open Space Asset Maintenance and Management

Functions to develop and implement Open Space Maintenance Programs that support the work of the Department

### 281 Open Space Services

MPTR01

September Comments:  
Will be reported on in the 2nd quarter.

December Comments:  
Asset condition inspections continued according to the annual program, 2 sites were refurbished and site specific service plans for 30 locations were completed.

The mowing contractors achieved all sites within the specified timeframes in contract.

Establishment of site specific service plans have been prepared but further work is required on the costing breakdown.

### 282 Park Maintenance

TECO02

Code	KPI	Target Units	September	December Notes
a	Park maintenance programs complete	80 %	25	87
b	Improvement in the condition of Council's playgrounds	10 %	0	0 This will be reported on in the fourth quarter.

September Comments:  
Will be reported on in the 2nd quarter.

December Comments:  
Park Maintenance  
87% of parks were completed in accordance with the schedule.  
Two (2) parks were refurbished as part of asset program  
Decompaction and topdressing of a number of areas has been carried out.

Decompaction and Topdressing of Golden Grove , St Ives Showground, Princes Anne Arena

Playground maintenance  
Operational Inspections completed and all works orders completed.

### 283 Sportsfield Maintenance

SFMS01

Code	KPI	Target Units	September	December Notes
a	Sportsfield maintenance programs complete	80 %	85	85

September Comments:  
Changeover from winter season to summer season completed. Removal of 105 sets of different posts, uncovering of 23 synthetic wickets and marking of various different sports eg softball, oztag and 5 a side soccer.

December Comments:  
Sportsfield maintenance has occurred as per designated schedules. Fields have been fertilized and several top dressed. Marking of fields has continued through December. Implementation of schedules has been successful as staff feedback is extremely positive.

All sportsfields have been sprayed for flat weeds; fertilised using both a fertiliser coated with a pre emergent chemical to remove any seed back of summer weeds and a high nitrogen fertiliser to get the fields actively growing.

Golf Course maintenance has continued to agreed service levels. Tasks achieved were completion of new 3rd tee at Gordon GC, mini tyning of all greens at both courses and improvements to garden areas at both North Turramurra & Gordon.

Gordon GC - new garden built behind 15th tee, completion of 3rd tee as all works completed inhouse by staff and commencement of rebuilding 18th tee.

## 284 Tree Maintenance

TRMO03

Code	KPI	Target Units	September	December	Notes
<i>a</i>	<i>Reactive tree maintenance programs complete</i>	<i>80 %</i>	<i>90</i>	<i>80</i>	
<i>b</i>	<i>Proactive tree maintenance program completed</i>	<i>10 %</i>	<i>0</i>	<i>100</i>	
<b>September Comments:</b> Tree preservation orders TPO application tracking well. Council has had 390 applications during this period with 383 being completed. A total of 582 trees were applies for works 357 trees to be removed, 73 were pruning and the remaining were either refusals or enquires. The average turnaround time is 15 days.		<b>December Comments:</b> Tree Preservation Order As stated 290 applications have been received and 251 completed. Of that 314 trees to be removed and 61 trees to be pruned. The average turn around time was 17 days. This was a good result given that the number of public holidays that have fallen during this period. 2 PINs were issued during this period.			
<b>Tree maintenance Staff</b> • 2 vacancies within tree team, recruitment is delayed while consideration of tree team restructure is undertaken.		<b>Tree maintenance</b> All childcare centres inspected with works assigned to tree team for completion in January 2009  102 fallen branch attended to as well as 28 fallen trees.			
<b>Proactive tree inspections and works</b> • Inspections of trees within Council owned or managed Child Care Centres to be completed by Tree Maintenance Supervisor in next quarter. • Remedial pruning to reduce branches overhanging buildings, remove deadwood and raise canopy levels of trees within Council owned or managed Child Care Centres will be completed by Council Tree staff and contractors during Christmas holiday period • Following notification required tree works to be scheduled with Council tree works team for completion.					
<b>Contract tree works</b>					

## 285 Bushland Maintenance

Code	KPI	Target Units	September	December	Notes
<i>a</i>	<i>Bushland maintenance program complete</i>	<i>80 %</i>	<i>80</i>	<i>80</i>	
<b>September Comments:</b> Bush Fire Prevention Team Programmed works during July consisted of Fire Break maintenance with the management of heavy fuels and woody weeds through the construction of piles. <ul style="list-style-type: none"> <li>• 97 Pile Burns Constructed</li> <li>• Fire break Weed control – 2600 m2</li> <li>• CRS requests 3</li> </ul>		<b>December Comments:</b> Bush Fire Prevention Team completed 80% of programmed fire break works. Fire Prevention works involved a range of operations relating to Fire Break maintenance including bush regeneration, weed spraying and pile burning, over 80 piles completed including piles created through CRS's. Six Hazard reduction burns undertaken – Valley View Crescent, Richmond Park Stage 1, Spencer Rd Stage 1, Grosvenor Stage 1, Bloomsbury Ave, Canisius Hazard.			
During August the Fire Prevention team focussed on fire break maintenance works involving the creation of a large number of piles prior to the burning season. Weed control was also undertaken on both fire break and hazard reduction sites. <ul style="list-style-type: none"> <li>• 22 Pile Burns Constructed</li> <li>• Fire break Weed control – 5200 m2</li> <li>• Hazard reduction prep. Weed spraying and Cutting of control lines 2400 m2</li> <li>• CRS requests 3</li> </ul>		Fire trail and Walking track maintenance. During the quarter the team has had low staff numbers due to the Team Leader being on substantial sick leave and then submitting his resignation. Access field officers also had substantial sick leave in the quarter and the team's heavy vehicle and driver were seconded to undertake the completion of works on the new Fire trail system. Due to this programmed Fire trail vegetation maintenance works were not undertaken. Maintenance works on sediment basins were also heavily affected by low staff numbers. Major repair works were undertaken on the section of fire trail in Cowan Catchment between Bedford Rd, Marlborough Rd and the Glengarry intersection. Works to repair the section took high priority due to			
During September the team focussed on hazard reduction preparation and some outstanding fire break works. <ul style="list-style-type: none"> <li>• Fire break Weed control – 2300 m2</li> <li>• Hazard reduction prep. Weed spraying and Cutting of control lines 650 m2</li> </ul>		The Regeneration team completed 100% of the annual maintenance program. 12 600m2 of primary, secondary, maintenance and spraying work was carried out on 16 sites as well as offering support to the Aspect Team, Bushcare, Regeneration Contractors and the other bushland teams.			
<b>Access</b> During the quater the team has undertaken Fire trail vegetation maintenance works in Middle Harbour and Lane Cove Catchment The team has been working in conjunction with a contractor that is helping		Noxious weed control. The team undertook noxious weed removal focusing on Grasses and Aquatics. Grasses targeted – Pampas, Tussock paspalum, Coolatai and Mexican Feather. Aquatics targeted – Ludwigia longifolia, L.peruviana, L.repens, Alligator weed and Hederanthera. Removal of the following noxious species was also undertaken; Willows, Boneseed and Bitou Bush, Cestrum, Broom, Patterson's Curse, St Johns Wort.			
Maintenance works of swales and sediment basins throughout the LGA have begun. Vegetation maintenance on walking tracks in Lane Cove catchment are.100% complete and works have begun in the Middle harbour and Cowan catchments.		Feral Animal Control. Efforts to trap rabbits in order to test for resistance to calase disease for potential release have been continued. Results to date from other councils are showing that populations are resistant to virus at present.			
Surface repair works were initiated at the Doncaster fire trail, Lane Cove Catchment following the fall of a large Eucalypt that tore up a large section of the trail making it impassable.					
The team has completed 21CRS'S and has assisted in setting up of the Fox baiting program and assisted undertaking the Nursery retail area revamp.					

#### Bush Regeneration

The Regen team continued the annual maintenance program on 16 sites as well as offering support to the Aspect Team, Bushcare, Regeneration Contractors and the other bushland teams. Andrew Robinson, acting team leader is near to completing the survey and update of councils GPS records for threatened species. The team have also completed several CRS and assisted undertaking the Nursery retail area revamp.

#### Pest Species

The team undertook weed spraying of fire trails throughout the Cowan Catchment and targeted noxious aquatic weeds in the Lane Cove catchment area. An extensive and successful fox baiting program was conducted throughout the Turramurra and Wahroonga area and efforts to trap rabbits in order to test for resistance to calce disease for potential release is underway. The Pest species has also assisted Access team with the removal of several fallen trees and undertaken noxious weed removal CRS and assisted undertaking the Nursery retail area revamp.

#### Nursery

The Nursery has been very busy undertaking cuttings and propagation in order to boost the nursery stock numbers for the new financial year. The bottom stock pads were dug up removing years of built up mulch and weed seed and a new surface has been laid down, greatly improving the drainage of the site and reducing the chance of diseases and weeds impacting the stock as well as improving the customer accessibility to the stock area. We are definitely seeing a great increase in the numbers and quality of stock being produced as well as the overall aesthetics to the nursery since the formalisation of the new team at the start of the year. The retail area has been completely redone, all the surrounding overgrown vegetation was heavily pruned back to open up the site, the old sodden mulch and rotting benches were removed. New retaining walls were built to create 3 level crush sandstone platforms to display the retail stock with a crush sandstone pathway circling the pads. A new solenoid and irrigation system was installed in order to greatly improve the efficiency and health of the retail stock. We are looking forward to holding an open day in the near future to display the great progress of the nursery.

#### Aspect Team

Works at the rear of numbers 2-12 Warrimoo Avenue on the south branch of the Cowan Creek line have been a great success. The works are being undertaken have enhanced the biodiversity of the area, assisted in fire mitigation as well as assisting restoration of the drainage line running into the site. A large amount of Bamboo has been removed by the team and feedback from the residents has been extremely positive.

#### Nursery

The Nursery has been undertaking seed collection, cuttings and propagation in order to boost the nursery stock numbers. The bottom stock have been reorganised to improve the customer accessibility to the stock area. Stock numbers are on the increase and the quality of stock being produced as well as the overall aesthetics continues to improve. Target numbers for the canopy replenishment program are on track.

## 29a Strategic Asset Management

### 29a1 Strategic Asset Management and Services

This unit is responsible for Council's commercial property portfolio management, performance and reporting, including strategic planning, property rationalisation and property related programs and projects

Code	KPI	Target	Units	September	December	Notes
a	Strategic asset management project milestones completed within timeframes	90	10	10	10	
September Comments:		December Comments:				
Asset Management Strategy Project Plan developed for period up 31 December 2008.		Commercial portfolio is being managed & 100% occupied providing commercial returns. The inception of the Asset Management Working Group [AMWG] has developed Council's asset class hierarchy and draft asset management policy. An audit of Council's asset management practices & processes was undertaken in December along with workshops held with key staff to develop an improvement plan/strategy.				
Council nominates 24 preferred sites to acquire under the Open Space Acquisition Strategy		Acquisitions of land for open space and the new depot site have been completed.				
Highlights: OSAS - agent brief closed 1/10/08. first nominated property acquired September 2008.						



### 3 Natural Environment

This organisation is committed to the principles of sustainable development and management. This activity includes all activities that have significant impacts on the natural environment

#### 31 Environment

Environment includes all aspects including water, biodiversity, energy, atmosphere, waste and fire

##### 311 Bushland

SUSL01

Code	KPI	Target Units	September	December	Notes
a	Satisfaction with Council's Bushland Management Program	70 %	0	0	This KPI will be updated in the fourth quarter report
b	Critically endangered and endangered ecological communities mapped against adopted method in Sydney Turpentine Ironbark Forest, Blue Gum High Forest and Duffy's Forest communities	100 %	26	47	
c	Ecologically sustainable lands mapping and training program completed	90 %	0	47	
d	Bushfire complaints (via CRS) responded to	100 %	0	0	
e	Number of hectares burnt as part of the annual Hornsby/Ku-ring-gai Hazard Reduction Program	0 Number	0	2	

**September Comments:**

Corridor mapping  
Draft Biolinks for Town Centres defined.

**Vegetation mapping**

Of predictive mapping area to be field validated for STIF, BGHF, DF over the entire LGA. Calculated on the 16/09/08.

**Works completed or still ongoing in the past three months:**

47 complaints have been received regarding bushland dumping. 33 have been successfully resolved.

A Wildflower Festival at the Wildflower garden on the 30th and 31st of August 2008. Organised posters and pamphlets on environment and spent two full days communicating with the public.

A walking brochure for Brown's Field reserve is under development to complement upgrades to tracks linking Lane Cove National Park.

Work has commenced on modifying the North Wahroonga walking track brochure.

**December Comments:**

**Fire**

The hazard reduction burn season is April to the end of September. During this period fire authorities seek moderate levels of relative humidity, low fuel moistures and moderate temperature with low wind speeds and a stable atmosphere. However, weather conditions are all too often wet and or windy and sustained over long periods of time with the result that, burning cannot take place. Unfortunately, this has been the pattern over much of the past two years that has limited the controlled burning activities or prescriptions as approved by Bushfire management authorities. In most cases the outcome is to reduce the amount of fine fuels in a designated area by 85 to 100%.

Last year and now again this year weather conditions were not conducive to fuel management activities. There has been just enough rain in the Hornsby/Ku-ring-gai district to hamper burning activities. When rain does fall, even a little, evaporation rates are low and leaf mulch tends to trap moisture and retain it for long periods. Fuel moisture levels thus tend to remain well above the optimum range especially in sheltered gullies and areas where

As a result of all these factors not many burns were carried out those that were didn't achieve acceptable outcomes. Instead, more smaller burns have been done in the period between mid November and mid December.

**The burns carried out thus far include**

1. Blackbutt Reserve (BGHF) - 0.3 ha
2. Bloomsbury (BGHF) - 0.5 ha
3. Richmond Park STIF) - 0.8 ha of 2.0 - 40% completed
4. Sir Eric Woodward (DUFF) - 0.3 ha

**Bushfire Hazard Complaints**

TRIM Documents: 23

CRS requests: 17

Total: 40

Mapping critically endangered and endangered ecological communities - Following the direction by Council, 47% of private lands mapped within predicted BGHF, STIF & DF areas. Including Council Managed Lands approximately 34% of the tiles containing predicted BGHF, STIF & DF areas have been mapped. The project is on track to be completed by the end of the financial year.

A number of unmapped Council Managed Lands are likely to be non Threatened Ecological Communities and as such should take less time to map.

**Community Environmental Officers**

4 walks and talks this quarter including: 17th Oct – Murrumbidgee track; 14th Nov – STEP track; 3rd Dec – Aboriginal Heritage Walk; and 7 Dec - Ku-ring-gai Creek to Tree Fern Gully (Wildflower gardens)

Bush Neighbours Program - three community open days held to share information on the local environment and foster community networks around the Bushcare program. The reserves targeted this quarter included: Blackbutt Canisius Reserve Pymble on the 12/11/08; End of Kissing Point Road South Turramurra on the 4/12/08; and Rofo Park Turramurra on the 10/12/08.

Resident bushland education - Site inspections and letters sent to residents regarding dumping, encroachment and other bushland interface issues at the following locations: Blytheswood Avenue, Warrawee, 26 Vista Street, Pymble, Letters sent out to residents around Darnley Oval for disturbance within bushland of bike ramps; and 8-24 Glengarry Street for green waste dumping in bushland, Follow up site inspection at West Lindfield Sports club

Information was also finalised on the website on ticks and rabbits with further information on Brush Turkeys, Sulphur Crested Cockatoos, Swamp Wallabies, Grey Headed Flying Fox in preparation.

Other major projects including ongoing discussion with Royal Botanical Gardens regarding the relocation of Flying Foxes and the development of a checklist for operational staff working in Ecologically Sensitive Areas was also completed.

Code	KPI	Target Units	September	December Notes
a	Water Sensitive Urban Design Program completed	90 %	20	40
b	Stormwater Pollution Control Maintenance Program completed	90 %	10	25
c	Creek Remediation Program completed	90 %	10	25
d	Integrated Water Management Strategy Program completed	90 %	20	50
e	Reduction in Council's potable water consumption	6 %	0	This KPI will be report in the fourth quarter after data is received from Sydney Water
f	Reduction in per capita potable water consumption	6 %	0	This KPI will be report in the fourth quarter after data is received from Sydney Water
g	Increase in Council's non-potable water consumption	5 %	0	This KPI will be report in the fourth quarter after data is received from Sydney Water

**September Comments:****Water re-use**

Continued Water quality data collection

Council has been awarded two grants worth \$600,000 to reuse leachate at the former landfill site at St Ives on the St Ives Showground and Nursery, and stormwater reuse at Roseville Chase Oval.

**Water conservation**

Stage 1 of Energy and Water conservation Tender completed. Awaiting quarterly utility accounts to determine effectiveness and future direction.

**Sewer mining**

DA for the Gordon Golf course sewer mining project awarded by Ku-ring-gai Planning Panel.

**Water sensitive urban design projects**

Lofberg WSUD completed. Slade Ave WSUD completed. WSUD for road program is behind schedule.

A possible rain garden site was identified near paddy palling reserve.

**December Comments:****Creek Remediation**

Short-list of potential sites has been created base on previous condition mapping. Investigations have commenced to identify the most appropriate sites based on access, cost and potential benefit with design and remediation works to begin in third quarter.

**Water Re-use**

A number of actions within the IWCM strategy are being addressed:

1. The energy and water savings contract addresses some of council's highest water users. This has included the proposed leachate re-use for St Ives showground that has received State Government funding support.

2. Council has been working with DECC on the current water for life campaign, advertising Council's water savings initiatives and encouraging the community to be more water wise. Promotion of this was successful at the Wahroonga fair with council handing out around 300 promotional shower timers to the community.

**Water Sensitive Urban Design**

Quotes for stormwater pit inserts in the Comenarra Oval catchment have been sought and will be installed early 2008. This is funded by a development contribution and will be maintained as part of the Stormwater Charge.

Code	KPI	Target Units	September	December Notes
a	Reduction in Council's corporate greenhouse emissions	4 %	0	0 This KPI will be updated in the fourth quarter report
b	Increase in knowledge and understanding on climate change	10 %	0	0 This KPI will be updated in the fourth quarter report
c	Households participate in energy audits	5 %	0	0 This KPI will be updated in the fourth quarter report

**September Comments:****Macquarie University Partnership**

Council has commenced a collaborative project with Macquarie University economists on fire events as a step towards developing an economic risk assessment of climate change. Project status this quarter has involved data gathering to enable economic modelling to quantify cost arising from changes to bushfire frequency and intensity.

**December Comments:**

All the energy and water saving projects identified in Council's Energy Performance Contract have been commissioned and are now fully operational. Council's Energy invoices are already showing an actual reduction in energy consumption and costs at the targeted sites.

Progress has continued with the research collaboration with Macquarie University on the development of a comprehensive risk assessment to assist Council in adapting to Climate Change. A final report for this project will be presented in the 3rd reporting quarter.

Development of a climate change policy and strategy has continued with a view to presenting a draft to Council early 2009.

## 4 Integrated Planning

This organisation is committed to the principles of sustainable development and management. Integrated Planning deals with providing sustainable planning for Councils assets, property, open space and heritage

### 41 Urban planning

Urban planning includes all strategic land use, statutory planning and urban design services and functions. It also seeks to consider broader sustainability issues covering environment, social, economic and areas of governance

#### 411 Urban Planning

MGSP01

This function involves the establishment of a medium to long term policy framework for the management of urban environments

Code	KPI	Target	Units	September	December	Notes
a	Urban planning project milestones are completed within set timeframe	95	%	95	95	
b	Urban design project milestones are completed within set timeframe	95	%	95	95	

##### September Comments:

Consolidation of the development contributions plans.  
Further refinement of procedures and policies. Additional preliminary data in Strategy chapters.  
Liaison with colleagues on timing and future consultation.

##### Interface for Ku-ring-gai Planning Panel (KPP) areas.

Interface strategy for KPP areas completed and integrated into the Ku-ring-gai LEP (Town Centres) 2008.

Town Centre Development Contributions Plan came into force on 30 July 2008 along with consequential amendments to the 2004-2009 Contributions Plan (as Amendment 2). Implementation procedures completed.

Ku-ring-gai Draft Local Environment Plan (Town Centres) 2008 studies and strategies completed for exhibition 17 November to 19 December 2008.

Town Centre Draft DCP - Preliminary review of issues to ensure it is consistent with the draft Ku-ring-gai LEP (Town Centres) 2008.

Dual occupancies commenced - Stage 1 review of issues for Town Centres KPP areas.

Public Domain Manual commenced in consultation and review by Council project reference group and external consultants.

Stage 1 of Principal LEP - consultative planning with key land owners (State agencies) commenced.

##### December Comments:

##### Integrated Traffic & Transport Plan

The focus recently has been on the draft Town Centres LEP, and in particular, traffic and transport planning for the growth in the centres. Effectively, the transport planning for the Town Centres has largely been completed as part of the draft Town Centres LEP. To date, a draft consultant brief has been prepared, based on similar plans prepared by other councils. Will be part of the Principle LEP process.

##### Parking Management Plan

Work is continuing on the centre-specific measures to manage parking. The Parking Management Plan would also be consistent with the outcomes of the Town Centres DCP and would be exhibited together in early/mid 2009.

Subject to the outcomes of public consultation and gazettal of the draft Town Centres LEP, implementation of the Town Centre Traffic Management Plans would depend largely on the rate of development take-up, as a number of improvement measures would be funded by developer contributions.

##### Public Domain Manual

A significant amount of work has been undertaken to date to develop principles and criteria for the selection of furniture and materials. A preferred furniture range has been selected by the PRG and six paving options have been subject to a further report to Council.

##### Strategic Pedestrian Plan

The Strategic Bicycle Plan will be a sub-element of the Integrated Transport Plan, since the Integrated Transport

Some pedestrian and bicycle planning work already undertaken as part of the draft Town Centres LEP would form a basis for the Strategic Bicycle Plan, therefore some key sections of pedestrian and cycle accessibility are effectively completed. However, the Strategic Bicycle Plan needs to consider the remainder of the LGA outside the town centres. Not formally commenced. Will be part of the Integrated Transport Plan.

##### Town Centre DCP

Update report on Town Centres DCP adopted by Council on 11 November 2008 - including a DCP template. A briefing scheduled for early 2009 on the Town centres DCP. This project is aligned with the Ku-ring-gai Planning Panel DLEP Town centres exhibited Nov-Dec 2008 and the DCP will be contingent on finalisation of the DLEP by the KPP. Aligned projects to the DCP include the Public Domain Plan and parking management plans.

##### Town Centres LEP

Draft Town Centres LEP placed on public exhibition from 17/11/08 to 19/12/08. Submissions referred to independent planning consultant for summarising and initial response to issues. Anticipated to be reported back to KPP in March 2009.

Code	KPI	Target Units	September	December	Notes
a	Open space planning project milestones are completed within set timeframe	80 %	100	85	
b	Plan of Management program complete	85 %	35	35	

**September Comments:**  
Plans of Management

Three POM's have commenced during the quarter including Carparks, Gordon Golf Course and the North Turrumurra Recreational Area. Reports to Council will be prepared to ask for public exhibition.

**December Comments:**

**Bannockburn Oval Landscape Masterplan**

After consultation with user groups and local community representatives, Council has resolved to prepare a landscape masterplan for Bannockburn Oval. The process will involve extensive consultation with the local community with some of the main aims being the provision of a new clubhouse and standard 400m grass athletics track at the oval in place of the existing smaller track. Preparation of the draft plan will commence early in 2009.

**West Pymble Pool Indoor Facility**

Council has resolved to appoint the team of consultants headed by Suters Prior and Cheney Architects to design the new indoor 25m pool and hydrotherapy program pool at Bicentennial Park, West Pymble. Suters Prior and Cheney, who have successfully designed a large number of outstanding public aquatic facilities throughout Australia, will be commencing schematic design development and community consultation in February 2009. Council has also resolved to change the scope of the design to also include a dry health and fitness centre within the indoor facility, along with an internal and external cafe, and new change room facilities.

**Mimosa Oval Floodlights**

Council has approved the installation of floodlights at Mimosa Oval, Turrumurra, for use during the winter sports season for midweek training. The floodlights are being jointly funded by Kissing Point Sports Club, West Pymble Football Club and Ku-ring-gai District Soccer Association.

## 5 Financial Sustainability

This organisation is committed to the principles of sustainable development and management. Financial sustainability deals with business activities, investment, tourism and matters to embrace a wide range of activities designed to maintain a strong diverse economy for future generations of residents.

## 51 Financial Management

Economic management focuses on the activities to ensure the long term financial sustainability of Council. This includes the continuation of long term financial modelling, investment strategy, diversifying income for Council.

### 511 Financial Management

MGRFO1

This area is responsible for the management of Council's statutory accounting functions such as preparing annual financial statements and investment reports for Council.

Code	KPI	Target Units	September	December Notes
a	Statutory financial reports prepared and submitted within legislative timeframes	100 %	100	100
b	Weighted average year to date return exceeds the UBSWA Bank Bill Index (%) benchmark return	80 %	77	71
c	Available working capital balance exceeds \$1million	1 \$	0	0

#### September Comments:

100% of reports due to date have been completed. Note: August 2008 & September 2008 Investment report submitted to new Council in October 2008. The monthly investment reports and the 4th quarterly budget review report were due in this period and have been completed within the statutory timeframe.

Mainly as a result of the continued volatility in global financial markets, Council's investment returns for the year were below benchmark. The YTD return for September was 6.08% against a benchmark rate of 7.90%

Available Working Capital as at 30 June 2008 was \$159,000. Although Council has a target of \$1M level of working capital in the Management Plan, after taking into consideration debtors, stores plus a 5% buffer for unbudgeted costs, Ku-ring-gai Council should have approximately \$3.9M working capital. Recurrent or revenue funded project expenditure, cutting strategies or income generation strategies are being investigated as part of the 2008 September Quarterly Budget Review to ensure working capital increases.

#### December Comments:

100% of reports due to date have been completed. Note: December 2008 Investment report to be submitted to Council in February 2009 due to Council meeting break in January 2009. The monthly investment reports and the 1st quarterly budget review report were due in this period and have been completed within the statutory timeframe.

Mainly as a result of the continued volatility in global financial markets, Council's investment returns for the year were below benchmark. The YTD return for December was 7.77% against a benchmark rate of 7.90%

Available Working Capital as at 30 June 2008 was \$159,000 and following the 1st Quarter review 30 September 2009, it is forecast to increase to \$699,600 as at 30 June 2009. Although Council has a target of \$1M level of working capital in the Management Plan, after taking into consideration debtors, stores plus a 5% buffer for unbudgeted costs Ku-ring-gai Council should have approximately \$3.9M working capital. Recurrent or revenue funded project expenditure cutting strategies or income generation strategies are being investigated as part of the 2008 December Quarterly Budget Review to ensure working capital increases.

In December 2008 Council adopted a revised Long Term Financial Plan (LTFM). The LTFM provides for Council to implement significant capital programs over the next 20 years, as well as maintain services to the community. Additionally it projects that Council can reach its target of \$3.9M in Working Capital by 2012/13.

### 512 Revenue Accounting

MGRFO1

The function of managing, regulating, setting and collecting Council income through the valuation of rateable land and other charges as well as managing Council's revenue accounting functions.

Code	KPI	Target Units	September	December Notes
a	Rates, Charges and Fees collected	96 %	38	0 This KPI will be updated in the fourth quarter report

#### September Comments:

Target not yet due. Target due June quarter. Achieved 37.74% collected in September quarter.

#### December Comments:

Target not yet due. Target due June quarter. Achieved 77% collected in December quarter.

This function area is responsible for Council's procurement and risk management policies and procedures and ensuring compliance with them throughout the organisation.

**September Comments:**

Council is currently using Local Government Procurement (LGP) period contracts which have been established to provide a more efficient services to council and relevant organisations in New South Wales government. This is a new initiative created by the Local Govt Shires Association of NSW on behalf of its members to create a procurement operations/module dedicated to meeting the specific needs of councils.

Councils may also utilise LGP to conduct tenders on their behalf on a fee for service basis, reducing council's risks and more importantly ensuring that the process follows Best Practice principles.

In addition to LGP, our procurement team has immediate access to NSW Smartbuy (Dept of Commerce, Procurement/Contracts System). The advantage of Smartbuy is a procurement tool increasing Council's purchasing compliance, thus leading to direct cost savings and product rationalisation. As well as LGP, it negates the necessity to go to Tender if council's expenditure exceeds the threshold of \$150K reducing administrative costs maintaining the integrity of the procurement process.

**Risk & Insurance :** Council's Risk & Insurance Coordinator continues to provide cost savings to Council by ensuring compliance with the relevant sections of the Civil Liability Act 2002 (NSW).

**December Comments:**

Council officers are currently looking at providing an e-tendering technology to the organisation. Various modules will be assessed with features such as:

Customisation of a hosted e-tendering portal, hyperlinked from our own website.

Low cost of entry and usage.

Migration of our preferred suppliers into a system data base

Detailed reporting system which will include audit trails and tender statistics

A supplier/contractor bid that can be received using an electronic tender box

This process is in its preliminary stages, however, we are working closely with our regional group to obtain a consistent and professional approach to this technology.

## 6 Community Development

This organisation is committed to the principles of sustainable development and management. Community Development covers all issues relating to community wellbeing, culture and lifestyle

### 61 Community services

Community services are provided at facilities such as libraries and cultural centres and provide benefit to our residents with particular focus on special need groups such as aged and youth

#### 611 Service Planning and Development

MCDV01

Understand and support a cohesive community where we appreciate and support the many cultures and heritage of Ku-ring-gai residents. Access to the services, programs and facilities that enable full participation in/and enjoyment of the social and economic

Code	KPI	Target	Units	September	December	Notes
a	2008/09 priority Community Plan recommendations completed	95 %		25	50	

September Comments:  
 Implementation of priority recommendations have commenced in the children's services, youth services, aged, disability areas, culturally and linguistically diverse communities.  
 Comprehensive Child Care Needs Study at 2nd draft stage and nearing completion.  
 Children's Services Child Care Directory updated and available on Council's website.  
 Child care centre development applications assessed using Council's Child Care Centre Development Control Plan No. 57.  
 Holiday programs held in libraries, vacation care and youth centres in July.  
 Entertainment events held for young people including Hardcore Theme Night, Fitz Band Competition and Skate Board activity.  
 Bullying and Violence in Schools - Parent Forum held in cooperation with KYDS, Department of Education, police and local high school.  
 Gordon Student Resource Centre and St Ives youth Centre fully operational.  
 Resourced and supported the Hornsby/ Ku-ring-gai Youth Workers Network and youth Council.  
 In cooperation with the Ku-ring-gai Police and Community Safety Committee conducted Parent Driver Teaching Training Program.  
 Aged and Disability Services Directory updated and available on Council's website.

Community Plan priority recommendations have been implemented in children's and youth services, aged and disability areas, and culturally and linguistically diverse communities.  
 The Comprehensive Child Care Needs Study is in the final stage of drafting. A consultation program will commence with local childrens service providers following completion of the draft.  
 The Children's Services Child Care Directory and Aged and Disability Services Directory is continuously updated and available on Council's website.  
 Holiday programs were conducted through the vacation care program, the branch libraries and youth centres throughout the October school holiday period.  
 Entertainment events held for young people included a band night and dance party in co-operation with Hornsby Council and the Hornsby/Ku-ring-gai Police Citizen's Club, along with a Discobility Dance Party for young people with disabilities. This event will become a regular feature of our Youth Service Program.  
 Parent Forums held in cooperation with KYDS and Department of Education included "What Teens Do On Line?" and "Information on Cyberspace and Career Opportunities and Options"  
 The Gordon Student Resource Centre and St Ives Youth Centre were fully operational throughout the quarter with approximately 3,000 attending  
 Staff resourced and supported the Hornsby/ Ku-ring-gai Youth Workers Network and Youth Council, and, in co-operation with the Ku-ring-gai Police and Community Safety Committee, conducted the Parent Driver Teaching Training Program.

Conducted information seminars for older people on various topics including - Spending the Kids Inheritance, Remember to Live (Information about Alzheimer's and Parkinson's), Health and Fitness.  
 Commenced planning and developed implementation strategies for the Ku-ring-gai Shuttle Bus Service aimed at older people, people with a disability and their carers.  
 Coordinated the development of a social isolation working party to address issues of loneliness and safety among older people in cooperation with community organisations, NSW Department of Aging and Disability and other northern Sydney Councils.  
 Coordinated and resourced the Hornsby/ Ku-ring-gai Home and Community Care and Forum and Northern Sydney Disability Services Network.  
 Commenced planning for Seniors Week 2009 program of activities.  
 Resourced and supported Council's Access Consultative Committee.  
 Facilitated Access Committee comments on development applications.  
 Council information provided in accessible formats including audio, large print, text only and electronic of Ku-ring-gai Update and Summary Annual Report,

Successfully advocated on behalf of the Ku-ring-gai Meals On Wheels Service to obtain capital assistance funding for improvements to storage, dining room and volunteer reception areas. (Building works now completed)  
 Coordinated and resourced the Hornsby/Ku-ring-gai Multicultural Network  
 Coordinated NSROC funding submission to provide settlement services for newly arrived migrants in Northern Sydney.  
 Coordinated and supported the implementation of the Northern Sydney Aboriginal Social Plan in co-operation with 9 Northern Sydney Councils. Issues addressed included Aboriginal health, education, housing, cultural awareness and stolen generation.  
 Purchased Cross Cultural and Using Interpreter interactive training resources for use by all front line staff.  
 Key Council documents contain translated information in relevant community languages eg Chinese, Korean and Japanese.

Successfully advocated on behalf of the Ku-ring-gai Meals on Wheels Service to obtain capital assistance funding for improvements to storage, dining room and volunteer reception areas.  
 Coordinated and resourced the Hornsby/Ku-ring-gai Multicultural Network.  
 Coordinated NSROC funding submission to provide settlement services for newly arrived migrants in northern Sydney.  
 Purchased Cross Cultural and Using Interpreter interactive training resources for you by all front line staff.  
 Key Council documents contain translated information in relevant community languages eg Chinese, Korean and Japanese.



## 612 Aged Care and Disability Planning and Development

MCDV01

We appreciate and support the many different age groups and their access to the services, programs and facilities that enable full participation in/and enjoyment of the social and economic life

Code	KPI	Target Units	September	December	Notes
a	Actions from the Disability Discrimination Act Action Plan completed	90 %	20	90	
b	Increase in participation in seniors program	10 %	0	0	Seniors week to be report in the 3rd quarter
c	Satisfaction with seniors community education programs	85 %	0	0	Seniors week to be report in the 3rd quarter

### September Comments:

- Implementation of priority recommendations from the Disability Discrimination Act Action Plan have commenced.
- The Remember to Live seniors seminar was held on 10 September, with 18 people attending. The client satisfaction rating was 93%.
- Aged and Disability Services Directory updated and available on Council's website.
- Conducted information seminars for older people and people with a disability on various topics including - Spending the Kids Inheritance, Remember to Live (Information about Alzheimer's and Parkinson's), Health and Fitness.
- Commenced planning and developed implementation strategies for the Ku-ring-gai Shuttle Bus Service aimed at older people, people with a disability and their carers.
- Coordinated the development of a social isolation working party to address issues of loneliness and safety among older people and people with a disability in cooperation with community organisations, NSW Department of Ageing and Disability and other northern Sydney Councils.
- Coordinated and resourced the Hornsby/ Ku-ring-gai Home and Community Care and Forum and Northern Sydney Disability Services Network.
- Commenced planning for Seniors Week 2009 program of activities.
- Resourced and supported Council's Access Consultative Committee.
- Facilitated Access Committee comments on development applications.
- Council information provided in accessible formats including audio, large print, text only and electronic of Ku-ring-gai Update and Summary Annual Report,
- Successfully advocated on behalf of the Ku-ring-gai Meals on Wheels Service to obtain capital assistance funding for improvements to storage, dining room and volunteer reception areas.

### December Comments:

- Information seminars were conducted for older people on various topics including "Making New Technology Work for You" and "Maintenance and Modifications in the Home".
- Commenced the operation of the Ku-ring-gai Shuttle Bus Service for older people and people with a disability, and their carers. In the first month of operation 45 seniors and frail aged people have used the service. Co-ordinated the development of a social isolation working party to address issues of loneliness and safety among older people (in co-operation with community organisations, NSW Department of Ageing and Disability and other Northern Sydney Councils)
- Coordinated and resourced the Hornsby/ Ku-ring-gai Home and Community Care and Forum and Northern Sydney Disability Services Network.
- Commenced planning for, and developed draft 2009 Seniors Week program of activities. Facilitated Access Committee comments on development applications.

## 613 Children's Planning and Development

MCDV01

Develop and implement policy, programs and opportunities to support the development and participation of children and children services.

Code	KPI	Target Units	September	December	Notes
a	Achieve utilisation of Family Day Care and Thomas Carlyle Children's Centre	90 %	98	92	
<p><b>September Comments:</b>  <b>Family Day Care</b>  The utilisation rate for Family Day Care was above target in each month for the quarter: In July utilisation rate was 93%, August 100%, and September 100%</p> <p><b>Family Day Care Play Sessions</b>  <b>Team Beats</b>  The scheme organised Team Beats to visit our play session on Thursday 7 August. Team Beats is experienced at sharing the rhythms of Africa to suit the needs of young people. Children have an immediate attraction to the drums and love to feel the rhythm. Teambeats' performance is called "Salaka" - Sharing the Spirit of Africa. Salaka is an interactive cultural experience, imparting African rhythm and culture in an educational and age appropriate way.  The children, carers and staff were able to experience an overall context of African culture and develop an understanding of diversity and in particular cultural awareness.</p> <p><b>Wildflowers Gardens Visit</b>  Children and carers enjoyed a visit to the Wildflower Garden in September, the children were able to touch the wild life and appreciate the nature walk.</p> <p><b>Children's Book Week</b>  The scheme celebrated book week on 18,19, 21 September. Children borrowed books from our libraries, and carers and staff explained the values of story telling, lots of interesting books were read to the children.</p> <p><b>Carer Training</b>  On 8th September all carers and staff attended a workshop on Sensory Processing. This workshop provided carers and staff with information about how children learn through their senses and also strategies to support individual learning styles in the home and early childhood settings were discussed through case studies.</p> <p><b>Family Day Care Conference</b>  On 21 and 22 September staff attended the NSW Family Day Care Conference - Pathways to Empower Professionals. Workshops at the conference included Rethinking Inclusion for Children with Special Rights, Quality Assurance, Child Protection, Science through Play, and Programming for Equity.</p> <p><b>Carer Award Evening</b>  On 4 September the scheme held an evening to acknowledge carers who have been Ku-ring-gai Family Day Care for a period of 10yrs, 15yrs and 20years. The Mayor presented 9 carers with a token of appreciation and a certificate of recognition.</p> <p><b>Childcare Placements for 2009</b>  Staff are in the process of conducting childcare placements for 2009. Approximately 50 families have been placed for 2009 - a large number of these placements are for children under 2 years of age.</p> <p><b>Immunisation</b>  Council's Immunisation Services continue to experience high levels of attendance. Families attending always provide positive feedback to staff. Three Immunisation Clinics were held in the quarter:  Clinic held 16 July -50 families attended  Clinic held 20 August- 40 families attended  Clinic held 18 September -45 families attended</p> <p><b>Thomas Carlyle Children's Centre</b>  July – September utilisation level 92% .</p> <p><b>Father's Day and Grandparents Morning Tea</b> – To celebrate father's day the centre held a father's day and grandparent's day morning tea. Ten fathers and grandparents turned up for some delicious scones, cheese and fruit platter. The children sang some songs to the visitors. Fun was had by all.</p> <p><b>Funky Bug Show</b> – One of our favourite acts "the funky bug" performed at the Centre. There were lots of dancing, laughter, music and of course funky bugs!!! This was an exciting day that created many wonderful lasting memories for the children.</p>					
<p><b>December Comments:</b>  <b>Children Services</b>  During the quarter staff have conducted comprehensive consultation sessions with children's services workers. The local Out Of School Hours (OOSH) workers have held meetings with NSW Department of Education and Training representatives to advocate for their concerns about leases offered to OOSH centres on school premises. Consultation with local workers' forums have also been conducted and a local response to the Review of the Children's Services Regulation 2004 was sent to the Department of Community Services. A submission on the proposed Early Years Learning Framework was also submitted to the Department of Education, Employment and Work Relations (DEEWR). Preparation of children's services comments also occurred for a Land and Environment Court case regarding an existing long day care centre at 81 Clanville Road, Roseville. Preparation of children's services assessments for the Financial Assistance to Community Groups Programme 2008 was also completed.</p> <p><b>Thomas Carlyle Children's Centre</b>  A Centre Open Day was held during the quarter, providing parents with an opportunity to participate and gain an</p> <p>A number of special events were organised to celebrate Children's Week, including a games day for children to play favourites such as cricket, sack races, quoits and ball games.  A Children's Portfolio, which contained comprehensive details of each child's learning and experiences at the centre, was provided to parents, to enable them to share in their child's progress. Many positive responses were received by parents in acknowledgement of the work that went into producing the portfolios.  East Lindfield Public School visit - 22 school aged children went on an excursion to East Lindfield Public School. The purpose of this trip was to help prepare the children for the transition to school.  Parent teacher evening - 14 parents attended the parent teacher evening and spoke to staff about their child's progress.</p> <p>Parents found this a very valuable and important opportunity to discuss their child's development and learning.  <b>Kookaburra Graduation</b>  It was an emotional yet proud night for the 100 families who watched 25 Kookaburra Children graduate. It's amazing how poised and mature the children were - they are definitely ready for the coming year at school.  Art Display - TCCC held an exhibition of the children's art work displayed in the foyer for parents to view.  A family end of year party was held with over 150 children and parents celebrating the end of a successful year. Santa provided gifts, plus the children were entertained by two performers, Captain Feathersword and a Mermaid, along with face painting, games and music.</p>					

## 614 Youth Planning and Development

Develop and implement policy, programs and opportunities to support the development and participation of young people, the youth services and community groups

Code	KPI	Target	Units	September	December	Notes
a	Participants in Youth Services activities	5,000	Number	1,700	1,624	
<p><b>September Comments:</b>            Ku-ring-gai Council Youth Services have had a busy quarter with high attendance at both the Gordon Student Resource Centre and the St Ives Youth Centre.</p> <p>Main events for the quarter have focussed on live music and entertainment. Ku-ring-gai Council presented its first Hardcore themed band night, which received a positive response with over 160 young people attending the evening. September was the month to host The Annual Fitz Band Comp. The competition spread over 3 weeks with 2 heats and a final. It was a tough competition with the most talented local musicians from a variety of genres including heaving metal, punk and jazz. The winner of this year's Fitz Band Competition was Kit Marlowe.</p> <p>Youth Services also ran a popular school holiday program including an outing to Tuggerah Indoor Skate Park that ran at maximum capacity.</p> <p>Youth Services, in conjunction with Ku-ring-gai Youth Development Service, conducted a parents forum focussing on bullying and violence in schools. Guest speakers included Wendy Dryden, Youth Liaison Officer Hornsby Police, Dr Carter, Principal of Killara High School, and Sue Magrath and Kim Leç</p>		<p><b>December Comments:</b>            During the quarter Ku-ring-gai Youth Services and KYDS presented another successful parent forum "What teens do online? Information on cyberspace" The evening was well attended by parents who provided positive feedback on the topic, as well as the parenting seminars.</p> <p>Youth Services ran its annual breakfast program for the HSC, with students from St Ives and Killara High receiving breakfast before the English exams. The program aims to provide young people one last opportunity to eat something healthy before sitting an exam. It also provides young people with tips on stress management and relaxation.</p> <p>The final Parent Forum for the year, in partnership with Northwestben and KYDS, focussed on career opportunities for young people.</p> <p>Youth Services also organised music events during the quarter, including a hardcore band night, a ballistic dance party and Discobility - a dance party for young people living with a disability. The annual Dropp'n Hammers Skate Competition held at St Ives skate park in November. The day was a great success with over 50 entrants and over 250 spectators. The event has built a reputation over the years and now r</p> <p>Ku-ring-gai Youth Services also ran, in partnership with KYDS, 2 days of drug education in St Ives High School. O</p> <p>December was a wind down month with youth services running the regular youth program at the SRC and the Fit</p> <p><b>Highlights for the quarter:</b></p> <p>HSC breakfast Program, Hard Core band nights, Ballistic Dance Party, Discobility, Parent forums, Dropp'n Hammers Skate Comp, In School Drug Education, If the Cap FITZ band night</p>				

## 615 Volunteer Planning and Development

SBSV01

To provide direction, training and management for community volunteers

Code	KPI	Target Units	September	December Notes
a	Volunteers enrolled in Councils' community volunteer programs (8% increase)	1,200 Number	1,280	1,280
<p><b>September Comments:</b></p> <p><b>Tree Nurturer Volunteers</b></p> <p>The 2008 Tree Nurturer volunteers were all provided with a plant voucher from the council nursery, as a big thankyou from Council for their contributions to the program.</p> <p><b>Greenstyle Program</b></p> <p>Positions have been advertised for staff for the GreenStyle program. Once the positions have been filled, the GreenStyle advisors will contact residents living in riparian zones or next to bushland to provide advice on biodiversity and sustainability matters. A DVD is being produced to document the vast amount of work that will be covered by the program.</p> <p><b>Ku-ring-gai Bushcare Association</b></p> <p>The Ku-ring-gai Bushcare Association is about to commence its weed awareness program in local shopping centres. Supported by Bushcare staff, this volunteer committee, which represents all bushcare volunteers, is excited at being able to get the message about weeds and how to removal them to the general public. This initiative is funded by the Environmental Levy and is a good example of how small amounts of money can make a real difference.</p>		<p><b>Greenstyle</b></p> <p>Advisors have now been appointed in each LGA of this tri-council project. Households in areas with high ecological value are being contacted and invited to participate in this free advisory program to improve biodiversity and sustainability within the LGA. Home visits have commenced.</p> <p><b>Bushcare</b></p> <p>The commitment and dedication of long-time participants in Bushcare was recognised by the presentation of Bushcare Pioneer Awards to more than 150 volunteers at Bushcare's Annual Christmas Lunch in November. Ku-ring-gai Bushcare Association also presented awards to Bushcare sites in the categories of Most Improved Site, Most Challenging Site and Best Morning or Afternoon Tea, acknowledging the on-ground difference these groups are making to our local bushland, as well as the important social aspect of Bushcare.</p>		

## 616 Art and Cultural Development

This section provides opportunity local community to showcase local talent but also enrich the local cultural environment through year long entertainment program. This include Festival on the Green, Australia Day Celebrations, Concerts in the Park, Guringai Festival, Volunteers functions etc. Also provide advice and support for Arts based programs such as Public Art.

Code	KPI	Target	Units	September	December	Notes
a	Funded 2008/09 Cultural Plan recommendations are completed within set timeframe	80	%	80	80	
b	Enrolment at vacation care centres and school holiday programs	80	%	100	100	
c	Capacity enrolment of Spring in to Action activities	70	%	100	100	
d	Student enrolment in Ku-ring-gai Art Centre programs	90	%	90	92	

### September Comments:

#### Art Centre

The annual customer satisfaction surveys have been completed for the Art Centre resulting in an average 90% overall satisfaction rating. The Glass and Mosaic exhibition opened during the quarter with the quality of work presented of an exceptionally high standard.

The latest exhibition was curated for Red Wall in September. The artist is Elise Benamane, printmaker. Elise is a well known and highly regarded Sydney printmaker.

The Semester 1 2009 brochure has been compiled and the program for October school vacation completed and distributed.

Art Centre staff represented Council at the Small Business Awards presentations for TrueLocal Awards 2008. Staff also attended the Asian-Australia Creative Exchanges Seminar at the Museum of Sydney

#### Community programs

The July 2008 School Holiday Programs operated for 10 days from Monday 7th July to Friday 18th July 2008

The total number of attendees for the 3 programs was 1057, an increase from 1042 in July 2007.

The Getaway Program attracted a total of 357 attendees, averaging 35.7 attendees per day

The St Ives Vacation Program had 282 attendees, averaging at 28.2 attendees per day

The West Pymble Program had 418 attendees, averaging at 41.8 attendees per day

There were a total of 192 families who used our vacation care services, along with 308 children attending programs throughout the quarter. Additionally 13 children with support needs used the service, along with 14 children who have English as a second language.

The most popular excursions and activities included Code Red Lasertag, Go Carting, Snow White at the Lighthouse Theatre, Movies at Warriewood, Imax Theatre and the Bowling and BBQ Day.

#### Spring into Action 2008

A variety of activities were offered for the Spring into Action program held throughout September and October.

This program attracted 292 attendees, a significant increase on the 147 attendees for the same time program last year. Six of the eight activities were fully booked, with the entire program operating at 88% capacity.

Highlights included a trips to Norah Head Lighthouse and Tobruk Sheep Station, Cockatoo Island tours and a trip to Mount Tomah Botanic Gardens.

Because the Cockatoo Island trip was booked out within hours of bookings opening, an additional tour on the day was offered, with 74 people attending for the day! Our highest number of attendees for a Spring into Action trip ever.

#### Art Centre

The classes for term 4 have been very well attended with continual bookings which achieved a 92% student enrolment rate

Exhibitions during the quarter included sculpture, botanical art, printmaking, glass bead making and silver jewellery, was very successful. This exhibition highlighted the excellence and quality of the art produced at the Art Centre and the diversity of classes and skills that can be gained at the centre.

#### Community Programs

The January Vacation Care bookings opened in December, with bookings reaching a record high by the closing date of 22 December 2008. Capacity is currently at 82%, with 1500 attendees due to attend the Summer programs in 2009, compared to 1401 attendees in the Summer 2008 programs.

Planning for the Spring into Action, Seniors Week 2009 program is complete. Two coach trips have been planned to the Hunter Valley Gardens and the Ken Duncan Art Gallery and Gosford Edogawa Gardens.

Bookings for this program will open in February 2009.

Vacation care this year has seen increase of attendees utilising the service. This years booking are higher than for the same period in 2008.

A variety of activities were offered for the Spring into Action program held throughout this quarter.

This program attracted 292 attendees, a significant increase on the 147 attendees for the same time program last year. Six of the eight activities were fully booked, with the entire program operating at 88% capacity.

Highlights included a trips to Norah Head Lighthouse and Tobruk Sheep Station, Cockatoo Island tours and a trip to Mount Tomah Botanic Gardens.

This function of the libraries is to provide efficient and timely access to information and resources

Code	KPI	Target	Units	September	December	Notes
a	Acquisitions budget spent	100	%	25	100	
b	Satisfaction with library services	70	%	0	0	The satisfaction survey will be conducted in May 2009
c	Increase in e-zone usage	10	%	25	0	KPI will be reported in the 4th quarter

#### Comments: Ezone

The library's Ezone technology centre was launched in July 2007, and the following 12 months since the launch has shown a marked increase in activity across all branches. The vastly increased post July 2007 statistics allow more meaningful and realistic comparisons than during the previous 12 months. Increases in usage figures range from 5% to 22% for branch libraries.

Additionally, during the quarter, usage of Yourtutor, the online tutorial service for year 4-12 students, was accessed by 187 students, of whom 82% agreed that Yourtutor was helpful, and 75% would recommend it to a friend.

The initial library customer satisfaction survey analysis indicated a satisfaction rate of 96%, with further analysis to follow.

Book clubs have now been established within the libraries and continue to meet at each branch on a monthly basis with an average membership of 10-12.

A new initiative, Art in the Library, attracted 40 works of art exhibited by well known local artist, Diana Cole. This exhibition created interest from other groups and further exhibitions will be held during the year.

Another new initiative, the MP3 Collection, was launched at Turramurra branch in August and provides 200 items available to be downloaded to customer's MP3s. This collection increases options for mainly younger patrons.

#### Housebound and Librarian

During the quarter the Housebound Librarian completed a review of the delivery schedules to create more efficient use of resources, which will include some rescheduling of existing delivery arrangements. The library has partnered with the Macular Degeneration Foundation to proceed with the Navigator Library Access Project. The Project makes navigators – a hand held audio device which reads aloud books – available to people who are vision impaired through MD.

Each week the Librarian caters for an average of 60 residents who have trouble getting to the Library on their own. The service is provided on Monday, Tuesday and Wednesday.

#### Youth and Children

The theme for Book Week 2008 was 'Fuel Your Mind' and involved a total of 347 children from K-3 from both public and private schools in the Ku-ring-gai area. The local newspaper also attended this event and wrote an article about it which included photos.

#### December Comments:

##### Library Branches

The Ezone facility continues to be heavily used compared to usage prior to its launch in July 2007. Although current activity has levelled following the first 12 months, the usage continues to grow with increases ranging up to 22% for branches other than Gordon. Gordon's results show a skew because the server's failure to record usage during most of October. This fault has now been rectified. Interpolation of the November and December results across the period result in an increase of 18% which is consistent with other branches.

During this quarter, usage of Yourtutor, the Library's online tutorial service for students from Year 4 to Year 12, was accessed by 118 students of whom 83% agreed that Yourtutor was helpful and 80% would recommend it to a friend. These results are consistent with those for the corresponding quarter in 2007. A total of 650 students benefited from the facility during 2008 compared with 653 during 2007.

The next Customer Satisfaction Survey will be conducted in the 4th quarter and will be a less comprehensive survey than the initial survey with the longer survey being conducted every four years.

Book clubs continue to meet at each branch on a monthly basis with an average membership of 10-12.

The Harmony Day Poster Exhibition was hosted by Gordon branch in conjunction with B'nai B'rith NSW during the early part of the quarter, culminating in awards being presented including the Senior State winner from St Ives High School.

#### Housebound and Librarian

The Librarian has continued in popularity with new members registering interest all the time. At least 2 inquiries were taken each week into joining the service over the last quarter. At present the library does 3 separate pickups a day three days a week, with some room to expand if demand increases. It currently serves 155 customers with a further 20 customers on the waiting list. In December a Housebound Christmas Party was introduced for customers and was very well received.

Changes to the distribution process for Navigators to Macular Degeneration Foundation members who are also library members is being redefined as community feedback indicated that the customers would prefer to come to branches for their Navigators rather than have them delivered on Housebound runs.

#### Youth and Children

Two events were held in the October holidays, the first being a visit from Kindi farm which included stories, song and craft. The total number attending was 60.

Two events were held in the October holidays, the first being a visit from Kindi farm which included stories, song and craft. The total number attending was 60. The second event was a presentation of E. B. White's, Charlotte's web which included poetry, craft and a reader's theatre. Total number of children attending was 18.

Story time attracted 933 during this quarter with a noticeable increase in attendance at Lindfield. Special storytime visits included: 22 children from Gordon Baptist playgroup and 54 kindergarten children from Gordon East Public School

#### Information Services

A busy quarter for Information Services saw promotion and publicity for a number of author talks, trialling of a number of new databases and assistance with HSC support. Brochures were printed and distributed for library services such as electronic databases, Turramurra Crafters and the Books Alive promotion as well as flyers for Community Information.

The Local Studies Librarian, Joan Rowland, provided archival assessment support for Tulkian with significant further support anticipated in future months.

#### Library Technical Services

Library Technical Services provides the ordering, updating, end processing for the library service.

This quarter's orders placed increased by 1.3% compared to the same period in 2007/8. During this time items added to the collection increased by 19.4% and 4,800 new orders were lodged with suppliers. Technical Services deleted 8,986 records from the collection representing an increase of 9.29% for the corresponding period in 2007/8.

#### Monthly Statistics 2008-9

Loans	2007	2008	% Change
Gordon	84,178	84,942	0.91
Turramurra	60,274	60,636	0.60
St Ives	45,142	47,430	5.07
Lindfield	21,386	21,991	2.83
Web	10,953	12,332	12.59
Depot	0	0	0.00
Archives	24	34	41.67
Administration	1,491	1,914	28.37
Housebound	5,241	3,925	-25.11
TOTAL	28,689	233,204	1.97

Visitors	2007	2008	% Change
Gordon	71,040	75,603	6.48
Turramurra	37,320	41,245	10.52
St Ives	31,819	37,286	17.18
Lindfield	12,837	14,568	13.48
TOTAL	152,980	168,702	10.28

#### Highlights:

Customer Satisfaction Survey exceeded expectation of 85%.

Diana Cole Art Exhibition at Gordon branch.

Partnering with Macular Degeneration Foundation for the Navigator Library Access Project.

MP3 Collection launch at Turramurra branch.

347 children attended Book Week activities.

60 children attending October holiday activities.

Trialling new databases and providing HSC assistance.

The second event was aimed at older children who enjoyed Wilbur's Farmyard Bash with activities and readings based on E. B. White's Charlotte's Web. About 20 children attended.

The year concluded with a Storytime Christmas party at each branch, with over 200 children and parents taking part.

Story time continued to attract strong support across all branches during the quarter.

#### Information Services

Another busy quarter for Information Services saw database applications and assistance for HSC support and extensive data supplied to Mayor and Councillors for Ward Summits. Similar support was extended to KYDS regarding service groups and sporting groups.

The Interlibrary Loan activities reflect the value and quality of the collection in that State Library identifies Kuring-gai as the 5th top supplier of items to other libraries who are unable to meet their customer's needs. Kuring-gai's ranking of 27th as a requester of loans from other libraries indicates our collection's capacity to satisfy our customers needs from within our own resources.

#### Library Technical Services

Library Technical Services provides the ordering, updating, end processing for the library service.

#### Monthly Statistics October to December 2007-8

Loans	2007	2008	% Change
Gordon	78,311	80,013	2.17
Turramurra	56,934	58,194	2.21
St Ives	42,661	45,444	6.52
Lindfield	21,090	20,773	-1.50
Web	11,443	12,500	9.24
Depot	0	0	0.00
Archives	6	20	233.33
Administration	1,475	2,041	38.37
Housebound	5,089	4,017	-21.07
TOTAL	217,009	223,002	2.76

Visitors	2007	2008	% Change
Gordon	32,743	43,694	33.45
Turramurra	23,992	39,853	66.11
St Ives	23,102	37,280	61.37
Lindfield	13,334	20,072	51.23
TOTAL	93,171	140,899	51.23

Community programs are those activities undertaken to enhance the cultural, recreational health and well being of our residents. Community events provide a periodic focus throughout the year with regular activities held at our community centres, wildflower

621

Community Functions

MLCD01

The community functions aims to deliver as range of cultural events and activities that celebrate local pride and identity. These events encourage social interaction and promote community celebration.

Code	KPI	Target Units	September	December Notes
a	People attend events	15,000 Number	0	100 No events held during the first quarter.
September Comments: Planning for October 18 Twilight Concert Planning for January 26 Australia Day Concert Follow-up and install new red wall in Council Chambers Planning for Mayor's Christmas function		Planning for Australia Day took place during the quarter. Editorials were published in St Ives Village Life, The Observer and Sydney's Child. Six sponsorship proposal were formalised in the quarter.  Over 100 volunteers and representatives from various community organisations attended the Mayor's Christmas Party at Wildflower Garden on 4 December 2008. Guests enjoyed entertainment provided by "Beats Workin" a barbershop quartet, part of Sydney Siders Express Men's Choir (all funds raised are donated to Westmead Children's Hospital). The event was very successful with positive feedback from the attendees.		

623

Environmental Education

MLCD01

This function involves the delivery of environmentally based education programs for residents and program users to better understand and implement sustainable practices within their own living environments. The program is targeted at all age groups and delivers understanding how to sustain local fauna create and maintain sustainable gardens.

Code	KPI	Target Units	September	December Notes
a	Environmental activities delivered	80 %	25	50 All activities held during the quarter
September Comments: Environmental activities at the Wildflower Garden this quarter included Wildflower Festival - 1000 visitors, school excursions - SCEGS Redlands 64 students  Programs included Plants in Action and Beneath the Ground, St Patrick's Primary 49 students; Wonderful World of Plants, Ravenswood School for Girls 52 students; Importance of Natural Environments and Living Things, St Kevin's Eastwood 53 students; Wet & Dry Environments, Beacon Hill Primary 62 students; The Need for Shelter, Shore Preparatory 46 students; Pond & Bush Life, Roseville Public School 98 students; Natural & Built Environments, Belrose Public School 62 students; Meeting Needs, ESL excursion 46 participants; and Biodiversity & Environmental Sustainability in Your Home.  Bush Birthday Parties 390 participants - various natural environment topics, Adult Gardening Program 25 participants. Backyard Chooks, Bush Kids School Holiday program 165 participants  Vacation Care Excursions 70 children and Aussie Plants and Animals. The program was extremely successful with many positive feedback forms received.		December Comments: Wildflower Garden - During October a total of 36 activities were conducted with approximately 800 participants. In November 23 activities took place with more than 505 participants, and during December 10 activities took place with 161 participants. Break up: 36 Bush Birthday parties - 514 Participants, 14 Bush Kids Activities - 346 Participants 1 ESL Group - 15 Participants 4 Playgroups - 71 Participants 13 School Groups - 494 Participants 1 Vacation Care Group - 25 Participants In total 69 activities with 1,465 participants participated in the program during the December quarter.  This quarter the Wildflower Garden program presented a successful Bush Kids School Holiday program with attendance levels well above previous programs. Bush Birthday Parties were full each weekend, with the exception of two. Several schools visited the WFG during the quarter for organised talks and walks within the WFG, focussing on native fauna and the environment.		



## 64 Sport and Recreation Facilities

### 641 Sport and Recreational Facilities Management

MCRP01

The primary purpose of Recreational Services are to provide support and promote a range of recreation resources and opportunities in order to improve health and well-being of the community

Code	KPI	Target Units	September	December Notes
<i>a</i>	<i>Capacity participation in Active Ku-ring-gai program</i>	90 %	93	100
<i>b</i>	<i>Recreational facilities seasonal allocation completed</i>	100 %	100	100

#### September Comments:

##### Sportsgrounds

During the Summer season, there is less usage of the floodlights and the Cloudmaster system. This has been a good opportunity to introduce the Clubbin System to the handful of Summer floodlight hirers which will become mandatory for all users from 2009. The Clubbin System will give responsibility to the hirers to activate and deactivate the lights themselves according to their bookings. This should prove a more effective and efficient way of managing the lights at each venue.

Standard Operation Procedures for Cloudmaster are also being processed for internal staff as well as out of hours staff. This document will communicate a clearer understanding of the Cloudmaster system and methods to resolve issues as they arise.

The Summer season started successfully on 20 September 2008 with all clubs/associations getting under way for their particular sport and competition. Council was able to provide each hirer with their requirements for the season to ensure training and competition could be catered to at each venue.

October saw the release of the Annual and School Packs 2009 to over 50 hirers. The following weeks will repeat the summer allocation process in allocating the requests to each user.

#### December Comments:

Over 80 people participated in the 9 Active Ku-ring-gai programs that were offered in Term 4. Most programs exceeded minimum capacity, and where the expected numbers were not reached, a review of program marketing has been undertaken. The more popular activities included Social Tennis, Gym without Walls, Pilates, Yoga and Fitbox. Staff are currently reviewing the scheduling of Tai Chi and FitBall programs due to low enrolments, and the popular DanceFit program was unable to run due to lack of available qualified instructors. Staff are also working with communications to create a more effective promotional campaign and appropriate branding for Active Ku-ring-gai. With the continued success and positive feedback about the Active Ku-ring-gai program, staff and instructors are discussing the development and implementation of new programs and additional facilities.

Highlights: New program Fitbox has quickly become popular and receiving excellent feedback and public interest.

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## **GORDON GOLF COURSE - DRAFT PLAN OF MANAGEMENT**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To recommend adoption of the draft Plan of Management Gordon Golf Course.

**BACKGROUND:**

Council resolved at its meeting of 11 November 2008 to exhibit the draft Plan of Management Gordon Golf Course for a period of 28 days with a further 14 days for public comment.

**COMMENTS:**

In response to the exhibition, one submission was received. Comments raised predominantly focussed on the community precinct within the area of the clubhouse. Minor amendments have been made to the draft Plan of Management to reflect the comments raised in the submission.

**RECOMMENDATION:**

That Council adopt the draft Plan of Management Gordon Golf Course with minor amendments.

## PURPOSE OF REPORT

To recommend adoption of the draft Plan of Management Gordon Golf Course.

## BACKGROUND

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. Not only are plans required under the Act, but are also essential management tools. Plans of management:

- are written by Council in consultation with the community;
- identify the important features of the land;
- clarify how Council will manage the land, and in particular;
- indicate how the land may be used or developed (such as leasing).

Until a plan of management for community land is adopted, the nature and use of the land must not be changed. This means that Council cannot carry out new development on the land. It also means that Council cannot grant a lease, licence or other estate over the land until a plan of management is in place.

In accordance with the *Local Government Act 1993* and *Practice Note number one Public Land Management (May 2000)* issued by the Department of Local Government (May 2000), a Council can amend a plan of management at anytime. However, as an amendment, it is regarded as another plan and must be exhibited in accordance with *Section 40* of the Act.

On 20 November 2001, Council adopted a *Plan of Management Gordon Golf Clubhouse Precinct* and a separate generic *Plan of Management for Golf Courses* which included North Turramurra golf course.

On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management. A prioritised table of plans for revision was adopted with the *Plan of Management Gordon Golf Course*, a high priority for review.

The amended draft Plan of Management Gordon Golf Course (**Attachment 1**) follows the same format as for other plans prepared for various areas of community land in Ku-ring-gai.

The draft plan is deliberately strategic in nature with limited operational detail to allow for flexibility and innovation in the implementation of strategies. This detail will be reflected in annual operating plans which will vary according to funding levels and the options available to provide agreed services. The operation plans will also be developed along with the Council's Management Plan and will be available on Council's website.

As with other plans of management, this draft Plan of Management provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to the Gordon Golf Course.

Item 11

S06604  
13 February 2009

This does not necessarily mean Council will enter into any such agreement however Council is legally able to do so should the need arise. Current leases on the site include the Gordon Golf Club at the clubhouse and Tee Tops Pty Ltd at the pro shop.

Under *Section 610F* and *705* of the *Local Government Act 1993* Council is required to give public notice of the proposal fee (purchase price). The purchase price for the plan of management is set at \$0.60 per page in accordance with Council's Fees and Charges 2008/09. *Section 610F* requires that Council must give the public notice for at least 28 days with a further 14 days for public comment and consider any submissions before it can determine the fee. *Section 705* requires that Council must determine the manner with which it proposed to bring the matter notified, to the attention of as many people in its area as possible.

On 11 November 2008 Council resolved:

- A. *That the draft Plan of Management Gordon Golf Course be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the Local Government Act 1993.*
- B. *That during the exhibition period copies of the draft Plan of Management Gordon Golf Course be placed at the Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries, Gordon golf course and on Council's.*
- C. *That Council gives notice of its intention to determine a purchase price of \$0.60 per page for the Plan of Management Gordon Golf Course via advertisements in the North Shore Times.*
- D. *That during the public exhibition and comment period, copies of the draft plan of management be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.*
- E. *That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.*

## COMMENTS

In response to the exhibition of the draft Plan of Management, Council received one written submission from the Ku-ring-gai Community Workshop – "The Shed".

The submission raised the following points for further consideration:

- The draft Plan contains out dated and misleading information,
- There should be greater recognition of the community precinct at the golf course – in particular the former Meals on Wheels building.

These comments have been addressed as follows:

- The draft Plan of Management has been amended to better reflect the trend of player numbers at courses.

Item 11

S06604  
13 February 2009

- The community precinct within the Plan has been separately classified as 'General Community use' under the *Local Government Act 1993*. This recognises that this area of the site serves a more general community purpose unlike the rest of the site which has a "Sportsground" classification. The draft Plan of Management has been amended however, to replace the term 'ancillary building' to describe the former Meals on Wheels building, to 'community building' to better reflect the purpose of the building. The Plan of Management has also been amended to include 'community uses' as a current and permitted use.

Based on the nature and extent of the comments, it is not intended to re-exhibit the draft Plan of Management as the amendments are considered to be minor.

## CONSULTATION

Advertisements in the North Shore Times, on 8 December 2008 circulated within the Ku-ring-gai local government area, promotion on Council's website and notification at the Gordon Golf Course were used as the most appropriate means of bringing the proposed draft plan of management to the attention of local residents.

Due to the timing of the exhibition extending over the Christmas and New Year, the exhibition period was extended by a further two weeks to allow for further responses.

## FINANCIAL CONSIDERATIONS

Financial considerations include the cost of advertising the exhibition of the draft Plan of Management. This is incorporated within the operation budget of the Strategy department.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Comprehensive consultation has been undertaken as part of developing the amended plan of management with all departments of Council included in the consultation process.

## SUMMARY

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. Not only are plans required under the Act, but are also essential management tools.

On 20 November 2001, Council adopted a *Plan of Management for Golf Courses* and a separate *Plan of Management Gordon Golf Clubhouse Precinct*. On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management. A prioritised table of plans for revision was adopted with the *Plan of Management Gordon Golf Course*, a high priority for amendment.

Since the adoption of the *Plan of Management for Golf Courses* and the *Plan of Management Gordon Golf Clubhouse Precinct* limited variation has occurred with the use and management of the site with the exception of the development of sewer mining infrastructure for irrigation.

Item 11

**S06604**  
**13 February 2009**

In response to this, the generic *Plan of Management for Golf Courses* and the *Plan of Management for the Gordon Golf Clubhouse Precinct* is recommended to be superseded by *Plan of Management Gordon Golf Course* (**Attachment 1**), if adopted by Council.

During the exhibition period, one submission was received. The comments raised in the submission have been incorporated into the draft Plan of Management where appropriate.

## **RECOMMENDATION**

- A. That Council adopt the draft Plan of Management Gordon Golf Course with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft Plan of Management be notified that the draft Plan of Management Gordon Golf Course has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the Plan of Management Gordon Golf Course.

Louise Hayward  
**Sustainability Officer**

Roger Faulkner  
**Team Leader Open Space & Planning**

Peter Davies  
**Manager Corporate Planning & Sustainability**

Andrew Watson  
**Director Strategy**

**Attachments:        Gordon Golf Course - Draft Plan of Management - 2009/019404**



**Ku-ring-gai Council**

## **Plan of Management** Gordon Golf Course

**February 2009**

**Prepared by**  
Louise Hayward  
*Sustainability Officer*



## Contents

<b>Introduction</b>	Background	3
	Objectives	3
	Vision	3
	Document structure	4
	Community land	4
	Categorisation	4
	A brief history	4
	Local and regional context	5
	Site description	5
	Leases and licences	5
	Current and permitted uses	6
	Scale and intensity of uses	6
	Future development of the land	7
	Values and issues	7
<b>Management objectives</b>	Introduction	10
	Development of the land	10
	Safety & risk management	10
	Maintenance	10
	Tourism	10
	Course amenities	11
	Access	11
	Inappropriate access and use	11
	Security and vandalism	12
	Sponsorship	12
	Traffic and parking	12
	Waste management	12
	Catchment management	13
	Water management	13
	Course quality	13
	Dogs on the course	13
	Noise	13
	Stray golf balls	14
	Public art	14
	Climate change	14
	Vegetation and habitat	14
<b>Strategy plan</b>	Introduction	15
	Development of the land	16
	Safety & risk management	16
	Maintenance	16
	Tourism	16
	Course amenities	16
	Access	16
	Inappropriate access and use	17
	Security and vandalism	17
	Sponsorship	17
	Traffic and parking	17
	Waste management	17
	Catchment management	18
	Water management	18
	Course quality	18
	Dogs on the course	18
	Noise	18
	Stray golf balls	19
	Public art	19
	Climate change	19
	Vegetation and habitat	19
<b>Monitoring</b>	Monitoring program	21
<b>References</b>	References	21



# Introduction

## Background

Ku-ring-gai Council's Open Space system comprises some 300 hectares of developed open space containing a wide spectrum of sport, recreation and leisure facilities including sports fields at 46 locations, 94 playgrounds, 2 public golf courses, 29 sealed netball courts and 27kms of designated bushland walking tracks.

This Plan of Management covers the Gordon Golf Course and associated club house as shown in figure 2, one of two publicly owned courses within Ku-ring-gai.

The Par 65 public course is zoned Open Space 6(a) Recreation Existing under Ku-ring-gai's Planning Scheme Ordinance and is located in Lynn Ridge

Avenue, Gordon. Professional golf services are provided by a subcontractor and the greens, fairways and play areas are maintained by Council staff.

This Plan of Management has been prepared in accordance with the requirements of the *Local Government Act 1993* (as amended).

The Plan has been developed to provide a strategic framework for future management of the facility which states Council's management intentions as well as authorised development and use of the land as required under Chapter 6 of the *Local Government Act 1993*.

## Objectives

This Plan has been developed to fulfil the following objectives:

- To meet Council's obligations under Chapter 6 of the *Local Government Act 1993* in respect to public land management.
- To enable Council to renegotiate or enter into contracts, leases, licences and hire agreements for the Gordon Golf Course and other facilities in relation to the provision of services and utilities.
- To provide a public golf course which manages the environmental, economic and social sustainability of the site.

## Vision

The vision of the Gordon Golf Course has been developed through past consultation in the development of the generic Plan of Management for Golf Courses and through further consultation as part of the development of this Plan. The vision for the Gordon Golf Course is:

*A quality public golf course which balances recreation, landscape and conservation values within a business framework.*



## Document structure

This Plan of Management comprises five major sections including:

- Introduction
- Basis for management
- Management objectives
- Strategy plan
- Monitoring program

The basis for management is the driving force of the plan that will guide management of the Gordon Golf Course over the next 15 years. The basis for management incorporates the core values of the community and regular users which are reflected in the vision and role for the land.

The management objectives have been developed in response to key issues identified within the consultation process that affect management of the Gordon Golf Course.

The strategy plan and monitoring program define the strategies that will be implemented to achieve the management objectives of the plan. Performance indicators are also included to provide a basis for measurement upon which to evaluate the implementation strategies.

## Community land

The introduction of the *Local Government Act 1993* represented a significant policy reform in respect to public land management.

On the commencement of the Act on 1 July 1993, all land set aside as parkland (sports fields, playgrounds, bushland etc) was automatically classified as community land with specific requirements governing its management.

One of the requirements is the preparation of plans of management for all community land. Community land must be managed in accordance with an adopted plan of management and until such plan is prepared and adopted, the nature of the land and use cannot be altered.

Leasing and licensing of community land must be authorised by a plan of management.

## Categorisation

Under Division 2, Section 36, Clause 4 of the *Local Government Act 1993*, Plans of Management must categorise the land covered by the Plan. The Act provides the following choices for categorisation:

- Natural area
- Sports ground
- Park
- General community use

For the purposes of Section 36 Clause 4 the Plan of Management categorises the Gordon Golf Course as sports ground and the area of the clubhouse and other facilities at the northern end of the site as general community use as indicated in Figure 3.

## A brief history

Up until 1932 the bulk of St Johns Avenue and flat land areas were dairy. In 1932 due to the slowing up in residential development caused by the depression, the trustees of the land (William Moore Trust) decided to use the area as a golf course as a means of profitable revenue. This was only a temporary measure pending development of the southern section, when the course would be subdivided for residential lots.

Construction started in April 1933 and opened to the public as a golf course in August 1933. Council took over the then called Lynn Ridge Golf Links a municipal golf course in 1946 and gave notice of resumption of 48.5 acres (14 holes) for 'park' purposes. Four holes on the western side of St Johns Avenue were not resumed. As part of the purchase of the land from the William Moore Trust, Council has certain obligations in regard to public access to the land.

On 20 November 2001, Council adopted a generic Plan of Management for Golf Courses which covered both Gordon and North Turramurra Golf Courses. In addition to this, the Plan of Management for the Gordon Golf Clubhouse was also adopted on the same date which is now incorporated into this plan. As part of the development of these plans, extensive consultation was undertaken with the managers, users and adjoining land users of the course.



## Local and regional context

In 2005, Golf Australia estimated that there were over 1500 golf courses within Australia with a membership of over 1.14 million players. Over 25 per cent of these players visited a course more than once a week. However, according to the Australian Sports Commission, participation rates have declined Australia-wide from 8.2% to 5.6% since 2001. There are 16 courses within the surrounding region of Ku-ring-gai of which the majority are privately owned.

Within the Ku-ring-gai local government area, there are four private courses (Avondale, Killara, Pymble and Roseville) and two public golf courses at North Turramurra and Gordon.

## Site description

The Gordon Golf Course is located on Lynn Ridge Avenue at Gordon (Figure 1) and covers the following land:

- Lot 68 DP 241717
- Lot 12 DP 825411
- Lot 11 DP 825411
- Lot 1 DP 1328533
- Lot 1 DP 120933
- Part Lot 1 DP 1115862

The golf course layout is divided into two balanced sets of nine holes each. The course is on a relatively small parcel of land. On such a course, safety issues can be a problem. However, the scale and density of the existing vegetation lining most fairways helps to reduce many of these safety issues. Where vegetation can't eliminate danger, the course has a number of essential safety fences installed. Many of these fences are in poor condition.

The course starts at the pro-shop from hole 1 and returns to the pro-shop on completion of the 18<sup>th</sup> hole providing a continuous layout

The existing greens are old and require a high level of maintenance.

The Clubhouse precinct contains the following facilities:

- amenities and storage building
- Community building (former Meals on Wheels site)
- golf pro-shop

- clubhouse
- formal car park (51 spaces)
- informal parking area

The Gordon town centre and railway station lie within one kilometre east with the site backing onto Council bushland forming the western boundary.

## Leases and Licences

There are two separate existing leases at this site for the Pro shop and the clubhouse.

This Plan of Management expressly authorises Council, by resolution, to enter into lease or licence agreements with relevant authorities, organisations or individuals in relation to the provision of services or utilities for a public purpose.

In accordance with the requirements of the *Local Government Act 1993*, this plan also expressly authorises Council to grant easements for authorities, organisations or individuals in favour of private lands over lands identified in the plan, providing Council is satisfied there is no reasonable alternative and appropriate benefits are obtained for the community land and any adverse impacts on playing surface or drainage is remediated at the cost of the holder of the easement.

## Current and permitted uses

The land covered by this Plan is currently used for recreational and other community purposes including:

- golf
- garden area
- car parking
- natural areas
- clubhouse and amenities
- maintenance buildings
- access roads
- pathways
- licensed bar and bistro
- gaming (poker machines)
- commercial activities
- pro shop
- conference activities
- water reuse and recycling
- community uses

## Scale and Intensity of Permitted Uses

Use	Scale	Intensity
Golf course play	Limited to physical constraints of the course	During daylight hours in accordance with relevant development consents.
Golf course maintenance	Limited to physical constraints of the course	During daylight hours in accordance with relevant development consents.
Clubhouse	Limited to physical constraints of building and facilities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Licensed bar and bistro	Limited to physical constraints of building and facilities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Recreation areas	Limited to physical constraints of building and facilities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Gaming	In accordance with relevant consents or approvals as required by appropriate authorities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Car parking	Limited number of car parking spaces able to be provided on site	In accordance with sign posting, Monday to Sunday (inclusive).
Commercial activities, pro shop and conference activities	Limited to existing activities at the time of adoption of the plan, physical constraints of the site and buildings and must be in accordance with objectives of the Plan	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.



## Future development of the land

This Plan of Management authorises within the requirements of relevant legislation and Council policy, the future development of the Gordon Golf Course for the following purposes and uses:


- golf
- amenities buildings
- club house
- function and meeting rooms
- refreshment rooms (eg café, restaurant)
- community facilities
- car parking and access roads
- natural areas
- landscaping
- picnic and BBQ facilities
- play grounds
- drainage and water retention
- maintenance buildings
- practice nets and putting greens
- community facilities
- commercial facilities
- sewer mining
- stormwater harvesting

The following issues were identified for the Gordon Golf Course:

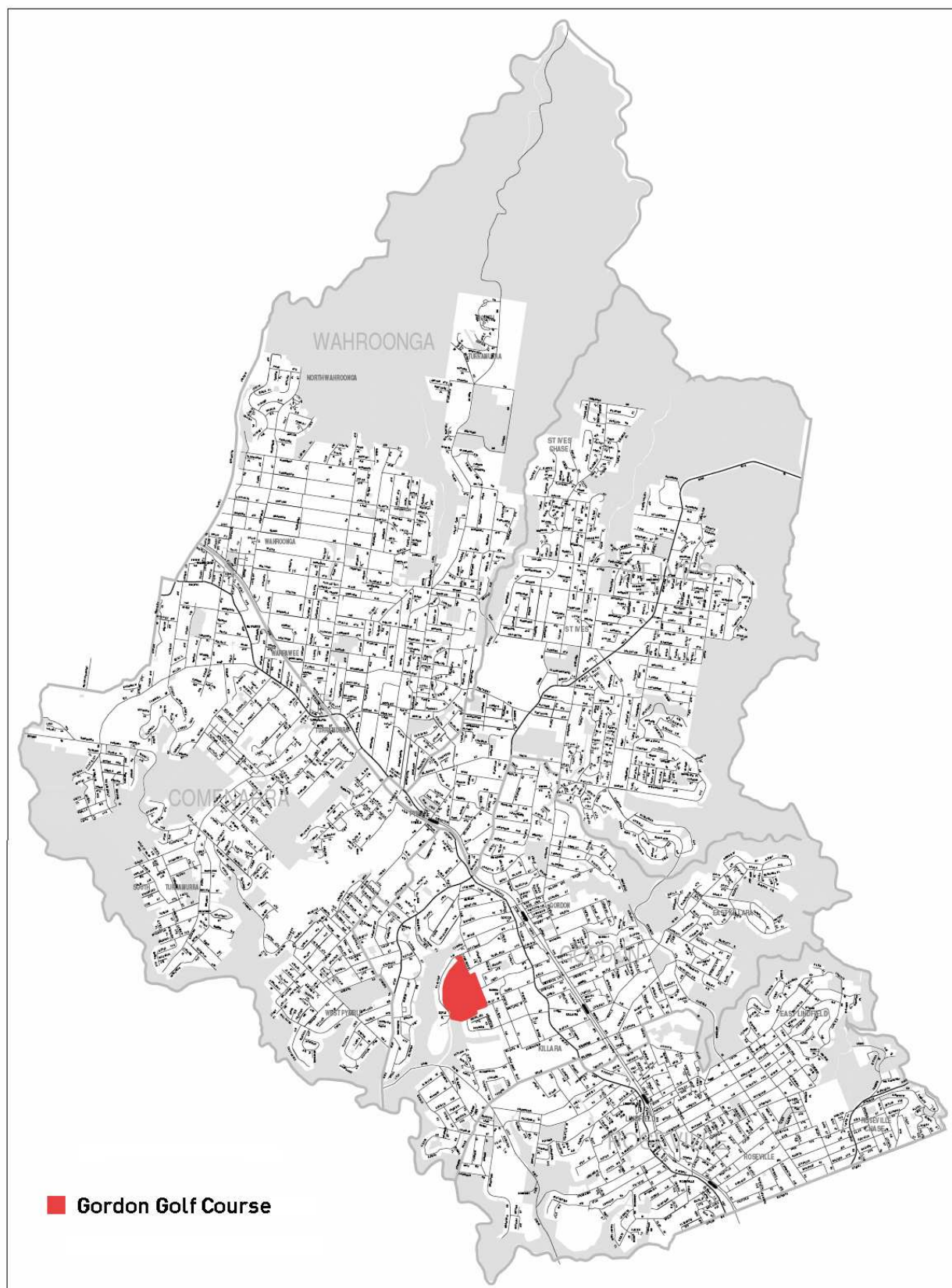
- development of the land
- safety and risk management
- maintenance
- course amenities
- access
- traffic and parking
- dogs on course
- waste management
- catchment management
- water management
- hours of operation
- course quality
- financial viability
- noise
- tourism
- stray golf balls
- public art
- climate change
- landscape character
- fauna and flora

## Values and issues

Identification of values of the Gordon Golf Course together with issues affecting its management was compiled from consultation undertaken for the existing Plans of Management for Golf Courses and for the Gordon Golf Clubhouse Precinct and further consultation with relevant staff. The following values were identified for the Gordon Golf Course:

- sport
  - recreational opportunities
  - multiple use/multi-purpose
  - community benefit
  - visual amenity
  - quality of life
  - health
  - economic sustainability
  - property value
  - social benefits
  - habitat
  - environmental
  - public spaces
  - car parking
  - commercial opportunities
  - function and conference venue
- 





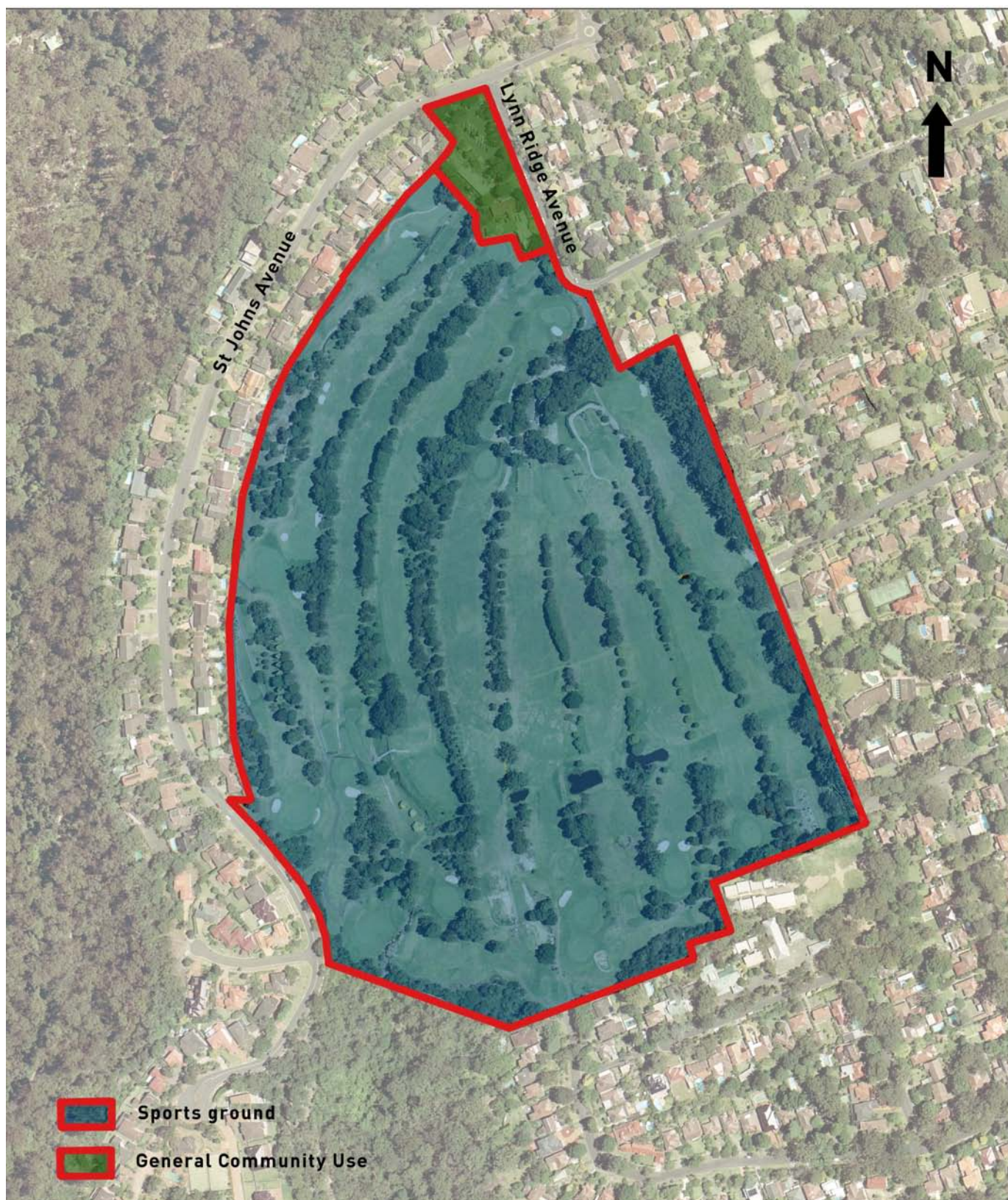
**Figure 1:** Location of Gordon Golf Course within the Local Government Area





**Figure 2:** *Area covered by this Plan*





**Figure 3:** *Areas of categorisation*



# Management Objectives

## Introduction

The management objectives have been developed in response to those issues identified as important in managing the Gordon golf course and bearing in mind the values of the land.

## Development of the land

### Issue

The current use and configuration of the course, buildings and other elements on the site has been in place for some time and was no doubt designed for particular purposes at the time of establishment.

Over time needs have changed. This has brought about alterations to the course and arrangement of facilities such as buildings, landscaped areas. And car parking areas within the site. This should be viewed as a positive opportunity to meet changing needs without compromising other aspects such as the local environment.

### Objective

To ensure future development within the Gordon Golf Course is carried out in a manner that minimises impacts on surrounding land uses.

## Safety and risk management

### Issue

The issues for safety and risk management are inter-related with both issues primarily relating to providing a safe environment for players, staff, spectators, casual and other users the Gordon golf course.

Significant issues include:

- identification of users needs
- appropriate design and construction techniques
- identification of possible risks and development of plans to minimise risk
- a fully documented inspection and maintenance cycle appropriate to the facility and available funds

### Objective

To provide a safe environment for users of and visitors to the Gordon golf course and adjoining properties.

## Maintenance

### Issue

Maintenance is a critical issue which on the one hand deals with the expectations of course users in relation to preparation of the greens and facilities and on the other hand the Council's costs or ability to maintain the course and facilities to certain standards over time.

Excluding leased areas, maintenance of Gordon golf course and facilities is currently provided by Council staff based at the golf course.

Given the high level of usage of the golf courses, care must be taken to provide a level of service which will prevent degradation of the courses and their assets over time.

It is important that Council and the users of the site agree to the maintenance standards which will be provided at Gordon Golf Course.

### Objective

To provide an agreed level of maintenance at Gordon golf course consistent with other public golf courses and in the most competitive manner available within Council's budget constraints.

## Tourism

### Issue

The Ku-ring-gai Local Government Area offers many opportunities for tourists to the region, especially in regard to outdoor and natural areas tourism. Council's two golf courses provide a recreational opportunity to visitors to the region, and form part of the overall tourist experience for the upper North Shore region.

### Objective

To maximise the tourism potential of the Gordon golf course

## Course amenities

### Issue

The provision of appropriate facilities and amenities (toilets, seating, bins, shade) throughout the course is a key component of providing a golf course which meets the needs of a range of uses.

### Objective

To provide course amenities which meet the needs of users.

## Access

### Issue

Access to the Gordon Golf Course and associated amenities is an issue in the following respects:

- pedestrian access
- vehicular access
- disabled access
- access for ethnic and minority groups
- emergency and service access
- signage

Access within the Gordon Golf Course is of concern due to the increased use of the course. Informal tracks and paths have been created where heavy pedestrian traffic desire lines lead to an erosion of informal pathways. The establishment of a formalised path system including ramps and methods to prevent unauthorised access paths will reduce the adverse effects of increased pedestrian traffic within the course.

From a legislative aspect, Council has responsibility in terms of access under the following Acts:

- *NSW Anti Discrimination Act (1977)* as amended:
- *Federal Disability Discrimination Act (1992)* as amended.

The *Disability Discrimination Act 1992* and *Anti Discrimination Act 1997* makes it law for public places such as parks to be accessible to persons with disabilities. In response, Council's Access Policy and Disability Discrimination Act Action

Plan provides the following relevant objectives and strategies:

*Objective 3 – Council owned services and facilities are accessible to people with a disability including: c) Access to Council's open space and facilities where it is possible and achievable within landform.*

*Objective 8. Council takes a leading role to ensure that all levels of government, local business and community organisation provide accessible services.*

*DDA Action Plan Strategies*

*1.2 Building and facilities will meet access standards including AS1428.2 Design for access and ability.*

*7.2 Council will put in place practices to encourage hirers and other users of council's facilities to be inclusive of people with a disability. This includes the allocation of sporting fields.*

The *Anti Discrimination Act 1977* provides that all recreational facilities should be provided without breaching the anti discrimination laws. In particular, toilets should be provided for both sexes and those with disabilities and facilities should be available to both sexes and all races and ages equally.

The management of service and access to and within the Gordon Golf Course must take into account the needs for clear access for emergency vehicles and, where possible, their dual usage for pedestrians and the disabled.


### Objective

To maximise and formalise access within Gordon Golf Course

## Inappropriate Access and Use

### Issue

Gordon Golf Course has several informal access points along the perimeters of the course. These include unapproved gates into the course erected by residents from adjoining private properties. There is a noticeable flow of unauthorised users of the course (including pedestrian traffic, picnickers, joggers, dog walkers and non paying golfers) from informal



access points who can cause a hazard to golf players and a safety hazard to themselves.

Unauthorised play also causes a loss of revenue through players not paying club fees for the use of the course.

The simultaneous use of the courses for passive recreational use and golf can be incompatible and is an issue of concern for golfers, staff members and general public.

### Objective

To minimise inappropriate use and access to and within Gordon Golf Course.

## Security and vandalism

### Issue

Vandalism involving property damage is a widespread issue which affects many civic areas in Ku-ring-gai including this site.

It is considered appropriate to include the following elements in strategies to reduce vandalism:

- prompt response to repair damage when vandalism occurs
- where necessary target enforcement to known problem areas
- appropriate education and enforcement program
- security lighting and fencing
- enforcement of access through formalised access points only

The above elements will also assist with deterring unauthorised uses.

### Objective

To provide a safe environment for users, visitors and staff

To minimise the potential for, and actual occurrence of vandalism and unauthorised use at Gordon Golf Course.

## Sponsorship

### Issue

In 2007, Council adopted a Sponsorship Policy in accordance with the ICAC Guidelines for Sponsorship in the Public Sector (2006).

Sponsorship of Council's events and functions is an ideal way to provide quality productions to the community in a cost effective manner.

Sponsorship, in return, delivers benefits for the sponsor.

### Objective

To allow for sponsorship at the Gordon Golf Course.

## Traffic and parking

### Issue

Due to the increase in demand at Gordon Golf Course, there has been a subsequent increase in traffic and parking issues surrounding the site. The site does not have adequate parking for patrons and consequently, users park along the road side surrounding the course. Additional parking potential and information traffic signs may improve this situation.

### Objective

To minimise traffic impacts on adjoining land uses.

To provide safe car parking to users.

To investigate potential additional car parking and signage



## Waste Management

### Issue

Litter control on the courses has been identified as an issue of concern. Litter bins and recycling stations can be installed or more appropriately positioned near heavy traffic areas throughout the course to reduce littering, increase recycling and facilitate collection.

### Objective

Facilitate litter and waste collection and increase recycling practices at Gordon Golf Course

and other non-potable uses, providing up to 90% of the water needs for the site.

### Objective

Improve water management at Gordon Golf Course to maximise course and field quality and meet legislative requirements.

## Course quality

### Issue

The quality of the Gordon Golf Course ranges from average to good. The increase in demand and the lack of adequate irrigation systems and a full complement of staff have attributed to course quality.

### Objective

Maximise course quality at Gordon Golf Course.

## Catchment Management

### Issue

Gordon golf course is situated within the Lane Cove catchment. As part of catchment management, efforts have been made by Council to reduce the course impact on the catchment including improving the maintenance vehicle wash down bay and chemical storage areas. In addition, chemical use at Gordon Golf Course has been reduced and biological pest control is now favoured over chemicals. Efforts should be taken to remove all weeds from within the course areas with special consideration being given to remove weeds from within riparian zones to reduce the spread of water borne weed seeds.

### Objective

To incorporate the principles of Total Catchment Management into all management activities

## Dogs on the course

### Issue

Dogs on Gordon golf course have been identified as an issue of concern relating to dog faeces left on the course and the potential threat to course users and dog owners by leashed and unleashed dogs.

In addition to this, potential dog attacks can put other users, dogs and wildlife of the area at risk of harm. Prohibiting dogs from the golf course area during hours of play will mitigate any potential risk to other users from dog attack and dog owners.

### Objective

To minimise any risk to users of the golf course from dogs and to dogs.

## Water management


### Issue

The Gordon Golf Course site has a limited water supply with low water pressure and limited irrigation systems creating difficulties in keeping the golf course adequately irrigated. To rectify this, Council has committed to building a water recycling and sewer mining plant. This will treat effluent to an appropriate standard for irrigation

## Noise

### Issue

Recreational and maintenance activities can create excessive noise impacting adjoining land users. In an effort to reduce noise impacts on adjoining land users, maintenance vehicles on



the golf course have been replaced where possible with electric driven alternatives which produce little or no noise. The operation of the sewer mining equipment has been designed to take into consideration noise impacts on course users and adjacent land owners. Course maintenance and golfing play hours are limited to certain hours of the day to reduce noise impacts on adjoining users.

### Objective

Minimise noise impacts on adjoining land users at Gordon golf course.

- provide clear guidelines for Council and the community regarding public art development and responsibility
- where relevant ensure the Public Arts Policy is reflected within Council's strategic directions, policies and planning controls and *vice versa*.

### Objective

To provide opportunities for public art at the Gordon Golf Course.

## Stray Golf Balls

### Issue

Stray golf balls from the golf course have the potential to be a risk to adjoining land users. Future redesigning of the course and vegetation planting needs to take into consideration the minimisation of stray golf balls onto adjoining lands and within the Gordon golf course itself.

### Objective

Minimise the adverse effects of stray golf balls.

## Public art

### Issue

In 1998 Council adopted a Public Art Policy aimed at "guiding and encouraging the exhibition and inclusion of art within public places, ensuring the valued characteristics of Ku-ring-gai are enhanced".

The Public Art Policy has the following objectives:

- encourage art in the Ku-ring-gai Council area
- contribute to raising the profile and recognition of art and arts development
- ensure public art complements and enhances the valued characteristics of the Council area
- ensure a coordinated and planned approach to the development and management of public art

## Climate change

### Issue

It is likely that the climate change predicted by the CSIRO will see Ku-ring-gai experience an increase in drought, extreme wind and rain events and an increase in frequency of extreme temperature days.

Notable secondary impacts may include more extreme and frequent bush fire events, electricity, water, gas and sewer disruption, extremes in heat, more intense and frequent storms, local flooding and prolonged droughts. These could affect the Gordon Golf Course.

Bushfires can be a threat to residential areas around Gordon. The Gordon Golf Course can be used during fire events by providing a marshalling area for emergency services and the large static water supplies will provide a significant water supply in the event of a bushfire hazard.

The Gordon Golf Course needs to adapt to climate change as well as mitigate its contribution to climate change.

### Objective

To manage the Gordon Golf Course in a way which both mitigates and adapts to climate change.



## Vegetation and habitat

### Issue

The Gordon Golf Course provides extensive landscaped areas and remnant *State Environmental Planning Policy 19* bushland. It is vital that this landscape character be preserved and where appropriate reinforced and enhanced.

### Objective

To conserve and where appropriate, reinforce the natural and landscape values of Gordon golf course.

# *Strategy Plan*

## Introduction

This section outlines the strategies that will be implemented to achieve Council's objectives in terms of the issues relating to management of the Gordon Golf Course.

Issue	Objective	Strategy	Responsibility	Completion
Development of the land	To ensure future development within the Gordon golf course is carried out in a manner that minimises impacts on surrounding land uses	Site developed in accordance with the Plan and associated Landscape Master Plan	Manager Corporate Planning & Sustainability	Ongoing
Safety & risk management	To provide a safe environment for users of and visitors to the Gordon golf course.	Implement Council's <i>Liability, Loss and Public Risk</i> strategy for Open Space	Manager Open Space Services	2008 & Ongoing
Maintenance	To provide an agreed level of maintenance at Gordon golf course consistent with other public golf courses and in the most competitive manner available within Council's budget	Identify required standards for all maintenance at the Gordon Golf Course Maintain the facilities maintenance plan according to service plan standards Review service plan specifications and monitoring systems annually Prepare and implement a contingency plan for emergency repairs	Manager Open Space Services	Ongoing
Tourism	To maximise the tourism potential of the Gordon golf course	Promote the Gordon golf club as a tourism destination	Manager Community & Recreation Property	Ongoing
Course Amenities	To provide course facilities which meet the needs of users.	Develop a consultative program to provide feedback to Council, on an ongoing basis, on the needs of users at both courses. Respond to user feedback in maintenance/improvement programs where resources allow.	Manager Open Space Services	Ongoing
Access	To control and formalise access within Gordon golf course	Identify constraints and opportunities to maximise access and circulation and develop a program of pathway installation Install pathways consistent with identified formal and informal access lines. Install signage identifying use limitations of course facilities. Develop and implement an education and enforcement program regarding access to Gordon golf course. Permit access to emergency vehicles	Manager Open Space Services	Ongoing



Issue	Objective	Strategy	Responsibility	Completed
Inappropriate access and use	To minimise inappropriate uses and access to and within Gordon golf course.	Undertake an audit of potential risks to users, visitors, staff and facilities and develop and implement a risk management program.	Manager Open Space Services  Manager Compliance & Regulation	Ongoing
Security and vandalism	To provide a safe environment for users, visitors and staff	Provide a timely response to reported damage or vandalism at the Gordon Golf Course.	Manager Open Space Services	Ongoing
	To minimise the potential for, and actual occurrence of vandalism and unauthorised use at Gordon Golf Course.	Ensure facilities at the Gordon Golf Course are of appropriate design and construction and are well maintained to reduce motivation factors for vandalism.	Manager Compliance & Regulation	
Sponsorship	To allow for sponsorship at the Gordon golf course	Actively seek sponsorship opportunities at the Gordon golf course	Manager Community & Recreation Property	Ongoing
Traffic and parking	To minimise traffic impacts on adjoining land uses.	Investigate potential to increase parking facilities within the Gordon golf course.	Manager Open Space Services	2010
	To provide safe car parking areas to users.	Investigate the option of providing additional car parking areas at Gordon golf course.	Traffic & Transport Planner	
	To investigate potential additional car parking and signage			
Waste management	Facilitate litter and waste collection and increase recycling practices at Gordon golf course	Provide adequate number and location of bins in accordance with identified user needs and problem areas.  Trial use of recycling facilities at Gordon Golf Course and initiate appropriate action on completion of trial.	Manager Waste Services	Ongoing

Issue	Objective	Strategy	Responsibility	Completed
Catchment management	To incorporate the principles of Total Catchment Management into all management activities	<p>Soil test the course at the Gordon Golf Course to identify precise chemical deficiencies and formulate a fertiliser program specific to each area to eliminate unnecessary chemical application</p> <p>Provide clear delineation between course surrounds and bushland</p> <p>Install water treatment devices concurrently with drainage and irrigation works</p>	<p>Manager Open Space Services</p> <p>Manager Capital Works</p>	Ongoing
Water management	Improve water management at Gordon golf course to maximise course and field quality and meet legislation requirements	<p>Develop a Water management Plan for Gordon Golf Course.</p> <p>Implement a Water Management Plan</p>	Manager of Corporate Planning & Sustainability	<p>2007</p> <p>2010</p>
Course quality	Maximise course quality at Gordon golf course.	Identify and implement opportunities to provide improvement to the course quality	Manager Open Space Services	Ongoing
Dogs on the course	To minimise risk to users of the golf course from dogs and to dogs from management of the course.	<p>Dogs are prohibited from Gordon golf course during golf operating hours.</p> <p>Implement an education and enforcement program aimed at dog owners</p>	<p>Manager Open Space Services</p> <p>Manager Compliance &amp; Regulation</p>	Ongoing
Noise	Minimise noise impacts on adjoining land users at Gordon golf course.	<p>Where possible, progressively replace all maintenance equipment with quieter alternatives.</p> <p>Encourage users to minimise noise when playing in the vicinity of residential areas</p> <p>Use noise management criteria when considering any changes to the Gordon golf course.</p>	<p>Manager Open Space Services</p> <p>Manager Community &amp; Recreation Property</p>	Ongoing

Issue	Objective	Strategy	Responsibility	Completed
Stray golf balls	Minimise the adverse effects of stray golf balls.	Identify areas where stray golf balls are causing or have potential to cause a risk to other users or adjoining land uses  Use a variety of methods to minimise the risk of stray golf balls including fences, landscaping and realignment of directions of play.	Manager Open Space Services	Ongoing
Public art	To provide opportunities for public art at the Gordon golf course.	Consider opportunities for public art in line with relevant Council policy.	Manager Community & Recreation Property  Manager Leisure and Cultural Development	Ongoing
Climate change	To manage the Gordon golf course in a way which both mitigates and adapts to climate change.	Implement projects listed within the Energy and Water savings Action Plan.	Manager of Corporate Planning & Sustainability	2011
Vegetation and habitat	To conserve and where appropriate, reinforce the natural and landscape values of Gordon golf course.	Endangered Ecological Communities are mapped Protect important vegetation and habitats  Preference will be given to the use of locally occurring plant species to reinforce the landscape and habitat values of the courses.	Manager of Corporate Planning & Sustainability  Manager Open Space Services	2009 and Ongoing



## Monitoring program

The strategy plan will be reviewed every two years. The review will include the following:

- A report on the progress plan
- Recommendations for alterations to the existing strategy plan for the coming year
- Any other necessary changes due to new usage trends or issues arising from management of the site

The objectives will be reviewed every two years in the Council's Management Plan cycle. If significant changes take place in the interim, this section will be revised.

The core values held by the community are unlikely to change over the 15 year timeframe however, the relative importance of each value may increase or decrease. These changes in importance of core values need to be reflected in changes in the strategy plan. However, significant changes in the relative importance of core values will necessitate the need for a completely new plan to be prepared.

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Hennessy, K., McInnes, K., Abbs, D., Jones, R., Bathols, J., Suppiah, R., Ricketts, J., Rafter, T., Collins, D. and Jones, D. 2004, **Climate Change in NSW. Part 2: Projected changes in climate extremes.** CSIRO.

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**Ku-ring-gai Council**

## **Plan of Management** Gordon Golf Course

**February 2009**

**Prepared by**  
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## Contents

<b>Introduction</b>	Background	3
	Objectives	3
	Vision	3
	Document structure	4
	Community land	4
	Categorisation	4
	A brief history	4
	Local and regional context	5
	Site description	5
	Leases and licences	5
	Current and permitted uses	6
	Scale and intensity of uses	6
	Future development of the land	7
	Values and issues	7
<b>Management objectives</b>	Introduction	10
	Development of the land	10
	Safety & risk management	10
	Maintenance	10
	Tourism	10
	Course amenities	11
	Access	11
	Inappropriate access and use	11
	Security and vandalism	12
	Sponsorship	12
	Traffic and parking	12
	Waste management	12
	Catchment management	13
	Water management	13
	Course quality	13
	Dogs on the course	13
	Noise	13
	Stray golf balls	14
	Public art	14
	Climate change	14
	Vegetation and habitat	14
<b>Strategy plan</b>	Introduction	15
	Development of the land	16
	Safety & risk management	16
	Maintenance	16
	Tourism	16
	Course amenities	16
	Access	16
	Inappropriate access and use	17
	Security and vandalism	17
	Sponsorship	17
	Traffic and parking	17
	Waste management	17
	Catchment management	18
	Water management	18
	Course quality	18
	Dogs on the course	18
	Noise	18
	Stray golf balls	19
	Public art	19
	Climate change	19
	Vegetation and habitat	19
<b>Monitoring</b>	Monitoring program	21
<b>References</b>	References	21



# Introduction

## Background

Ku-ring-gai Council's Open Space system comprises some 300 hectares of developed open space containing a wide spectrum of sport, recreation and leisure facilities including sports fields at 46 locations, 94 playgrounds, 2 public golf courses, 29 sealed netball courts and 27kms of designated bushland walking tracks.

This Plan of Management covers the Gordon Golf Course and associated club house as shown in figure 2, one of two publicly owned courses within Ku-ring-gai.

The Par 65 public course is zoned Open Space 6(a) Recreation Existing under Ku-ring-gai's Planning Scheme Ordinance and is located in Lynn Ridge

Avenue, Gordon. Professional golf services are provided by a subcontractor and the greens, fairways and play areas are maintained by Council staff.

This Plan of Management has been prepared in accordance with the requirements of the *Local Government Act 1993* (as amended).

The Plan has been developed to provide a strategic framework for future management of the facility which states Council's management intentions as well as authorised development and use of the land as required under Chapter 6 of the *Local Government Act 1993*.

## Objectives

This Plan has been developed to fulfil the following objectives:

- To meet Council's obligations under Chapter 6 of the *Local Government Act 1993* in respect to public land management.
- To enable Council to renegotiate or enter into contracts, leases, licences and hire agreements for the Gordon Golf Course and other facilities in relation to the provision of services and utilities.
- To provide a public golf course which manages the environmental, economic and social sustainability of the site.

## Vision

The vision of the Gordon Golf Course has been developed through past consultation in the development of the generic Plan of Management for Golf Courses and through further consultation as part of the development of this Plan. The vision for the Gordon Golf Course is:

*A quality public golf course which balances recreation, landscape and conservation values within a business framework.*





## Document structure

This Plan of Management comprises five major sections including:

- Introduction
- Basis for management
- Management objectives
- Strategy plan
- Monitoring program

The basis for management is the driving force of the plan that will guide management of the Gordon Golf Course over the next 15 years. The basis for management incorporates the core values of the community and regular users which are reflected in the vision and role for the land.

The management objectives have been developed in response to key issues identified within the consultation process that affect management of the Gordon Golf Course.

The strategy plan and monitoring program define the strategies that will be implemented to achieve the management objectives of the plan. Performance indicators are also included to provide a basis for measurement upon which to evaluate the implementation strategies.

## Community land

The introduction of the *Local Government Act 1993* represented a significant policy reform in respect to public land management.

On the commencement of the Act on 1 July 1993, all land set aside as parkland (sports fields, playgrounds, bushland etc) was automatically classified as community land with specific requirements governing its management.

One of the requirements is the preparation of plans of management for all community land. Community land must be managed in accordance with an adopted plan of management and until such plan is prepared and adopted, the nature of the land and use cannot be altered.

Leasing and licensing of community land must be authorised by a plan of management.

## Categorisation

Under Division 2, Section 36, Clause 4 of the *Local Government Act 1993*, Plans of Management must categorise the land covered by the Plan. The Act provides the following choices for categorisation:

- Natural area
- Sports ground
- Park
- General community use

For the purposes of Section 36 Clause 4 the Plan of Management categorises the Gordon Golf Course as sports ground and the area of the clubhouse and other facilities at the northern end of the site as general community use as indicated in Figure 3.

## A brief history

Up until 1932 the bulk of St Johns Avenue and flat land areas were dairy. In 1932 due to the slowing up in residential development caused by the depression, the trustees of the land (William Moore Trust) decided to use the area as a golf course as a means of profitable revenue. This was only a temporary measure pending development of the southern section, when the course would be subdivided for residential lots.

Construction started in April 1933 and opened to the public as a golf course in August 1933. Council took over the then called Lynn Ridge Golf Links a municipal golf course in 1946 and gave notice of resumption of 48.5 acres (14 holes) for 'park' purposes. Four holes on the western side of St Johns Avenue were not resumed. As part of the purchase of the land from the William Moore Trust, Council has certain obligations in regard to public access to the land.

On 20 November 2001, Council adopted a generic Plan of Management for Golf Courses which covered both Gordon and North Turramurra Golf Courses. In addition to this, the Plan of Management for the Gordon Golf Clubhouse was also adopted on the same date which is now incorporated into this plan. As part of the development of these plans, extensive consultation was undertaken with the managers, users and adjoining land users of the course.



## Local and regional context

In 2005, Golf Australia estimated that there were over 1500 golf courses within Australia with a membership of over 1.14 million players. Over 25 per cent of these players visited a course more than once a week. However, according to the Australian Sports Commission, participation rates have declined Australia-wide from 8.2% to 5.6% since 2001. There are 16 courses within the surrounding region of Ku-ring-gai of which the majority are privately owned.

Within the Ku-ring-gai local government area, there are four private courses (Avondale, Killara, Pymble and Roseville) and two public golf courses at North Turramurra and Gordon.

## Site description

The Gordon Golf Course is located on Lynn Ridge Avenue at Gordon (Figure 1) and covers the following land:

- Lot 68 DP 241717
- Lot 12 DP 825411
- Lot 11 DP 825411
- Lot 1 DP 1328533
- Lot 1 DP 120933
- Part Lot 1 DP 1115862

The golf course layout is divided into two balanced sets of nine holes each. The course is on a relatively small parcel of land. On such a course, safety issues can be a problem. However, the scale and density of the existing vegetation lining most fairways helps to reduce many of these safety issues. Where vegetation can't eliminate danger, the course has a number of essential safety fences installed. Many of these fences are in poor condition.

The course starts at the pro-shop from hole 1 and returns to the pro-shop on completion of the 18<sup>th</sup> hole providing a continuous layout

The existing greens are old and require a high level of maintenance.

The Clubhouse precinct contains the following facilities:

- amenities and storage building
- Community building (former Meals on Wheels site)
- golf pro-shop

- clubhouse
- formal car park (51 spaces)
- informal parking area

The Gordon town centre and railway station lie within one kilometre east with the site backing onto Council bushland forming the western boundary.

## Leases and Licences

There are two separate existing leases at this site for the Pro shop and the clubhouse.

This Plan of Management expressly authorises Council, by resolution, to enter into lease or licence agreements with relevant authorities, organisations or individuals in relation to the provision of services or utilities for a public purpose.

In accordance with the requirements of the *Local Government Act 1993*, this plan also expressly authorises Council to grant easements for authorities, organisations or individuals in favour of private lands over lands identified in the plan, providing Council is satisfied there is no reasonable alternative and appropriate benefits are obtained for the community land and any adverse impacts on playing surface or drainage is remediated at the cost of the holder of the easement.

## Current and permitted uses

The land covered by this Plan is currently used for recreational and other community purposes including:

- golf
- garden area
- car parking
- natural areas
- clubhouse and amenities
- maintenance buildings
- access roads
- pathways
- licensed bar and bistro
- gaming (poker machines)
- commercial activities
- pro shop
- conference activities
- water reuse and recycling
- community uses

## Scale and Intensity of Permitted Uses

Use	Scale	Intensity
Golf course play	Limited to physical constraints of the course	During daylight hours in accordance with relevant development consents.
Golf course maintenance	Limited to physical constraints of the course	During daylight hours in accordance with relevant development consents.
Clubhouse	Limited to physical constraints of building and facilities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Licensed bar and bistro	Limited to physical constraints of building and facilities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Recreation areas	Limited to physical constraints of building and facilities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Gaming	In accordance with relevant consents or approvals as required by appropriate authorities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Car parking	Limited number of car parking spaces able to be provided on site	In accordance with sign posting, Monday to Sunday (inclusive).
Commercial activities, pro shop and conference activities	Limited to existing activities at the time of adoption of the plan, physical constraints of the site and buildings and must be in accordance with objectives of the Plan	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.



## Future development of the land

This Plan of Management authorises within the requirements of relevant legislation and Council policy, the future development of the Gordon Golf Course for the following purposes and uses:


- golf
- amenities buildings
- club house
- function and meeting rooms
- refreshment rooms (eg café, restaurant)
- community facilities
- car parking and access roads
- natural areas
- landscaping
- picnic and BBQ facilities
- play grounds
- drainage and water retention
- maintenance buildings
- practice nets and putting greens
- community facilities
- commercial facilities
- sewer mining
- stormwater harvesting

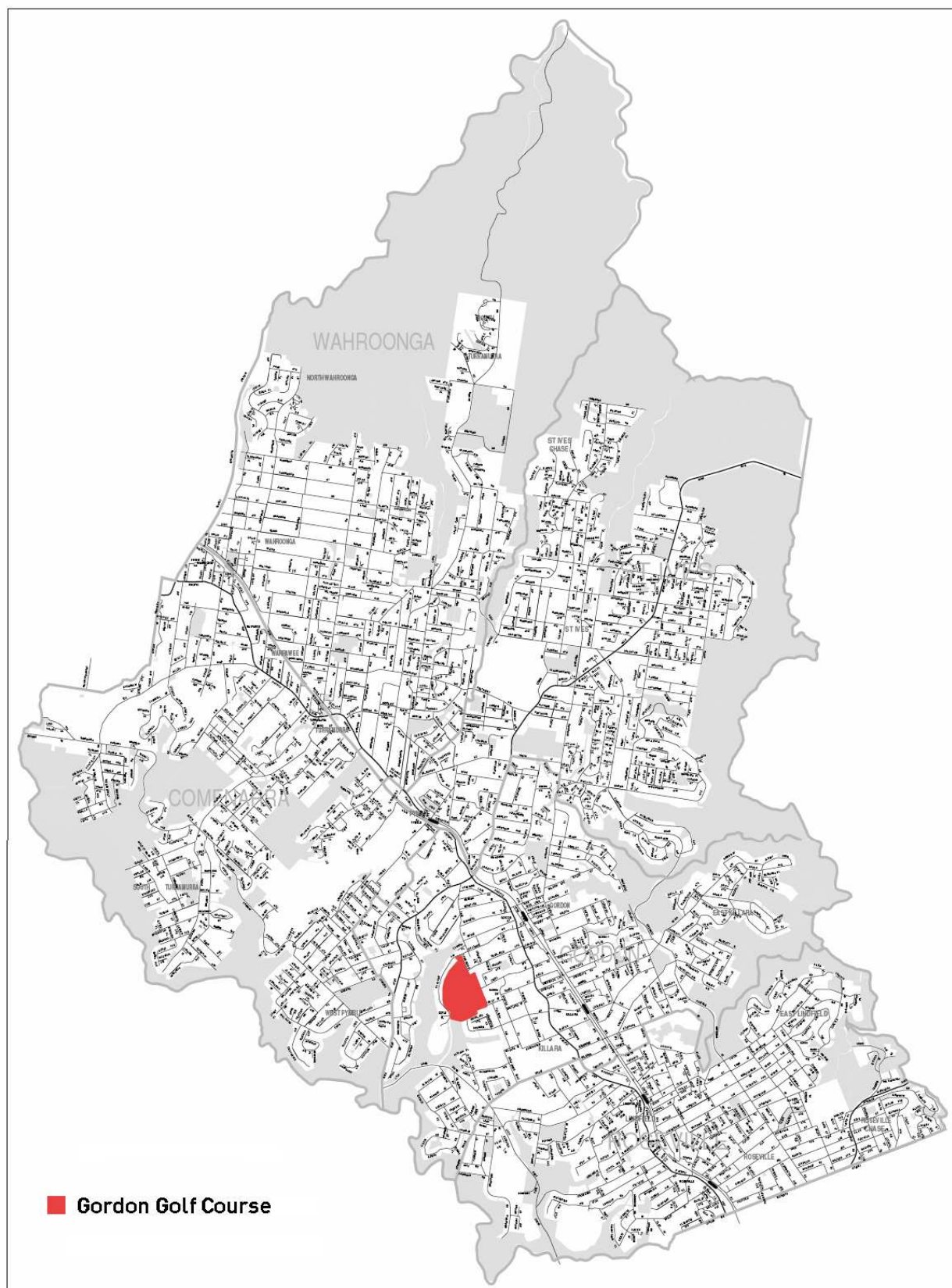
The following issues were identified for the Gordon Golf Course:

- development of the land
- safety and risk management
- maintenance
- course amenities
- access
- traffic and parking
- dogs on course
- waste management
- catchment management
- water management
- hours of operation
- course quality
- financial viability
- noise
- tourism
- stray golf balls
- public art
- climate change
- landscape character
- fauna and flora

## Values and issues

Identification of values of the Gordon Golf Course together with issues affecting its management was compiled from consultation undertaken for the existing Plans of Management for Golf Courses and for the Gordon Golf Clubhouse Precinct and further consultation with relevant staff. The following values were identified for the Gordon Golf Course:

- sport
  - recreational opportunities
  - multiple use/multi-purpose
  - community benefit
  - visual amenity
  - quality of life
  - health
  - economic sustainability
  - property value
  - social benefits
  - habitat
  - environmental
  - public spaces
  - car parking
  - commercial opportunities
  - function and conference venue
- 



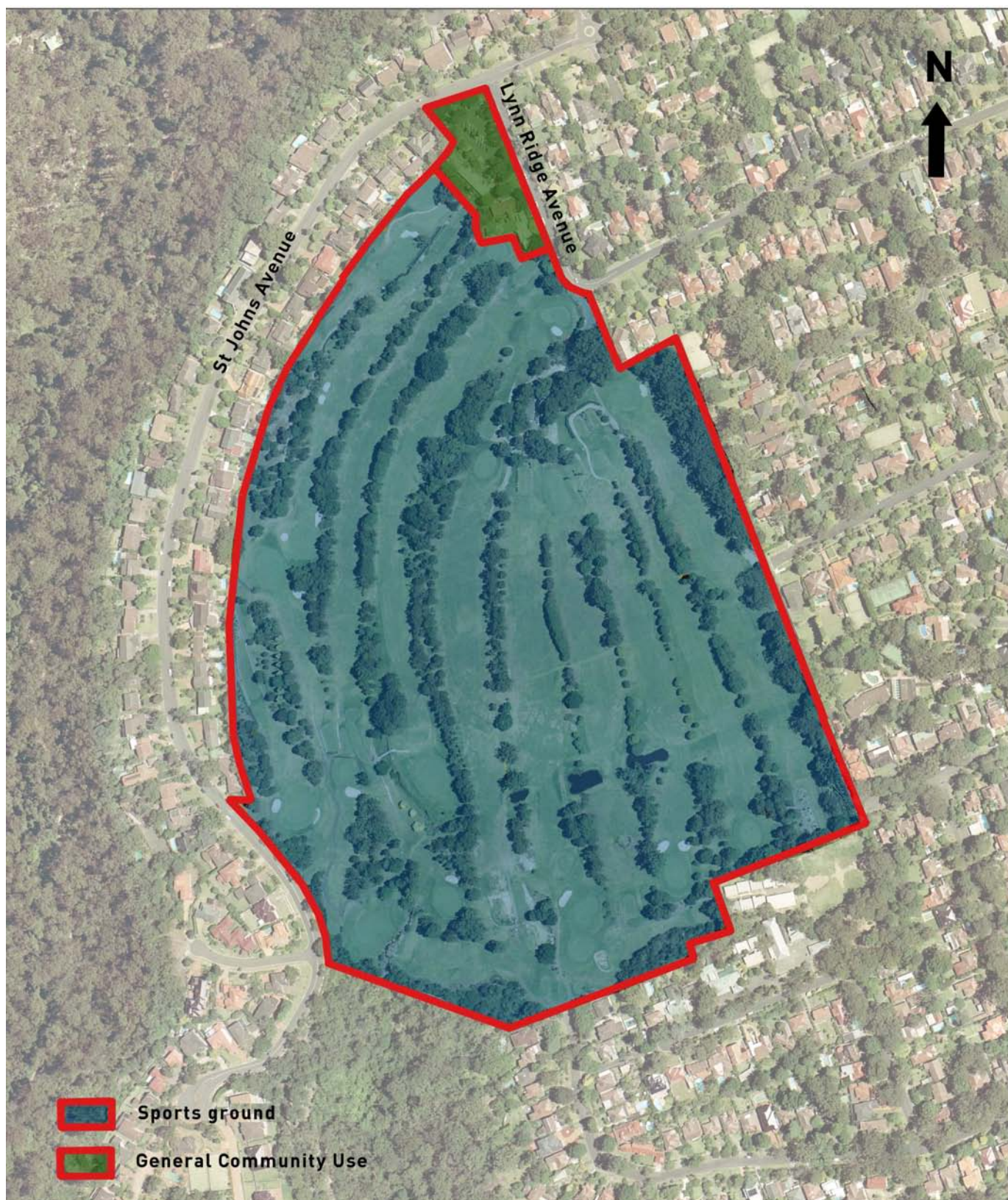
**Figure 1:** Location of Gordon Golf Course within the Local Government Area





**Figure 2:** *Area covered by this Plan*





**Figure 3:** *Areas of categorisation*

# Management Objectives

## Introduction

The management objectives have been developed in response to those issues identified as important in managing the Gordon golf course and bearing in mind the values of the land.

## Development of the land

### Issue

The current use and configuration of the course, buildings and other elements on the site has been in place for some time and was no doubt designed for particular purposes at the time of establishment.

Over time needs have changed. This has brought about alterations to the course and arrangement of facilities such as buildings, landscaped areas. And car parking areas within the site. This should be viewed as a positive opportunity to meet changing needs without compromising other aspects such as the local environment.

### Objective

To ensure future development within the Gordon Golf Course is carried out in a manner that minimises impacts on surrounding land uses.

## Safety and risk management

### Issue

The issues for safety and risk management are inter-related with both issues primarily relating to providing a safe environment for players, staff, spectators, casual and other users the Gordon golf course.

Significant issues include:

- identification of users needs
- appropriate design and construction techniques
- identification of possible risks and development of plans to minimise risk
- a fully documented inspection and maintenance cycle appropriate to the facility and available funds

### Objective

To provide a safe environment for users of and visitors to the Gordon golf course and adjoining properties.

## Maintenance

### Issue

Maintenance is a critical issue which on the one hand deals with the expectations of course users in relation to preparation of the greens and facilities and on the other hand the Council's costs or ability to maintain the course and facilities to certain standards over time.

Excluding leased areas, maintenance of Gordon golf course and facilities is currently provided by Council staff based at the golf course.

Given the high level of usage of the golf courses, care must be taken to provide a level of service which will prevent degradation of the courses and their assets over time.

It is important that Council and the users of the site agree to the maintenance standards which will be provided at Gordon Golf Course.

### Objective

To provide an agreed level of maintenance at Gordon golf course consistent with other public golf courses and in the most competitive manner available within Council's budget constraints.

## Tourism

### Issue

The Ku-ring-gai Local Government Area offers many opportunities for tourists to the region, especially in regard to outdoor and natural areas tourism. Council's two golf courses provide a recreational opportunity to visitors to the region, and form part of the overall tourist experience for the upper North Shore region.

### Objective

To maximise the tourism potential of the Gordon golf course



## Course amenities

### Issue

The provision of appropriate facilities and amenities (toilets, seating, bins, shade) throughout the course is a key component of providing a golf course which meets the needs of a range of uses.

### Objective

To provide course amenities which meet the needs of users.

## Access

### Issue

Access to the Gordon Golf Course and associated amenities is an issue in the following respects:

- pedestrian access
- vehicular access
- disabled access
- access for ethnic and minority groups
- emergency and service access
- signage

Access within the Gordon Golf Course is of concern due to the increased use of the course. Informal tracks and paths have been created where heavy pedestrian traffic desire lines lead to an erosion of informal pathways. The establishment of a formalised path system including ramps and methods to prevent unauthorised access paths will reduce the adverse effects of increased pedestrian traffic within the course.

From a legislative aspect, Council has responsibility in terms of access under the following Acts:

- *NSW Anti Discrimination Act (1977)* as amended:
- *Federal Disability Discrimination Act (1992)* as amended.

The *Disability Discrimination Act 1992* and *Anti Discrimination Act 1997* makes it law for public places such as parks to be accessible to persons with disabilities. In response, Council's Access Policy and Disability Discrimination Act Action

Plan provides the following relevant objectives and strategies:

*Objective 3 – Council owned services and facilities are accessible to people with a disability including: c) Access to Council's open space and facilities where it is possible and achievable within landform.*

*Objective 8. Council takes a leading role to ensure that all levels of government, local business and community organisation provide accessible services.*

*DDA Action Plan Strategies*

*1.2 Building and facilities will meet access standards including AS1428.2 Design for access and ability.*

*7.2 Council will put in place practices to encourage hirers and other users of council's facilities to be inclusive of people with a disability. This includes the allocation of sporting fields.*

The *Anti Discrimination Act 1977* provides that all recreational facilities should be provided without breaching the anti discrimination laws. In particular, toilets should be provided for both sexes and those with disabilities and facilities should be available to both sexes and all races and ages equally.

The management of service and access to and within the Gordon Golf Course must take into account the needs for clear access for emergency vehicles and, where possible, their dual usage for pedestrians and the disabled.


### Objective

To maximise and formalise access within Gordon Golf Course

## Inappropriate Access and Use

### Issue

Gordon Golf Course has several informal access points along the perimeters of the course. These include unapproved gates into the course erected by residents from adjoining private properties. There is a noticeable flow of unauthorised users of the course (including pedestrian traffic, picnickers, joggers, dog walkers and non paying golfers) from informal



access points who can cause a hazard to golf players and a safety hazard to themselves.

Unauthorised play also causes a loss of revenue through players not paying club fees for the use of the course.

The simultaneous use of the courses for passive recreational use and golf can be incompatible and is an issue of concern for golfers, staff members and general public.

### Objective

To minimise inappropriate use and access to and within Gordon Golf Course.

## Security and vandalism

### Issue

Vandalism involving property damage is a widespread issue which affects many civic areas in Ku-ring-gai including this site.

It is considered appropriate to include the following elements in strategies to reduce vandalism:

- prompt response to repair damage when vandalism occurs
- where necessary target enforcement to known problem areas
- appropriate education and enforcement program
- security lighting and fencing
- enforcement of access through formalised access points only

The above elements will also assist with deterring unauthorised uses.

### Objective

To provide a safe environment for users, visitors and staff

To minimise the potential for, and actual occurrence of vandalism and unauthorised use at Gordon Golf Course.

## Sponsorship

### Issue

In 2007, Council adopted a Sponsorship Policy in accordance with the ICAC Guidelines for Sponsorship in the Public Sector (2006).

Sponsorship of Council's events and functions is an ideal way to provide quality productions to the community in a cost effective manner.

Sponsorship, in return, delivers benefits for the sponsor.

### Objective

To allow for sponsorship at the Gordon Golf Course.

## Traffic and parking

### Issue

Due to the increase in demand at Gordon Golf Course, there has been a subsequent increase in traffic and parking issues surrounding the site. The site does not have adequate parking for patrons and consequently, users park along the road side surrounding the course. Additional parking potential and information traffic signs may improve this situation.

### Objective

To minimise traffic impacts on adjoining land uses.

To provide safe car parking to users.

To investigate potential additional car parking and signage



## Waste Management

### Issue

Litter control on the courses has been identified as an issue of concern. Litter bins and recycling stations can be installed or more appropriately positioned near heavy traffic areas throughout the course to reduce littering, increase recycling and facilitate collection.

### Objective

Facilitate litter and waste collection and increase recycling practices at Gordon Golf Course

and other non-potable uses, providing up to 90% of the water needs for the site.

### Objective

Improve water management at Gordon Golf Course to maximise course and field quality and meet legislative requirements.

## Course quality

### Issue

The quality of the Gordon Golf Course ranges from average to good. The increase in demand and the lack of adequate irrigation systems and a full complement of staff have attributed to course quality.

### Objective

Maximise course quality at Gordon Golf Course.

## Catchment Management

### Issue

Gordon golf course is situated within the Lane Cove catchment. As part of catchment management, efforts have been made by Council to reduce the course impact on the catchment including improving the maintenance vehicle wash down bay and chemical storage areas. In addition, chemical use at Gordon Golf Course has been reduced and biological pest control is now favoured over chemicals. Efforts should be taken to remove all weeds from within the course areas with special consideration being given to remove weeds from within riparian zones to reduce the spread of water borne weed seeds.

### Objective

To incorporate the principles of Total Catchment Management into all management activities

## Dogs on the course

### Issue

Dogs on Gordon golf course have been identified as an issue of concern relating to dog faeces left on the course and the potential threat to course users and dog owners by leashed and unleashed dogs.

In addition to this, potential dog attacks can put other users, dogs and wildlife of the area at risk of harm. Prohibiting dogs from the golf course area during hours of play will mitigate any potential risk to other users from dog attack and dog owners.

### Objective

To minimise any risk to users of the golf course from dogs and to dogs.

## Water management

### Issue

The Gordon Golf Course site has a limited water supply with low water pressure and limited irrigation systems creating difficulties in keeping the golf course adequately irrigated. To rectify this, Council has committed to building a water recycling and sewer mining plant. This will treat effluent to an appropriate standard for irrigation

## Noise

### Issue

Recreational and maintenance activities can create excessive noise impacting adjoining land users. In an effort to reduce noise impacts on adjoining land users, maintenance vehicles on



the golf course have been replaced where possible with electric driven alternatives which produce little or no noise. The operation of the sewer mining equipment has been designed to take into consideration noise impacts on course users and adjacent land owners. Course maintenance and golfing play hours are limited to certain hours of the day to reduce noise impacts on adjoining users.

### Objective

Minimise noise impacts on adjoining land users at Gordon golf course.

- provide clear guidelines for Council and the community regarding public art development and responsibility
- where relevant ensure the Public Arts Policy is reflected within Council's strategic directions, policies and planning controls and *vice versa*.

### Objective

To provide opportunities for public art at the Gordon Golf Course.

## Stray Golf Balls

### Issue

Stray golf balls from the golf course have the potential to be a risk to adjoining land users. Future redesigning of the course and vegetation planting needs to take into consideration the minimisation of stray golf balls onto adjoining lands and within the Gordon golf course itself.

### Objective

Minimise the adverse effects of stray golf balls.

## Public art

### Issue

In 1998 Council adopted a Public Art Policy aimed at "guiding and encouraging the exhibition and inclusion of art within public places, ensuring the valued characteristics of Ku-ring-gai are enhanced".

The Public Art Policy has the following objectives:

- encourage art in the Ku-ring-gai Council area
- contribute to raising the profile and recognition of art and arts development
- ensure public art complements and enhances the valued characteristics of the Council area
- ensure a coordinated and planned approach to the development and management of public art

## Climate change

### Issue

It is likely that the climate change predicted by the CSIRO will see Ku-ring-gai experience an increase in drought, extreme wind and rain events and an increase in frequency of extreme temperature days.

Notable secondary impacts may include more extreme and frequent bush fire events, electricity, water, gas and sewer disruption, extremes in heat, more intense and frequent storms, local flooding and prolonged droughts. These could affect the Gordon Golf Course.

Bushfires can be a threat to residential areas around Gordon. The Gordon Golf Course can be used during fire events by providing a marshalling area for emergency services and the large static water supplies will provide a significant water supply in the event of a bushfire hazard.

The Gordon Golf Course needs to adapt to climate change as well as mitigate its contribution to climate change.

### Objective

To manage the Gordon Golf Course in a way which both mitigates and adapts to climate change.



## Vegetation and habitat

### Issue

The Gordon Golf Course provides extensive landscaped areas and remnant *State Environmental Planning Policy 19* bushland. It is vital that this landscape character be preserved and where appropriate reinforced and enhanced.

### Objective

To conserve and where appropriate, reinforce the natural and landscape values of Gordon golf course.

# *Strategy Plan*

## Introduction

This section outlines the strategies that will be implemented to achieve Council's objectives in terms of the issues relating to management of the Gordon Golf Course.

Issue	Objective	Strategy	Responsibility	Completion
Development of the land	To ensure future development within the Gordon golf course is carried out in a manner that minimises impacts on surrounding land uses	Site developed in accordance with the Plan and associated Landscape Master Plan	Manager Corporate Planning & Sustainability	Ongoing
Safety & risk management	To provide a safe environment for users of and visitors to the Gordon golf course.	Implement Council's <i>Liability, Loss and Public Risk</i> strategy for Open Space	Manager Open Space Services	2008 & Ongoing
Maintenance	To provide an agreed level of maintenance at Gordon golf course consistent with other public golf courses and in the most competitive manner available within Council's budget	Identify required standards for all maintenance at the Gordon Golf Course Maintain the facilities maintenance plan according to service plan standards Review service plan specifications and monitoring systems annually Prepare and implement a contingency plan for emergency repairs	Manager Open Space Services	Ongoing
Tourism	To maximise the tourism potential of the Gordon golf course	Promote the Gordon golf club as a tourism destination	Manager Community & Recreation Property	Ongoing
Course Amenities	To provide course facilities which meet the needs of users.	Develop a consultative program to provide feedback to Council, on an ongoing basis, on the needs of users at both courses. Respond to user feedback in maintenance/improvement programs where resources allow.	Manager Open Space Services	Ongoing
Access	To control and formalise access within Gordon golf course	Identify constraints and opportunities to maximise access and circulation and develop a program of pathway installation Install pathways consistent with identified formal and informal access lines. Install signage identifying use limitations of course facilities. Develop and implement an education and enforcement program regarding access to Gordon golf course. Permit access to emergency vehicles	Manager Open Space Services	Ongoing

Issue	Objective	Strategy	Responsibility	Completed
Inappropriate access and use	To minimise inappropriate uses and access to and within Gordon golf course.	Undertake an audit of potential risks to users, visitors, staff and facilities and develop and implement a risk management program.	Manager Open Space Services  Manager Compliance & Regulation	Ongoing
Security and vandalism	To provide a safe environment for users, visitors and staff	Provide a timely response to reported damage or vandalism at the Gordon Golf Course.	Manager Open Space Services	Ongoing
	To minimise the potential for, and actual occurrence of vandalism and unauthorised use at Gordon Golf Course.	Ensure facilities at the Gordon Golf Course are of appropriate design and construction and are well maintained to reduce motivation factors for vandalism.	Manager Compliance & Regulation	
Sponsorship	To allow for sponsorship at the Gordon golf course	Actively seek sponsorship opportunities at the Gordon golf course	Manager Community & Recreation Property	Ongoing
Traffic and parking	To minimise traffic impacts on adjoining land uses.	Investigate potential to increase parking facilities within the Gordon golf course.	Manager Open Space Services	2010
	To provide safe car parking areas to users.	Investigate the option of providing additional car parking areas at Gordon golf course.	Traffic & Transport Planner	
	To investigate potential additional car parking and signage			
Waste management	Facilitate litter and waste collection and increase recycling practices at Gordon golf course	Provide adequate number and location of bins in accordance with identified user needs and problem areas.  Trial use of recycling facilities at Gordon Golf Course and initiate appropriate action on completion of trial.	Manager Waste Services	Ongoing



Issue	Objective	Strategy	Responsibility	Completed
Catchment management	To incorporate the principles of Total Catchment Management into all management activities	<p>Soil test the course at the Gordon Golf Course to identify precise chemical deficiencies and formulate a fertiliser program specific to each area to eliminate unnecessary chemical application</p> <p>Provide clear delineation between course surrounds and bushland</p> <p>Install water treatment devices concurrently with drainage and irrigation works</p>	<p>Manager Open Space Services</p> <p>Manager Capital Works</p>	Ongoing
Water management	Improve water management at Gordon golf course to maximise course and field quality and meet legislation requirements	<p>Develop a Water management Plan for Gordon Golf Course.</p> <p>Implement a Water Management Plan</p>	Manager of Corporate Planning & Sustainability	<p>2007</p> <p>2010</p>
Course quality	Maximise course quality at Gordon golf course.	Identify and implement opportunities to provide improvement to the course quality	Manager Open Space Services	Ongoing
Dogs on the course	To minimise risk to users of the golf course from dogs and to dogs from management of the course.	<p>Dogs are prohibited from Gordon golf course during golf operating hours.</p> <p>Implement an education and enforcement program aimed at dog owners</p>	<p>Manager Open Space Services</p> <p>Manager Compliance &amp; Regulation</p>	Ongoing
Noise	Minimise noise impacts on adjoining land users at Gordon golf course.	<p>Where possible, progressively replace all maintenance equipment with quieter alternatives.</p> <p>Encourage users to minimise noise when playing in the vicinity of residential areas</p> <p>Use noise management criteria when considering any changes to the Gordon golf course.</p>	<p>Manager Open Space Services</p> <p>Manager Community &amp; Recreation Property</p>	Ongoing

Issue	Objective	Strategy	Responsibility	Completed
Stray golf balls	Minimise the adverse effects of stray golf balls.	Identify areas where stray golf balls are causing or have potential to cause a risk to other users or adjoining land uses  Use a variety of methods to minimise the risk of stray golf balls including fences, landscaping and realignment of directions of play.	Manager Open Space Services	Ongoing
Public art	To provide opportunities for public art at the Gordon golf course.	Consider opportunities for public art in line with relevant Council policy.	Manager Community & Recreation Property  Manager Leisure and Cultural Development	Ongoing
Climate change	To manage the Gordon golf course in a way which both mitigates and adapts to climate change.	Implement projects listed within the Energy and Water savings Action Plan.	Manager of Corporate Planning & Sustainability	2011
Vegetation and habitat	To conserve and where appropriate, reinforce the natural and landscape values of Gordon golf course.	Endangered Ecological Communities are mapped Protect important vegetation and habitats  Preference will be given to the use of locally occurring plant species to reinforce the landscape and habitat values of the courses.	Manager of Corporate Planning & Sustainability  Manager Open Space Services	2009 and Ongoing



## Monitoring program

The strategy plan will be reviewed every two years. The review will include the following:

- A report on the progress plan
- Recommendations for alterations to the existing strategy plan for the coming year
- Any other necessary changes due to new usage trends or issues arising from management of the site

The objectives will be reviewed every two years in the Council's Management Plan cycle. If significant changes take place in the interim, this section will be revised.

The core values held by the community are unlikely to change over the 15 year timeframe however, the relative importance of each value may increase or decrease. These changes in importance of core values need to be reflected in changes in the strategy plan. However, significant changes in the relative importance of core values will necessitate the need for a completely new plan to be prepared.

## References

Hennessy, K., McInnes, K., Abbs, D., Jones, R., Bathols, J., Suppiah, R., Ricketts, J., Rafter, T., Collins, D. and Jones, D. 2004, **Climate Change in NSW. Part 2: Projected changes in climate extremes**. CSIRO.

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Independent Commission Against Corruption, 2006, ***Sponsorship in the public sector***

Ku-ring-gai Council, ***Generic Plan of Management – Gordon and North Turramurra Golf Courses***. Adopted 20 November 2001.

Ku-ring-gai Council, ***Plan of Management - Gordon Golf Clubhouse Precinct***. Adopted 20 November 2001.



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## NORTH TURRAMURRA RECREATION AREA - DRAFT PLAN OF MANAGEMENT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To recommend adoption of the draft Plan of Management North Turramurra Recreation Area.

**BACKGROUND:**

Council resolved at its meeting of 11 November 2008 to exhibit the draft Plan of Management for the North Turramurra Recreation Area for a period of 28 days with a further 14 days for public comment. The review of this plan follows the adoption of the landscape master plan for the North Turramurra Recreation Area.

**COMMENTS:**

In response to the exhibition, one submission was received. Comments raised predominantly focussed on the impact of traffic and parking. Minor amendments have been made to the draft Plan of Management to reflect the comments raised in the submission.

**RECOMMENDATION:**

That Council adopt the draft Plan of Management North Turramurra Recreation Area with minor amendments.

## PURPOSE OF REPORT

To recommend adoption of the draft Plan of Management North Turrumurra Recreation Area.

## BACKGROUND

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. Not only are plans required under the Act, but are also essential management tools. Plans of management:

- are written by Council in consultation with the community;
- identify the important features of the land;
- clarify how Council will manage the land, and in particular;
- indicate how the land may be used or developed (such as leasing).

Until a plan of management for community land is adopted, the nature and use of the land must not be changed. This means that Council cannot carry out any new development on the land. It also means that Council cannot grant a lease, licence or other estate over the land until a plan of management is in place.

In accordance with the *Local Government Act 1993* and *Practice Note number one Public Land Management (May 2000)* issued by the Department of Local Government, a Council can amend a plan of management at anytime. However, as an amendment, it is regarded as another plan and must be exhibited in accordance with *Section 40* of the Act.

In December 1998, Council adopted a *Plan of Management for the North Turrumurra Recreation Area*. On 20 November 2001, Council adopted a generic *Plan of Management for Golf Courses* which include the North Turrumurra golf course.

On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management. A prioritised table of plans for revision was adopted with the *Plan of Management North Turrumurra Recreation Area*, a high priority for review.

Since the adoption of the *Plan of Management North Turrumurra Recreation Area*, Council on 13 November 2007, has approved a landscape master plan. This plan of management outlined the development of a recreation area incorporating additional playing fields and a rejuvenated golf course. It incorporated the current golf course location. This followed lengthy analysis and consultation with 85 submissions.

In response, the draft Plan of Management North Turrumurra Recreation Area (**Attachment 1**) has been amended. The draft Plan of Management North Turrumurra Recreation Area will more accurately reflect a consistency between the landscape master plan and the North Turrumurra golf course.

## Item 12

S06604  
12 February 2009

The draft plan of management seeks to provide measurable strategies flowing from management objectives providing for long term focussed management of the North Turramurra Recreation Area.

The draft plan of management is deliberately strategic in nature with limited operational detail to allow for flexibility and innovation in the implementation of strategies. This detail will be reflected in annual operating plans which will vary according to funding levels and the options available to provide agreed services. The operation plans will also be developed along with the Council's Management Plan. This plan will be available on Council's website.

As with other plans of management, this draft Plan of Management provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to the North Turramurra Recreation Area. This does not necessarily mean Council will enter into such agreement however Council is legally able to do so should the need arise.

Under *Section 612* and *Section 705* of the *Local Government Act 1993* Council is required to give public notice of the proposal fee (purchase price). The purchase price for the Plan of Management is set at \$0.60 per page as in accordance with Council's Fees and Charges 2008/09. *Section 612* requires that Council must give the public notice for at least 28 days with a further 14 days for comment. Consideration of any submissions will be done before determination the fee. *Section 705* requires that Council must determine the manner with which it proposes to bring the matter to be notified to the attention of as many people as possible within the area.

On 11 November 2008 Council unanimously resolved:

- A. *That the draft Plan of Management North Turramurra Recreation Area be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the Local Government Act 1993.*
- B. *That during the public exhibition period copies of the draft plan of management be placed at Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries, North Turramurra golf course and on Council's website.*
- C. *That Council gives notice of its intention to determine a purchase price of \$0.60 per page for the Plan of Management North Turramurra Recreation Area via advertisements in the North Shore Times.*
- D. *That during the public exhibition and comment period, copies of the draft plan of management be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.*
- E. *That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.*

## COMMENTS

In response to the exhibition of the draft Plan of Management, Council received one written submission from the North Turramurra Action Group (NTAG).

Item 12

S06604  
12 February 2009

The submission was generally positive in response to the draft Plan of Management; however some issues were raised for further consideration and they are as follows:

- Request for written confirmation that the netball basketball courts identified in the master plan will not be expanded in the future.
- Concern over a clash of matches and car parking facilities when both the North Turramurra Recreation Area and Knox Grammar playing fields are in simultaneous use. There was a suggestion of a match diary being used to prevent this occurring.
- Request for direction arrows to be added to the traffic lights at the corner of Bobbin Head Road and Burns Road intersection to prevent potential accidents from vehicles travelling north along Bobbin Head Road.

These comments have been addressed as follows:

- The netball and basketball courts will be developed in accordance with option 1 of the North Turramurra Recreation Area master plan as noted in the draft Plan of Management. If in the future there is consideration to expand these facilities, a separate consultation and assessment process will be held to ascertain the appropriateness of such a proposal.
- To minimise a clash of events and subsequent car parking pressures between the North Turramurra Recreation Area site and the Knox Grammar playing fields, Council will undertake a match diary to regulate events where possible. It will install parking signage at the North Turramurra Recreation Area site and on Bobbin Head Road where appropriate to regulate parking. The draft Plan of Management has been amended to reflect this. It should be noted that the proposed parking for the North Turramurra Recreation Area site should be adequate for simultaneous events at both the North Turramurra Recreation Area site and the Knox Grammar playing fields.
- Council staff is currently in negotiations with the NSW Roads and Traffic Authority to address traffic concerns at the intersection of Burns Road and Bobbin Head Road intersection. The draft Plan of Management has been amended to reflect this.

Based on the nature and extent of the comments, it is not intended to re-exhibit the draft Plan of Management North Turramurra Recreation Area as the amendments are considered to be minor.

## CONSULTATION

Advertisements in the North Shore Times on 8 December 2008, circulated within the Ku-ring-gai local government area, promotion on Council's website and notification at the North Turramurra golf course were used as the most appropriate means of bringing the proposed draft Plan of Management to the attention of local residents.

Due to the timing of the exhibition extending over the Christmas and New Year, the exhibition period was extended by a further two weeks to allow for further responses.



## FINANCIAL CONSIDERATIONS

Financial considerations include the cost of advertising the exhibition of the draft Plan of Management. This is incorporated within the operation budget of the Strategy department.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Comprehensive consultation has been undertaken as part of developing the amended plan of management with all departments of Council included in the consultation process.

## SUMMARY

The *Local Government Act 1993* requires that all land classified as community land must have a Plan of Management. Not only are plans required under the Act, but are also essential management tools.

In December 1998, Council adopted a *Plan of Management for the North Turramurra Recreation Area*. On 20 November 2001, Council adopted a generic *Plan of Management for Golf Courses* which included North Turramurra golf course.

In 2007, Council adopted a landscape master plan which incorporated significant community input.

In response, the *Plan of Management North Turramurra Recreation Area* has been amended to more accurately reflect the consistency between the landscape master plan and the North Turramurra golf course. This plan was exhibited for eight weeks following consideration of the draft by Council.

Comments that were raised during the exhibit predominantly focussed on the impact of traffic and parking. Minor amendments have been made to the draft Plan of Management to reflect these comments raised. The suggested amendments discussed above are considered to be minor and therefore re-exhibition of the draft Plan of Management will not be necessary.

## RECOMMENDATION

- A. That Council adopt the draft Plan of Management North Turramurra Recreation Area with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft Management Plan for the North Turramurra Recreation Area be notified that the draft Plan of Management has been adopted by Council.

Item 12

**S06604**  
**12 February 2009**

- C. That a purchase price of \$0.60 per page applies to the sale of any copies of the Plan of Management North Turrumurra Recreation Area.

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**Attachments: North Turrumurra Recreation Area - Draft Plan of Management - 2009/018228**



**Ku-ring-gai  
Council**

SERVIENDO GUBERNO

**Ku-ring-gai Council**

## Plan of Management

North Turramurra  
Recreation Area

**February 2009**

**Prepared by**  
Louise Hayward  
*Sustainability Officer*





## Contents

### Introduction

Background	3
Objectives	3
Vision	3
Document structure	4
Community Land	4
Categorisation	4
A Brief History	4
Local Context	5
Regional Context	5
Site Description	5
Leases and licences	6
Current and Permitted Uses	6
Scale and Intensity of Uses	7
Role	7
Values and Issues	7
Future Development of the Land	8

### Management objectives

Introduction	11
Development of the land	11
Safety and risk management	11
Maintenance	11
Access	12
Traffic and parking	12
Landfill Management	13
Waste Management	13
Catchment management	13
Water Management	14
Course and field quality	14
Code usage compatibility & Multiple Uses	14
Vandalism	14
Dogs on playing fields	15
Income & fees	15
Lighting	15
Noise	16
Stray Balls	16
Public art	16
Gender equity	16
Climate change	17
Fauna & Flora	17
Aboriginal land Claim	17

### Strategy plan

Introduction	18
Development of the land	19
Safety and risk management	19
Maintenance	19
Access	19
Traffic and parking	20
Landfill Management	20
Waste Management	20
Catchment management	20
Water Management	20
Course and field Quality	21
Code usage compatibility & Multiple Uses	21
Vandalism	21
Dogs on playing fields	21
Income & fees	22
Lighting	22
Noise	22
Stray Balls	22
Public art	22
Gender equity	23
Climate change	23
Fauna & Flora	23

### Monitoring

Monitoring program	24
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### References

References	24
------------	----

# Introduction

## Background

Ku-ring-gai Council's Open Space system comprises some 1,400 hectares of which approximately 1,100 hectares are bushland.

The remaining 300 hectares of developed open space contain a wide spectrum of sport, recreation and leisure facilities including sports fields at 46 locations, 94 playgrounds, 2 public golf courses, 29 sealed netball courts and 27kms of designated bushland walking tracks. There are 289 parks within this system whose management will be covered by a variety of Plans of Management, including this plan.

This Plan of Management covers the land known as North Turramurra Recreation Area located off Bobbin Head and Curagul Roads, North Turramurra shown in Figure 1.

The Plan also covers that part of Lot 871 of DP 752031 shown on Figure 1. However this land is Crown land, and therefore the Plan of Management

cannot legally apply to that land but will act as a guide to its management.

Other Plans of Management with a direct link to this plan are:

- Generic Plan of Management for Playgrounds
- Generic Plan of Management for Bushland
- Generic Plan of Management for Sports fields

This Plan of Management is strategic in its focus and intentionally does not provide specific details in regard to how works or actions are to be performed or achieved.

This approach has been taken to allow for innovation and flexibility in implementation of the Plan to take full advantage of opportunities and to recognise annual fluctuations in regard to funding.

## Objectives

This Plan has been developed to fulfil the following objectives:

- To meet Council's obligations under Chapter 6 of the *Local Government Act 1993* in respect to public land management.
- To enable Council to renegotiate or enter into contracts, leases, licences and hire agreements for North Turramurra Recreation Area and ancillary facilities in relation to the provision of services and utilities.
- To provide a recreation precinct which manages the environmental, economic and social sustainability of the site.

## Vision

Consistent with the vision for Ku-ring-gai's sports fields, the vision for North Turramurra Recreation Area is:

*To promote a recreation precinct that meets the needs of local sporting groups and the wider community and makes a positive contribution to the local environment.*



## Document structure

This Plan of Management comprises five major sections including:

- Introduction
- Basis for management
- Management objectives
- Strategy plan
- Monitoring

The basis for management is the driving force of the plan that will guide management of North Turramurra Recreation Area over the next 15 years. The basis for management incorporates the core values of the community and regular users which are reflected in the vision and role for the land.

The management objectives have been developed in response to key issues identified within the consultation process that affect management of North Turramurra Recreation Area.

The strategy plan and monitoring program define the strategies that will be implemented to achieve the management objectives of the plan.

Performance indicators are included at the end of this section and provide a basis for measurement upon which to evaluate the implementation strategies.

## Community land

The introduction of the *Local Government Act 1993* represented a significant policy reform in respect to public land management.

On the commencement of the Act on 1 July 1993, all land set aside as parkland (sports fields, playgrounds, bushland etc) was automatically classified as community land with specific requirements governing its management.

One of the requirements is the preparation of plans of management for all community land. Community land must be managed in accordance with an adopted plan of management and until such plan is prepared and adopted, the nature of the land and use cannot be altered.

Leasing and licensing of community land must be authorised by a plan of management.

## Categorisation

Under Division 2, Section 36, Clause 4 of the *Local Government Act 1993*, Plans of Management must categorise the land covered by the Plan. The Act provides the following choices for categorisation:

- Natural area
- Sports ground
- Park
- General community use

For the purposes of Section 36 Clause 4 the Plan of Management categorises North Turramurra Recreation Area as sports ground and natural area as indicated in Figure 2.

## A Brief history

The land covered by the Plan of Management and known as the North Turramurra Recreation Area including the existing North Turramurra Golf Course and the former North Turramurra landfill site.

The landfill was licensed to receive putrescible waste, non-putrescible waste and demolition waste, all of which was received in solid form.

Available information indicates that the earliest tipping operations commenced in the late 1940s and continued until 1984. Leachate control facilities were installed around 1997 and is pumped from the landfill to the Sydney Water sewer under licence.

In the area proposed to be developed for sporting and community facilities as part of the landscape master plan, filling activities predominantly took place between 1971 and 1975. A clay cap was placed over the area in the late 1980s to minimise water infiltration and therefore reduce leachate generation (Woodward-Clyde 1988).

From 1969 to 1977 the North Turramurra Recreation Area consisted of a 17 hole golf course. In 1997 the course increased to 18 holes, par 64 course. This is publicly owned and managed by Council. A privately owned golf course management company are contracted by Council to provide professional golf services at the golf course. The course is maintained by Council staff.

Council has recently investigated a number of options regarding future development and use of the land.

## Local context

Involvement in organised sporting activities is undertaken by a significant proportion of Ku-ring-gai residents. In 2005, 27,611 residents were registered in organised sporting groups, representing 36.4% of Ku-ring-gai's population.

However, informal use of sports fields also represents a significant component of the total use of these facilities. Manidis Roberts (1989) identified that of the total recreational participation, 23% was by use for organised sport, while 52% was informal use of open space including sports fields and golf courses.

Sports fields represent an important resource in providing a wide variety of active and passive recreation and leisure opportunities for local residents during those times they are not being used for organised sporting activities. These opportunities are not, in many cases, offered by other elements of Ku-ring-gai's park system.

Additionally, sports fields and golf courses or more specifically, their use, can have negative impacts on adjoining residents. These impacts can include:

- traffic and parking
- balls or other objects entering adjoining properties with attendant disturbances
- noise and
- lighting

Other impacts include the impact of sports field maintenance on immediately adjoining bushland and the quality of the water catchment system.

## Regional context

On a regional basis Ku-ring-gai compares favourably with adjoining or nearby local government areas in terms of provisions of playing fields and golf courses.

The development of sports fields at North Turramurra Recreation Area will complement and increase the sports field network in Ku-ring-gai.

## Site Description

The North Turramurra Recreation Area is located off Bobbin Head and Curagul Roads at North Turramurra and covers the following land:

- Lot 871 DP704 587
- Lots 327, 344, 319 & 321 DP752 031
- Lot 2 DP1027 585
- Lots 2,4,5,8 & 9 DP434 369
- Lot A DP357 662
- Lot B DP365 594

The site is surrounded by largely residential development, including low density and medium density housing and a number of retirement villages.

The North Turramurra Recreation Area is comprised of a series of publicly owned lands including the existing North Turramurra golf course, the former North Turramurra landfill and two Council depots. The total land area of the North Turramurra Recreation Area is approximately 60.5 hectares. Specific features include:

- Crown land
- North Turramurra golf course
- Former North Turramurra Landfill
- Golf course depot
- Landfill depot and compound
- Bushland
- Bushland depot
- Beekeepers' shed
- Golf course professional shop

## Leases and licences

There are currently three leases currently granted by Council over this land for the pro shop, bee keepers and telecommunications tower.

This Plan of Management expressly authorises Council, by resolution, to enter into lease or licence agreements with relevant authorities, organisations or individuals in relation to the provision of services or utilities for a public purpose.

In accordance with the requirements of the *Local Government Act 1993*, this plan expressly authorises Council to grant easements for authorities, organisations or individuals in favour of private lands over lands identified in the plan, providing Council is satisfied there is no reasonable alternative and that appropriate benefits are obtained for the community land. Any adverse impacts on playing surface or drainage is to be remediated at the cost of the holder of the easement.



## Current & permitted uses

The land covered by this Plan is currently used for recreational purposes including:

- golf
- garden area
- car parking
- natural areas
- amenities
- maintenance buildings
- access roads
- pathways
- telecommunication tower
- bee keeping

## Scale and intensity of permitted uses

Use	Scale	Intensity
Golf course play	Limited to physical constraints of the course	Daylight hours
Golf course maintenance	Limited to physical constraints of the course	7am – 7pm Monday to Sunday
Recreation areas	Limited to physical constraints of building and facilities	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.
Car parking	Limited number of car parking spaces able to be provided on site	In accordance with sign posting, Monday to Sunday (inclusive).
Commercial activities, golf course Professional Shop	Limited to existing activities at the time of adoption of the plan, physical constraints of the site and buildings and must be in accordance with objectives of the Plan	0800 to 2400 Monday to Sunday (inclusive) in accordance with relevant development consents.



## Role

Ku-ring-gai's sports field network plays an important role in both a regional and local context in providing significant active and passive recreational opportunities for community benefits.

Sports fields are highly valued for these and other attributes or values such as their contribution to the landscape character of the area.

The development of North Turramurra Recreation Area will increase the sports field facilities available in addition to alternative compatible uses being investigated and promoted, to maximise usage within identified physical and social constraints. Future development of the area should also maximise opportunities for passive recreation.

North Turramurra golf course plays an important function not only for the residents of Ku-ring-gai but for residents from the wider northern Sydney Metropolitan Region. The course provides a beneficial asset in its own right. Additionally the revenue this facility assist in funding capital improvements to the golf course as part of Council's golf course reserve.

An additional role is to provide a model for the sustainable management of developed open space.

## Values and issues

Identification of values of North Turramurra Recreation Area together with issues affecting its management was compiled from consultation undertaken for the draft North Turramurra Recreation Area and the development of the North Turramurra Recreation Area Plan of Management in 1998. The following values were identified for North Turramurra Recreation Area:

- sport
- recreational opportunities
- development of youth
- multiple use/multi-purpose
- community benefit
- visual amenity
- quality of life
- health
- economic sustainability
- property value
- social benefits
- habitat
- environmental
- public spaces

The following issues were identified for North Turramurra Recreation Area:

- development of the land
- safety and risk management
- maintenance
- access
- traffic and parking
- landfill management
- waste management
- catchment management
- water management
- course quality
- code usage and compatibility for multiple uses
- vandalism
- dogs on playing fields
- income and fees
- lighting
- noise
- stray balls
- public art
- gender equity
- climate change
- fauna and flora
- Aboriginal land claim



## Future development of the land

This Plan of Management authorises within the requirements of relevant legislation and Council policy, the future development of North Turrumurra Recreation Area for the following purposes and uses:

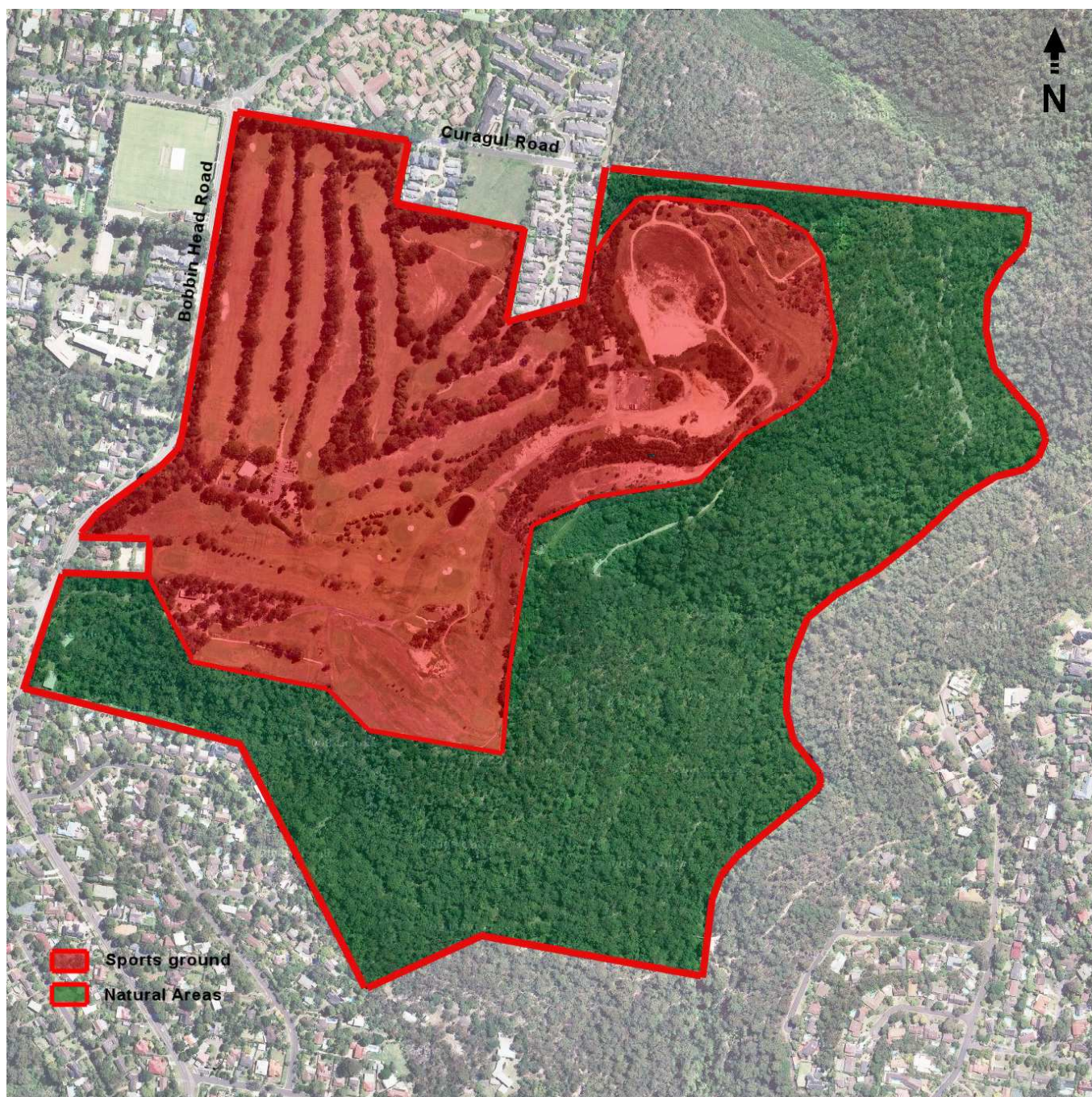
- golf
- sports fields
- amenities blocks
- club houses
- function and meeting rooms
- refreshment rooms (eg café, restaurant)
- community facilities
- hard surface courts
- flood lighting
- car parking and access roads
- natural areas
- landscaping
- picnic and BBQ facilities
- play grounds
- drainage and water retention
- maintenance buildings
- practice nets and putting greens
- water re-use and recycling





**Figure 1:** *Area covered by this Plan*





**Figure 2:** *Areas of categorisation*



# Management objectives

## Introduction

The management objectives have been developed in response to those issues identified as important in managing the North Turrumurra Recreation Area and bearing in mind the values of the land.

## Development of the land

### Issue

During 1996 and 1997 Council sought and considered various proposals from the community for the future development and use of North Turrumurra Recreation Area.

In late 1997 Council adopted a concept proposal submitted by the Ku-ring-gai District Soccer Association to develop North Turrumurra Recreation Area, subject to a successful application process including further community consultation.

Following the preparation of a brief, the consultant team were engaged in 2006 to prepare a Concept Master Plan, staging options and lodge a development application in respect of the site.

Council resolved on 8 May 2008 to place the preferred Concept Master Plan (Attachment A) for North Turrumurra Recreation Area on public exhibition.

The focal area of any redevelopment of the North Turrumurra Recreation Area will be the part of the site currently featuring the golf course and the former landfill site, representing half of the total area of the site and leaving bushland areas undisturbed.

Development would be predominantly excluded from bushland areas. Bushland areas offer opportunities to cater for some of the recreation demand for passive, informal or nature-based activities.

### Objective

To enable the development and use of North Turrumurra Recreation Area for a range of sports and recreation uses.

## Safety and risk management

### Issue

The issues for safety and risk management are inter-related as the objectives and strategies to effectively deal with both issues are complementary. Both issues primarily relate to providing a safe environment for players, spectators, casual and other users of North Turrumurra Recreation Area.

Essentially positive management of these issues relates to:

- identification of users needs
- appropriate design and construction techniques
- identification of possible risks and development of plans to minimise risk
- a fully documented inspection and maintenance cycle appropriate to the facility and available funds

### Objective

To provide a safe environment for users of and visitors to North Turrumurra Recreation Area.

## Maintenance

### Issue

Maintenance is a critical issue which on the one hand deals with the expectations of sporting clubs and course users in relation to preparation of playing surfaces, greens and facilities for various sports and on the other hand the Council's costs or ability to maintain sports fields playing surfaces to certain standards over time and within budget constraints.

Excluding leased areas, maintenance of North Turrumurra golf course and facilities is currently provided by staff.

Given the high level of usage of the golf course, a maintenance level is required which provides a level of service which will prevent degradation of the courses and their assets over time.

It is important that Council and the users of the site agree to the maintenance standards which will be provided at North Turrumurra Recreation Area for both the sports fields and ancillary facilities.

The assistance which can be provided by clubs on an in-kind basis should also be encouraged.

## Objective

To maintain North Turramurra Recreation Area to standards approved by Council consistent with other sports ground facilities.

To facilitate where appropriate, assistance by sporting associations and clubs in monitoring sports facilities.

## Access

### Issue

Access to sporting fields and associated amenities is an issue in the following respect:

- pedestrian access
- vehicular access
- disabled access
- access for ethnic and minority groups
- emergency and service access
- signage

The main site entrance and access to the golf course is located approximately midway between Curagul Road and Hartley Close. The current configuration of this entrance may require adjustments to cater for a possible increase in traffic movement such as would result from the development of sporting fields. An upgrade of the entrance would assist in improving visibility as well as control both vehicular and pedestrian movements.

As a general rule vehicular access onto sports fields and golf course at North Turramurra Recreation Area is limited to emergency and service vehicles and others occasionally for loading or unloading of goods or equipment.

Access to the golf course is limited to authorised users to reduce the potential for risk of harm to others (ie injury from stray balls).

The *Disability Discrimination Act 1992* and *Anti Discrimination Act 1997* makes it law for public places such as parks to be accessible to persons with disabilities. In response, Council's Access Policy and Disability Discrimination Act Action Plan provides the following relevant objectives and strategies:

*Objective 3 – Council owned services and facilities are accessible to people with a disability including: c) Access to Council's open space and facilities where it is possible and achievable within landform.*

*Objective 8. Council takes a leading role to ensure that all levels of government, local business and community organisation provide accessible services.*

*DDA Action Plan Strategies*

*1.2 Building and facilities will meet access standards including AS1428.2 Design for access and ability.*

*7.2 Council will put in place practices to encourage hirers and other users of council's facilities to be inclusive of people with a disability. This includes the allocation of sporting fields.*

The management of service and access to and within North Turramurra Recreation Area must take into account the needs for clear access for emergency vehicles and, where possible, their dual usage for pedestrians and the disabled.

### Objective

To maximise pedestrian, cycle and disabled access and circulation within North Turramurra Recreation Area.

To minimise the impact vehicular access has upon the use and enjoyment of North Turramurra Recreation Area.

To provide for emergency access to North Turramurra Recreation Area including use by helicopters.

## Traffic and parking


### Issue

Traffic and in particular parking is a major issue at the majority of Council's sports fields. With few exceptions parking facilities adequate for current demand were not developed when sports fields were constructed and the resultant overflow parking to adjacent residential streets has been the subject of consistent complaints by residents and frustration for users.

The existing golf course car park (approximately 80 parking spaces) is generally sufficient to meet demand from golf users. However, there is little spare capacity on the weekends to accommodate additional users.

Parking for any new development should be located on-site to reduce the impact on the local neighbourhood and road system as well as limit potential conflict with adjacent private school recreation facilities.

The anticipated traffic generation from any recreation facility at North Turramurra Recreation Area is expected to result in increased traffic volumes which will be of concern to many local



residents including elderly residents of the retirement villages.

There is the potential for traffic volumes to increase on Bobbin Head road which may impact the intersection of Bobbin Head road and Burns road.

### Objective

To minimise the impact of traffic flows and car parking related to sports events and leisure activities on nearby residents

To provide safe access to facilities at the North Turramurra Recreation Area.

## Landfill management

### Issue

North Turramurra Recreation Area is a former landfill site which has been closed since 1984. This former use of the land has given rise to a number of environmental issues such as leachate and landfill gas management.

In response to these issues and to assist Council in meeting due diligence requirements, a consultant was engaged in 1997 to prepare an Environmental Management Plan for the site.

The Environmental Management Plan addresses a number of specific management issues including:

- stability of slopes and batters
- gas generation
- odours
- maintenance
- rehabilitation
- environmental monitoring
- landfill reporting
- leachate control and management

The land is contaminated land in the sense that its previous use as a landfill site has resulted in a number of environmental issues which have been addressed in the Environmental Management Plan prepared for the site.

The Environmental Protection Authority has advised that the site has not been declared as unhealthy building land.

Implementation of the recommendations of the Environmental Management Plan for the site is crucial to responsible management of the land.

### Objective

Responsibly manage the landfill issues at North Turramurra Recreation Area through implementation of the Environmental Management Plan.

## Waste management

### Issue

Rubbish and recycling has been identified by the Ku-ring-gai Sports Advisory Committee and residents as an issue. Residents are concerned by the amount of litter present after sports activities at some locations.

The issue of littering is one which can be dealt with through provision of appropriate containers, routine inspection and liaison where problems arise with users.

This is an issue for which users must be encouraged to realise their responsibility and the contribution they can make to reducing the amount of waste that goes to landfill sites.

### Objective

Minimise waste disposal.  
Minimise littering associated with organised and casual use of North Turramurra Recreation Area.

## Catchment management

### Issue

Nutrient enriched run off from leachate and playing surfaces contributes to the degradation of urban bushland areas and water quality. North Turramurra Recreation Area is located immediately up slope of bushland managed by Council which is contiguous with Ku-ring-gai Chase National Park. Untreated site run off may pose a threat to surrounding bushland and the water catchment due to the potential for leachate/landfill pollution and the use of fertilisers on the golf course which could promote weed growth. Chemical use on the golf course has been reduced with biological controls now favoured over chemical application.

Reducing further impacts can be assisted by:

- providing a base and associated infrastructure that allows quality turf with minimum of chemical application (pesticides and fertiliser)



- soil testing to minimise fertiliser applications to specific need only
- collection and treatment of run off from playing fields before it enters urban bushland areas and the catchment.

### Objective

To minimise the impact of sports fields and associated facilities on the catchment below the North Turramurra Recreation Area.

## Water management

### Issue

The North Turramurra Recreation Area site has a limited water supply, low water pressure and limited irrigation systems creating difficulties in keeping the current golf course and future sports fields adequately irrigated. The golf course quality could be improved by formalising and automating irrigation systems and improving water storage on site.

### Objective

Improve water management at North Turramurra Recreation Area to maximise course and field quality and meet legislation requirements.

Sustainably manage water security at the North Turramurra Recreation Area

## Course and field quality

### Issue

The quality of the North Turramurra Golf Course ranges from average to good. The increase in demand and lack of adequate irrigation systems have been attributable to course quality. These existing challenges will also need to be managed for the proposed playing surfaces with an expected increase in users of the site.

### Objective

Maximise course quality at North Turramurra Golf Course and other playing surfaces.

## Code usage compatibility & multiple uses

### Issue

This issue relates to the effect of the use by one code of a sports field may have on its use by another code. The effect may cross seasons, for example the impact of rugby union upon a turf wicket or the impact of having a raised covered artificial cricket wicket in the middle of a soccer field. The impact can be within season where, for instance, a sports field may be used for more than one winter code and the differing line marking may cause confusion.

Multiple use of sports fields where it occurs must be within the physical limitations of the site and the limited resources of Council to provide for differing uses.

In addition to multiple uses of sports fields at the site the multiple uses of amenities buildings and club houses should also be encouraged for other passive leisure and community activities.

### Objective

To identify and minimise incompatible sports field usage while promoting multiple use.

To provide for multiple use of other facilities such as club rooms at North Turramurra Recreation Area

Promote multiple and compatible use of sports fields

Provide opportunities for a range of passive or non sporting activities at North Turramurra Recreation Area.


## Vandalism

### Issue

Vandalism is a widespread issue which affects all components of the open space system including sports fields.

Acts of vandalism in parks include graffiti on and damage to buildings, playground equipment and other facilities such as park furniture, damage to trees and other vegetation and theft of, or damage to park signage and playing surfaces.

In addition to the financial cost of repair is the significant reduced or lost value of facilities for recreation until the damage is repaired in addition to the visual impact of the damage.



The threat of being caught and prompt repairs to vandalised facilities has been identified as a good deterrent.

It is considered appropriate to include the following elements in coordinated strategies to reduce vandalism:

- maximising user satisfaction
- good design and facilities
- prompt response to repair damage when vandalism occurs
- appropriate education and enforcement program
- increased community involvement in sports field development and management
- security lighting and fencing

### Objective

To minimise occurrences of vandalism and inappropriate use at North Turramurra Recreation Area through prompt response to damage, education, enforcement activities and increased community and user involvement in development and management of facilities.

## Dogs on playing fields

### Issue

Concern has been expressed by a number of participants in the consultative process for the sports field generic plan of management about the use of sports fields for dog exercise and training. The principle concern relates to health risks to other users of the sports fields from the presence of dog faeces and uncontrolled dogs on sports fields.

Information concerning this issue has been obtained from the Northern Sydney Area Health Service (NSAHS) which advises exposure to Toxocariasis (worm infestation) is the only real health problem associated with dog faeces on the playing field.

It is considered minimisation of exposure by immediate removal of faeces is the preferred course of action bearing in mind the positive aspect of dog ownership.

In addition to this, potential dog attacks can put other users, dogs and wildlife of the area at risk of harm. Keeping dogs on a leash whilst at the grounds and prohibiting them from the golf course area will mitigate any potential risk to other users from dog attack.

It appears greater education for dog owners who use sports fields on a casual basis could improve the

situation and minimise the need to use enforcement procedures under the *Companion Animals Act 1998*.

### Objective

To minimise any risk to users of the sports field, staff and wildlife from dogs and to dogs from management of sports fields and golf course.

## Income and fees

### Issue

This is an issue for users as it affects the amount they pay to hire Council's sports fields and management as it affects the level of income received versus expenditure on sports fields.

Currently sporting clubs and associations make a financial contribution by paying a seasonal hiring fee which is a percentage of the cost in providing for the needs of the code (eg. Line marking, grass cutting, posts, waste management)

These fees are set out in Council's adopted fees and charges and are reviewed annually in line with relevant policies.

Therefore it is considered appropriate that the cost of providing these facilities should be shared between users and the wider community. There is potential for recreational use of sports fields on a casual basis that represents a benefit to the wider community.

There are also opportunities for community groups and sporting associations to provide sponsorship and funding to assist in the development and continual maintenance of the area. This contribution should be taken into account when negotiating any fee structure involving potential sponsors or donors.

However the opportunity cost of developing the area for one predominant use must also be taken into account.

### Objective

To provide an equitable pricing structure in accordance with Council policy.



## Lighting

### Issue

Currently 22 of Council's sports fields have flood lighting for night training. Much of the flood lighting is aged, of poor quality and does not meet the requirements of users. Advances in technology mean that lighting can be upgraded whilst at the same time minimising impact on adjoining land through elimination of light spill into these properties.

Of more importance is the need to consider floodlighting more sports fields so usage for night training can be more evenly spread reducing the high impact which currently occurs on the 22 sports fields which are lit and used up to five nights per week for training during the winter season in addition to weekend match play.

Lighting and noise may disturb native animals even though they are able to adapt to the day and night time urban activity to a degree. The NSW National Parks and Wildlife Service has previously advised that some mitigating measures may be required to reduce potential negative impacts such as the use of directional lighting or louvres to floodlights.

### Objective

To provide flood lit sports fields at North Turramurra Recreation Area which minimise the impact on adjoining land uses.

## Noise

### Issue

Recreational activities can create excessive noise impacting adjoining land users. In an effort to reduce noise impacts on adjoining land users, maintenance vehicles on the golf course have been replaced where possible with electric driven alternatives which produce little or no noise. Course maintenance and golfing play hours are limited to particular hours of the day to reduce noise impacts on adjoining users. Sports fields and associated facilities will also need to consider noise impacts on adjoining land users.

### Objective

Minimise noise impacts on adjoining land users at North Turramurra Recreation Area.

## Stray balls

### Issue

Stray balls from the golf course and sports grounds have the potential to be a risk to adjoining land users. All redesigning of the course, design of sports grounds and vegetation planting need to take into consideration the minimisation of stray balls onto adjoining lands and within the North Turramurra Recreation Area itself.

### Objective

Minimise the adverse effects of stray balls.

## Public art

### Issue

In 1998 Council adopted a Public Art Policy aimed at "guiding and encouraging the exhibition and inclusion of art within public places, ensuring the valued characteristics of Ku-ring-gai are enhanced". The Public Art Policy has the following objectives:

- Encourage art in the Ku-ring-gai Council area
- Contribute to raising the profile and recognition of art and arts development
- Ensure public art complements and enhances the valued characteristics of the Council area
- Ensure a coordinated and planned approach to the development and management of public art
- Provide clear guidelines for Council and the community regarding public art development and responsibility
- Where relevant ensure the Public Arts Policy is reflected within Council's strategic directions, policies and planning controls and vice versa.

### Objective

To provide opportunities for public art at the North Turramurra Recreation Area.



## Gender equity

### Issue

The strategic plan for sports fields in Ku-ring-gai has identified gender equity as an issue.

The strategic plan identifies that sport in Ku-ring-gai is dominated by traditional male sports such as cricket, soccer and rugby. It concludes these sports have a disproportionate share of existing fields and accordingly the resources needed to maintain these facilities.

Whilst Council is currently considering a proposal to develop the land for soccer and associated facilities, this Plan encourages multiple uses of facilities and in particular, alternate uses which cater for women's sport including the dual use of car parking areas as net ball courts.

### Objective

To encourage alternate and multiple uses of sporting and leisure facilities which cater for women's sport.

## Climate change

### Issue

It is likely that the climate change predicted by the CSIRO (2006) will see Ku-ring-gai experience an increase in drought, extreme wind and rain events and an increase in frequency of extreme temperature days. Notable secondary impacts may include more extreme and frequent bush fire events, electricity, water, gas and sewer disruption, extremes in heat, more intense and frequent storms, local flooding and prolonged droughts. These could affect North Turramurra Recreation Area.

The North Turramurra Recreation Area needs to adapt to climate change as well as mitigate its contribution to climate change.

Bush fires are a significant threat to residential areas in North Turramurra. New open areas and sporting fields within the Recreation Area would make a valuable contribution towards bushfire management by providing potential marshalling areas should evacuation of the local area be required.

The proposed dams on site will provide a significant static water supply in the event of a bushfire hazard.

### Objective

To develop a recreation area which both mitigates and adapts to climate change.

## Fauna and flora

### Issue

The site is surrounded by dense bushland providing an aesthetic backdrop to the North Turramurra Recreation Area. The bushland areas are protected under *State Environmental Planning Policy (SEPP) 19 – Bushland in Urban Areas* and *SEPP 14 – Koala Habitat Protection* and provide habitat for number of threatened species and other wildlife.

The site also contains areas of the endangered ecological community known as Duffy's Forest located to the north of Bobbin Head Road, Curagul Road and areas of the golf course.

Vegetation is limited on the landfill area due to the more recent development of this area, as well as growth being inhibited by the release of poisonous methane gas. The introduction of a capping layer to current DECC standards would provide the opportunity to introduce new vegetation species. Selection of appropriate small trees, shrubs, and grass species will be required to avoid root penetration through the capping layer.

Weed infested slopes on some landfill areas present a threat to bushland and should be controlled to prevent further spread of weeds. Edge effects and weed management may become a greater challenge as more of the site is used for sporting and community purposes.

### Objective

Protect and manage the flora and fauna located at North Turramurra Recreation Area.



## Aboriginal land claim

### Issue

Under the provisions of the *Aboriginal Land Rights Act 1983* on 21 March 1994 an Aboriginal Land Claim has been made for Lot 871 of DP704587 of the land covered by the Plan of Management.

The Aboriginal Land Claim is ALC No. 5342 and at the time of preparation of this Plan of Management in September 2008 the claim is still unresolved

If ALC No 5342 is granted the relevant parts of Portion 704587 will cease to be covered by this Plan.

# *Management Objectives*

## Introduction

This section outlines the strategies that will be implemented to achieve Council's objectives in terms of the issues relating to management of North Turramurra Recreation Area.

Issue	Objective	Strategy	Responsibility	Completed
Development of the land	To enable the development and use of North Turrumurra Recreation Area for a range of sports and recreation uses.	Site developed in accordance with the Plan and associated Master Plan	Sport and Recreation Planner	2012
Safety and risk management	To provide a safe environment for users of and visitors to North Turrumurra Recreation Area	Continue to implement the Environmental Management Plan prepared by Woodward-Clyde in 1998 Implement Council's <i>Liability, Loss and Public Risk</i> strategy for Open Space	Sustainability & Recreation Planner Manager Open Space Services	Ongoing
Maintenance	To maintain North Turrumurra Recreation Area to standards approved by Council consistent with other sports ground facilities. To facilitate where appropriate, assistance by sporting associations and clubs in monitoring sports facilities.	The establishment and maintenance of facilities at North Turrumurra Recreation Area by users be taken into account when negotiating an occupancy agreement with that sponsor, community or sporting group Identify required standards for maintenance at North Turrumurra Recreation Area Maintain the facilities maintenance plan according to service plan standards Review service plan specifications and monitoring systems annually Prepare and implement a contingency plan for emergency repairs	Planner Manager Open Space Services Manager Community & Recreation Property	Ongoing
Access	Maximise pedestrian, cycle and disabled access to and circulation within North Turrumurra Recreation Area. Minimise the impact of vehicular access has upon the use and enjoyment of North Turrumurra Recreation Area. Provide for emergency access to North Turrumurra Recreation Area including use by helicopters where necessary.	Identify constraints and opportunities to maximise access and circulation and develop a program of pathway installation Provide appropriate barrier systems to regulate vehicle access to sports fields Provide and maintain unimpeded access gates to all sports fields Permit landing of helicopters for emergency purposes Permit access to emergency vehicles	Sport and Recreation Planner	2012



Issue	Objective	Strategy	Responsibility	Completed
Traffic and parking	<p>To minimise the impact of traffic flows and car parking related to sports events and leisure activities on nearby land users</p> <p>To provide safe access to facilities at the North Turrumurra Recreation Area</p> <p>To provide safe car parking areas for users</p>	<p>Provide on-site parking areas specific to both the sports fields and golf course.</p> <p>Investigate intersection modifications at Bobbin Head road and Burns road</p> <p>Install appropriate signage to regulate parking within the North Turrumurra Recreation Area site and along Bobbin Head road.</p>	Sport and Recreation Planner	Ongoing
Landfill management	Responsibly manage the landfill issues at North Turrumurra Recreation Area through implementation of the Environmental management Plan.	<p>Continue to implement the Environmental Management Plan for North Turrumurra Recreation Area prepared by Woodward-Clyde in 1998</p> <p>Review implementation of the Environmental Management Plan on an annual basis.</p>	<p>Sport and Recreation Planner</p> <p>Manager Waste Services</p>	Ongoing
Waste Management	<p>To minimise waste disposal.</p> <p>Minimise littering associated with organised and casual use of North Turrumurra Recreation Area.</p>	<p>Minimise waste disposal and encourage recycling through provision of recycling facilities at North Turrumurra Recreation Area</p> <p>Provide appropriate litter facilities at North Turrumurra Recreation Area</p>	Manager Waste Services	Ongoing
Catchment Management	To minimise the impact of sports fields and associated facilities on the catchment below the North Turrumurra Recreation Area	<p>Soil test sports fields at North Turrumurra Recreation Area to identify precise chemical deficiencies and formulate a fertiliser program specific to each sports field to eliminate unnecessary chemical application</p> <p>Provide clear delineation between sports field surrounds and bushland</p> <p>Ensure bushland tracks have a minimal impact on the environment whilst ensuring appropriate local and regional connectivity for multiple users.</p>	Manager Open Space Services	Ongoing



Issue	Objective	Strategy	Responsibility	Completed
Water management	Improve water management at North Turramurra Recreation Area to maximise course and field quality and meet legislation requirements.	Develop a Water Management Plan for North Turramurra Recreation Area. Implement Water Management Plan Install water treatment devices concurrently with drainage and irrigation works	Manager Corporate Planning & Sustainability  Manager Open Space Services	2012
Course and playing surface quality	Maximise course and playing surface quality at North Turramurra Recreation Area	Identify and implement opportunities to provide improvement to the course quality	Manager Open Space Services	Ongoing
Code usage compatibility & multiple uses	To identify and minimise incompatible sports field usage while promoting multiple use. To provide for multiple use of other facilities such as club rooms at North Turramurra Recreation Area Promote multiple and compatible use of sports fields Provide opportunities for a range of passive or non sporting activities at North Turramurra Recreation Area.	Identify sporting codes which are incompatible and eliminate their shared use of facilities Identify those uses which are compatible and promote multiple use of the facilities for sporting and other recreational activities Encourage the use of facilities such as club rooms for other leisure activities subject to applicable legislation and relevant Council policy Include provisions for a range of passive or non sporting opportunities	Sport and Recreation Planner  Manager Community & Recreation property	Ongoing
Vandalism	To minimise occurrences of vandalism and unauthorised use at North Turramurra Recreation Area through prompt response to damage, education, enforcement activities and increased community and user involvement in development and management of facilities.	Provide a timely response to reported damage or vandalism at North Turramurra Recreation Area Develop and initiate a 'park watch' or 'park care' program at North Turramurra Recreation Area to promote greater community involvement in the development, maintenance and use of North Turramurra Recreation Area. Ensure facilities at North Turramurra Recreation Area are of appropriate design and construction and are well maintained to reduce motivation factors for vandalism.	Manager Compliance & Regulation  Manager Community & Recreation Property  Sport and Recreation Planner Manager  Engineering Services	Ongoing

Issue	Objective	Strategy	Responsibility	Completed
Dogs on playing fields	To minimise any risk to users of the sports field from dogs and to dogs from management of sports fields	Formulate and implement an education and enforcement program to minimise the risks associated with dog usage on sports fields at North Turrumurra Recreation Area. Review policy to provide alternative dog exercise facilities.	Manager Community & Recreation Property Manager Compliance & Regulation	Ongoing
Income and fees	To provide an equitable pricing structure in accordance with Council policy	Apply Council's pricing policy for seasonal and casual hirers of sports fields to all users of facilities of North Turrumurra Recreation Area Annually review fees and charges for facilities at North Turrumurra Recreation Area in line with relevant policies.  Negotiate leases/licences in accordance with Council's adopted Policy for Leasing of Community Facilities Identify potential users of facilities and offer these potential users lease and licence agreements consistent with Council's leasing policy for community organisations	Manager Community & Recreation Property	Ongoing
Lighting	To provide flood lit sports fields at North Turrumurra Recreation Area which minimise the impact on adjoining land users	Provide flood lighting for sports fields which meet relevant assessment criteria under legislation Sustainable lighting – energy efficient Undertake fauna study to determine lighting options which reduce adverse impacts. Amend landscape master plan based on above fauna study if required.	Sport and Recreation Planner	2012
Noise	Minimise noise impacts on adjoining land users at North Turrumurra Recreation Area.	Continue to provide electric maintenance vehicles where appropriate Encourage users to minimise noise when using facilities in the vicinity of residential areas	Sport and Recreation Planner	Ongoing
Stray balls	Minimise the adverse effects of stray balls.	Identify areas where stray balls are causing or have potential to cause a risk to other users or adjoining land users	Sport and Recreation Planner	Ongoing

Issue	Objective	Strategy	Responsibility	Completed
Public art	To provide opportunities for public art at the North Turrumurra Recreation Area.	Consider opportunities for public art in line with relevant Council policy.	Manager Leisure & Cultural Development	Ongoing
Gender equity	To encourage alternate and multiple uses of sporting and leisure facilities which cater for women's sport	Preference given to those alternative uses which promote gender equity. Car park will be lit for mid-week night netball training.	Sport and Recreation Planner Manager Community & Recreation Property	Ongoing
Climate change	To develop a recreation area which both mitigates and adapts to climate change.	Develop dams to be used as static water supplies during bushfire events.	Manager Community & Recreation Property	2012
Fauna and Flora	Protect and manage the flora and fauna located at North Turrumurra Recreation Area.	Preserve remnant bushland at North Turrumurra Recreation Area Minimise the use of exotic plant species in any redevelopment works at North Turrumurra Recreation Area Minimise edge effects of the golf course and playing fields to adjacent bushland areas	Manager Community & Recreation Property Manager Open Space Services	Ongoing



## Monitoring Program

The strategy plan will be reviewed every two years. The review will include the following:

- A report on the progress plan
- Recommendations for alterations to the existing strategy plan for the coming year
- Any other necessary changes due to new usage trends or issues arising from management of the site
- A report on implementation of the Environmental management Plan

The objectives will be reviewed every two years in the Council's Management plan cycle.

However, if significant changes take place then this section would need to be revised in accordance with those changes as soon as possible.

The core values held by the community are unlikely to change over the 15 year timeframe however, the relative importance of each value may increase or decrease. These changes in importance of core values need to be reflected in changes in the strategy plan. However, significant changes in the relative importance of core values will necessitate the need for a completely new plan to be prepared.

## References

Hennessy, K., McInnes, K., Abbs, D., Jones, R., Bathols, J., Suppiah, R., Ricketts, J., Rafter, T., Collins, D. and Jones, D. 2004, **Climate Change in NSW. Part 2: Projected changes in climate extremes**. CSIRO.

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Ku-ring-gai Council, 1998, **North Turramurra Recreation Area Plan of Management**

Ku-ring-gai Council, 2001, **Gordon & North Turramurra Golf Courses Generic Plan of Management**

Spackman & Mossop, 2007, **North Turramurra Recreation Area Draft Concept Master Plan**



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## **DRAFT CAR PARKS GENERIC PLAN OF MANAGEMENT**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To recommend adoption of the draft Car Parks Generic Plan of Management.

**BACKGROUND:**

Council resolved at its meeting of 11 November 2008 to exhibit the draft Car Parks Generic Plan of Management for a period of 28 days with a further 14 days for public comment.

**COMMENTS:**

In response to the exhibition, one submission was received. The submission provided a correction to the draft Plan regarding an incorrect address for a car park, requested the inclusion of further information on parking demand and parking restrictions. Minor amendments have been made to the draft Plan to reflect the comments raised in the submission.

**RECOMMENDATION:**

That Council adopt the draft Car Parks Plan of Management with minor amendments.

## PURPOSE OF REPORT

To recommend adoption of the draft Car Parks Generic Plan of Management.

## BACKGROUND

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. Not only are plans required under the Act, but are also essential management tools. Plans of management:

- are written by Council in consultation with the community,
- identify the important features of the land,
- clarify how Council will manage the land, and in particular;
- indicate how the land may be used or developed (such as leasing).

Until a plan of management for community land is adopted, the nature and use of the land must not be changed. This means that Council cannot carry out new development on the land. It also means that Council cannot grant a lease, licence or other estate over the land until a plan of management is in place.

In accordance with the *Local Government Act 1993* and *Practice Note number one Public Land Management (May 2000)* issued by the Department of Local Government, a Council can amend a plan of management at anytime. However, as an amendment, it is regarded as another plan and must be exhibited in accordance with s40 of the Act.

On 16 October 2001, Council adopted the *Generic Plan of Management for Car Parks* and the specific *Plan of Management for Wahroonga Car Park*. In August 1999, Council adopted a *Plan of Management for the Rowe Street Car Park*.

On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management. A prioritised table of plans for revision was adopted with both the *Generic Plan of Management for Car Parks* and the *Plan of Management for the Rowe Street Car Park*, a high priority for amendment. Although the *Plan of Management for Wahroonga Car Park* is not a high priority, revision of the generic plan provided an opportunity to amalgamate this site into the generic plan.

The draft Plan of Management seeks to provide the direction for the ongoing use and direction of measurable strategies for Council's car parks. The draft Plan of Management is strategic with limited operational detail to allow for flexibility and innovation in the implementation of strategies. This detail will be reflected in annual operating plans which will vary according to funding levels and the options available to provide agreed services. The operation plans will also be developed along with the Council's Management Plan and will be available on Council's website.

As with other plans of management, this draft Plan of Management provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to Council car parks. This

## Item 13

S06604  
16 February 2009

does not necessarily mean Council will enter into any such agreement however Council is legally able to do so should the need arise.

Under *Section 610F* and *705* of the *Local Government Act 1993* Council is required to give public notice of the proposal fee (purchase price). The purchase price for the Plan of Management is set at \$0.60 per page in accordance with Council's Fees and Charges 2008/09. *Section 610F* requires that Council must give the public notice for at least 28 days with a further 14 days for public comment and consider any submissions before it can determine the fee. *Section 705* requires that Council must determine the manner with which it proposed to bring the matter notified, to the attention of as many people in its area as possible.

On 11 November 2008 Council resolved:

- A. *That the draft Generic Plan of Management for Car Parks be exhibited for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.*
- B. *That during the exhibition period copies of the draft Generic Plan of Management for Car Parks be placed at the Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries and on Council's website.*
- C. *That Council gives notice of its intention to determine a purchase price of \$0.60 per page for the Generic Plan of Management for Car Parks via advertisements in the North Shore Times*
- D. *That during the public exhibition and comment period copies of the draft Generic Plan of Management for Car Parks be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.*
- E. *That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.*

## COMMENTS

In response to the exhibition of the draft Plan of Management, Council received one written submission.

The submission raised the following issues for further consideration:

- The car park at 2 Lord Street, Roseville is incorrectly listed.
- Parking demand is listed as an issue however it is not addressed within the body of the draft.
- Parking restrictions does not take into consideration effects on adjacent areas, including streets.
- Revenue generation is not recognised as a permitted use.



Item 13

S06604  
16 February 2009

- The car park descriptions listed in the appendix could be improved by including parking restrictions.

These comments have been addressed as follows:

- The draft Plan of Management has been amended to address the incorrect listing of the car park at 2 Lord Street.
- The draft Plan of Management has been amended to include further information regarding the management of parking demand.
- The parking restriction section of the draft Plan of Management has been amended to take into consideration the effect of car park management on surrounding streets and areas.
- Revenue generation is addressed under the 'Commercial opportunities' section of the draft Plan of Management. No amendments have been made regarding this issue.
- The list of car parks in the appendix has been improved to include more description.

Based on the nature and extent of the comments, it is not intended to re-exhibit the draft Plan of Management as the amendments are considered to be minor.

## CONSULTATION

Advertisements in the North Shore Times on 8 December 2008, circulated within the Ku-ring-gai local government area, and promotion on Council's website were used as the most appropriate means of bringing the proposed draft Plan of Management to the attention of local residents.

Due to the timing of the exhibition extending over the Christmas and New Year, the exhibition period was extended by a further two weeks to allow for further responses.

## FINANCIAL CONSIDERATIONS

Financial considerations include the cost of advertising the exhibition of the draft Plan of Management. This is incorporated within the operation budget of the Strategy department.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Comprehensive consultation has been undertaken as part of developing the amended plan of management with all departments of Council included in the consultation process

## SUMMARY

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. Not only are plans required under the Act, but are also essential management tools.

Item 13

**S06604**  
**16 February 2009**

On 16 October 2001, Council adopted the Generic Plan of Management for Car Parks and the specific *Plan of Management for Wahroonga Car Park*. In August 1999, Council adopted a *Plan of Management for the Rowe Street Car Park*.

On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management. A prioritised table of plans for revision was adopted with both the *Generic Plan of Management for Car Parks* and the *Plan of Management for the Rowe Street Car Park*, a high priority for review.

Although revision of the *Plan of Management for Wahroonga Car Park* is not a high priority, revision of the generic plan provided an opportunity to amalgamate this site into the generic plan.

In response to the exhibition, one submission was received. Comments raised predominantly focussed on land covered by the Plan of Management, impact of parking on neighbouring areas and revenue generation. Minor amendments have been made to the draft Plan of Management to reflect the comments raised in the submission.

## RECOMMENDATION

- A. That Council adopt the draft Car Parks Generic Plan of Management with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft Car Parks Generic Plan of Management be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the Car Parks Generic Plan of Management.

Louise Hayward  
**Sustainability Officer**

Roger Faulkner  
**Team Leader Open Space & Planning**

Peter Davies  
**Manager Corporate Planning & Sustainability**

Andrew Watson  
**Director Strategy**

**Attachments:**      **Draft Car Parks - Generic Plan of Management - 2009/019027**



Ku-ring-gai Council

# Car Parks

Generic Plan of Management

February 2009

Prepared by  
Louise Hayward  
*Sustainability Officer*





# Contents

<b>Introduction</b>	Background	3
	Objectives	3
	Vision	3
	Document structure	4
	Community land	4
	Land covered by the Plan	4
	Categorisation	5
	Local and regional context	5
	Leases and licences	5
	Future development of the land	5
	Values and issues	6
	Current and permitted uses	6
	Scale and intensity of uses	6
<b>Management objectives</b>	Introduction	7
	Maintenance	7
	Leasing and licensing	7
	Access	7
	Vandalism	8
	Catchment management	8
	Car park improvements	8
	Advertising	8
	Traffic flow	9
	Commercial opportunities	9
	Parking restrictions	9
	Landscape values	9
	Climate change	9
<b>Strategy plan</b>	Introduction	11
	Maintenance	12
	Leasing and licensing	12
	Access	12
	Vandalism	12
	Catchment management	12
	Car park improvements	12
	Advertising	13
	Traffic flow	13
	Commercial opportunities	13
	Parking restrictions	13
	Landscape values	13
	Climate change	13
<b>Monitoring</b>	Monitoring program	14
<b>References</b>	References	14
<b>Appendix A</b>	Car park descriptions	15

# Introduction

## Document structure

This Plan of Management comprises of four major sections including:

- Introduction
- Management objectives
- Strategy Plan
- Monitoring

This Plan is the driving force of the plan that will guide management of Council's car parks over the next 15 years incorporating the core values of the community and regular users reflected in the vision and role for the land.

The management objectives have been developed in response to key issues identified within the consultation process that affect management of Council car parks.

The Strategy Plan and Monitoring Program define the strategies that will be implemented to achieve the management objectives of the plan.

Performance indicators are included at the end of this section and provide a basis for measurement upon which to evaluate the implementation strategies.

## Background

Council owns and manages 53 car parks distributed throughout the Local Government Area. These car parks provide parking for long-stay (employee) parking, short-stay (visitor) parking and long-stay commuter parking for both residents of Ku-ring-gai and visitors from outside the local area.

This Plan of Management covers Council-owned car parks as listed within this Plan

This Plan of Management is strategic in its focus and intentionally does not provide specific details in regards to how works or actions are to be performed or achieved.

This approach has been taken to allow for innovation and flexibility in implementation of the Plan to take full advantage of opportunities and to recognise annual fluctuations in regards to funding.

## Objectives

This Plan has been developed to fulfil the following objectives:

- To meet Council's obligations under Chapter 6 of the *Local Government Act 1993* in respect to Public Land management.
- To enable Council to renegotiate or enter into contracts, leases, licences and hire agreements for car parks in relation to the provision of services and utilities.
- To provide for an effective programme of asset management, maintenance and improvements to car parks in Ku-ring-gai.

## Vision

Based on community and staff consultation, the following vision is provided for Council's car parks:

*To provide car parking and associated areas in a setting which makes a positive contribution to the local environment.*

## Community land

The introduction of the *Local Government Act 1993* represented a significant policy reform in respect to Public Land management.

One of these requirements is the preparation of plans of management for all community land. Community land must be managed in accordance with an adopted plan of management and until such plan is prepared and adopted, the nature of the land and use cannot be altered.

Leasing and licensing of community land must be authorised by a plan of management.

## Land covered by the Plan

The following car parks are covered by this Plan:

### Gordon

- 2 Moree Street, Gordon
- 3 Radford Place, Gordon
- 1 Wade Lane, Gordon
- 4 Park Avenue, Gordon
- Werona Avenue, Gordon
- Henry Street, Gordon
- Cnr Werona and Park Avenue Gordon
- Werona Avenue, Gordon
- Fitzsimmons Lane, Gordon
- 15 Henry Street, Gordon
- Henry Street, Bus Terminal, Gordon

### Pymble

- 875 Pacific Highway, Pymble
- Railway station, Pymble
- 9-11 Bridge Street, Pymble
- 20 Bridge Street, Pymble
- Grandview street, Pymble
- Kendall Street, West Pymble
- 2 Alma Street, Pymble
- 1186 Pacific Highway, (Town Hall) Pymble
- Kendall Street, West Pymble

### St Ives

- Cowan Road, St Ives
- 208-210 Mona Vale Road, St Ives
- 140a Warrimoo Avenue, St Ives
- 176 Mona Vale Road, St Ives

### Lindfield

- 19 Drovers Way, Lindfield
- 3 Kochia Lane, Lindfield
- Moore Avenue, Lindfield
- 9 Havilah Lane, Lindfield
- 265-271 Pacific Highway, Lindfield
- 9 Wellington Road, East Lindfield
- 11 Bradfield Road, West Lindfield

### Killara

- 2 Marian Street, Killara

- Culworth Avenue, Killara
- 1 Reading Avenue, East Killara

### Turramurra

- Ray Street, Turramurra
- Princes Street, Turramurra
- 93a Eastern Road, Turramurra
- 4 Turramurra Avenue, Turramurra
- 5 Ray and 12 William Street, Turramurra
- Rohini Street, Turramurra
- 6 Valley Park Crescent, North Turramurra
- Auluba Road, South Turramurra
- 1a Kissing Point Road, South Turramurra

### Roseville

- Larkin Lane, Roseville
- 70 Hill street, Roseville
- 3 Recreation Avenue, Arts Centre, Roseville
- 1 Rowe Street, East Roseville
- 2 Lord Street, Roseville

### Wahroonga

- 24 Millewa Avenue, Wahroonga
- 5 Warwilla Avenue, Wahroonga
- 170 The Commenarra Parkway, Wahroonga
- Cnr Railway Ave and Coonanbarra Rd, Wahroonga

### Warrawee

- Borambil Street, Warrawee

See Appendix A for a further description of each site. Additional car parks may be included in this list at any time to ensure that all Council owned or managed car parks are strategically managed in a consistent manner.

## Categorisation

Under Division 2, Section 36, Clause 4 of the *Local Government Act 1993*, Plans of Management must categorise the land covered by the Plan. The Act provides the following choices for categorisation:

- Natural area
- Sportsground
- Park
- General Community Use
- Area of Cultural Significance
- Bushland
- Wetland
- Escarpment
- Water course
- Foreshore

For the purposes of Section 36 Clause 4 this generic Plan of Management categorises all Council car parks as general community use.

## Local and regional context

Car parking areas have an important local context in providing convenient access for visitors to adjoining shops and nearby facilities. Council's car parks are predominantly located within the vicinity of commercial, recreational or public transport facilities.

A number of car parks in Ku-ring-gai are located adjacent to facilities, which draw people from across the region. Examples include the Gordon car parks and those used by commuters near railway stations.

As Council's town centres are redeveloped, the demand for car parking may become greater as commercial and recreational areas are expanded.

## Leases and licences

This Plan of Management expressly authorises Council, by resolution, to enter into lease or licence agreements with relevant authorities, organisations or individuals in relation to the provision of services or utilities for a public purpose.

In accordance with the requirements of the *Local Government Act 1993*, this plan also expressly authorises Council to grant easements for authorities, organisations or individuals in favour of private lands over lands identified in the plan providing Council is satisfied there is no reasonable alternative and the appropriate benefits are obtained for the community land and any adverse impacts on the surface or drainage is remediated at the cost of the holder of the easement.

## Future development of the land

This Plan of Management authorises within the requirements of relevant legislation and Council policy, the future development of car parks for the following purposes and uses:

- time restriction alterations
- car park layout alterations
- landscaping
- stormwater treatment
- lighting
- multi storey and underground car parking\*

\*Subject to land zoning, consultation with residents and businesses and relevant legislation.

## Values and issues

Identification of values of car parks in Ku-ring-gai together with issues affecting their management was compiled from consultation undertaken for the development of the Car Parks Generic Plan of Management, 2001, Ku-ring-gai Town Centre Parking management Plan, 2007 and further consultation with relevant users and site managers.

The following values were identified for car parks:

- provision of car parking
- provision of community based activities
- landscape value.

The following issues were identified for car parks:

- maintenance
- leasing and licensing
- access
- vandalism
- catchment impacts
- car park improvements
- advertising
- parking demand
- traffic flow
- commercial opportunities
- parking restrictions
- landscape values
- climate change.

## Current and permitted uses

The land covered by this Plan is currently used for general purposes including:

- car parking (paid and unpaid)
- commercial uses
- recreation, health and leisure activities
- landscaping
- markets (ie. wade lane car park)
- leased car parking spaces
- community events
- charity clothing bins





## Scale and Intensity of Permitted Uses

Use	Scale	Intensity
Car parking	Limited to physical capacity of existing facilities	24 hours, 7 days per week
Landscaping	Limited to existing areas	24 hours, 7 days per week
Markets	Limited to constraints of existing facilities and demand for car parking	Casual events only, for no more than 24 consecutive hours
Community events	Limited to constraints of existing facilities and demand for car parking	Casual events only, for no more than 24 consecutive hours
Recreation and leisure activities	Limited to constraints of existing facilities and demand for car parking	Casual events only, for no more than 48 consecutive hours
Commercial activities	Limited to the physical constraints of available facilities	Between 9am and 6pm daily

# Management Objectives

## Introduction

The management objectives have been developed in response to those issues identified as important in managing car parks and in consideration of the values of the land.

## Maintenance

### Issue

Maintenance is an important issue in two respects. On one hand it deals with the community expectations in relation to the appearance and the manner with which car parks are maintained. On the other hand it deals with Council's ability to provide various levels of service and the way in which it provides and funds such maintenance.

Maintenance of the car parks covers differing operational activities, namely car park surfaces, remarking, drainage, buildings and landscape areas.

In addition, some car parks contain large canopy trees including the Sydney Blue Gum where significant specimens can provide shading and add to the landscape character of the area. The past practice of constructing car parking areas up to the trunks of these trees has compacted the soil around the trees, weakening their ability to withstand attack from natural pests.

### Objective

To maintain the various elements of the car parks to agreed standards in the most effective manner available.

To preserve significant native canopy trees.

## Leasing and licensing

### Issue

The *Local Government Act 1993* provides that this Plan must authorise any activities which require a lease or licence agreement. Council must ensure it receives a competitive return whilst taking into account the ability to pay of organisations, particularly those providing activities/services on a volunteer or non-profit basis.

### Objective

To ensure leases and licences provide a competitive return to Council whenever possible and are responsive to the needs of community based organisations.

## Access

### Issue

Access at car parks is an issue in the following respects:

- pedestrian access
- vehicular access
- disabled access
- signage.

The *Disability Discrimination Act 1992* and *Anti Discrimination Act 1997* makes it law for public places such as parks to be accessible to persons with disabilities. In response, Council's Access Policy and Disability Discrimination Act Action Plan provides the following relevant objectives and strategies:

*Objective 3 – Council owned services and facilities are accessible to people with a disability including: c) Access to Council's open space and facilities where it is possible and achievable within landform.*

*Objective 8. Council takes a leading role to ensure that all levels of government, local business and community organisation provide accessible services.*

*DDA Action Plan Strategies*

*1.2 Buildings and facilities will meet access standards including AS1428.2 Design for access and ability.*

*7.2 Council will put in place practices to encourage hirers and other users of council's facilities to be inclusive of people with a disability. This includes the allocation of sporting fields.*

The management of Council's car parks must take into account the needs for clear access for emergency vehicles and, where possible, their dual usage for pedestrians and disabled persons.

### Objective

Maximise access to and within car parks within existing constraints.

## Vandalism

### Issue

Vandalism is a widespread issue which affects all components of council facilities, including car parks.

In addition to the financial cost is a significant reduced or lost value of facilities until the damage is repaired as well as the visual impact of the damage.

Prompt repairs to vandalised facilities has been identified as a good deterrent.

It is considered appropriate to include the following elements in coordinated strategies to reduce vandalism:

- maximising user satisfaction
- good design and facilities
- prompt response to repair damage when vandalism occurs
- when necessary target enforcement to known problem areas
- appropriate education and interpretation
- increased community involvement in identifying problem areas
- increased lighting
- appropriate landscaping to improve visibility.

### Objective

To minimise occurrences of vandalism and inappropriate use at Council car parks through prompt response to damage, education and enforcement activities.

## Catchment impacts

### Issue

Car parks have an impact on the catchments in Ku-ring-gai via increased water flows from the large sealed areas and pollutants carried in these flows.

Pollutants include oils, rubber and other chemicals from vehicles and litter associated with other activities (eg. take away wrappers, plastic drink containers), general litter, cigarette butts.

### Objective

To minimise adverse impacts on catchments from the car parks in Ku-ring-gai

## Car park improvements

### Issue

Whilst many of the car parks adequately meet current car parking demand for their location, there are many where demand is acute, particularly at peak times.

In addition to the current situation, Council's town centres are being redeveloped which may increase the demand for car parking as commercial and recreational areas are expanded.

Whilst physical constraints of some car parks will limit realistic opportunities to improve unmet car parking demand, it is important to investigate all possible options where problems are occurring.

Studies of some of these issues have been carried out and where improvements are possible, they should be implemented.

### Objective

To maximise the potential of car parks in respect to the provision of car parking and circulation.

## Advertising

### Issue

Advertising at Council car parks could provide Council with funding to undertake required maintenance which is currently under funded.

Advertising must not adversely affect the landscape character of an area and must be appropriately installed in sympathy with its surroundings.

All advertising must adhere to relevant Council policies and plans.

### Objective

To provide opportunities for advertising within council car parks where appropriate subject to Council's Development Control Plan.

## Parking Demand

### Issue

The demand for parking in some areas (ie. Wahroonga) exceeds supply during peak times. However, the current supply is generally adequate outside peak times. There is also a noticeable proportion of vehicles overstaying existing time limit restrictions. Council has an active regulatory team to monitor and regulate timed parking areas.

There is potential for parking demand to change as the town centres are redeveloped.

### Objective

To provide parking commensurate to demand where appropriate.

## Traffic flow

### Issue

Through consultation with users of car parks, it has been identified that the circulation and traffic flow within car parks can be disrupted by inappropriate use (ie, using the exit and entry; travelling in opposition to signage).

This has the potential to cause accidents and reduce pedestrian safety within car parks.

### Objective

To investigate and provide the most appropriate traffic flow regimes for car parks.

## Commercial opportunities

### Issue

Council's car parks currently include areas that are used for commercial activities. These include a monthly market held at Wade Lane car park, Gordon, and the animal fair at Wahroonga shopping centre, which includes a section of the car park.

Commercial activities such as these foster local economic opportunities and provide additional income opportunities to Council.

There may also be opportunity for paid parking in some circumstances which can assist Council to offset the costs of maintenance of the sites.

### Objective

To provide for commercial activities in car parks where the proposal will be within the capacity of the car park.

## Parking restrictions

### Issue

Restrictions to parking exist at most car parks and principally consist of time restrictions (eg. 2 hour parking limit).

These restrictions are policed by Council's regulatory officers with known problem areas in particular targeted for enforcement.

There is potential in some locations for a greater variety of restrictions to be applied to provide a more flexible approach to meet specific needs without compromising the primary purpose of car parks.

However any restrictions imposed on car parks should have consideration on the potential adverse effects this may cause on surrounding streets and locales.

### Objective

To provide and enforce time restrictions in car parks.

## Landscape values

### Issue

Fifty three car parks are covered by this generic Plan of Management and generally they provide a significant contribution to the landscape character of their immediate surrounds.

This issue relates to the values placed on the car park land in terms of its positive contribution to the landscape character of each of the localities.

It is appropriate that the landscape potential of these car parks be maximised through appropriate landscape design, planting and landscape maintenance.



### Objective

To maximise the landscape potential of the car parks throughout Ku-ring-gai.

To retain and enhance the landscape values of each of the car parks.

## Climate change

### Issue

Many of Council's car parks currently do not use electricity or directly contribute to the enhanced greenhouse effect.

However when required, some of Council's car parks may need improved lighting to assist in creating better pedestrian and vehicular access in addition to reducing potential vandalism and inappropriate use.

Care must be taken not to increase Council's carbon emissions through car park improvements (ie. lighting upgrades at Fitzsimmons Lane car park which reduced emissions).

Car parks also provide a role in reducing community carbon emissions, through providing parking near public transport nodes and through providing share vehicle parking spaces in key areas.

### Objective

To minimise greenhouse emissions from Council's car parks.

To maximise opportunities to encourage residents to reduce greenhouse emissions through transport.

# *Strategy Plan*

## Introduction

This section outlines the strategies that will be implemented to achieve Council's objectives in terms of the issues relating to management of Council's car parks.

Issue	Objective	Strategy	Responsibility	Priority
Maintenance	To maintain the various elements of the car parks to agreed standards in the most effective manner available. To preserve significant native canopy trees.	Identify agreed standards of maintenance and prepare maintenance programs for all car parks and landscape areas Implement maintenance programs and review programs and service delivery options on an annual basis Where practicable, remove paved areas adjacent to any significant trees to restore the natural soil conditions around the trees.	Manager Engineering Services  Manager Open Space Services	High
Leasing and Licensing	To ensure leases and licences provide a competitive return to Council whenever possible and are responsive to the needs of community based organisations.	Negotiate leases and licences in accordance with Council's adopted policy for leasing community facilities.	Manager Community and Recreation Properties Manager Assets and Services	Medium
Access	Maximise access to and within car parks within existing constraints.	Identify constraints and opportunities to maximise access Develop and implement an action plan in accordance with Council's Access policy to maximise access to and circulation within the car parks	Manager Engineering Services Manager Community Development	High
Vandalism	To minimise occurrences of vandalism and inappropriate use at Council car parks through prompt response to damage, education, enforcement activities.	Develop and implement systems to provide for timely response to reported damage or vandalism Ensure facilities are of appropriate design and construction and are well maintained to reduce motivation factors for vandalism.	Manager Open Space Services Manager Engineering Services	Medium
Catchment impacts	To minimise adverse impacts on catchments from the car parks in Ku-ring-gai	Investigate appropriate controls to minimise pollutants leaving car parks via stormwater flows Develop and implement a program of installations of pollution control devices in car parks and install permeable surfaces where appropriate	Manager Waste, Drainage and Cleansing	Medium
Car park improvements	To maximise the potential of car parks in respect to the provision of car parking and circulation.	Develop and implement an action plan to improve car parks	Manager Engineering Services Manager Traffic and Transport	Low

Issue	Objective	Strategy	Responsibility	Priority
Advertising	To provide opportunities for advertising within Council car parks where appropriate	Undertake advertising study for Council's car parks.	Manager Assets and Services	Low
Parking demand	To provide parking commensurate to demand where appropriate.	Monitor parking demand Undertake parking studies where required.	Manager Urban Planning	Medium
Traffic flow	To investigate and provide the most appropriate traffic flow regimes for car parks.	Identify key car parks with traffic flow problems Ensure traffic guides and signage are clearly identifiable Monitor traffic flow and adjust signage and layout as required.	Manager Traffic and Transport	Medium
Commercial opportunities	To provide for commercial activities in car parks where the proposal will be within the capacity of the car park.	Allow the use of car parks for commercial activities subject to the objectives of this Plan and requirements of relevant legislation  Investigate the opportunity for further paid parking at Council car parks where appropriate	Manager Community and Recreation Properties  Manager Assets and Services	Low
Parking restrictions	To provide and enforce time restrictions in car parks.	Enforce restrictions in car parks in accordance with relevant signage Review requests for changes to restrictions within six months of request	Manager Traffic and Transport  Manager Regulatory Services	Low
Landscape Values	To maximise the landscape potential of the car parks throughout Ku-ring-gai To retain and enhance the landscape values of each of the car parks.	Prepare and implement landscape master plans for all car parks in Ku-ring-gai which coordinate with the Public Domain manual	Manager Corporate Planning and Sustainability  Landscape Planner	Medium
Climate change	To minimise greenhouse emissions from Council's car parks To maximise opportunities to encourage residents to reduce greenhouse emissions through transport.	Adhere to relevant Council policy when undertaking any works which will affect the direct greenhouse emissions at Council car parks. Install dedicated Car Share spaces at key car parks as requested by operators. Install bicycle facilities where appropriate	Manager Corporate Planning and Sustainability	Medium





## Monitoring Program

The strategy plan will be reviewed every two years. The review will include the following:

- a report on the progress plan
- recommendations for alterations to the existing strategy plan for the coming year
- any other necessary changes due to new usage trends or issues arising from management of each site
- a report on implementation of the Environmental Management Plan

The objectives will be reviewed every two years in the Council's Management Plan cycle.

However, if significant changes take place in the intermittent period then this section would need to be revised in accordance with those changes as soon as possible.

The core values held by the community are unlikely to change over the 15 year timeframe however the relative importance of each value may increase or decrease. These changes in importance of core values need to be reflected in changes in the Strategy Plan. However, significant changes in the relative importance of core values will necessitate the need for a completely new plan to be prepared.

## References

Ku-ring-gai Council, **Wahroonga Car Park Plan of Management**, October 2001.

Ku-ring-gai Council, **Rowe Street Car Park Plan of Management Draft** 1999

Ku-ring-gai Council, **Car Parks Generic Plan of Management** October 2001.

ARUP P/L, **Ku-ring-gai Town Centre Parking Management Plan Final Report**, February 2008.

# Appendix A

Car park	Spaces	Disabled	Description
<b>Gordon</b>			
2 Moree Street, Gordon	25	0	Behind strip shops on Pacific Highway
3 Radford Place, Gordon	67	3	Reserved for Council staff vehicles. Some significant trees
1 Wade Lane, Gordon	381	6	3 levels. Adjacent to Gordon arcade and Gordon station
4 Park Avenue, Gordon	24	0	Some reserved for staff. Caters for Family day care and library
Werona Avenue, Gordon	103	2	Adjacent to Gordon station
Henry Street, Gordon	22	0	Part of bus terminal
Cnr Werona and Park Avenue Gordon	34	0	Adjacent to Gordon station
Werona Avenue, Gordon	90	0	Adjacent to Gordon station
Fitzsimmons Lane, Gordon	28	0	Underground car park. Open 8.30-6pm Mon-Fri and 8.30-12.30pm Sat.
15 Henry Street, Gordon	55	4	Services Gordon station
Henry Street, Bus Terminal, Gordon	40	0	Opposite Ravenswood Avenue. Services Gordon station
<b>Pymble</b>			
875 Pacific Highway, Pymble	14	0	Underground car park. Closed between 6pm and 8.30am Mon-Sat. Closed Sun.
Railway station, Pymble	23	0	Services Pymble station
9-11 Bridge Street, Pymble	38	0	Underground with 13 private parking spaces
20 Bridge Street, Pymble	23	0	Services commercial area
Grandview street, Pymble	52	0	Services strip shops on Grandview Rd. Some significant trees along border.
Kendall Street, West Pymble	81	3	Services West Pymble shops and adjacent park
2 Alma Street, Pymble	14	0	Services strip shops. Some significant trees on perimeter
1186 Pacific Highway, (Town Hall) Pymble	31	0	Pymble town hall
Binalong Street, West Pymble	29	2	Services local shopping village
<b>St Ives</b>			
Cowan Road, St Ives shopping centre	394	9	Services St Ives Shopping Village and Village Green
208-210 Mona Vale Road, St Ives	27	0	Significant trees on-site
160a Warrimoo Avenue, St Ives	39	0	Services local shopping village
176 Mona Vale Road, St Ives	25	0	Services St Ives shopping village and strip shops on Mona Vale Road
<b>Lindfield</b>			
19 Drovers Way, Lindfield	109	0	Services Pacific Highway strip shops. Significant trees throughout the site.
3 Kochia Lane, Lindfield	135	3	Services strip shops on Lindfield Ave and commercial centre on Tryon Rd.
Moore Avenue, Lindfield	27	0	Services local village shopping centre
9 Havilah Lane, Lindfield	25	0	Services commercial centre and strip shops
265-271 Pacific Highway, Lindfield	17	1	Lindfield Library. 7 reserved spaces

Car park	Spaces	Disabled	Description
<b>Lindfield continued</b>			
9 Wellington Road, East Lindfield	53	2	Services park, shopping centre and church
11 Bradfield Road, West Lindfield	19	0	Services Child Care Centre
<b>Killara</b>			
2 Marian Street, Killara	35	0	Behind Theatre. Many significant trees
Culworth Avenue, Killara	173	2	Opposite Killara station. Many significant trees
1 Reading Avenue, East Killara	57	0	Services shopping village
<b>Turramurra</b>			
Ray Street, Turramurra	9	1	Services Turramurra Library
Princes Street, Turramurra	14	0	Services shopping village and park
93a Eastern Road, Turramurra	38	0	Services local shopping village. Significant trees on perimeter
4 Turramurra Avenue, Turramurra	156	6	Turramurra station, Community Centre, Meals on Wheels and shopping district.
5 Ray St and 12 William Street, Turramurra	240	4	Services Turramurra station, Library and shopping district
Rohini Street, Turramurra	35	0	Adjacent to Turramurra station
6 Valley Park Crescent, North Turramurra	19	0	At rear of local shopping village
Auluba Road, South Turramurra	36	1	Services local shopping village
1a Kissing Point Road, South Turramurra	151	3	Services village shopping centre on Pacific Highway. Some significant trees.
<b>Roseville</b>			
Larkin Lane, Roseville	43	0	Located behind Pacific Highway strip shops
2 Lord Street, Roseville	58	0	Services strip shops on Hill street
3 Recreation Avenue, Arts Centre, Roseville	31	1	Services Ku-ring-gai Arts Centre
1 Rowe Street, East Roseville	24	1	Services strip shops on Babbage Road
<b>Wahroonga</b>			
24 Millewa Avenue, Wahroonga	52	0	Adjacent to Wahroonga station
5 Warwilla Avenue, Wahroonga	47	0	Adjacent to Wahroonga station
170 The Commenarra Parkway, Wahroonga	64	1	Rear of shopping village
Railway Ave and Coonanbarra Rd, Wahroonga	172	5	Services Wahroonga station
<b>Warrawee</b>			
Borambil Street, Warrawee	8	0	Services Warrawee station



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## **TENDERS FOR PREPARATION OF DESIGN PLANS FOR A NEW DEPOT - TENDER T06/2008**

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**Ward: Gordon**

### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT:**

To advise Council of the outcome of the tender for the preparation of DA plans and tender documents for the construction of a new depot at Suakin Street, Pymble and approval of the preferred tenderer for the work.

#### **BACKGROUND:**

In November 2008, tenders were called for the preparation of design plans for the purpose of submitting a new development application and the preparation of detailed design plans and tender documents for the construction of a new depot that will incorporate the refurbishment of the building at 31 Bridge Street, Pymble.

#### **COMMENTS:**

Tenders closed on 16 December 2008 and 23 tenders were received from suitably qualified architectural companies for the preparation of design plans, development application, construction certificate and tender documents for construction.

#### **RECOMMENDATION:**

That Council accepts the tender from Caldis Cook Architects for the preparation of the DA and tender documentation for construction of the new depot at Suakin Street Pymble and the refurbishment of 31 Bridge Street, Pymble.

## PURPOSE OF REPORT

To advise Council of the outcome of the tender for the preparation of DA plans and tender documents for the construction of a new depot at Suakin Street, Pymble and approval of the preferred tenderer for the work.

## BACKGROUND

Council purchased an office building at 31 Bridge Street, Pymble which is proposed to be used as a new administration building for the depot operations. Whilst a design of the new depot has been completed, the acquisition of the property at 31 Bridge Street will require a new design to be prepared for the new depot.

In November 2008, tenders were called for the preparation of design plans for the purpose of submitting a new development application and the preparation of detailed design plans and tender documents for the construction of a new depot that will incorporate the refurbishment of the building at 31 Bridge Street, Pymble.

## COMMENTS

Tenders closed on 16 December 2008 and 23 tenders were received from suitably qualified architectural companies for the preparation of design plans, Development Application (DA), Construction Certificate (CC) and tender documents for construction.

The tenderers were requested to provide a lump sum tender for the preparation of design plans and associated other plans and other sub consultant reports necessary for the submission of a DA and all the documentation required for the issuing of a CC following approval of the DA.

Following approval of the preferred tenderer by Council, all previous designs and reports that were prepared for the previous DA and CC drawings will be made available to the successful tenderer in order to save time and reduce costs.

The tenderers were requested to submit lump sum tenders for the DA preparation and the CC and tender documents for construction and terms and conditions associated with any variations.

The tenders were opened and checked in the presence of the Senior Governance Officer and the Internal Auditor and details of the tenders received by the closing date and time were recorded in the tenders register.

A tender evaluation committee was established which included an external party to provide professional advice on the capabilities of each of the tenderers and also for probity purposes. The tenders were evaluated under a weighting system in terms of price, capabilities, previous relevant experience of the design team and project program. A copy of the tender evaluation report and pricing is included in the **confidential attachment**. The attachment is determined to be confidential in accordance with Section 10A (2) (c) in that it is information that would, if disclosed, confer a commercial advantage on a person or company with whom Council is conducting (or proposes to conduct) business.

**Item 14**

**S06934  
27 January 2009**

Following evaluation, three (3) of the tenderers that submitted a tender were assessed as submitting a non conforming tender and as such were not considered further. One (1) company submitted a late tender in that the returnable schedules were not submitted on time but other details were faxed to Council on time. The late tender was still considered by the evaluation committee.

Each of the tenders was scored for the non-price criteria using a weighted system as described in the tender documents and a value determined for the price criteria. The scoring was undertaken separately by the tender committee members and after a comparison of the results of the analysis, there were four (4) companies that rated consistently high in the criteria set out in the tender documents. Further analysis was then conducted on the top four (4) rated companies.

Below is a commentary on the top four (4) ranked tenders in terms of the criteria for assessment including details of pricing, previous experience, reference checking and general capabilities of the design group.

**Design Inc**

This company provided a competitive tender for both the DA preparation and the tender documentation for construction. Their submission was very good and they have done work for State Government and the Airports Corporation. The reference proved to be good and their previous work includes the upgrade to the bus depot at Manly and the multi-deck car park at Sydney Airport.

They appear to be a very innovative and the reference checking confirmed that they work well with the client and keep the project within the allocated budget.

The program submitted was very tight and therefore offers little time for sub consultant co-ordination and client review. Hence any increase in the program could result in higher costs.

**Caldis Cook Architects**

This company also provided a competitive price for both the DA preparation and the tender documentation for construction. They have undertaken work for both Integral Energy and Energy Australia. The reference checking indicated that they provide a good product and work well with their client in that they look for ways to save money.

Their work program is considered reasonable and there is sufficient time to undertake client review and review the work of the sub consultants. Their sub consultants also are well qualified.

**MCA Architects**

They have also submitted a competitive price for the preparation of a DA and tender documents for construction. They have undertaken design work for the University of New South Wales, the Northern Beaches Christian School and Lane Cove Council for a Childcare/Community Centre and the reference checking indicated that they are a good company and work well with their clients.

**Item 14**

**S06934  
27 January 2009**

A number of clarifications were required based on their tender and indicated that the estimated cost of the project is considered to be tight. However, they indicated that they will engage a quantity surveyor in the early stages to ensure building costs are managed within the budget nominated.

Their program is reasonable and they have allowed sufficient time to undertake client review and manage sub consultants.

**Mode Design**

Mode design have submitted a competitive price for the preparation of the DA but their price for the completion of the construction certificate and tender documents appear to be deficient in the requirements for the preparation of the plans and specifications required for tendering.

While they have a Sydney based office, all of the nominated work relates to Queensland and the reference checking was all for their Queensland projects. The reference checking was very positive and indicated that they are an innovative company and work well with their clients.

Their program appears to be very tight and they may not have allowed sufficient time for the management of the sub consultants and client review.

Generally all of the short listed companies were considered to offer good tenders and capable of providing a good service to Council, however, based on all the factors submitted in the tenders, the reference checking and further clarification points, Caldis Cook Architects seem to offer the best tender and architectural team to undertake the work for Council.

## **CONSULTATION**

An external consultant was engaged to assist in the review of the tenders in terms of the criteria to provide advice on the suitability and capabilities of the preferred tenderers and also to provide probity in terms of the assessment of the tenders.

## **FINANCIAL CONSIDERATIONS**

Funding for the design and construction of the new depot has been provided from the facilities reserve and costs associated with the design and construction of the new depot including the purchase and refurbishment of 31 Bridge Street, Pymble will be offset by the sale of the existing depot site. The sale of the existing depot will be the subject of a separate report to Council.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Consultation has taken place with the Corporate Department with regard to the funding for the project in line with the Long Term Financial Plan and the requirements for tendering procedures.



## SUMMARY

Tenders closed on 16 December 2008 and 23 tenders were received from suitably qualified architectural companies for the preparation of design plans, development application, construction certificate and tender documents for construction.

An evaluation committee was established to assess each of the tenders against the criteria described in the tender documents.

Following the initial assessment four (4) companies were further considered to determine their capabilities, experience and value for money to undertake the work for Council.

Of the top four (4) tenders received the preferred tenderer as determined by the evaluation committee was Caldis Cook Architects.

Their previous work includes designs for Integral Energy, Energy Australia and Hurstville Council and the reference checking revealed that they are a good company with regard to innovative design, good client relationship and work to allocated budgets.

## RECOMMENDATION

- A. That Council accepts the tender from Caldis Cook Architects for the preparation of the DA design and tender documentation and plans for the construction of the new depot incorporating the refurbishment of 31 Bridge Street, Pymble for the administration section.
- B. That the Mayor and General Manager be delegated authority to sign the deed of agreement on behalf of Council.

Greg Piconi  
Director Operations

Ian Taylor  
Manager Engineering Services

**Attachments: Tender Evaluation Report - Confidential**

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## **BOOMERANG STREET, TURRAMURRA - ROAD WORKS AND TREE REMOVAL**

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**Ward: Wahroonga**

### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT:**

To report to Council on the proposed tree removal and roadworks in Boomerang Street, Turramurra.

#### **BACKGROUND:**

The reconstruction of Boomerang Street from Bobbin Head Road to Ku-ring-gai Avenue was identified in the draft program for completion in 2007/2008.

During the design phase of the project, it became apparent that rectification of the existing levels of the road to remove bridge crossovers and improve drainage and access would impact on a number of street trees adjacent to the work

#### **COMMENTS:**

There has been significant community consultation on this proposal and every effort has been made to change design to allow for the retention of trees on the street.

A number of trees that have now been identified for retention, even though their condition is not ideal, have not been assessed as hazardous. The retention of these trees in the short to medium term will ensure that visual impacts of remaining tree removals is minimised.

#### **RECOMMENDATION:**

That Council adopts the proposed tree removal and retention list as shown in Attachment 1.

## PURPOSE OF REPORT

To report to Council on the proposed tree removal and roadworks in Boomerang Street Turramurra.

## BACKGROUND

At the Ordinary Meeting of Council on 28 August 2007, Council resolved to recommend a number of Capital Works Projects in accordance with the 2007-2011 Management Plan. Part D of that resolution states *"That Council adopts the proposed 2007/2008 5 year Road Program and the draft 2008/2012 Rolling Road Works Program"*. The reconstruction of Boomerang Street from Bobbin Head Road to Ku-ring-gai Avenue was identified in the draft program for completion in 2007/2008.

During the road design phase of the project, it became apparent that rectification of the existing levels of the road to remove bridge crossovers and improve drainage and access would impact on a number of street trees adjacent to the work. The road currently has severe crossfalls on both sides and as such heavy vehicles such as buses that travel close to the kerb line have caused damage to existing trees. A number of existing trees have had branches removed by heavy vehicles and this has resulted in the decay and damage to the trees.

Council's Tree Maintenance Supervisor was engaged to assess the health and stability of the trees in question and also the impacts of the proposed roadwork on the trees. As a result of this inspection it became apparent that there were a number of trees that would require removal either due to their condition or due to impacts from roadworks on the rootzone or canopy.

In accordance with Council's Tree Notification Policy, surrounding property owners were notified in writing on 28 March 2008 and asked to provide comments on the proposed tree removals as outlined in the spreadsheet in the "Council Arborist" column. **Attachment 1**, a total of **42** trees were proposed for removal.

Given the significant concern expressed by the residents, a meeting was held on site with the Ward Councillors, Director Operations, Manager Open Space Services, Tree Maintenance Supervisor and Coordinator Roadworks. The matter was subsequently raised at the Ordinary meeting of Council on 29 April 2008 where it was resolved that further consultation with the community be undertaken and further investigation into the roadwork specifications be undertaken before a determination regarding the roadworks and tree removals was made.

A follow up meeting was held with concerned residents and interested Councillors on 20 May 2008. As a result of this meeting and by Council resolution, it was agreed to engage the services of an independent Arborist to undertake an assessment of all trees along Boomerang Street adjacent to the proposed roadwork before reporting the outcome to Council. It was further agreed that the lowering of the centre of the road would be investigated to minimise the disturbance to tree roots as a result of the proposed works

## COMMENTS

Council also raised whether it was possible to lower the surface of the road or undertake other treatments to prevent the loss of trees.

An investigation of lowering the centre of the road revealed that this would not be possible due to the location of underground surfaces and the significant cost to lower the water and gas mains. Also, the current kerb and gutter is non standard and broken in a significant number of locations. Hence to install new kerb and gutter would impact on the trees even if the road was lowered.

Council staff engaged an independent arborist to undertake a review and investigation into the condition of all the trees in the roadway and he was also advised of the proposed road levels before he commenced his assessment.

Ian English of Sydney Arboricultural Services was engaged to undertake this work. A copy of the report can be found in **Attachment 2**. The report recommends the removal of **45** trees based on their condition and impacts from roadworks. A summary of the trees recommended for removal can be found in **Attachment 1** in the "Independent Arborist" column.

Boomerang Street residents were provided with a copy of the Arborist's report in late January and a further on-site meeting was held on 5 February 2009.

At this meeting, each individual tree proposed for removal by the independent Arborist was discussed, in consultation with residents, in terms of its condition and impacts from roadworks. As a result of this process, it was agreed that a number of trees proposed for removal could be retained at this point in time and a number of trees would still require removal due to their condition coupled with the impact of road works.

A copy of the final list of proposed tree removals can be found in the "Final Recommendations" column of **Attachment 1**, a total of **27** trees are now proposed for removal. Attachment 3 also shows the trees originally proposed for removal by Council staff and the independent Arborist.

There has been significant community consultation on this proposal and every effort has been made to change design to allow for the retention of trees on the street.

A number of trees that have now been identified for retention have not been assessed as hazardous however, may be impacted by pruning required to allow for clearance on the roadway which will impact on the shape of the canopy. Hand digging in the rootzone of a number of trees will have to be undertaken during the construction phase to ensure minimal damage to roots. The retention of these trees in the short to medium term will ensure that visual impacts of remaining tree removals is minimised and allow new plantings to establish.

All trees proposed for removal will be replaced with advanced *Lophostemon confertus* (Brushbox) on the side of the street with no powerlines and *Hymenosporum flavum* (Native Franjapanni) beneath powerlines. The proposed replacement species have been favourably received by the concerned residents.

## CONSULTATION

Community consultation has been undertaken with residents of Boomerang Street and Councillors regarding the roadworks and proposed tree removals.

## FINANCIAL CONSIDERATIONS

The proposed roadworks have been identified for funding as part of the Rolling Road Works Program at an estimated cost of \$325,700. Tree removals will be funded from recurrent tree maintenance funds and replacement plantings will be funded from the Canopy Replenishment Program.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Operations were consulted in the preparation of this report.

## SUMMARY

The reconstruction of Boomerang Street is a project that is required to improve the road surface on an existing bus route and reconstruction will address a number of other issues associated with drainage and crossovers.

Trees now proposed for removal are in either a hazardous condition or will be adversely affected by the roadworks to the point that they would be rendered hazardous as a result.

All trees proposed for removal will be replaced with advanced species in keeping with the existing visual character and heritage values of surrounding streets.

## RECOMMENDATION

- A. That Council adopts the proposed tree removal and replacements as outlined in the "Final recommendation" column of Attachment 1 of this report.
- B. That directly affected residents be notified of Council's proposed action.

Matthew Drago  
Manager Open Space Services

Greg Piconi  
Director Operations

Attachments:      1. Proposed tree removal and retain list-2009/018519  
                         2. Independent arborist report-2009/012477

Address	Tree Species	Common Name	Size	Council Arborist	Independent Arborist	Final Recommendation
2 Boomerang St	Lophostemon confertus	Brushbox	10x5	remove	remove	remove
2 Boomerang St	Lophostemon confertus	Brushbox	8x3	remove	remove	remove
2 Boomerang St	Lophostemon confertus	Brushbox	8x4	remove	remove	remove
2 Boomerang St	Lophostemon confertus	Brushbox	8x5	remove	remove	remove
2A Boomerang St	Lophostemon confertus	Brushbox	10x5	remove	remove	remove
2A Boomerang St	Lophostemon confertus	Brushbox	10x5	<b>retain</b>	<b>retain</b>	<b>retain</b>
4 Boomerang St	Lophostemon confertus	Brushbox	10x5	remove	remove	remove
4 Boomerang St	Lophostemon confertus	Brushbox	10x6	<b>retain</b>	<b>retain</b>	<b>retain</b>
4A Boomerang St	Lophostemon confertus	Brushbox	8x4	remove	remove	remove
4A Boomerang St	Lophostemon confertus	Brushbox	8x4	<b>retain</b>	<b>retain</b>	<b>retain</b>
6 Boomerang St	Pittosporum sp		5x3	remove	remove	remove
6 Boomerang St	Lophostemon confertus	Brushbox	10x6	<b>retain</b>	<b>retain</b>	<b>retain</b>
6A Boomerang St						
8 Boomerang St	olive sp			remove	remove	remove
10 Boomerang St	olive sp			remove	remove	remove
12 Boomerang St	Liquidambar styraciflua	Liquidambar	12x8	remove	<b>retain</b>	<b>retain</b>
12 Boomerang St						
14 Boomerang St						
18 Boomerang St						
20 Boomerang St	Fraxinus americana	American Ash	8x6	remove	remove	remove
20 Boomerang St	Erythrina sp	Coral tree	15x15	remove	remove	remove
22 Boomerang St	Platinus x hybrida	Plane tree	13x8	<b>retain</b>	remove	<b>retain</b>
22 Boomerang St	Fraxinus americana	American Ash	8x6	remove	remove	remove
24 Boomerang St	Platinus x hybrida	Plane tree	13x8	remove	<b>retain</b>	<b>retain</b>
26 Boomerang St	Ulmus sp	golden elm	6x6	remove	remove	<b>retain</b>
28 Boomerang St	Fraxinus americana	American Ash	8x6	remove	remove	remove
28 Boomerang St	Erythrina sp	Coral tree	15x10	remove	remove	remove
3 Boomerang St	Lophostemon confertus	Brushbox	8x4	remove	<b>retain</b>	<b>retain</b>
3 Boomerang St	Lophostemon confertus	Brushbox	8x4	remove	<b>retain</b>	<b>retain</b>
3 Boomerang St	Lophostemon confertus	Brushbox	8x4	remove	<b>retain</b>	<b>retain</b>
5 Boomerang St	Cinnamomum camphora	Camphor laurel	8x4	remove	remove	remove
5 Boomerang St	Cinnamomum camphora	Camphor laurel	8x4	remove	remove	remove

5 Boomerang St	Cinnamomum camphora	Camphor laurel	8x4	remove	remove	remove
15 Boomerang St	Lophostemon confertus	Brushbox	7x5	remove	remove	remove
15 Boomerang St	Fraxinus americana	American Ash	5x4	remove	remove	remove
15 Boomerang St	Sapium sabiferum		6x4	retain	remove	retain
17 Boomerang St	Lophostemon confertus	Brushbox	14x12	remove	remove	retain
17 Boomerang St	Fraxinus americana	American Ash	5x4	remove	remove	retain
17 Boomerang St	jacaranda	jacaranda	2x2	retain	remove	retain
17 Boomerang St	jacaranda	jacaranda	2x2	retain	remove	remove
17 Boomerang St	Fraxinus sp	Ash	5x3	retain	remove	retain
17 Boomerang St	jacaranda	jacaranda	2x2	retain	remove	retain
17 Boomerang St	jacaranda	jacaranda	2x2	retain	remove	retain
17 Boomerang St	Platinus x hybrida	Plane tree	10x8	remove	remove	retain
17 Boomerang St	callistemon	bottlebrush	4x2	retain	remove	retain
19 Boomerang St	Lophostemon confertus	Brushbox	8x8	remove	remove	retain
19 Boomerang St	Fraxinus americana	American Ash	6x5	remove	remove	retain
21 Boomerang St	Erythrina sp	Coral tree	12x6	remove	remove	remove
23 Boomerang St	Fraxinus sp	Ash	5x5	remove	remove	retain
23 Boomerang St	Erythrina sp	Coral tree	15x15	remove	remove	remove
27-29 Boomerang St	Fraxinus sp	Ash	5x5	remove	remove	remove
27-29 Boomerang St	Erythrina sp	Coral tree	15x15	remove	remove	remove
27-29 Boomerang St	Cinnamomum camphora	Camphor laurel	8x8	remove	remove	remove
27-29 Boomerang St	Fraxinus americana	American Ash	4x4	remove	remove	remove
31 Boomerang St	Ulmus sp	Elm	6x4	remove	remove	remove
31 Boomerang St	Ulmus sp	Elm	6x4	remove	remove	retain
31 Boomerang St	Ulmus sp	Elm	4x4	remove	remove	retain
33 Boomerang St	Ulmus sp	Elm	4x4	remove	remove	retain
33 Boomerang St	Lophostemon confertus	Brushbox	10x6	retain	retain	retain
		<b>Total</b>		<b>42 Remove</b>	<b>45 remove</b>	<b>28 remove</b>
		<b>Total</b>		<b>13 retain</b>	<b>10 retain</b>	<b>27 retain</b>



## **Arboricultural Report:**

# **Health, Hazard & Pre - Construction Assessment**

Site: Boomerang Street, Ku-ring-gai Ave – Bobbin Head Rd  
Turramurra

Report Prepared by Ian English

Ref: Kmc 070808 T

Date: August 2008

Prepared for and on behalf of Ku-ring-gai Council

*Kmc 070808 T*

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## Table of Contents

Subject	Page No.
1.0 Executive Summary -----	3
2.0 Scope -----	4
3.0 Assessment Methodology -----	4 - 5
4.0 Aim & Objectives -----	5
5.0 Site Description -----	5 - 6
6.0 Assessment Trees Condition -----	6 - 7
7.0 Proposed Works & Construction Impacts -----	7 - 8
8.0 Tree Preservation Requirements -----	8 - 9
9.0 Discussion -----	9
10.0 Conclusions -----	9
11.0 Recommendations -----	10
12.0 Material Cited & References -----	10
Annexure 1 Tree Survey Tables	
Annexure 2 Plates	
Annexure 3 Glossary of Terms	

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## 1.0 Executive Summary:

- 1.0 The following report has been prepared to provide an independent assessment on the condition of the street trees occurring on both sides Boomerang Street, between Ku-ring-gai Ave and Bobbin Head Rd, Turramurra.
- 1.2 The report follows an examination or Visual Tree Assessment (VTA) of some 54 Trees applying the VTA methodology in accordance with standard arboricultural standards for tree hazard assessments.
- 1.3 Most of the trees examined exhibited symptoms of decline, over-maturity, injury or hazard forming features, many with multiple afflictions that limited their safe and useful life expectancies. All of the characteristics of the trees are described in a tabulated format in Annexure 1 of this report.
- 1.4 All of the trees examined occur in a relatively high target area, being a busy street and pedestrian thoroughfare. Consideration needs to be given to these trees potential for causing damage to property or injury to persons, other than just protecting them against impacts arising from the proposed road re-construction.
- 1.5 The nature and potential for the trees to be exposed to root damage during reconstruction is considered in section 7. It is apparent that root damage that does not involve considerable expense is largely unavoidable and will hasten the decline of those trees already in poor condition.
- 1.6 With the larger specimens the proposed works could predispose many of the trees to failure as root severance will be significant.
- 1.7 Considerable extra expense is required to re-construct the road and not adversely affect the existing street trees. In many instances this may not be effective or possible to reconstruction the curb and not affect the trees.
- 1.8 Reducing the soil levels grading and compaction to accommodate vehicle crossovers and driveway construction will also be in nearly all cases, detrimental to the health and stability of the trees.
- 1.9 Only a few of the trees examined were in a condition that warranted measures necessary to insure they are not affected by proposed works. These are identified as 1a or 1b trees in Table 1 of this report.
- 1.10 Those trees identified as being potentially hazardous will require removal in any event to address liabilities arising from their potential to cause damage to property or injury to persons. Those smaller trees in poor condition, either over mature, declining or of poor form will not tolerate the construction impacts nor is their any value in retaining them even for the short term.
- 1.11 The complete removal of the low value trees provides greater scope for replenishment and rapid establishment with more suitable species that will be afforded better management practices and are more culturally suited species to the local environment.

## 2.0 Scope:

- 2.1 The following report pertains to a site inspection and a close examination of all the trees over 2 metres in height along both sides of Boomerang Street, undertaken on the 23<sup>rd</sup> & 31<sup>st</sup> of July 2008.
- 2.2 The assessment considers the condition of 54 trees, describing their hazard potential, site suitability, preservation requirements and any target areas or potential for damage or injury that could arise as a consequence of partial or whole tree failure.
- 2.3 The report follows a visual assessment (VTA)<sup>1</sup> of the trees, and an examination of the environment, landscape and soil profile in which they are occurring.
- 2.4 The report identifies each tree in a tabulated format, describing its form, structure vigour and safe and useful life expectancy (SULE)<sup>2</sup>, and any afflictions apparent.

## 3.0 Visual Tree Assessment Methodology (VTA)

- 3.1 In accordance with assessment methodology prescribed by Mattheck<sup>3</sup> each trees physical attributes and symptoms were examined for symptoms indicative of decline or potential for branch or complete stem failure. Symptoms examined for include
  - 3.1.1 Peripheral crown decline or dieback indicative of pathogenic diseases, natural attrition and senescence.
  - 3.1.2 Branch and scaffold structure, growth defects or weaknesses prone to splitting or tearing, such as bark inclusions and stress fractures.
  - 3.1.3 Decline of vascular tissue on the stems, branches and root crown, indicative of possibly fungal or wood decay infections.
  - 3.1.4 Fruiting bodies such as mushrooms and fungal growths, indicative of wood decay.
  - 3.1.5 Persistent insect pests such as termite or borer infestations and indications of tissue decline, loss of vigour and senescence and or likely to result in branch and stem failure.
  - 3.1.6 Buckling at the root crown, stem fractures and wounds as a consequence of past storm or mechanical damage.
  - 3.1.7 Is physical attributes including height over trunk diameter, branch and stem taper and any cavities present.
- 3.2 Because of the number of trees occurring on the site the trees characteristics and attributes, form, structure and apparent vigour, are provided in a tabulated format rather than individually describing each specimen.

<sup>1</sup> In accordance with methodology prescribed by Mattheck & Bethge 2002

<sup>2</sup> In accordance with Barrell (1996)

<sup>3</sup> Mattheck C The Body Language of Trees (1999) & Mattheck & Bethge (2002) Visual Tree Assessment – Symptoms

- 3.4 The trees dimensions were estimated by randomly sampling heights with a Sunto® clinometer and soft survey tape measure, (30m capacity). The crown diameters given for each tree are measured to the longest reaching branches or extending branches, randomly measured and estimated. Crown diameters are given as an average as only a portion of a trees crown with attain the crown diameter attributed to it.
- 3.5 The trunk diameters at chest height (DBH) given were estimated and based on randomly measured trees at 1.4 metres above ground level with a steel tape.
- 3.6 No diagnostic work involving resistance testing or identification of fungal species was undertaken

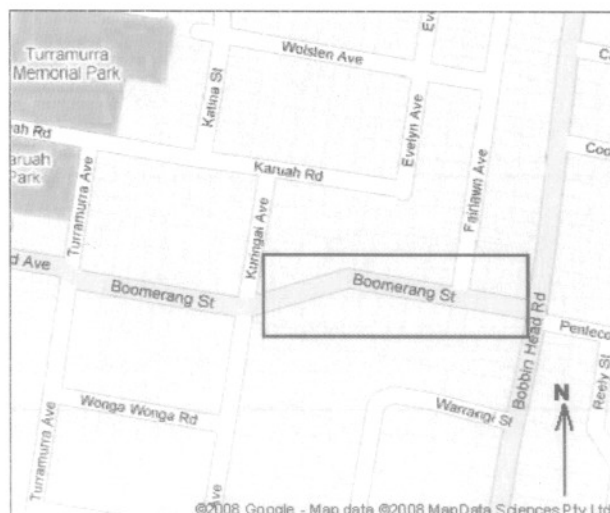
#### 4.0 Aims & Objectives:

- 4.1 Examine all of the street trees occurring in Boomerang Street, describing their current condition, life expectancy and any potential hazard they present
- 4.1 Identify the probable impacts arising from the reconstruction of the road, drainage and utilities, considering the potential of such impacts on the street trees.
- 4.2 Determine the amenity value of the trees having regard to preservation requirements and measures necessary to avoid deleterious impacts.
- 4.3 Consider the liabilities the trees currently present and could present should adverse impacts arise through construction impacts.

#### 5.0 Site Description

- 5.1 The site Boomerang street runs in an east to west direction and is gently sloping towards the east and south. The north side maintains a relatively even level for its full length, the south eastern corner slopes steeply into adjacent yards from around No. 4. Boomerang St (See Plate 2)

Figure 1 Depicting study area (Courtesy Google Maps)



- 5.2 The street trees appear to be of various age groups but the majority of at least 70% appear to have been planted around the same period and are estimated to be between 60 to 80 years old.
- 5.3 The northern side of Boomerang St is partially paved with sections of bitumen side walk in portions of the street. The Southern side is paved with a bitumen concrete foot path. There was evidence of pavement heave on both sides of the street where the larger trees root systems had caused buckling in the pavement.
- 5.4 There are a multiple of crossovers occurring on both sides of the street with powerlines and phone lines with multiple tiers on the northern side.
- 5.5 The soil type is a red clay loam, moderately reactive, derived from Wianamatta Shale bedrock.
- 5.6 All of the trees examined occur in a relatively high target area (ref: Lonsdale 1999)<sup>4</sup> being a busy street and pedestrian thoroughfare.

#### 6.0 Assessment on Trees Condition:

- 6.1 Most of the trees examined exhibited symptoms of decline, over-maturity, injury or hazard forming features, many with multiple afflictions that limited their safe and useful life expectancies. This is largely because of the impacts such as lopping, root severance, vehicle damage, soil compacted and limited soil volumes, low nutrient availability and fluctuating soil moisture levels. All are impacts which the trees have been exposed to over the years. (see Plates 1-5)
- 6.2 Trees such as No 20 occurring outside the driveway of No 19, has a number of afflictions. It has been repeatedly and badly pruned to accommodate power lines and overhead cabling. It displays the early stages of fungal disease on the trunk and stem, as well as leaf spots on the leaves indicating the decline of vigour.
- 6.3 It also appears that the driveway slab near tree 20 has been replaced and as a consequence of this tree's root system has been severed. Its roots can be seen breaching the bitumen pavement adjacent, which is a cause for concern and continued maintenance that has to be addressed.
- 6.4 Should the roots require continued pruning to address this pathway, curb and driveway remove heaving, then the trees decline will accelerate and it will become unstable.
- 6.5 Some of the trees examined are clearly over mature and declining through natural senescence. Species such as the *Fraxinus americana*, a common species in the street were displaying symptoms of excessive decay and dieback, mostly due to natural attrition. (see Plate
- 6.6 Other tree species such as the *Erythrina indica* - Coral Tree are exempt from Ku-ring-gai Councils Tree Preservation order (TPO). The reason for this is the species is unpredictable, and will always be predisposed to branch failure. The species does not produce a true wood, and its strength is derived through its branch flexibility. This flexibility declines as the tree matures or as wounds or decay arise within its structure causing tissue alteration caused by decay or compartmentalization (ref: Harris, 1991)<sup>5</sup> and results in a loss of flexibility.

<sup>4</sup> Lonsdale, D (1999) Principles of Tree Hazard Assessment and Management, (UK) Forestry Commission London Stationary Office

<sup>5</sup> Harris, Dr R. W. (1991) Arboriculture, Care of Trees, Shrubs and Vines in the Urban Landscape. Prentice Hall, New Jersey.

- 6.7 All of the Coral trees examined in the street had such characteristics, with significant decay columns and old wounds through their structures and displayed symptoms indicative of having a history of branch failure. The root systems of some of these trees were also causing pavement heaving creating other liabilities for council.
- 6.8 Four Camphor Laurels – *Cinnamomum camphora*, occur within the street most are old trees and have succumbed to the impacts of past pruning, vehicle and root damage. The species is exempt from Councils TPO and all but one are in very poor condition.
- 6.9 Many of the trees examined had suffered vehicle damage resulting in deep wounds into the trunk of the tree. (See Plates 4 & 5) Such wounds will result in the decay advantaging and advancing through the main structure of the tree. (ref: Shigo 1991)<sup>6</sup>
- 6.10 Most of the trees on the northern side of Boomerang Street were lopped and repeatedly pruned to afford power-line clearance. (see Plate 1). Terminal loading with multiple weak joints have been created by the loping and pruning with flush cuts also apparent. (ref: Shigo 1991, Mattheck 2002)<sup>7</sup> Stress fractures were visible on many of the loaded and reaching branches.
- 6.11 Most of the street trees examined under powerlines had been lopped as defined in AS 4373<sup>8</sup>. Such a practice is no longer considered suitable treatment for trees as it can result in a structure that is hazardous and prone to failure. Flush cutting was also evident promoted weak joints and decay (ref; Mattheck 2002 & Shigo 1991).
- 6.12 Only a small percentage of the trees in the street were worthy of preservation considering the liabilities arising through failure resulting in injury to persons or damage to property. Should many of these trees occur in private land consent would be given for their removal based on their hazard potential, nuisance status of the exempt species and natural attrition through over-maturity or just poor condition.

**Note:** Refer to Annexure 1 for a complete summarised condition of each tree in the street.

## 7.0 Proposed Works & Construction Impacts:

- 7.1 According to Councils engineers and Traffic Management officers the condition of Boomerang St is considered poor and in need of complete regrading and reconstruction. It is understood that the refurbishment and upgrade of the street is required and involve;
- Changes in grades with complete new surface and sub grade,
  - Removal and replacement of existing curbs at new street levels,
  - Reconstructing driveway crossovers to meet new street levels,
  - Reconstructing stormwater catchment pits.
- 7.2 As more than 70% of the trees root system occurs in the top 500mm of soil profile (ref; Harris 1991)<sup>9</sup> a single trench or excavation to close to a tree can result in the trees decline or failure. Soil compaction and chemical degradation are also common on development sites and often result in the decline or adversely affect the condition of the tree.

<sup>6</sup> Shigo, A. L. (1991) Modern Arboriculture, Shigo and Trees Associates, New Hampshire.

<sup>7</sup> Mattheck C Bethge (2002) Visual Tree Assessment, Arboricultural Association of United Kingdom Publication

<sup>8</sup> Australian Standard AS 4373 Amenity Tree Pruning Standard 2006

<sup>9</sup> Harris, Dr R. W. (1991) Arboriculture, Care of Trees, Shrubs and Vines in the Urban Landscape. Prentice Hall, New Jersey.

- 7.3 Reduction in soil levels to accommodate new traffic crossovers requires 130mm thick for concrete concrete, with a minimal 150mm of excavation for bitumen and suitable sub-grades. Such excavation will remove significant portions of some of the trees structural and surface roots. (See Plate 17). Such root loss more often results in either a hastened decline in the tree or complete failure of the tree in the worst case scenario.
- 7.4 Root severance is likely to arise where curbs require demolition and reconstruction. Reconstruction of the curb requires a further 300mm of excavation behind the curb. In many cases the trees roots systems have been confined and concentrated along the edges of the existing curb. (See Plate 18). Cutting those roots will have an adverse impact on the health of the tree and in worst case scenario result in its failure particularly with the larger specimens of Coral Tree.

## 8.0 Tree Preservation Requirements:

- 8.1 The following guidelines are standard tree protection measures to insure trees are not damaged or made unstable through construction activities. It is important to note that the proposed road re-construction cannot achieve most of these preservation requirements
- 8.2 As more than 70% of the trees root system occurs in the top 500mm of soil profile (Harris 1991)<sup>10</sup> a single trench or excavation to close to a tree can result in the trees decline or failure.
- 8.3 To provide structural support for the tree, roots extend and throughout the soil profile in response with the forces exerted on the tree. (Shigo 1991<sup>11</sup> - Mattheck 2002<sup>12</sup>).
- 8.4 Structural roots are produced from the trunk and function as compression roots and tension roots. Compression roots are usually larger but rapidly tapering on the leeward side of the tree. Tension roots, usually smaller and reaching, are produced so that they extend into and accumulate the soil mass around the tree providing security for the root plate. (ref: Mattheck 2002)<sup>13</sup>
- 8.5 To ensure the trees structural integrity is not compromised by excavation works and that sufficient root system is also conserved to sustain the tree. It is essential that that a sufficient portion of the trees roots is be conserved and protected through development on a site.
- 8.6 Soil compaction and chemical degradation are also common on development sites and often result in the decline or adversely affect the condition of the tree.
- 8.7 A radius or Recommended Preservation Zone (RPA)<sup>14</sup> is prescribed for each tree based on its maturity, trunk size but does not consider species tolerances. This RPA formula equates to a radius equivalent to 12 x DBH and given in square metres.

$$RPA \text{ (m}^2\text{)} = \frac{(\text{stem diameter (mm)} @ 1.5m \times 12)}{1000} \times 3.142$$

- 8.8 The soil profile within the RPA should be conserved and protected, avoiding soil compaction, changes in grades, trenching for either strip footings, or services such as sewerage and stormwater etc, and also be kept free of stockpiled materials, building wastes and isolated from activities that can result in soil degradation.
- 8.9 The radius excludes areas where existing building footprints or where structures or rock formations occur that influence root distribution.

<sup>10</sup> Harris, Dr R. W. (1991) Arboriculture, Care of Trees, Shrubs and Vines in the Urban Landscape. Prentice Hall, New Jersey.

<sup>11</sup> Shigo, A. L. (1986) A New Tree Biology, Shigo and Trees Associates, New Hampshire.

<sup>12</sup> Mattheck C (1999) The Body Language of Trees 3rd Edition

<sup>13</sup> Mattheck C (2002) Tree Mechanics - Forschungszentrum Karlsruhe GMBH Press

<sup>14</sup> In accordance with BS 5837 Guidelines for the Management of Trees on Construction Sites:



- 8.10 Careful construction, under arboricultural supervision, with piercing for structures within the portions of prescribed radii is acceptable; however any structure occurring within these zones must be fully elevated.
- 8.11 The TPZ prescribed must be isolated from construction activities by the installation of protective fencing to protect the tree from root damage, soil degradation and other impacts arising from construction and related activities.

**Note:** TPZ's were not prescribed because the trees roots were confined by the structures, curbs and driveways. The TPZ illustrates the necessity under current arboricultural practices to conserve trees roots systems

## 9.0 Discussion:

- 9.1 Considerable extra expense is required to re-construct the road and not adversely affect the existing street trees. In many instances this may not be possible to reconstruction the curb and not affect the trees.
- 9.2 Reducing the soil levels grading a compaction to accommodate vehicle crossovers and driveways will also be in nearly all cases, detrimental to the health and stability of the trees
- 9.3 This is largely because of the age of the trees and the establishment of their root systems in the soft landscaped area, confined by and concentrated along the existing hard surfaces and structures or under driveways that require reconstruction.

## 10.0 Conclusions:

- 10.1 Only a few of the trees examined were in a condition that warranted measures necessary to insure they are not affected by proposed works.
- 10.2 Those trees identified as being potentially hazardous will require removal in any event to address liabilities arising from their potential to cause damage to property or injury to persons.
- 10.3 Those smaller trees in poor condition, or with low SULE values, either over mature, declining or of poor form will not tolerate the construction impacts nor is their any value in retaining them even for the short term.
- 10.4 The complete removal of the low value trees provides a scope for replenishment with more suitable species of what can only be described as a declining streetscape.
- 10.5 The selection of advanced replacement species should be consistent with trees planted in the locality. This will provide better long term amenity, and provide greater amenity in the short term, than trying to retain undesirable, hazardous or over-mature and declining specimens.
- 10.6 This also assumes that the newly planted trees will not be subject to the poor management practices a that was undertaken in the past on most of the trees examined.
- 10.7 The poor condition of the trees does not in the authors view warrant measures necessary to attempt to avoid damage. This has specific regard for the ability to replace less than suitable species with trees that will be afforded better management practices and are more culturally suited to the environment.
- 10.8 Those trees identified in Table 1 as being in good condition or significant should be protected in accordance with the Tree Preservation Requirements, Section 8.0.



## 11.0 Recommendations:

- 11.1 All of the trees given a SULE rating below 2a should be removed and replaced with a more suited species in accordance with Councils Streetscape Master-plans or species selection criteria.

**Note:** The SULE 2 bracket of 15 – 40 year trees does not mean the tree will provide amenity up to 40 years in most cases it is much less.

- 11.2 Those trees being retained should be protected from root impacts and modification to curb and crossover construction will need to be considered by Councils engineers.
- 11.3 No tree that has been subject to root loss involving the severing of roots over 75mm in diameter should be retained.
- 11.4 All of the trees being removed should have these stumps and surface roots completely remove. All grindings should also be removed and the soil profiles cultivated with an improved landscape mix. This will afford better growing conditions for the newly planted trees.

## 12.0 Material Cited & References Sources:

Australian Standard AS 4373 Amenity Tree Pruning Standard 2006

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Ian English,  
Hort Cert. Termite Cert. Tree Care Cert.  
A Member of the National Arborists Association

Table 1 Tree Characteristics &amp; Hazard Assessment Summary

Tree No.	Genus species Common Name	Trees Condition				Trees Dimension		Observations & Recommendations
		F	S	V	SULE	DBH mm	Height x Crown Diameter Approximate - metres	
1/3	<i>Lophostemon confertus</i> Brush Box	P	F	F/D	2b	450	12 x 12	Lopped and formatively pruned - powerlines Some decay probable central leader Retention not advised if impacted by roadwork's
2/3	<i>L. confertus</i> Brush Box	P	P	G/D	2b	450	8 x 12	Lopped and formatively pruned - powerlines Large wound extended in to root crown Retention not advised if impacted by roadwork's
3/5	<i>L. confertus</i> Brush Box	P	P	F	2c	500	13 x 12	Lopped and formatively pruned - powerlines Terminally loaded structure. Wound at base. Retention not advised if impacted by roadwork's
4/5	<i>Cinnamomum camphora</i> Camphor Laurel	P	F/D	G	3d	450	13 x 13	Lopped and formatively pruned - powerlines Driveway damage & roots in drain Exempt species – removal recommended
5/5	<i>C. camphora</i> Camphor Laurel	P	P	P	3d	400	8 x 6	Lopped and formatively pruned - powerlines <b>Significant decay apparent, over-mature, declining and immediately hazardous Branch tear, vehicle damage</b> <b>Exempt species – removal recommended</b>
6/5	<i>C. camphora</i> Camphor Laurel	P	P	P	3d	450	5 x 8/10	Lopped and formatively pruned – powerlines, decay column and cavities, major dead stub – over-mature, declining or hazardous. <b>Exempt species – removal recommended</b>

Table 1 Tree Characteristics &amp; Hazard Assessment Summary

Tree No.	Genus species Common Name	Trees Condition				Trees Dimension		Observations & Recommendations
		F	S	V	SULE	DBH mm	Height x Crown Diameter Approximate - metres	
7/15	<i>Lophostemon confertus</i> Brush Box	P	P	G	3c	300	12 x 12	Lopped and formatively pruned – powerlines Excessive loading over road Reverted variegated cultivar Retention not advised if impacted by roadwork's
8/15	<i>Fraxinus americana</i> sp. White Ash	P	F/D	G/D	3c	300	6 x 10	Lopped and formatively pruned – powerlines Suckering at base, decay stubs apparent Over-mature, declining, <b>Removal recommended</b>
9/15	<i>Sapium sebiferum</i> Chinese Tallow Tree	G	F	F	2b	250	5 x 8	Lopped and formatively pruned – powerlines – dieback evident in upper crown– <b>removal recommended</b>
10/17	<i>Lophostemon confertus</i> Brush Box	F	G	G	1b	700	16 x 16	<b>Lopped and formatively pruned – powerlines</b> Significant – with some afflictions. May be in drainage pipes. Retention advised
11/17	<i>Fraxinus pennsylvanica</i> Green Ash	F	G	G	1b	250 180	6 x 10	<b>Lopped and formatively pruned – powerlines</b> No afflictions apparent.. Replacement with more suitable species advised
12/17	<i>Jacaranda mimosifolia</i> Jacaranda	G	G	G	1d	60	2 x 1.5	Immature & relatively insignificant Replacement with more suitable species advised
13/17	<i>J. mimosifolia</i> Jacaranda	G	G	G	1d	80	2.5 x 2	Immature & relatively insignificant Replacement with more suitable species advised

Table 1 Tree Characteristics &amp; Hazard Assessment Summary

Tree No.	Genus species Common Name	Trees Condition				Trees Dimension		Observations & Recommendations
		F	S	V	SULE	DBH mm	Height x Crown Diameter Approximate - metres	
14/17	<i>Fraxinus oxycarpa</i> 'Raywoodii' Claret Ash	G	G	G	1a	200	4 x 4	Immature <b>Replacement with more suitable species advised</b>
15/17	<i>Jacaranda mimosifolia</i> Jacaranda	G	G	G	1d	100	3 x 3	Immature & relatively insignificant <b>Replacement with more suitable species advised</b>
16/17	<i>J. mimosifolia</i> Jacaranda	G	G	G	1d	80	2.5 x 2.5	Immature & relatively insignificant. Replacement with more suitable species advised
17/17	<i>Fraxinus oxycarpa</i> 'Raywoodii' Claret Ash	F	F	G	2a	250 100	8 x 10	Declining stems emerging from old lopping scars. <b>Replacement with more suitable species advised</b>
18/17	<i>Platanus hybrida</i> London Plane	F	G	G	2a	400	16 x 18	Root breaches in to road and clearance < 1 metre driveway Retention not advised if impacted by roadwork's
19/17	<i>Callistemon viminalis</i> Bottlebrush	P	F	F	3a	80 ....	4 x 2	3 small trees in fair condition, <b>relatively insignificant.</b> Replacement with more suitable species advised
20/19	<i>Lophostemon confertus</i> Brush Box	P	F/D	P	2c	450	4 x 5	Lopped and formatively pruned – powerlines poor form, decline in vigour evident – fungal spots on leaves Retention not advised if impacted by roadwork's

Table I Tree Characteristics &amp; Hazard Assessment Summary

Tree No.	Genus species Common Name	Trees Condition				Trees Dimension		Observations & Recommendations
		F	S	V	SULE	DBH mm	Height x Crown Diameter Approximate - metres	
21/19	<i>Fraxinus americana</i> White Ash	F/D	F/D	F	2c	250	5 x 8	Lopped and formatively pruned – powerlines. <b>Significant decay column in stem - removal recommended</b>
22/21	<i>Erythrina indica</i> Indian Coral-tree	P	P	G	3d	750	18 x 22	<b>Lopped and formatively pruned – powerlines Decay columns and structural defects apparent Over-mature &amp; declining. Exempt species removal recommended</b>
23/23	<i>Fraxinus americana</i> White Ash	P	P	G	3a	450	6 x 10	Lopped and formatively pruned – powerlines Over-mature & declining, <b>removal recommended</b>
24/23	<i>Erythrina indica</i> Indian Coral-tree	P	P	G	3a	800	20 x 20	Over-mature, declining, or hazardous Significant decay columns apparent Exempt species removal recommended
25/25	<i>Fraxinus americana</i> White Ash	P	F/D	F	2b	400	12 x 15	Lopped and formatively pruned – powerlines Smothered in ivy – multiple wounds apparent, some decay Removal recommended
26/25	<i>Erythrina indica</i> Indian Coral-tree	P	P	P	3c	800	18 x 22	Significant wounds with decay evident Over-mature, declining & hazardous Exempt species removal recommended
27/25	<i>Cinnamomum camphora</i> Camphor Laurel	P	P	P	3c	750	5 x 8	Over-mature, declining, and immediately hazardous Exempt species removal recommended

Table 1 Tree Characteristics &amp; Hazard Assessment Summary

Tree No.	Genus species Common Name	Trees Condition				Trees Dimension		Observations & Recommendations
		F	S	V	SULE	DBH mm	Height x Crown Diameter Approximate - metres	
28/27	<i>Fraxinus americana</i> White Ash	P	P	P	3a	300	8 x 10	Over-mature & declining Removal recommended
29/31	<i>Ulmus chinensis</i> Chinese Elm	P	P	P	3d	Multi	8 x 10	Over-mature, declining, or hazardous Structurally unsound at base - removal recommended
30/31	<i>Ulmus chinensis</i> Chinese Elm	P	P	P	3c	Multi	8 x 12	Over-mature, declining, or hazardous Structurally unsound at base - removal recommended
31/31	<i>Ulmus procera</i> 'Louis van Houtte' Golden Elm	P	P	F/D	2b	Multi	6 x 8	Basal decay – decline and decay in secondary branches Removal recommended
32/31	<i>Lophostemon confertus</i> Brush Box	F	G	G	1b	450	15 x 16	Good specimen –Retention advised
33/2	<i>L. confertus</i> Brush Box	G	F/D	G	2b	500	15 x 12	<b>Poor branch structure that is prone to failure Structurally unsound removal recommended</b>
34/2	<i>L. confertus</i> Brush Box	P	P	P	3b	500	12 x 6	Significant decay column. Over-mature, declining, and immediately hazardous - removal recommended

Table 1 Tree Characteristics &amp; Hazard Assessment Summary

Tree No.	Genus species Common Name	Trees Condition				Trees Dimension		Observations & Recommendations
		F	S	V	SULE	DBH mm	Height x Crown Diameter Approximate - metres	
35/2	<i>Lophostemon confertus</i> Brush Box	P	P	P	3b	600	13 x 8	Significant decay column, major deadwood Over-mature, declining & hazardous Removal recommended
36/2	<i>L. confertus</i> Brush Box	F	P	P	3b	450	12 x 10	Decay column, major deadwood Over-mature, declining & hazardous Removal recommended
37/2a	<i>L. confertus</i> Brush Box	F	F	F	3a	400	12 x 10	Poor vigour, over-mature, declining, & hazardous Removal recommended
38/2a	<i>L. confertus</i> Brush Box	F	F/D	F	2b	450	13 x 12	Leaning in to road with wounding on major branches Removal recommended
39/4	<i>L. confertus</i> Brush Box	F	F/D	F	2b	450	12 x 10	Large wounds on first order branches Basal damage indicative of root loss – leaning Removal recommended
40/4	<i>L. confertus</i> Brush Box	F	F/D	G	2b	450	15 x 12	<b>Wounds on third order branches &amp; lifting pavement</b> Removal recommended
41/4a	<i>L. confertus</i> Brush Box	P	P	P	3b	350	12 x 8	Significant wounds in main structure Over-mature, declining and hazardous Removal recommended

Table 1 Tree Characteristics &amp; Hazard Assessment Summary

Tree No.	Genus species Common Name	Trees Condition				Trees Dimension		Observations & Recommendations
		F	S	V	SULE	DBH mm	Height x Crown Diameter Approximate - metres	
42/4a	<i>Lophostemon confertus</i> Brush Box	F	F/D	F	2b	500	12 x 8	Wounds on second order branches. Soil levels raised on high side Removal recommended
43/6	<i>Pittosporum undulatum</i> Sweet Pittosporum	F	G	G	2a	250	4 x 5	Short lived in constrained environment. Removal recommended
44/6	<i>L. confertus</i> Brush Box	F/D	F	P	2b	500	16 x 14	Leaning into roadway - probable root loss on curb side Removal recommended
45/12	<i>Liquidamber styraciflua</i> Liquidamber	G	F	G/D	2b	500	18 x 15	Structural defects – bark inclusions forming Small cavity and recent root damage Roots lifting pavement Removal recommended
46/20	<i>Fraxinus americana</i> White Ash	F	F	F	3a	300	12 x 13	Over-mature, declining, or hazardous Multiple wounds through past pruning Removal recommended
47/20	<i>Erythrina indica</i> Indian Coral-tree	F	P	P	3c	850	18 x 25	Over-mature, declining, or hazardous Significant decay columns & multiple structural defects Exempt species - removal recommended
48/22	<i>Platanus hybrida</i> London Plane	G	F/D	G	3b	850	20 x 25	Over-mature, declining, or hazardous Lesions on stem at first order branches Removal recommended



Table 1 Tree Characteristics &amp; Hazard Assessment Summary

Tree No.	Genus species Common Name	Trees Condition				Trees Dimension		Observations & Recommendations
		F	S	V	SULE	DBH mm	Height x Crown Diameter Approximate - metres	
49/24	<i>Fraxinus americana</i> White Ash	P	P	P	3b	450	8 x 10	Over-mature, declining, or hazardous Major dieback, cavities and decay Removal recommended
51/24	<i>Platanus hybrida</i> London Plane	F	F	F	2b	400	15 x 12	Some decay columns evident Major dead wood Removal recommended
52/26	<i>Ulmus procera</i> 'Louis van Houtte' Golden Elm	G	F	G	2a	120 x2	6 x 6	Fair condition but relatively insignificant Removal recommended
53/28	<i>Fraxinus americana</i> White Ash	P	F/D	D	3a	250	6 x 5	Over-mature & declining. Removal recommended
54/28	<i>Erythrina indica</i> Indian Coral-tree	F	P	G	3d		18 x 20	Over-mature, declining & hazardous Structural weaknesses in throughout crown Roots lifting pavement Exempt species - removal recommended

### Interpreting Tree Characteristics Tables:

**Tree No.** The first number is the tree Identification number, the second is the location by residence frontage. ie. 32/12 is tree number 32 and is occurring outside no.12 Boomerang Street

#### Trees Dimensions

**DBH** -The trees trunk diameter at chest height, measured at 1.4 metres above ground and or estimated to the nearest 50mm.

**ARF** – When multiple trunked trees are encountered they are measured above the root flare or buttress to determine protection zone radius or RPA

**H x CD** the measured and or estimated height and crown diameter of the tree base on random sampling with clinometers and average crown diameter.

#### Trees Condition

**Structure<sup>1</sup> (S)** – pertains to the nature of branch attachment, trunk and branch taper and foliage distribution.

**Good** – Well structured specimens with an absence of growth faults or structural defects.

**Fair** – Minor Growth defects apparent, could be alleviated with pruning.

**Poor** - Major growth defect, bark inclusion, or split trunk.

**Form (F)** – pertains to the growth characteristics, or growth habit of the crown. Many species have a wide distribution and a can vary in form without detriment, depending on the nature of the environment they occur in.

**Good** – the tree is free of any suppression, forcing reaching, or leaning habit, or limiting its growth area.

**Fair** – Tree is growing with some conflict with another tree or structure, can be alleviated.

**Poor** – Tree has been suppressed to a point where it's Safe and Useful Life Expectancy has been compromised.

**Vigour (V)** – The health of the tree and its ability to resist disease, usually indicated by the succession of pests, or diseases. The species cultural preferences and suitability to the site conditions is also considered

**Good** – The tree is displaying full terminal growth, absence of stress indicators

**Fair** - Perennial pest or diseases, leading to reduced starch reserves can be alleviated.

**Poor** – Terminal pest or diseases that limit trees Safe and Useful Life Expectancy.

**F/D** - Indicates attribute is Fair but declining

<sup>1</sup> Assessed in accordance with VTA methodology.

### Safe and Useful Life Expectancy: SULE

Safe and Useful Life Expectancy in accordance with J. Barrell Planning assessment methodology. SULE is basically a snap shot of the tree's overall condition and value, based on a visual examination of all the other health factors and species cultural preferences. Trees with 1a SULE are worthy of preservation Trees with 2a SULE ratings are less worthy, Trees with 3a SULE ratings should be removed see Table II.

The following table has been included to provide a summary assessment of the trees on the site. It illustrates those trees best retained and preserved, against those with a short life expectancy, or problematic species. The author considers the tree's condition and characteristics, Form Vigour and Structure of each specimen. The tree's cultural preferences, site suitability, specific growth habits are all taken into account before assigning a SULE value.

**Table II: SULE Categories** (modified after Barrell 1995)

	1	2	3
	<b>Long:</b> appeared to be retainable at the time of assessment, for over 40years.	<b>Medium:</b> appeared to be retainable at the time of assessment, for 15 to 40 years	<b>Short:</b> appeared to be retainable at the time of assessment, for 5 to 15years.
<b>A</b>	Structurally sound trees, site suited and located in positions that can accommodate future growth.	Matured trees, site suited species provide amenity from 15 to 40 years.	Short lived species, Short lived species, or trees growing in constrained environments
<b>B</b>	Trees that could be made suitable for long-term retention by remedial care. i.e. Soil amelioration etc	Trees that could be made suitable for retention in the medium term, up to 40 years with remedial care.	Over matured trees, or declining trees through poor site suitability, natural attrition or suppression and likely to decline within 15 years.
<b>C</b>	Significant, rare, or endangered trees that require substantial treatment. Suitable for retention for greater than 40 years.	Poorly structured or diseased trees that may survive for 15 up to 40 years, and require monitoring.	Poorly structured or diseased trees that are subject to sectional failure within 15 years.
<b>D</b>	Young and small trees with long Safe and Useful Life Expectancies, replaceable with replanting.	Problematic species and weed species, or trees that in the future, will dominate sites and will live in excess of 40 years.	Trees that are immediately hazardous.

## Annexure 2 Plates

### Arboricultural Report – Health Hazard & Pre Construction Assessment Boomerang Ave Turrumurra

Plate 1:



Plate 1 depicts trees 1 to 3, 3 Brush box - *Lophostemon confertus* as viewed from Bobbin Head road. All of the trees the side of the road on the have been lopped and repeatedly pruned to afford power line clearance.

Plate 2:



Plate 2 depicts the slope occurring between the tree and residence frontages along a portion of the southern side of Boomerang St. Changes of soil levels with symptoms of adverse impacts is apparent on the Brush box in the portion of the street.

Plate 3:



Plate 3 depicts the slope and driveway grade along portions of Boomerang Street. The tree is already displaying symptoms of past root damage, re-grading this driveway and reconstructing the curb, will result in further root loss, on two sides making the tree unstable.

Plate 4:

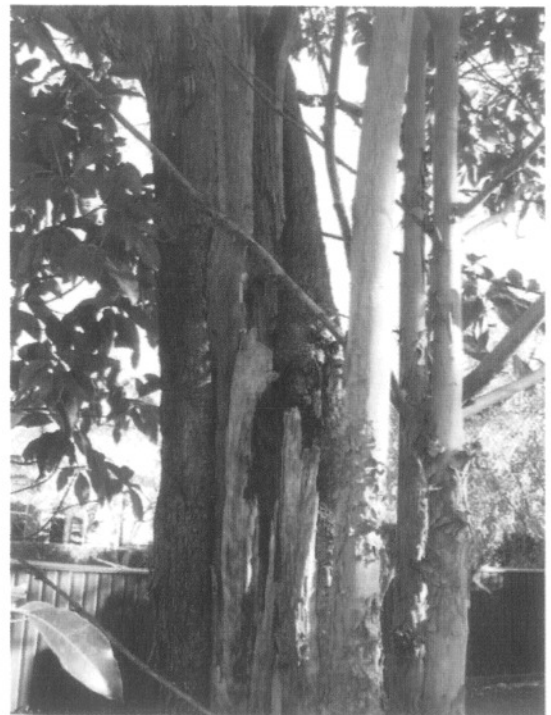


Plate 5 depicts a significant decay column in Tree no. 36. Such decay columns predispose the tree to failure in the short term and certainly limit the trees safe useful life expectancy.

Plate 5:



Plate 5 depicts the branch structure of a Brush Box disfigured by lopping and wounded by passing vehicles band or past branch failure. Lopping only creates structural weakness, the wounding results in decay further weakening the trees main structure. Specimens such as this are considered immediately hazardous.

## Annexure 2 Plates

Arboricultural Report – Health Hazard & Pre Construction Assessment Boomerang Ave Turramurra

Plate 6:

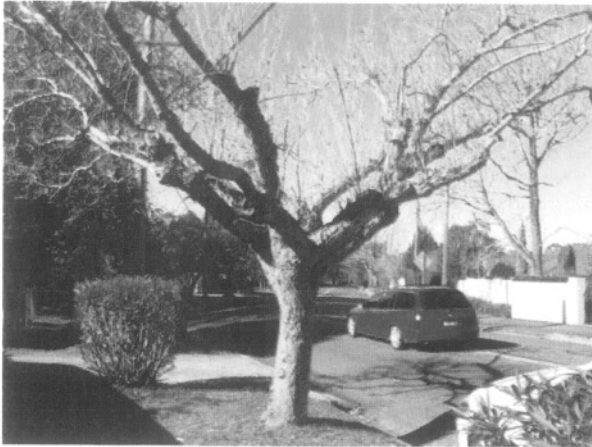


Plate 6 depicts tree no 23 and over mature specimen lopped and pruned for power lines. All of trees this species of tree exhibited some symptoms of decline.

Plate 7:



Plate 7 depicts a decay column in the main structure of a *Fraxinus* sp. The tree has been repeatedly lopped and multiple decay zones resulting in poorly attached and structurally unsound growth.

Plate 8:



Plate 6 depicts a typical decayed zone and weak branch structure in a *Fraxinus* sp. with a damp wood termite or carpenter ant infestation.

Plate 9:



Plate 9 depicts the fruiting bodies of fungal decay in the *Fraxinus* sp.

Plate 10:



Plate 10 depicts one of the large and over-mature, Tree No.54 Coral tree - *Erythrina indica* - occurring in the street. This specimen has a multiple of structural defects "Bark Inclusions". Such defects combined with decay, age predisposed to this specimen and others like it to significant sectional failure.



## Annexure 2 Plates

Plate 11



Plate 11 depicts pavement heaving caused by the root system of Tree No. 54. Many other trees in the street are causing such heaving and creates a trip hazard and a liability for council. To address it the roots have to be severed, predisposing the tree to decline or complete failure.

Plate 12:



Plate 12 depicts a decay column in another Coral tree, such decay continues largely unabated in the over matured trees of this species.

Plate 13:



Plate 13 depicts the fruiting bodies a decay causing fungi and another Coral tree.

Plate 14:



Plate 14 depicts tree no. 6. This specimen is declining with major deadwood and decay columns producing poorly attached regrowth.

Plate 15:



Plate 15 depicts another example of a Camphor Laurel that is over mature and declining. Decay columns are evident through its main structure.

Plate 16:



Plate 16 Depicts the site of a decay column in one of the Camphor Laurels occurring in the street. All of the trees of this species were exhibiting such symptoms.

**Plate 17:**



Plate 17 depicts structural roots from tree no. 46 under the driveway crossover. It is anticipated that at least 300mm of excavation is required to achieve structural sub-grades and to meet new levels. The tree is likely to rapidly decline as a consequence of such works.

**Plate 18:**



Plate 18 depicts roots of a Brush Box concentrated along the edge of the curb. To form up a new curb, these roots will have to be severed and portions removed.

### Annexure 3 - Glossary of Terms

**Altered Tissue:** - Is part of the process of compartmentalisation and refers the hardening process that occurs when active xylem tissue declines or dies and the wood hardens. Natural preservatives are released from the cells as they die reducing the ability of fungal decay to advantage.

**Branch & Trunk Taper:** - describes the nature of branch thickness from its emergent point to its terminal or next junction. Well tapered branches or trunks have a uniform and regular decrease in width as they extend, poorly tapered branches are less uniform and maintain a constant thickness.

**Cambial Decline;** - Die back of the outer phloem tissue from around a wound usually caused by the actions of a secondary fungal infection.

**Compartmentalization:** - Is the tree's inherent resistance against infiltration and progression of wood decay and fungal diseases. It is a boundary defense setting process that occurs in response to wounding, or chemicals given off by invading micro-organisms.

**Construction Impact:** - Damage or injury to the tree or its root system as a consequence of construction works.

**Crown:** - Describes the extent of the growth leaves and twiggy growth at the ends of the third order branches.

**First Order Branches** - Branches that arise or where their junctions occur at the trunk or trunks of the tree

**Form:** - Form describes the shape, or features of the crown, in relation to that naturally belonging to the species, i.e. if the tree is said to have *Good Form*, then it displays all the characteristics, or crown shape, determined by the genetic make-up of the species.

**Bark Inclusion:** - A structural weakness at a branch junction, or trunk union, caused by branch or stem grow or expansion at ascending junctions. It causes the bark to fold between the junction and preventing, or reducing the union of wood fibers at the junction, thus creating a weak union. Bark inclusions often lead to branch, trunk, or stem failure, during periods of high winds.

**Structural Roots:** - Structural roots are those which immerge directly from the root crown. Critical roots perform a stabilizing function for the tree producing both tension and compression roots.

Tension roots act like ropes to an anchor they do not have to be large and often extend some distance to accumulate a cohesive soil mass for providing a tensile support for the tree. Compression roots act as props, are comparably larger and do not have to reach as far to provide compressive security for the trees root plate.

**Construction Impact:** - Damage or injury to the tree as a consequence of construction works.

**Insignificant:** - Small trees listed in the Survey, not covered by Council's Tree Preservation Orders, including fruit trees, shrubs etc.

**Reaction Wood** - Specialized secondary xylem tissue which develops in response to a lean or similar mechanical stress, attempting to restore the stem to vertical. (Matheny & Clark 1994)

**Root Flare:** - Often referred to as the buttress, it is the area around the base of the tree where the taper forms from the junction of structural root connection to the trunk.



## Annexure 2 - Glossary of Terms

**Root Protection Area (RPA) :-** The radius around the tree where the soil profile is likely to be occupied by the subject tree's root system. Derived from BS 5837 2005 its radius equates to 12 times the trunk diameter.

**Second Order Branches –** Branches that emerge or where their junctions arise from the first order branches, also referred to as secondary branches

**Structure: -** Describes the strength of the tree's branches, attachment points, root crown, stem and branch taper. Examined as a part of the VTA methodology in accordance with guidelines, (Mattheck 2004). One of the main factors involved in a tree's potential for branch failure and the strength of the tree's stem and branches.

**Suppression: -** The effect on growth form caused by the more dominant trees on secondary, or under storey trees. In some cases, suppression can result in the tree achieving a forest form that is beneficial to its longevity. In other cases where opportunity for future growth is constrained, suppression results in poor form, terminal loading, or kinked stems and growth defects. In natural Ecosystems, the most dominant trees succeed and the weaker trees decline and die out.

**Third Order Branches: -** Branches that form the outer growth or crown of the tree and usually emerge from the second order branches.

**Vigour: -** Considers the health, pest and disease resistance, foliage quality, bud size and growth rates of the tree, at the time of inspection.

**Visual Tree Assessment: VTA -** A physical examination of all of the tree's attributes for the purpose of identifying structural faults or debilitating pests or diseases. As per C. Mattheck 2004

**VTA Symptoms: -** Symptoms exhibited by the tree that are recognized causes of whole failure or partial failure of the tree's structure.

**Wounding: -** Damage that removes the outer protection, bark- cork and cambium tissue on the stem or branches. Wounding can predispose the tree to fungal infections as resistance to the spread of decay on stem and trunk wounds is considerably less, than just the removal or tearing of singular branches.

**Wound Wood –** Specialized cambial tissue that differentiates from callus tissue growing over exposed wounds to provide for wood closure. Tree wounds never heal, exposed xylem tissue alters and the wound wood tissue closes over the wound.

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## **BUDGET REVIEW 2008 TO 2009 - 2ND QUARTER REVIEW AS AT DECEMBER 2008**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To present to Council the quarterly financial review for the 2nd quarter ended 31 December 2008.

**BACKGROUND:**

This review analyses the financial performance of the Council for the period ended 31 December 2008.

**COMMENTS:**

This report compares the actual versus budget resulting in a positive variance of \$3,568,901. A detailed 2008/09 project status report is included.

**RECOMMENDATION:**

That Council approves the budget transfers as outlined in the report.

## PURPOSE OF REPORT

To present to Council the quarterly financial review for the 2nd quarter ended 31 December 2008.

## BACKGROUND

In accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005 ("The Regulation"), a budget review statement and revision of the estimates of income and expenditure must be submitted to Council within two months of the close of each quarter.

The Regulation requires that the quarterly financial review must include the following:

- The original estimates of income and expenditure.
- A revised estimate for income and expenditure for the year.
- A report as to whether or not such statements indicate that the financial position of the Council is satisfactory and if the position is unsatisfactory, make recommendations for remedial action.

At the Council meeting held on 24 June 2008, Council adopted the 2008-2012 Management Plan, which incorporated the annual budget for Council for 2008/2009. The resolution adopting this Management Plan was under Minute 209.

## COMMENTS

### General Budgetary Position

This review analyses the financial performance of the Council for the 2nd quarter of 2008/2009 comparing actual expenditure and revenue for the quarter against budget. Council's budgetary position for the quarter ended 31 December 2008 is within expectations. The organisation's year to date net expenditure shows a surplus of \$36,823,065 compared to a budget surplus of \$33,254,164, a positive variance of \$3,568,901.

It should be noted, however, that Domestic Waste has a net expenditure variance of \$326,795 (favourable), Sec 94 Contributions are \$2,127,550 (favourable) over budget and Interest earnings on Sec 94 Contributions are under budget by \$524,273 (unfavourable) and interest on internal reserves are under budget by \$281,507 (unfavourable). As these amounts are restricted, it is appropriate that they are removed from the general budgetary surplus. This results in a December YTD budget surplus of \$1,920,336

The financial position of the Council is satisfactory, having regard to the revised budget estimate of income and expenditure.

Council Income Statement**Council Income Statement**

Year To Date To December

Operating Result by resource groups	Actual YTD	Budget YTD	Variance YTD	Full Year Budget
<b>Operating Income</b>				
Rates	40,822,480	40,996,000	173,520	40,996,000
Infrastructure Levy	2,059,604	2,065,400	5,796	2,065,400
Environmental Levy	2,106,176	2,111,000	4,824	2,111,000
Pension Rebates	-1,124,854	-1,124,600	254	-1,124,600
DWM & Stormwater Annual Charges	11,438,731	11,162,300	-276,431	11,162,300
User Fees	8,018,496	7,861,826	-156,670	7,861,826
Other Revenue	1,450,463	1,179,208	-271,255	1,179,208
Interest	1,329,773	1,956,600	626,827	1,956,600
Grants	2,368,235	2,272,154	-96,081	2,272,154
<b>Total Operating Income</b>	<b>68,469,104</b>	<b>68,479,888</b>	<b>10,784</b>	<b>81,332,200</b>
<b>Operating Expenditure</b>				
Employee Costs	14,241,845	15,665,908	1,424,063	31,548,700
Materials & Contracts	10,900,451	10,192,472	-707,979	20,531,000
Statutory Levies	1,330,985	1,860,900	529,915	2,389,800
Interest Expense	319,391	314,400	-4,991	574,200
Operating Expense	5,419,048	5,554,172	135,124	9,248,500
<b>Total Operating Expenses</b>	<b>32,211,720</b>	<b>33,587,852</b>	<b>1,376,132</b>	<b>64,292,200</b>
<b>Op Result (before Capital Items &amp; Depreciation)</b>	<b>36,257,384</b>	<b>34,892,036</b>	<b>-1,365,348</b>	<b>17,040,000</b>
<b>Capital &amp; Major Projects Income</b>				
s94 Contributions	4,272,700	2,145,150	-2,127,550	4,290,300
Grants & Contributions for Projects	0	0	0	2,559,000
Profit on Asset Sales	-8,503	0	8,503	6,045,600
<b>Other</b>				
Minor Equipment Purchases	30,253	0	-30,253	0
Internal Services	-1,360	442	1,802	0
Depreciation	3,669,623	3,782,580	112,957	7,596,500
<b>Operating Result</b>	<b>36,823,065</b>	<b>33,254,164</b>	<b>-3,568,901</b>	<b>22,338,400</b>

This report includes details on the status of each operational and capital project for 2008/09.

**Attachment A** to this report provides a summary of Council's operational and capital projects.

**Restricted Asset Report**

**Total Restricted Assets:** As at 1 July 2008, Council's opening balance for restricted assets totalled \$67,565,541. Of this amount \$51,668,062 is related to externally restricted assets and \$15,897,479 to internally restricted assets.

<b>Total Restricted Assets</b>	<b>Actual 31 December 2008 \$</b>	<b>Forecast 30 June 2009 \$</b>
Opening Balance as at 1 July 2008	67,565,541	67,565,541
Add: Income	18,582,531	30,792,452
Add: Interest Received	1,286,554	2,627,971
Less : Expenditure	(12,857,641)	(35,710,393)
<b>Balance</b>	<b>74,576,984</b>	<b>65,275,571</b>

A detailed Restricted Asset Report (Actuals & Forecast) is shown in **Attachment B**.

Summary Of Requested Budget Adjustments by Department

Department	Additional Expense	Additional Revenue
	\$	\$
<b>COMMUNITY</b>		
- operational	(203,100)	(247,500)
- capital projects	67,800	157,800
<b>Sub Total</b>	<b>(135,300)</b>	<b>(89,700)</b>
<b>STRATEGY</b>		
- operational	0	106,000
- capital projects	0	150,000
<b>Sub Total</b>	<b>0</b>	<b>256,000</b>
<b>OPERATIONS</b>		
- operational	(79,700)	15,000
- capital projects	113,000	116,700
<b>Sub Total</b>	<b>33,300</b>	<b>131,700</b>
<b>CIVIC</b>		
- operational	(47,200)	0
- capital projects	0	0
<b>Sub Total</b>	<b>(47,200)</b>	<b>0</b>
<b>CORPORATE</b>		
- operational	(52,000)	(528,800)
- capital projects	0	0
<b>Sub Total</b>	<b>(52,000)</b>	<b>(528,800)</b>
<b>DEVELOPMENT &amp; REGULATION</b>		
- operational	(618,900)	(468,000)
- capital projects	0	0
<b>Sub Total</b>	<b>(618,900)</b>	<b>(468,000)</b>
<b>WASTE MANAGEMENT</b>		
- operational	0	0
- capital projects	0	0
<b>Sub Total</b>	<b>0</b>	<b>0</b>
<b>Total Council Budget Adjustments</b>	<b>(820,100)</b>	<b>(698,800)</b>
<b>NET EXPENDITURE</b>	<b>(121,300)</b>	

Proposed budget adjustments by Department are shown in **Attachment C**.

Details of budget variations and comments for each responsibility centre are outlined in **Attachment D** – “Monthly Financial Reporting 2008/09”.

An overall summary of 2008/2009 budget adjustments are shown in the table below:

## Item 16

S06351  
2 February 2009

## COUNCIL STATEMENT - BUDGET REVIEW VARIATIONS

	2008/09 Original	Carried Forwards	September Review	Council Resolution	December Review	2008/09 Revised Budget
<b>Operating Income</b>						
Rates	40,996,000				-119,900	40,876,100
Infrastructure Levy	2,065,400				1,000	2,066,400
Environmental Levy	2,111,000				1,000	2,112,000
Pension Rebates	-1,124,600				-28,000	-1,152,600
DWM & Stormwater Annual Charge	10,706,300				27,000	11,189,300
User Fees	15,704,500		-19,200		-578,500	14,650,800
Other Revenue	2,066,400		98,000		-26,200	2,138,200
Interest	3,913,200				-362,200	3,551,000
Grants	4,647,200		66,200	101,800	-37,500	4,777,700
<b>Total Operating Income</b>	<b>81,085,400</b>	<b>0</b>	<b>145,000</b>	<b>101,800</b>	<b>-1,123,300</b>	<b>80,208,900</b>
<b>Operating Expenditure</b>						
Employee Costs	31,588,300		-39,600		-1,015,100	30,533,600
Materials & Contracts	20,526,400		4,600		24,500	20,555,500
Statutory Levies	2,389,800				0	2,389,800
Interest Expense	574,200				29,000	603,200
Operating Expense	9,255,500		-7,000		-39,300	9,209,200
<b>Total Operating Expenses</b>	<b>64,334,200</b>	<b>0</b>	<b>-42,000</b>	<b>0</b>	<b>-1,000,900</b>	<b>63,291,300</b>
<b>Op Result (before Capital Items &amp; Depreciation)</b>	<b>16,751,200</b>	<b>0</b>	<b>187,000</b>	<b>101,800</b>	<b>-122,400</b>	<b>16,917,600</b>
<b>Capital &amp; Major Projects Income</b>						
s94 Contributions	4,290,300				1,000,000	5,290,300
Grants & Contributions for Projects	1,545,400	31,000		982,600	180,800	2,739,800
Profit on Asset Sales	6,045,600				0	6,045,600
<b>Other</b>						
Minor Equipment Purchases					0	0
Internal Services	0	0			0	0
Depreciation	7,596,500				0	7,596,500
<b>Operating Result</b>	<b>21,036,000</b>	<b>31,000</b>	<b>187,000</b>	<b>1,084,400</b>	<b>1,058,400</b>	<b>23,396,800</b>

## Item 16

S06351  
2 February 2009

	2008/09 Original	Carried Forwards	September Review	Council Resolution	December Review	2008/09 Revised Budget
<b>FUNDING</b>						
Operating Surplus	21,036,000	31,000	187,000	1,084,400	1,058,400	23,396,800
Add: (Non-Cash) - Depreciation	7,596,500	0	0	0	0	7,596,500
Add: Book Value of Assets Disposed	9,700,000				0	9,700,000
<b>Cash from Operations for Projects</b>	<b>38,332,500</b>	<b>31,000</b>	<b>187,000</b>	<b>1,084,400</b>	<b>1,058,400</b>	<b>40,693,300</b>
<b>Project Expenditure</b>						
Operating Projects	3,452,300	689,900	493,000	803,500	20,000	5,458,700
Capital Projects	34,421,700	2,320,600	-348,700	-231,300	160,800	36,323,100
<b>Total Projects</b>	<b>37,874,000</b>	<b>3,010,500</b>	<b>144,300</b>	<b>572,200</b>	<b>180,800</b>	<b>41,781,800</b>
<b>Cash Flow Surplus/(to Fund)</b>	<b>458,500</b>	<b>-2,979,500</b>	<b>42,700</b>	<b>512,200</b>	<b>877,600</b>	<b>-1,088,500</b>
<b>FINANCED BY:</b>						
New Borrowings	1,000,000				0	1,000,000
Less: Loan Repayments	-1,858,000				0	-1,858,000
<b>Net Loan Funds</b>	<b>-858,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-858,000</b>
<b>Funds To Restricted Assets</b>	<b>-32,002,000</b>		<b>-100,000</b>	<b>0</b>	<b>-1,327,700</b>	<b>-33,429,700</b>
<b>Funds From Restricted Assets</b>						
Internal Reserves	13,210,000	1,229,000	513,300	-1,948,600	139,700	13,143,400
Section 94 Plans	14,690,600	712,300	84,600	1,436,400	104,000	17,027,900
Infrastructure Levy	1,924,400			0	0	1,924,400
Environmental Levy	1,970,000	151,900		0	0	2,121,900
DWM	606,500			0		606,500
Grants Reserves	0	886,300		0		886,300
<b>Net Funding from Reserves</b>	<b>399,500</b>	<b>2,979,500</b>	<b>497,900</b>	<b>-512,200</b>	<b>-1,084,000</b>	<b>2,280,700</b>
<b>Net Working Capital Change</b>	<b>0</b>	<b>0</b>	<b>540,600</b>	<b>0</b>	<b>-206,400</b>	<b>334,200</b>

Working Capital

The following table provides a summary of working capital adjustments during 2008/2009.

Projected Working Capital Position to 30 June 2009	
Working Funds 1 July 2008 - Actuals	\$159,000
Add	
Operating budgeted Surplus 2008/2009	\$0
September Review	\$540,600
December Review	-\$206,400
<b>Projected Unrestricted Working Capital 30 June 2009</b>	<b>\$493,200</b>
Council's unrestricted working capital reflect the short-term ability of the Council to fund unplanned expenditure.	



## Item 16

S06351  
2 February 2009Capital Works / Projects

DEPARTMENT	December YTD Actual	December YTD Budget	Full Year Budget	Funds to be Spent
Civic	\$44,931	\$522,700	\$522,700	\$477,769
Community	\$333,139	\$315,048	\$866,300	\$533,161
Corporate	\$54,768	\$133,798	\$432,500	\$377,732
Development and Regulation	\$0	\$0	\$116,500	\$116,500
Strategy	\$5,338,842	\$12,362,092	\$23,295,500	\$17,956,658
Operations	\$4,931,725	\$7,258,298	\$16,367,500	\$11,435,775
	<b>\$10,703,404</b>	<b>\$20,591,936</b>	<b>\$41,601,000</b>	<b>\$30,897,595</b>

Gross expenditure for capital works and projects for the period ended 30 December 2008 is \$10,703,404 against December YTD Budget of \$20,591,936 a variance of \$9,888,532 for the quarter.

A project status report is attached (**Attachment A**) which shows a full year budget of \$41,601,000. The difference between this total and the \$41,781,800 shown in the "Overall Summary of 2008/2009 Budget Adjustments" are the requested adjustments to projects of (\$180,800) in this review.

**Operations Projects**

Year to date expenditure for capital works projects in the Operations area is lower than anticipated at the end of December as invoices are yet to be processed for completed works. Details of the status of each project are listed in the attachments to this report.

Below are summary comments on the status for each program area.

- Roads  
The road works program has commenced and a significant amount of the road works in the program was completed by December 2008. Work on the road stabilisation program has commenced and all works are expected to be completed by late April 2009. No adjustments are required to the approved program at this stage.
- Footpaths  
Works on carry forward items have been completed with the exception of Highfield Road as it is difficult to construct a footway through the reserve and will impact heavily on bushland vegetation. There is already a footpath on the existing road bridge and to provide a footway on the other side would involve the construction of a new footbridge. Therefore, it is proposed to defer this work.

Roads and Traffic Authority funding of \$100,000 was received for the shared cycleway along Lady Game Drive near Ryde Road and investigation on the preferred method of construction is currently underway. However, at this stage it is anticipated that approximately \$240,000 will be required to undertake the work from Blackbutt Creek to Ryde Road. Council resolved to accept the RTA grant at its meeting of 26 August 2008 for this work.

## Item 16

S06351  
2 February 2009

The work on The Comenarra Parkway near Hicks Avenue is now complete and additional funding was required to complete these works as the carry forward amount was insufficient.

In order to complete the rest of the program, it will be necessary to defer part of the works in Junction Road from the F4 to Coonanbarra Road on the South Side as there is a need for a number of utility adjustments to be made. Also, the works in Eucalyptus Street for the extension of the cycleway will need to be deferred until 2009/10 to provide funding for other works such as Lady Game Drive.

The revised allocations are as shown in the table below.

Project	Approved allocation	Proposed allocations
Highfield Road (carry forward 07/08)	40,000	3,000 for investigation costs only
The Comenarra Pwy (carry forward 07/08)	16,500	60,000
Eucalyptus Street cycleway	75,100	7,000 Defer balance to 2009/10
The Comenarra Parkway	69,400	69,400
Junction Road	90,000	20,000 defer balance to 2009/10
Rosedale Road	27,000	27,000
Junction Road	17,900	24,000
Junction Road	12,400	14,000
Bobbin Head Road	69,900	73,000
Miowera Road	35,500	37,100
Stanley Street	10,800	Work completed as part of DA consent
Lady Game Drive Shared cycleway RTA Grant	100,000	230,000
<b>Total</b>	<b>564,500</b>	<b>564,500</b>

- Traffic Facilities

Works on the carried forward items for the 2007/08 program have now been completed. In August 2008, Council were advised of a grant from the RTA on the pedestrian fencing at Koola Avenue, Killara near the Killara High School. Council funding is required to support the RTA funding.

The proposed channelisation work in Eastern Road was proposed but following further investigation, it is not possible within the road reserve to undertake this work. Hence, it is proposed to defer this work until 2009/10 to assess what other treatments might be suitable for this area.

Funding for the Eastern Road works are now proposed to be re-allocated to other traffic facility projects that were included in the draft future programs and are shown in the table below:

## Item 16

S06351  
2 February 2009

Project	Approved allocation	Proposed allocations
Werona Avenue Gordon	51,300	53,000
Eastern Road at Braeside Street	51,300	0
Lofberg Road traffic management devices	51,300	52,900
Grosvenor St and Junction Road Wahroonga – intersection improvements	0	20,000
Koola Avenue ped fencing – RTA grant	13,000	26,000
Victoria Street Roseville – children's crossing improvement	0	15,000
<b>Total</b>	<b>166,900</b>	<b>166,900</b>

- Drainage  
Work has been completed on the carry forward projects and most of the minor drainage works are nearing completion as this is being undertaken by Council's day labour staff. Investigations are underway on other major drainage works.
- Playgrounds  
Works are now complete at St Ives Showground, Dukes Green and Hicks Reserve which were carry forward projects from 2007/08. Quotations are being obtained for the other playgrounds at Memorial Avenue Reserve and Eldinhope Reserve for the 2008/09 playground upgrades.
- Sportsfields  
Works on the upgrade to Lindfield Oval No. 2 are now complete. Additional funds will be required to complete the roadway paving and repairs to the club house for consideration in the 2009/10 budget. Works are in progress on Sir David Martin Reserve with the power and floodlighting now complete. Also the new turf wicket at Bert Oldfield Reserve is now installed and expected to be handed over in late February 2009. Designs are progressing on the other approved works.
- Sports Courts  
Quotes have been obtained for the upgrade to all tennis courts in the approved program with contractors to commence shortly. It is expected that all upgrades will be completed by the end of April 2009. Works are now complete on the Lofberg Oval netball courts.
- Swimming Pool  
Works on Stage 5 of the swimming pool upgrade is now complete and open to the public. Some minor adjustments to the starting blocks have recently been carried out.

## Item 16

S06351  
2 February 2009**Reserve Movements**

In accordance with Accounting Standard AASB 119 Employee Benefits, post-employment benefit obligations shall be discounted using market yields on government bonds. Due to the current global economic crisis, interest rates have been falling dramatically. This results in an increase in Council's liability and therefore the amount of funds Council maintains in its Employee Leave Entitlements cash reserve. Subsequently, \$200,000 is required to be transferred to the Employee Leave Entitlements Reserve. A cash reserve of \$1.509 million was held at 30 June 2008 representing 20% of Council's total liability, which accords with the recommendation of Council's external auditors to enable Council to meet unbudgeted and unanticipated terminations. It is anticipated that the \$200,000 transfer will maintain the cash reserve at 20% of the total liability.

As previously reported, Council has insufficient cash restrictions for refundable bonds and deposits. To ensure Council has available funds to meet tree and landscape bond refunds for this financial year, it is recommended that a further \$200,000 be transferred to the bonds & deposit reserve as part of this review. Any further requirements will be reassessed for the March 2009 Quarterly Budget review.

Other reserve movements include:

- a. Transfer to Infrastructure & Facilities Reserve (Infrastructure Restoration Reserve) of \$130,000 due to under budgeting on transfer to reserve.
- b. Transfer from Catchment Management Reserve of \$150,000 to fund the Catchment Management project ]
- c. Transfer from Section 94 2004-2009 of \$90,000 to fund acquisition of Library books.
- d. Decrease in transfer to internal reserves interest on investments \$112,100 due to reduced income.
- e. Decrease in transfer to Sec 94 interest on investments \$57,200 due to reduced income.
- f. Increase in transfer to Sec94 plan reserves \$1,000,000 due to increased income.
- g. Decrease in transfer to Golf Course Levy Reserve of \$33,000 due to reduced income.
- h. Transfer \$10,300 from Section 94 Pre 1993 to Infrastructure and Facilities reserve. This funding plus \$3,700 from Section 94 Pre 1993 was utilised to fund the following projects:
 

i.	St Ives Showground	\$1,200
ii.	Walking Tracks	\$7,400
iii.	Bicentennial Park	\$2,900
iv.	Swains Gardens	\$2,500

The above movements in reserves result in a net transfer to reserves of \$1,084,000.

**Financial Summary**

Major budget variations in this report include:

## Item 16

S06351  
2 February 2009

## A. Operational Budget

Budget Item	\$
Salary savings - various	1,015,000
Decrease in unrestricted interest on investment income	(192,000)
Decrease in internal reserves interest on investment income	(112,100)
Decrease in Sect. 94 interest on investment income	(57,200)
Decrease in Golf Course income	(180,000)
Decrease in Rates income & Pensioner rebates	(146,000)
Decrease in Infrastructure Restoration income	(170,000)
Decrease in various other Dev. & Reg. income	(144,500)
Decrease in Construction Certificate fees	(115,000)
Increase in property lease income	106,000
Decrease in Sec 149 certificate fees	(80,000)
Decrease in Parking fine income	(55,000)
<b>Total</b>	<b>(130,800)</b>

## B. Operational &amp; Capital projects

Budget Item	\$
Additional Section 94 Contributions income	1,000,000
Grant income to offset projects below	180,800
Footpath Program	(100,000)
Traffic Facility Program	(13,000)
Library Project (\$20K Operational Project	(67,800)
<b>Total</b>	<b>1,000,000</b>

## C. Reserve movements (as above) - (\$1,084,000)

**Report by Responsible Accounting Officer**

The global economic crisis has had a significant impact on Council's budget. The increase in Council's Employee Leave Entitlements reserve, reduction in interest on investments, increased pensioner rebates (as more self-funded retirees become eligible for a Pensioner Health Benefits card) and reduction in golf course income, can all be related to the global economic crisis.

Following the September quarterly review several budget items were identified by Council officers as requiring additional funds. The impact of these items was that approximately \$1 million in savings across other areas of the organisation had to be identified as part of the December quarterly review. The majority of the issues were unforeseeable and/or out of Council's control

In addition to this, Council's budget has absorbed other significant increases over the past 18 months such as:

## Item 16

S06351  
2 February 2009

- Additional \$400,000 to fund project commissioned by the Planning Panel
- Additional \$170,000 on the Planning Panel's operations
- Additional \$1,500,000 for the refund of tree and landscape bonds
- Additional \$450,000 on legal costs for the Planning Panel challenge

Up until this budget review various budget cuts and other measures have been undertaken to ensure that Council's financial position remains sound. However, while a further \$800,000 was found across the organisation this quarter there is now a need to withdraw \$206,400 from Council's internal reserves to maintain working capital at a satisfactory level. This is not usually a recommended course of action, however the impact of the one-off items listed in this report have become virtually impossible to fund through Council's existing budgets. As most of these issues are one-off the impact is that funds are required as a one-off injection to maintain Council's working capital at a satisfactory level throughout this financial year. Where the items identified are on-going they have been included in the Long Term Financial Plan and have therefore been addressed through the preparation of the 2009/10 and future budgets.

Council's directors and managers are cognisant of the current financial position Council is in and every effort has been, and is being, made to identify potential cost savings and/or increases to income. Vacant positions in the organisation are being reviewed by the General Manager and relevant director before any recruitment processes begin to ensure that the need to refill positions is critical. Where the position can be held over until the new financial year this will occur. Staff are also being encouraged to take additional annual leave throughout the remainder of the year. These and other strategies may reduce the amount required from reserves to maintain a satisfactory level of working capital, if that is the case, those funds would be paid back to the reserves at year end.

In light of the unbudgeted financial impacts it is proposed that \$206,400 be transferred from the Infrastructure and Facilities Reserve to maintain the working capital at a satisfactory level of \$699,600.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

Should Council adopt the recommendations of this report, Council's working capital balance will remain at \$699,600.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Corporate Department has consulted and obtained justifications from Directors and Managers in developing this budget review.

## SUMMARY

Working capital as at 1 July 2008 was \$159,000 and is forecast to remain at \$699,600 as at 30 June 2009 on the basis that \$206,400 is transferred from the Infrastructure and Facilities Reserve.

## RECOMMENDATION

- A. That Council adopt the budget adjustments contained in this report.
- B. That the Restricted Assets Report Forecast to 30 June 2009 as at 31 December 2008, as shown in Attachment B be noted.
- C. That the reserve movements contained in this report be approved.
- D. That \$206,400 be transferred from the Infrastructure and Facilities Reserve to maintain working capital at a satisfactory level of \$699,600.
- E. That Council adopted the revised allocations for the footpath and traffic facilities programs as shown in the tables in the report.

Michael Lopez  
**Management Accountant**

Tino Caltabiano  
**Manager Finance**

John Clark  
**Director Corporate**

**Attachments:**  
**A: December Project Status Report - 2009/019376**  
**B: Restricted Asset Report - 2009/020056**  
**C: Summary of Budget Adjustments - 2009/020051**  
**D: Monthly Financial Reporting 2008/09 - 2009/019620**

PROJECT PERFORMANCE REPORT to December, 2008		Dept: Civic						
TOTALS >>		522,700	522,700	44,931	14,655	-477,769	477,769	0

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
100890	Election 2008	522,700	522,700	44,931	14,655	-477,769	477,769	0			Advertising costs announcing the September 2008 Council election. Awaiting final invoice from electoral commission. Funded by the Election Reserve.



<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Community</b>
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**TOTALS >>**      866,300      315,048      333,139      0      18,091      533,161      12,721

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
100054	International Women's Day	6,000	0	0	0	0	6,000	0	100%	30/03/2008	Project scheduled to commence in March 2008 and currently planning program of events.
100294	I.D. Community Profile	10,000	0	0	0	0	10,000	0	100%	30/06/2008	Currently awaiting invoice from supplier to maintain Council's electronic demographic profile and Atlas mapping program.
100418	VRRTS Project	2,100	0	0	0	0	2,100	0	50%	30/06/2007	Currently planning is underway for the Volunteer Thank You Lunch scheduled for May 2009 in cooperation with a number of community services.
100512	Web Page Upgrade	5,000	2,400	0	0	-2,400	5,000	0	90%	1/09/2007	The internet website project is complete. The remaining funds will be spent on the intranet project. Some costs will be charged to the Env Levy and DWM.
100564	Ezone Project	17,200	6,800	496	0	-6,304	16,704	0	90%	20/06/2007	This project has been acquitted with SLNSW and remaining funds will be expended during 08/09 F/Y
100589	Community Languages Collection	5,800	3,000	0	0	-3,000	5,800	0		Ongoing	An ongoing project to increase the library's collection of items in languages other than English. It began with a State Library grant and \$94 funds that have been used to increase existing holdings. Overbudget of \$11,333 funded by Sec 94 funds.
100665	Backyard Landcare	222,100	74,100	36,403	0	-37,697	185,697	0	25%	30/11/2010	Stage 2 of Greenstyle Program has commenced and currently awaiting release of grant funds from the Environmental Trust of NSW
100869	Intranet	78,100	39,048	22,800	0	-16,248	55,300	3,000			The second phase of the intranet involved creating Councillor Net. This was launched on 18 December. Remaining funds will be spent on creating a photo library and internal enewsletter.
100881	State Library Grant Technology	3,000	1,200	19,186	0	17,986	-16,186	0			This project is funded by State Library and will involve the purchase of a microfiche reader/printer and storage unit, subscription of the Navigator project and payout of existing leases for the self check units.
100882	State Library Grant Building	30,800	12,400	0	0	-12,400	30,800	1,609			This project is funded by State Library and will involve recarpeting part of Lindfield branch, replacement of the A/C units at Lindfield and supplementing the A/C capacity at Turramurra..

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Community</b>
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**TOTALS >>**    866,300    315,048    333,139    0    18,091    533,161    12,721

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commitments	PROJECT PERFORMANCE		
				Expended	Grants/Contribs Received				Percent Complete	Completion Date	Project Status
100883	State Library Grant Promotion	12,900	5,200	5,203	0	3	7,697	0			This project is funded by State Library and will involve promotion of various library activities including the initial Writers' Festival
101187	Thomas Carlyle Centre	17,000	0	0	0	0	17,000	0			Design work and quotes currently sought to upgrade Thomas Carlyle Childrens Centre playground. Work scheduled to commence in June 2009 to coincide with other related work planned for July 2009.
101201	Information Kiosk	34,600	17,400	320	0	-17,080	34,280	0			Have met with representatives of various companies and visited sites to inspect operations of information kiosk. Currently exploring possible options for implementing the project.
101212	Gordon Library Paperbacks	2,600	1,200	833	0	-367	1,767	0		Recurring	This is a recurring budget & will be expended by the end of F/Y
101213	Lindfield Library Paperbacks	1,600	600	0	0	-600	1,600	0		Recurring	This is a recurring budget & will be expended by the end of F/Y
101214	St Ives Library Paperbacks	2,800	1,200	897	0	-303	1,903	0		Recurring	This is a recurring budget & will be expended by the end of F/Y
101215	Turrumurra Library Paperbacks	2,700	1,200	414	0	-786	2,286	0		Recurring	This is a recurring budget & will be expended by the end of F/Y
101216	Information Services	412,000	149,300	246,587	0	97,287	165,413	8,112		Recurring	This is a recurring budget & will be expended by the end of F/Y

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Corporate</b>
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**TOTALS >>**      **432,500**      **133,798**      **54,768**      **0**      **-79,030**      **377,732**      **18,677**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/Contribs Received				Percent Complete	Completion Date	Project Status
100511	HR Payroll Performance Planning	16,500	8,250	0	0	-8,250	16,500	0			Stage 2 and HR modules to be implemented in late 2008/09.
100649	OH&S Procedures	60,500	36,100	29,326	0	-6,774	31,174	77			Consultant completed work on Gap Analysis and development of a draft OHS Strategic Plan. No further expenditure from the project budget during the December quarter, agency staff now funded from the OHS operating budget. OH&S Officer employed in January 2009, further initiatives to be implemented in the later part of 2008/09.
100783	Trim Upgrade	33,300	16,650	21,000	0	4,350	12,300	18,600			Proclaim/TRIM integration tested. The majority of the work for go-live is complete, however unexpected extended leave for the Project Manager has resulted in the project being deferred until February 2009.
100862	Booking System	10,000	4,998	4,442	0	-556	5,558	0			Project continuing with additional development required in order to introduce this system across all types of bookings. Investigations are also being conducted to assess whether a replacement system is more viable.
101196	Furniture and other assets	10,300	0	0	0	0	10,300	0			Purchases of furniture will occur as needed. Some office relocations will require new furniture in early 2009.
101203	IT Equipment	135,300	67,800	0	0	-67,800	135,300	0			Purchase of servers replacements has commenced but invoices not paid as at 31 December. It is anticipated that the full year budget will be spent.
101210	GIS Replacement	166,600	0	0	0	0	166,600	0			Tender document being prepared during December. Advertisements to commence in February 2009.

PROJECT PERFORMANCE REPORT to December, 2008	Dept: Development & Regulation
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TOTALS >> 116,500 0 0 0 0 116,500 0

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
101195	Handheld Infringment Device	116,500	0	0	0	0	116,500	0			The project will not commence until Feb 09, awaiting the recruitment of administration co ordinator to implement project

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Operations</b>
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**TOTALS >> 16,367,500 7,258,298 4,931,725 1,124,795 -2,326,573 11,435,775 1,347,610**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
100171	Maxwell St - Traffic Program	10,000	3,300	0	0	-3,300	10,000	0			Resident consultation under way, however, some residents have objected due to parking concerns.
100220	Traffic Facilities	0	0	62	0	62	-62	0			
100302	Cherry St Turramurra	0	0	523	0	523	-523	0	100%	18/04/2008	Works completed. Increased cost due to clearance of utilities and protection of property wall.
100395	Bus Shelter Advertising	0	0	24,084	0	24,084	-24,084	0	100%		Pay for relocations and changes from some advertising shelters to non advertising shelters as per Council's resolutions.
100566	Seven Little Australians Park & Walking	107,900	49,900	36,894	0	-13,006	71,006	21,025	30%	30/06/2009	First stage works almost completed and second stage design begun to repair gatehouse programmed for construction April 09
100567	Echo Point & Moores Creek Walking Track	67,400	67,400	25,078	0	-42,322	42,322	5,280	80%	31/03/2009	Ongoing and under construction. Interp signage and furniture to do. Delay complications with RFS HR burn programmed for the track area.
100596	West Pymble Shopping Centre at Kendall	0	0	177	0	177	-177	0	5%		Design commenced and project to be deferred due to funding constraints.
100662	Gordon Golf Course - Sewer Mining Plan	2,053,100	1,026,600	91,554	540,475	-935,046	1,961,546	1,360			Project on hold until new contracts have been signed with guarantor
100700	Depot Relocation	700,000	330,500	214,342	0	-116,158	485,658	0			With the purchase of 31 Bridge Street, all work on the design has ceased and a new tender has been called for the re-design of the depot incorporating 31 Bridge Street, Pymble.
100705	Operational Fleet	650,000	324,600	0	7,992	-324,600	650,000	520,734			Order for replacement of Cat428C backhoe with Komatsu, Greens mower ordered in Nov 08 and delivery expected in Feb/March 2009. An order has also been replaced for one tipper truck from Hino and delivery is expected in Jan 09. One 4x4 dual cab tipper due to be replaced is in consultation stage with expected delivery in late April 09.
100706	Passenger Fleet	526,300	263,400	726,127	392,540	462,727	-199,827	252,325			Phase one is almost complete with a total of 20 vehicles replaced out of 21. Phase two has started with a total of 16 vehicles to be replaced orders have been placed for three vehicle is phase two with quotes received for a further 3 vehicle to date.
100714	Tree Planting	189,200	94,800	44,292	0	-50,508	144,908	345		30/06/2009	Project on track. Site assessment currently being undertaken.

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Operations</b>
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**TOTALS >> 16,367,500 7,258,298 4,931,725 1,124,795 -2,326,573 11,435,775 1,347,610**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
100717	Swimming Pool Stage 5 Refurbishment	427,400	427,400	346,264	0	-81,136	81,136	0	90%	07/01/08	Practical Completion for Stage 5 works to 50m pool has been reached on 7/10/08. The 12 months Defects Liability Period has commenced. Approx \$16K is still outstanding in final payments.
100725	Pavement Management Repairs	50,000	22,400	54,430	0	32,030	-4,430	0	100%	21/01/2009	costing for completion of 07_08 budget
100737	Burgoyne St Gordon	0	0	0	0	0	0	0	100%	24/10/2008	asphalt completed Minns to Pearson. Pearson to end, concrete work completed. Asphalt overlay completed
100762	Pavement Condition Survey	100,000	44,400	26,505	0	-17,895	73,495	0	30%		pavement testing & investigation (ongoing)
100763	Pavement Management Repairs	50,000	22,400	88,620	0	66,220	-38,620	0	100%	17/11/2008	costing for completion of 07_08 budget
100771	Young St Warrawee	0	0	25,117	0	25,117	-25,117	4,753	100%	20/01/2009	street has been reconstructed & asphalt surface has been completed. Minor drainage & shoulder work still to be done
100774	Boomarang St Turramurra	325,700	0	8,230	63,060	8,230	317,470	0	3%		Works deferred for independent report on the trees. Matter to be referred to Council on 24 Feb 09.
100775	Powell St Killara	0	0	2,976	0	2,976	-2,976	0	100%	03/03/2008	07-08 R2R program. Intersection at Werona Ave. 150mm deeplift, completed
100777	Eastern Arterial Rd	0	0	98,790	0	98,790	-98,790	0	100%	04/08/2008	07_08 RTA program. Full depth asphalt as per design, upgrade of road pavement, drainage pits, shoulder areas & armco railings, job completed.
100784	Memorial Seats Donations	0	0	1,420	4,224	1,420	-1,420	0	50%	30/06/2009	Ongoing cost centre - continues to be topped up for additonal seats by more donations. McClelland at Wahroonga Park installed. WP Soccer (Tatt) pending confirmation.
100785	Two Creeks Wellington Upgrade	140,600	0	53,036	0	53,036	87,564	0	25%	30/06/2009	SSHFAP Grant site. Stage 1 Wellington works almost completed. Interpretive signage to be ordered after sign off approval by Director. Includes Stage 2 funds \$50K for alternate route track - MGG grant unsuccessful. Economies of scale to implement with Little Blue Gum Creek walk as same parameters and design solutions. Investigations on going.

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Operations</b>
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**TOTALS >> 16,367,500 7,258,298 4,931,725 1,124,795 -2,326,573 11,435,775 1,347,610**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/Contribs Received				Percent Complete	Completion Date	Project Status
100789	Provincial Rd Lindfield	33,000	13,200	0	0	-13,200	33,000	0	25%		Design alternatives of pipe jacking and blasting investigated and rejected, final design complete, materials purchased, contractor appointed
100790	Alma St/Graham Ave Pymble	70,000	28,000	2,013	0	-25,987	67,987	0	30%		Redesign to incorporate traffic works nearly complete, Negotiating driveway access with residents
100797	Fern St Pymble	0	0	969	0	969	-969	0			Works completed.
100799	Bobbin Head Road Cycleway Extension	0	0	1,704	0	1,704	-1,704	0	100%	25/06/2008	Works completed
100801	Highfield Road Footpath	40,000	20,100	1,377	0	-18,723	38,623	0	5%		Further investigation revealed that it is impractical to install another footpath without widening the bridge.
100802	The Comenarra Pwy Footpath	16,500	8,400	58,848	0	50,448	-42,348	568	100%	13/10/2008	Works completed
100813	West Lindfield Shopping Centre	0	0	591	0	591	-591	0	100%		Works completed
100835	Sir David Martin Reserve Park	1,128,300	556,600	143,110	0	-413,490	985,190	3,275	6%		Power & Floodlighting upgrade now complete. Site construction contract, baseball diamond & landscape specification, nearing completion, works-in-progress.
100845	Dukes Green Park	0	0	32,479	0	32,479	-32,479	0	90%	30/09/2008	Now complete
100846	Lindfield Soldiers Memorial Oval No 2 SptFld	168,700	33,900	77,579	0	43,679	91,121	71,454	85%	30/11/2008	Sportsfield Construction complete, Work now in defects period. Minor Landscaping works to be completed. Awaiting revised quote from Landmark Products for Amenities block.
100848	Edenborough Oval Sportsfield	0	0	730	0	730	-730	0	10%	30/06/2008	Project cancelled
100850	St Ives Showground Playground	119,300	75,200	101,310	0	26,110	17,990	0	90%	10/10/2008	Practical Completion was reached on 10/10/08. The 12 months Defects Liability Period has commenced.
100851	Dukes Green Playground	54,500	22,000	104,348	0	82,348	-49,848	0	90%	30/11/2008	Now completed
100853	Hicks Ave Reserve Playground	15,100	15,100	15,000	0	-100	100	0	90%	10/10/2008	Playground installed.
100855	Bobbin Head Road Traffic	11,400	5,700	14,701	7,542	9,001	-3,301	0	100%	1/08/2008	Work complete July 08
100856	Bannockburn Road/Selwyn St Traffic	0	0	16,335	0	16,335	-16,335	0	100%		Work complete

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Operations</b>
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**TOTALS >> 16,367,500 7,258,298 4,931,725 1,124,795 -2,326,573 11,435,775 1,347,610**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
100875	Noxious Weeds Gorse & Brooms	0	0	0	0	0	0	0	100%	6/30/2008	DPI Grant funded project works completed.
100877	Noxious Weeds Aquatics	0	0	993	0	993	-993	0	100%	6/30/2008	DPI Grant funded project works completed.
100884	Warrimoo Ave St Ives Chase	0	0	7,626	0	7,626	-7,626	10,759	100%	01/09/2008	07_08 rehab program, street has been reconstructed & asphalt surface has been completed. Minor drainage & shoulder work completed.
100885	Roseville Park Playground Replacement	100,000	50,100	115,034	0	64,934	-15,034	29,934	90%	30/11/2008	Practical Completion was reached on 19/12/08. The 12 months Defects Liability Period has commenced.
100887	Wahroonga Traffic & Parking Study	23,400	23,400	19,435	0	-3,965	3,965	0	85%	30/09/2008	The draft Arup Wahroonga Traffic & Parking Study report has been exhibited as resolved by Council on 26/8/2008. Results of the exhibition will be reported with other town centre reports, in early 2009, as resolved.
100895	Woniora Avenue Road Reinstatement	0	0	0	0	0	0	0			
100899	Moore Street - pedestrian refuge at Addison Avenue	3,400	1,698	3,146	2,219	1,448	254	0	100%	20/07/2008	Work complete
100900	Addison Av pedestrian crossing access ramps	18,600	9,300	13,671	8,335	4,371	4,929	0	100%	20/07/2008	Work complete July 08
101000	Albion Avenue	42,700	18,800	52,002	0	33,202	-9,302	0	100%	24/10/2008	Levy program, heavy patch & AC overlay. Work completed.
101001	Annabelle Place	74,800	33,200	2,976	0	-30,224	71,824	0	25%		Levy program, not suitable for stabilisation. 100mm AC, 60mm AC20 & 40mm AC14. Public utility services located & lowered where required, core hole testing complete,
101002	Arundall Street	88,000	39,200	1,384	0	-37,816	86,616	0	25%		Levy program, stabilisation, public utility services located & lowered where required, core hole testing complete, stabilisation to start Feb 09
101003	Bell Street	27,300	12,000	16,526	0	4,526	10,774	1,971	100%	24/10/2008	Levy program, heavy patch & AC overlay. Work completed.
101004	Billbong Avenue	87,400	38,800	65,169	0	26,369	22,231	0	60%		Levy program, stabilisation completed, concrete K&G to be reconstructed & sub-soil treatment required. Programmed for Feb 09
101005	Broula Road	36,000	16,000	24,142	0	8,142	11,858	0	25%		Levy program, not suitable for stabilisation. 100mm AC, 60mm AC20 & 40mm AC14. Public utility services located & lowered where required, core hole testing complete,



<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Operations</b>
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**TOTALS >> 16,367,500 7,258,298 4,931,725 1,124,795 -2,326,573 11,435,775 1,347,610**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
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101006	Buckingham Road	47,500	21,200	34,628	0	13,428	12,872	3,080	100%	21/10/2008	Levy program, heavy patch & AC overlay. Completed.
101007	Collins Road	178,200	79,200	69,036	0	-10,164	109,164	3,475	100%	09/12/2008	Levy program, stabilisation completed, asphalt overlay completed, line marking completed
101008	Diana Avenue	54,800	24,400	12,368	0	-12,032	42,432	30,980	100%	06/02/2009	Levy program, not suitable for stabilisation, 80mm AC, 50mm AC20 & 30mm AC10. Public utility services located & lowered where required, core hole testing complete. Asphalt complete
101009	Flinders Avenue	23,100	10,400	25,899	0	15,499	-2,799	1,109	100%	23/10/2008	Levy program, heavy patch & AC overlay. Completed.
101010	Gilroy Road	10,000	4,400	8,741	0	4,341	1,259	0	100%	04/12/2008	Levy program, 50mm overlay completed, shoulders turfed
101011	Henry Street	152,400	67,600	2,396	0	-65,204	150,004	592	100%	28/01/2009	Levy program, not suitable for stabilisation, 100mm AC, public utility services located, asphalt & conc K&G completed. Turf laid & line marking complete.
101012	Hopkins Place	53,500	23,600	48,346	0	24,746	5,154	0	100%	09/02/2009	Levy program, stabilisation completed, primer seal done. Minor sub soil treatment done. Minor concrete work complete. Overlay complete.
101013	Kiamala Crescent	112,400	50,000	1,767	0	-48,233	110,633	0	80%		Levy program, 100mm AC, 60mm AC20 completed, Concrete work complete. 40mm overlay to be done Feb 09
101014	Lindfield Library	25,000	11,200	24,932	0	13,732	68	0	95%		Levy program, asphalt overlay completed, line marking design to be done
101015	Lucia Avenue	68,100	30,400	1,071	0	-29,329	67,029	0	25%		Levy program, stabilisation, public utility services located & lowered where required, core hole testing complete, stabilisation to start Feb 09
101016	Lynwood Avenue	84,100	37,200	1,322	0	-35,878	82,778	0	25%		Levy program, stabilisation, public utility services located & lowered where required, core hole testing complete, stabilisation to start Feb 09
101017	Myall Avenue	116,000	51,600	14,470	0	-37,130	101,530	0	25%		Levy program, not suitable for stabilisation, 50% of roadway mill 200mm, (150mm recy DGB & 50mm AC14 overlay) other 50% mill & fill 50mm AC14 public utility services located & lowered where required, core hole testing complete,
101018	Newrak Crescent	82,600	36,800	1,299	0	-35,501	81,301	0	25%		Levy program, stabilisation, public utility services located & lowered where required, core hole testing complete, stabilisation to start Feb 09
101019	Reely Street	65,700	29,200	42,467	0	13,267	23,233	0	100%	21/10/2008	Levy program, heavy patch & AC overlay. Completed

**PROJECT PERFORMANCE  
REPORT to December, 2008**

**Dept: Operations**

**TOTALS >> 16,367,500 7,258,298 4,931,725 1,124,795 -2,326,573 11,435,775 1,347,610**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
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101020	Robinson Street	148,000	65,600	2,327	0	-63,273	145,673	395	100%	10/12/2008	Levy program, stabilisation completed, asphalt overlay completed, line marking programmed
101021	Tallong Place	84,500	37,600	40,158	0	2,558	44,342	0	25%		Levy program, stabilisation, public utility services located & lowered where required, core hole testing complete, stabilisation to start Feb 09
101022	Ulm Avenue	50,200	22,400	789	0	-21,611	49,411	0	10%		Levy program, 40mm overlay, shoulder work & WSUD treatment required at end of cul de sac. Concept design to be completed
101023	Valley Lane	25,400	11,200	399	0	-10,801	25,001	39,874	100%	02/02/2009	Levy program, stabilisation not suitable, reconstruction of sub base +40mm AC14 overlay. Public utility services located, core hole testing complete. Base & overlay complete.
101024	Wahroonga Avenue	61,800	27,600	33,190	0	5,590	28,610	0	100%	24/10/2008	Levy program, heavy patch & AC overlay. Completed
101025	Wyuna Road	117,600	52,400	1,849	0	-50,551	115,751	0	25%		Levy program, unsuitable for stabilisation, 100mm AC. public utility services located & lowered where required, core hole testing complete.
101030	Abingdon Road	81,600	36,400	2,351	0	-34,049	79,249	0	25%		Rehab program, stabilisation not required, Mill & fill 50mm AC 14. Public utility services located & lowered where required, core hole testing complete.
101031	Andrew Avenue	106,800	47,600	3,098	0	-44,502	103,702	0	25%		Rehab program, not suitable for stabilisation. Heavy patch 110mm AC + 50mm mill & fill. Public utility services located & lowered where required, core hole testing complete.
101032	Beaumont Road	85,700	38,000	4,542	0	-33,458	81,158	0	25%		Rehab program, Not suitable for stabilisation. 100mm AC, 60mm AC20 & 40mm AC14. Public utility services located & lowered where required, core hole testing complete.
101033	Bedford Avenue	149,300	66,400	4,781	0	-61,619	144,519	0	95%		Rehab program, 100mm AC, 60mm AC20, 40mm AC14 overlay, public utility services located & lowered where required, core hole testing completed. AC completed, line marking to be done
101034	Bent Street	102,000	45,200	1,823	0	-43,377	100,177	0	100%	05/01/2009	Rehab program, mill & fill 50mm AC14, overlay completed, line marking completed

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Operations</b>
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Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
101035	Bourke Street	93,800	41,600	19,900	0	-21,700	73,900	0	25%		Rehab program, not suitable for stabilisation, 100mm AC deeplift, 60mm AC20 & 40mm AC14. Public utility services located & lowered where required, core hole testing complete.
101036	Bradfield Road	65,900	29,200	33,553	0	4,353	32,347	0	100%	05/01/2009	Rehab program, 100mm deeplift & new K&G. line marking complete
101037	Chapala Close	46,600	20,800	1,773	0	-19,027	44,827	0	25%		Rehab program, not suitable for stabilisation, 100mm AC deeplift, 60mm AC20 & 40mm AC14. Public utility services located & lowered where required, core hole testing complete.
101038	Coonabarra Road	80,600	36,000	34,801	0	-1,199	45,799	0	25%		Rehab program, not suitable for stabilisation, 100mm AC deeplift, 60mm AC20 & 40mm AC14. Public utility services located & lowered where required, core hole testing complete.
101039	Edmund Street	87,600	38,800	3,106	0	-35,694	84,494	0	25%		Rehab program, not suitable for stabilisation, 100mm AC deeplift. Public utility services located & lowered where required, core hole testing complete.
101040	Gerald Avenue	52,200	23,200	14,353	0	-8,847	37,847	0	100%	08/01/2009	Rehab program, not suitable for stabilisation, 100mm AC deeplift. Public utility services located & lowered where required, core hole testing complete. AC completed
101041	Gilda Avenue	110,000	48,800	26,762	0	-22,038	83,238	37,562	50%		Levy program, stabilisation not suitable, reconstruction of sub base +40mm AC14 overlay. Public utility services located, core hole testing complete. Base & overlay complete. No 3 to P_Hwy mill & fill 80mm will be done when RTA occupancy is received
101042	Gowrie Close	49,600	22,000	9,993	0	-12,007	39,607	0	100%	10/12/2008	Rehab program, stabilisation completed, asphalt overlay completed
101043	Lawson Parade	140,000	62,400	2,503	0	-59,897	137,497	0	100%	06/01/2009	Rehab program, not suitable for stabilisation, 100mm AC deeplift. Public utility services located & lowered where required, core hole testing complete. AC completed
101044	Lennox Street	100,600	44,800	25,195	0	-19,605	75,405	0	25%		Rehab program, stabilisation, public utility services located & lowered where required, core hole testing complete, stabilisation to start Feb 09

**PROJECT PERFORMANCE  
REPORT to December, 2008**

**Dept: Operations**

**TOTALS >> 16,367,500 7,258,298 4,931,725 1,124,795 -2,326,573 11,435,775 1,347,610**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
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101045	Links Avenue	62,500	27,600	17,189	0	-10,411	45,311	383	100%	12/01/2009	Rehab program, 100mm AC, 60mm AC20, 40mm AC14 overlay, public utility services located & lowered where required, core hole testing completed. Concrete work completed. AC completed
101046	Malga Avenue	109,900	48,800	2,374	0	-46,426	107,526	0	15%		Rehab program, stabilisation, public utility services located, core hole testing completed. Deferred due to development
101047	Owen Street	101,300	45,200	7,271	0	-37,929	94,029	53,092	60%		Rehab program, not suitable for stabilisation, 100mm AC deeplift. Public utility services located & lowered where required, core hole testing complete. Deep lift complete. No 17 to Archbold Rd will be done after RTA occupancy is received
101048	Pibrac Avenue	85,100	38,000	4,926	0	-33,074	80,174	9,846	100%	02/02/2009	Rehab program, 100mm AC, 60mm AC20, 40mm AC14 overlay, public utility services located & lowered where required, core hole testing completed. Concrete work completed. AC completed
101049	Redleaf Avenue	235,000	104,400	263,229	0	158,829	-28,229	0	100%	23/10/2008	Rehab program, full depth asphalt. Work completed.
101050	Rosebery Road	151,600	67,200	29,775	0	-37,425	121,825	0	95%		Rehab program, not suitable for stabilisation, 100mm AC deeplift. Public utility services located & lowered where required, core hole testing complete. AC completed, line marking to be done
101051	Victoria Street	103,000	45,600	1,841	0	-43,759	101,159	0	100%	16/01/2009	Rehab program, stabilisation, public utility services located & lowered where required, core hole testing complete. AC completed
101052	Wattle Street	79,800	35,600	1,427	0	-34,173	78,373	0	20%		Rehab program, stabilisation, public utility services located , core hole testing complete. Design required for embankment under foot path
101053	Yarrabung Road	165,000	73,200	39,945	0	-33,255	125,055	0	25%		Rehab program, stabilisation, public utility services located & lowered where required, core hole testing complete, stabilisation to start Feb 09
101057	Rosedale Road	415,000	184,400	290,559	36,008	106,159	124,441	91	100%	18/07/2008	R2R program, 150mm deep lift asphalt. Work completed

**PROJECT PERFORMANCE  
REPORT to December, 2008**

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101058	Cherry Street	50,400	22,400	61,213	50,400	38,813	-10,813	0	100%	27/10/2008	R2R program, agg drains, new K&G + 40mm asphalt overlay. Work completed.
101062	Bobbin Head Road	209,800	93,200	322,494	0	229,294	-112,694	0	100%	15/08/2008	RTA program, full depth asphalt. Work completed
101063	Junction Road	290,200	128,800	0	0	-128,800	290,200	0	5%		RTA program, full depth asphalt & new K&G. Civil works to start May 09 & asphalt work programmed for July 2009. Waiting on design for enviro gardens. Due to start May 09.
101070	Koola Park Upgrade	51,300	20,600	0	0	-20,600	51,300	10,450		30/06/2009	Topographic survey due in November, investigation to commence in December 08
101071	Golden Jubilee Sports Field (Back Oval)	25,600	8,600	0	0	-8,600	25,600	0		30/06/2009	Waiting on results of grant application before commencing investigation
101072	Roseville Chase Oval (Heritage site)	75,100	75,100	1,912	0	-73,188	73,188	2,727	5%	30/06/2009	Grant for irrigation and lease adjustments defer this stage of works at this time.
101073	Bert Oldfield Oval / Killara Park	131,000	84,700	95,701	0	11,001	35,299	0	65%	06/03/2009	Table in handover condition, synthetic grass at gate entries completed. Sand slit drainage scheduled for late February.
101074	Lofberg Oval Stormwater harvesting	270,000	135,000	13,237	0	-121,763	256,763	0	5%	30/06/2009	Awaiting tender documents.
101076	Loftberg Oval Floodlighting Update	60,200	30,200	2,042	0	-28,159	58,159	0	5%	30/06/2009	On hold- Design completed, Applying for grant assistance.
101080	Pleasant Ave - Playground	62,000	62,000	0	0	-62,000	62,000	10,318	10%	30/06/2009	Contractor selected.
101081	Turramurra Memorial Park	179,000	17,800	4,557	0	-13,243	174,443	0	5%	30/06/2009	Survey comissioned by Strategy and delivery imminent. Can't proceed until survey available. Concept plans, site analysis and brief information completed for documentation when survey available.
101082	Melaleuca Drive Park	25,000	25,000	10,716	0	-14,284	14,284	0	90%	10/10/2008	Fence installed.
101083	Eldinhope Green Playground	52,000	52,000	1,324	0	-50,676	50,676	41,990	30%	30/06/2009	Contractor selected. Construction to commence in early February 09.
101084	Memorial Avenue Reserve	72,000	0	5,033	0	5,033	66,967	0	20%	30/06/2009	Sketch plan prepared and resident notification going today after discussions with Director for site meeting 14 Feb 9am.Equipment quotes received and evaluation completed.
101085	Two Turner Reserve, Lindfield	135,500	19,300	3,200	0	-16,100	132,300	0	10%	30/06/2009	Section 94 funding. Brief and site analysis and concept prepared. Met with guide leader for specific requirements.First quote for equipment received.

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Operations</b>
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101089	Canoon Road Netball Courts	33,500	33,500	853	0	-32,647	32,647	28,342	20%	30/06/2009	Quotations have been requested.
101090	Roseville Park Tennis Courts	95,000	0	3,618	0	3,618	91,382	1,818	10%	30/06/2009	All quotes received decision on successful contractor pending.
101091	Allan Small Park Tennis Courts	43,000	0	1,095	0	1,095	41,905	11,693	10%	30/06/2009	Contractor has been selected. Quotes received for new shelter shed approx \$12K.
101092	Kendall Street Tennis Courts	35,000	0	891	0	891	34,109	35,050	10%	30/06/2009	Contractor has been selected.
101093	The Glade Tennis/Basketball courts	28,000	0	713	0	713	27,287	0	30%	30/06/2009	Resurfacing work has commenced.
101094	Lofberg Oval Netball Courts	36,500	12,200	4,259	0	-7,941	32,241	0	100%	30/06/2009	Works completed
101098	Swain Gardens Landscape Master Plan Stage 1	45,000	0	1,146	0	1,146	43,854	0	25%	30/06/2009	Co-ordination with Landscape Masterplan. Design for pergola in tennis court area approved in Jan by Friends to proceed. Haynes Plaque approved by family to fabricate and quote underway.
101099	St Ives Village Green Skate & Bike Park	20,000	20,000	0	0	-20,000	20,000	0		30/06/2009	Not yet due
101100	Turramurra Memorial Park Karuah Park Masterplan	51,000	25,800	3,684	0	-22,116	47,316	15,800	5%	30/06/2009	Design and documents to be developed by Strategy . New dog off-leash signs delivered. Waiting on Survey ordered by Strategy - due end December. No construction documents until this is available. (See 101081 above)
101101	Lindfield Soldiers Memorial Pk - 1927 LSMP War Memorial Gate	50,000	50,000	46,528	0	-3,472	3,472	658	98%	30/10/2008	Works completed and Ceremony successful on 11 November 2008. Minor Planting to be completed around internal roadworks
101102	St Ives Showground	83,000	0	2,189	0	2,189	80,811	0	5%	30/06/2009	Late Completion date to tie in with "Victory in the Pacific Day" on 15 August for opening ceremony. Liaison required with HAC deferred until committees re-appointed by Council. Heritage Assessment for St Ives Showground and Information regarding project scope and details forwarded to Strategy for meeting for POM with stakeholders on 21 Feb.
101103	Bicentennial Park dog off leash area	50,000	28,000	1,273	0	-26,727	48,727	0	5%	30/06/2009	Awaiting final design plans.
101104	Memorial Avenue Reserve	45,000	0	1,129	0	1,129	43,871	0	15%	30/06/2009	See comment for 101084. Same project
101105	Turramurra Memorial park	0	0	0	0	0	0	0			If this is the DS&R grant, being handled by Strategy until design and documents completed with 101100 above.
101107	Loyal Henry Park	20,000	20,000	19,879	0	-121	121	0	90%	30/09/2008	Fence installed.

**PROJECT PERFORMANCE  
REPORT to December, 2008**

**Dept: Operations**

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101108	St Ives Showground fencing for dog training	42,000	31,700	44,259	12,000	12,559	-2,259	0	99%	25/08/2008	Project complete.
101109	Golden Jubilee Sportsfield (Front Oval)	181,500	181,500	46,892	0	-134,608	134,608	0	90%	13/10/2008	Fence installed.
101112	Roseville Park carpark	100,000	0	2,546	0	2,546	97,454	11,210	20%	30/01/2009	Works commenced 28/01. Contractor completed excavating new carpark section, road base placement / preparation for bitumen sealing in progress.
101117	Indoor Aquatic Facility	4,000	0	0	0	0	4,000	0			
101123	Eucalyptus Street	75,100	37,800	8,217	0	-29,583	66,883	0			Work to be deferred
101124	The Comenarra Parkway	69,400	34,800	6,698	0	-28,102	62,702	0			Work in progress
101125	Junction Road	90,000	45,000	13,700	0	-31,300	76,300	0			Proposed to defer most of these works for further investigation.
101126	Rosedale Road	27,000	13,800	3,038	0	-10,762	23,962	0			Work in progress
101127	Junction Road	17,900	9,000	3,195	0	-5,805	14,705	1,593	95%		Now complete and awaiting invoices
101128	Junction Road	12,400	6,000	2,715	0	-3,285	9,685	4,185	95%		Now complete and awaiting invoices
101129	Bobbin Head Road	69,900	34,800	7,571	0	-27,229	62,329	0			Work in progress
101130	Miowera Road	35,500	18,000	0	0	-18,000	35,500	0	10%		Design in progress inc resident consultation
101131	Stanley Street	10,800	5,400	0	0	-5,400	10,800	0	100%		Work already done.
101141	Lofberg Road	51,300	0	10,859	0	10,859	40,441	0	5%		Survey & investigation under way
101142	Werona Avenue	51,300	0	7,001	0	7,001	44,299	0	5%		Design in progress
101143	Eastern Road	51,300	0	0	0	0	51,300	0	5%		Survey & investigation reveal major telecoms alteration required, postpone recommended
101150	Martin Lane and Lord Street	7,000	0	0	0	0	7,000	0	100%	5/12/2008	Complete
101151	Lynwood Avenue	25,000	0	11,501	0	11,501	13,499	0	10%		Design in progress
101152	Knowlman Avenue	7,000	0	0	0	0	7,000	0			Not yet due
101153	Wattle Street	143,000	0	37,816	0	37,816	105,184	0	30%		Survey and design carried out
101155	Middle Harbour Road	58,000	0	8,241	0	8,241	49,759	0	20%		survey done, Service locations underway
101156	Minor Drainage Upgrades	30,000	15,000	0	0	-15,000	30,000	0			Not yet due
101157	Ormonde Road	7,000	0	2,752	0	2,752	4,248	0	100%	5/12/2008	Complete
101158	Killeaton St	7,000	0	0	0	0	7,000	0			Investigating alternative treatments
101159	Depression from Warrane Road	7,000	0	0	0	0	7,000	0			Investigating alternative treatments
101160	Across Pymble Avenue	7,000	0	0	0	0	7,000	0			Not yet due
101161	McIntosh and Arthur Street	7,000	0	4,027	0	4,027	2,973	0	100%	5/12/2008	Complete
101162	Glencroft Road sag	7,000	0	0	0	0	7,000	0			Not yet due

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Operations</b>
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101164	1A Brentwood Avenue	190,000	0	29,093	0	29,093	160,907	0	20%		Drainage work in association with roadworks
101165	Environmental Drainage System Management	80,000	40,200	4,839	0	-35,361	75,161	0	10%		Contract documentation currently being prepared
101171	Warrimoo Ave Shops near Dalton Road	0	-20,200	0	0	20,200	0	0			Project to be deferred until 2009/10
101172	St Johns Ave Gordon	0	-17,600	0	0	17,600	0	0			Project to be deferred until 2009/10
101173	Babbage Road shops and Rowe Street Car Park	0	-15,000	0	0	15,000	0	0			Project to be deferred until 2009/10
101174	Koola Avenue Shopping Centre	0	-20,200	0	0	20,200	0	0			Project to be deferred until 2009/10
101175	Princess St Pymble	0	-22,200	0	0	22,200	0	0			Project to be deferred until 2009/10
101176	Removal of graffiti in Business Centres	74,000	40,000	37,136	0	-2,864	36,864	32,000			Initial clean up completed and monthly clean-ups in progress.
101220	Council Chambers Building Works	190,000	86,500	29,005	0	-57,495	160,995	10,691			Work currently underway for the refurbishment of level 3 for the Human Resources section.
101221	SES Relocation	200,000	99,900	875	0	-99,025	199,125	0			Geotechnical Consultant engaged. Seismic survey in Stage 1 of 2 was completed on 17 December as scheduled, involving 5 seismic lines being conducted.
101247	Wallaroo Close, Killara	3,500	3,500	8,459	0	4,959	-4,959	0	100%	29/08/2008	Completed
101248	2A Munderah Street Wahroonga	800	800	1,769	0	969	-969	0	50%		Development nearly complete
101249	Cardigan Ave Roseville	5,300	5,300	14,597	0	9,297	-9,297	3,925	50%		Main patch in Cardigan OK, Majority of earthworks complete, Golf Club will organise road patching, May be some work on Oval Carpark, resealed by Golf Club contractor. Extent of works yet to be finalised, part by Golf Club
101250	Bruce Ave / Greengate Lane Killara	0	0	0	0	0	0	0	10%		1 Coat primer Seal after potholes repaired
101265	St Ives Village Green Skate & Bike Park	100,000	14,300	0	0	-14,300	100,000	20,900			
101266	Turramurra Memorial Park and Karuah Park fitness circuit	21,000	3,000	0	0	-3,000	21,000	0			



<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Strategy</b>
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**TOTALS >> 23,295,500 12,362,092 5,338,842 182,954 -7,023,250 17,956,658 462,880**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
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100080	North Turramurra Recreation Area	46,700	0	4,240	0	4,240	42,460	0	35%	30/06/2009	Plan of Management on public exhibition until Friday 6 February 2009. Consultant brief for further geotechnical testing and monitoring has been prepared for quotation by consultants in February 2009. Detailed design and DA to commence early 2009.
100310	Lindfield Soldiers Oval	132,000	18,900	195,952	50,000	177,052	-63,952	0	85%	30/08/2008	Irrigation controller transmitter still to be installed.
100311	Swales And Bioretention	75,000	37,800	5,154	0	-32,646	69,846	1,400	10%	30/06/2009	Car access to be built adjacent to rain garden at Kooloona Cres to complete the project. Final design work for Junction Road project to be finalised in April '09 to complement road infrastructure upgrade. Expected completion June '09.
100312	Integrated Side Entry And Street Tree Pi	26,000	13,200	22,545	0	9,345	3,455	0	95%	30/06/2009	Water sensitive urban design biofiltration garden at Kooloona Cres 95% complete. This line compliments PJ 100311.
100313	Sheldon Forest	10,000	4,800	3,553	0	-1,247	6,447	5,198	40%	30/06/2009	Fourth year of a seven year bush regeneration contract. This project is complimented by Avondale Creek restoration work (budget line PJ101244) that is focused on bush regeneration and weed control within the upper reaches of Avondale Creek at Sheldon Forest. Awaiting pile burns to take place when weather conditions are appropriate.
100314	Browns Field And Surrounds	10,000	4,800	3,268	0	-1,532	6,732	5,215	40%	30/06/2009	Fourth year of a seven year bush regeneration contract. Focus has shifted to maintenance phase weeding and regeneration .
100315	Browns Forest (Bgh)	10,000	4,800	3,534	0	-1,266	6,466	3,049	40%	30/06/2009	Fourth year of a seven year bush regeneration contract coordinating work with other adjacent land owners including National Parks and Sydney Water.
100316	St Ives Showground (Duffy's Forest)	10,000	4,800	0	0	-4,800	10,000	0	40%	30/06/2009	Fourth year of seven year contract for bush regeneration. Focus on maintaining areas already regenerated. Awaiting receipt of first invocie for works completed.

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Strategy</b>
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100317	Aluba Oval And Surrounds	5,000	2,400	0	0	-2,400	5,000	0	40%	30/06/2009	Fourth year of seven year bush regeneration contract funded by the Environmental Levy.Awaiting first invoice for works completed to date.
100318	The Glade	5,000	2,400	0	0	-2,400	5,000	0	5%	30/06/2009	Fourth of seven year bush regeneration contract. Contractor targeting ground cover weeds. Site being prepared for an ecological burn in 2009.This project complements Coupes Creek bush regeneration and weed control project PJ100325.
100319	Maddison (BGH)	10,000	4,800	1,881	0	-2,919	8,119	32,727	40%	30/06/2009	Fourth of seven year bush regeneration contract. Spraying and planting has been incorporated into the program.
100320	Acron Oval	5,000	2,400	0	0	-2,400	5,000	2,655	5%	30/06/2009	Fourth year of seven year bush regeneration contract concentrating on stabilising the edge effect on Duffy's Forest vegetation.
100321	Turiban Reserve (Bgh)	5,000	2,400	3,168	0	768	1,833	1,378	40%	30/06/2009	Fourth of seven year bush regeneration contract. Awaiting hazard reduction burn when conditions are appropriate to stimulate regeneration.
100322	Wildlife Promotion And Management	10,000	4,800	2,800	0	-2,000	7,200	373	10%	30/06/2009	Purchase of cat and possum cages for use by regulatory staff. Remaining budget to investigate the rope bridges across Lady Game Drive which were installed 2006
100323	Feral Animal / Noxious Weed Control	15,000	7,800	0	0	-7,800	15,000	0	10%	30/06/2009	Currently under investigation
100324	Creek Maintenance	10,000	4,800	4,672	0	-128	5,328	2,599	50%	30/06/2009	Contractors engaged for weed control on Rocky Creek at Harry Seidler Reserve Killara.
100325	Coups Creek (The Glade)	9,000	4,800	5,712	0	912	3,288	3,379	50%	30/06/2009	This project has funded the stabilisation of riparian vegetation of the upper reaches of Coupes Creek. Contractors undertaking regeneration.
100326	Stoney Creek (Richmond Park)	15,000	7,800	1,848	0	-5,952	13,152	8,115	50%	30/06/2009	Pre fire weeding completed by contractor in collaboration with the bushland operational staff. Awaiting suitable time for scheduled hazard reduction burn. Post fire weeding will commence pending programmed fire.
100327	Middle Harbour	20,000	10,200	9,424	0	-776	10,576	0	50%	30/06/2009	Slade Avenue water sensitive urban design completed.Currently investigating suitable erosion control work in this catchment.

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Strategy</b>
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100328	Cowan Creek	20,000	10,200	0	0	-10,200	20,000	0	10%	30/06/2009	Currently in design phase of storm water remediation device at Maddison Reserve Pymble.
100329	Lane Cove	20,000	10,200	0	0	-10,200	20,000	13,542	30%	30/06/2009	Funding used for pre fire weeding of lower reaches of Sheldon Forest, Contractors engaged.
100330	Blackbutt Creek	8,000	4,200	3,068	0	-1,132	4,932	0	10%	30/06/2009	Quarterly maintenance of gross pollution control devices. This is also supported by storm water charge.
100331	Du Faur Street Wetland	2,000	1,200	1,065	0	-135	935	0	55%	30/06/2009	Maintenance of Minamurra Avenue and Du Faur Place.Contracts pending review process
100332	General Sites	20,000	10,200	0	0	-10,200	20,000	6,364	5%	30/06/2009	This line will compliment projects completed requiring maintenance work.
100333	Bushcare Site Improvements	50,000	25,200	6,737	0	-18,463	43,263	500	40%	30/06/2009	Currently working on 25 sites to provide supplementary regeneration and individual site support in and adjacent to bushcare sites. This is an ongoing program with contract works to be undertaken over a number of years to maximise longterm benefits.
100334	Bushcare	8,000	4,200	5,282	0	1,082	2,718	109	60%	30/06/2009	Ongoing and has funded additional site visits by qualified bushcare trainers to complement current program. Purchase and installation of additional Bushcare site signs. Compliments PJ 100333
100335	Urban Landcare	8,000	4,200	3,797	0	-403	4,203	0	50%	30/06/2009	This project is complimented by the "Greenstyles" (An education program across three council areas regarding native plant species on private property). This project is funded by NSW Sustainability Trust.
100336	Community Firewise	8,000	4,200	0	0	-4,200	8,000	0	5%	30/06/2009	Rural Fire Service has developed a educational interface firewise DVD.Currently investigating appropriate display model.Compliments fire education line PJ 101234
100338	Parkcare	16,000	7,800	3,991	0	-3,809	12,009	0	40%	30/06/2009	Project involved supporting the growing number of volunteers for Parkcare and Streetcare. 25 registered groups to date. .
100339	Small Grant Projects	80,000	40,200	30,611	0	-9,589	49,389	15,418	45%	30/06/2009	Round six funds awarded on the 12th August. Round seven applications close on 8th December 2008 with report to Council recommending new projects scheduled February 2009.

PROJECT PERFORMANCE REPORT to December, 2008	Dept: Strategy
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TOTALS >> 23,295,500 12,362,092 5,338,842 182,954 -7,023,250 17,956,658 462,880

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
100340	Promotions And Initiatives	20,000	10,200	11,465	0	1,265	8,535	0	50%	30/06/2009	Interpretive signs at the bush tucker garden in St Ives Wild Flower Garden. Funding used to cover costs associated with promotion of the small grant scheme. Development of water sensitive urban design brochures.
100342	Golden Jubilee Fire Trail	87,000	22,400	19,209	60,000	-3,191	67,791	0	80%	01/12/2008	Contractors engaged to complete the fire trail complimented by \$60 000 grant from National Fire Mitigation Fund.
100346	Seven Little Australians	8,000	4,200	1,755	0	-2,445	6,245	3,523	50%	30/06/2009	Weed control contract on schedule and in its third year. Work to be undertaken in conjunction with Operations. Project complimented by funding from Sydney Harbour Foreshores. "Accessing Sydney Harbour Foreshores" program.
100348	Dumping/Encroachment	100,000	49,800	68,500	0	18,700	31,500	21,355	70%	30/06/2009	Funding used for Community Environment Officers which includes development and implement a dumping program at the urban bushland interface; mapping of threatened plant communities; Walks and Talks program; and Interface education. This line has been amalgamated with PJ 100349.
100350	Noxious Weed Control	50,000	25,200	0	0	-25,200	50,000	23,644	20%	30/06/2009	Investigation with National Parks staff and operations staff are completed. Quotes to be drawn up to engage weed control at Blackbutt Creek in Lane Cove Catchment, Compliments National Park and Roads Infrastructure projects.
100351	Biodiversity (Macroinvertebrate, Flora, F	20,000	10,200	5,840	0	-4,360	14,160	0	35%	30/06/2009	Contractors engaged to continue with summer and autumn bird survey at selected bushcare sites. Continuation of mapping of threatened plants with ground work completed.
100353	Community Survey	20,000	10,200	0	0	-10,200	20,000	0	5%	30/06/2009	Developing project plan for various surveys to complement PJ 100354 and Sydney Water's survey results for Water for Life Program.
100354	Social Research	20,000	10,200	12,799	0	2,599	7,201	0	60%	30/06/2009	Funding used for social research and consultation as part of the sustainability survey.
100355	Program Evaluation	20,000	10,200	0	0	-10,200	20,000	0	5%	30/06/2009	Contractor engaged to assist in the development of an audit form to assist in education of Environmental Levy projects.

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Strategy</b>
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Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
100357	Weed Inspectorial (Weed Condition)	25,000	12,600	153	0	-12,447	24,847	0	20%	30/06/2009	This line is complimenting the threatened plant community mapping program PJ 101235 as resolved by Council.
100358	Quarterly Newsletters	40,000	19,800	1,718	0	-18,082	38,282	765	10%	30/06/2009	Funding used for reports and web site update,Your Council Your Rates pamphlet and other promotions.
100359	General Promotion	20,000	10,200	19,508	55	9,308	492	0	95%	30/06/2009	Purchase of string bags promoting no plastic bags. Biodiversity brochures to compliment fauna friends Bio Box.Production of walking track brochures
100405	Swain Garden	0	0	10,890	0	10,890	-10,890	0			Funds to be reallocated to Lindfield Soldiers Memorial Oval Stormwater harvesting project.
100415	Enviro Trust Glade	0	0	0	9,150	0	0	0	85%	01/06/2008	Construction of creek restoration completed. Contractor engaged to remediate the vegetation on site. Grant project nearing completion and complements PJ 100318.
100504	Catchment Management	245,400	81,000	0	0	-81,000	245,400	65,681	30%	30/06/2009	This line compliments Lofberg catchment storm water harvesting project as well as catchment work around Comenarra Playing field storm water harvesting in Avondale Creek sub catchment- contractors being sort to purchase storm water pit devices.
100590	Comenarra Oval	341,900	123,500	252,172	0	128,672	89,728	22,493	98%	01/06/2008	Storm water bioretention treatment component completed. Awaiting final invoice.
100591	Edenborough Oval	3,000	1,200	0	0	-1,200	3,000	0	100%	30/1108	Stormwater harvesting project completed.
100617	WSUD Stormwater Qty & Quality	80,000	40,200	5,371	0	-34,829	74,629	1,364	10%	30/06/2009	Construction of stormwater remdiation work at the entrance of the Darri Track off Bedford Avenue St Ives. Materials are purchased work is expectd to commence February 2009.The budget will also fund the Kissing Point Road stormwater outlet construction work to compliment the work achieved by the special needs team over 2009.
100620	Water & Catchments Swain Creek	32,000	11,100	11,709	0	609	20,291	11,987	50%	01/06/2008	Weed control in bushland surrounding Swain Gardens. Contract in it's second year and on target.

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Strategy</b>
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**TOTALS >> 23,295,500 12,362,092 5,338,842 182,954 -7,023,250 17,956,658 462,880**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
				Expended	Grants/ Contribs Received				Percent Complete	Completion Date	Project Status
100622	Administration Environ Levy	0	0	93,208	0	93,208	-93,208	0	50%	30/06/2009	Salaries for Enviromental Levy Project Leader and Environmental Engineer. These are to be apportioned across all levy funded capital projects at the end of the financial year.
100716	Sec 94 Plan - Admin	84,600	52,600	70,418	0	17,818	14,182	0		On-going	Staff Member appointed 17-9-07 & on-going.
100782	Open Space Acquisition	0	0	1,454	39,055	1,454	-1,454	0	100%	30/06/2008	Acquisitions completed. Rental income being received.
100787	Cliff Oval	116,800	34,800	0	0	-34,800	116,800	0	10%	30/06/2009	Storm water harvesting complimented by external funds from Federal Governmnet from Environment Water Heritage and the Arts. This project is in design phase and expected to comence in March 2009. Design has been awarded to Henry and Hymas Consultants.
100814	Employment Land Study	0	0	0	0	0	0	0	10%	30/06/2008	Jointly funded project with Hornsby Council and DoP. Report considered and adopted by Council for exhibition- completed. Planning Reform funded
100816	Traffic & Transport Study	90,000	42,500	50,064	0	7,564	39,936	0		01/11/2008	Town centre traffic studies as stage 1 for exhibition purposes. Stage 2 Revisions early 2009
100817	Community Facilities Planning S94 Nexus	0	0	1,297	0	1,297	-1,297	0		30/06/2009	New budget required for 2008-2009 as per Work Programme. The figures here relate to the 2007/2008 budget and should be deleted.
100821	Urban Design Studies	95,000	82,600	81,754	0	-846	13,246	0	10%	30/06/2008	Shortfall offset by Council resolution OMC 2 September 2008- regarding additional funding for planning projects
100822	Simmersion	30,000	15,000	15,953	0	953	14,047	0	100%	31/12/2008	Project work for 3 d modelling due mid November 2008 for exhibition of DLEPTown centres
100824	Economic Feasibility Studies	65,000	25,800	29,425	0	3,625	35,575	0	50%	30/06/2009	Projected shortfall offset by Council resolution OMC 2 September 2008- regarding additional funding for planning projects
100825	Reclassification Project	12,500	10,900	10,273	0	-627	2,227	0		30/06/2008	Report completed carry forwards as per Council resolution OMC 2 September 2008
100826	Development Public Domain Stage 1	111,300	55,800	25,983	0	-29,817	85,317	0	7%	31/03/2009	Consultants selected and undertaking work over spending offset 100% by Section 94 funds
100827	Heritage Items and UCA Review	67,500	33,150	41,457	0	8,307	26,044	0		31/10/2008	Stage 1 Report Town centres further work in 2009 funding as per Council resolution OMC 2 September 2008

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Strategy</b>
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**TOTALS >> 23,295,500 12,362,092 5,338,842 182,954 -7,023,250 17,956,658 462,880**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commitments	PROJECT PERFORMANCE		
				Expended	Grants/Contribs Received				Percent Complete	Completion Date	Project Status
100828	Heritage Assistance Fund	18,000	8,946	455	0	-8,491	17,545	0	5%	31/10/2008	Applications approved by Council- awaiting finalisation of works prior to payment. Funding carry forwards as per Council resolution OMC 2 September 2008
100863	Energy Performance Contract	295,000	0	177,600	0	177,600	117,400	0	10%	01/06/2008	All works undertaken at ten Council sites. A training exercise with Council maintenance staff and a walk-around showcase for senior management and elected Council to be held during the next six weeks.
100865	Rosedale Road St Ives	0	0	-1,613	0	-1,613	1,613	0		21/12/2007	Acquisition completed 21/12/2007. Commonwealth funding \$350,000 received January 2008, additional community pledges to be received
100872	Threatened Species Demonstration Sites Project	4,900	2,400	6,878	3,000	4,478	-1,978	0	80%	01/06/2008	This external fund received from DECC for residential education, weed control, minor erosion and track restoration at Browns Forest.
100873	Proclaim Contributions Add On	22,600	22,600	6,400	0	-16,200	16,200	0		31/12/2008	Carry Forward- Main project commenced with software development and implementation due December 08.
100888	Riparian Improvement Stormwater Treatment	134,900	45,000	30,425	0	-14,575	104,475	79,012	20%	30/06/2009	Initial catchment WSUD works commenced and soon to be completed with Bicentennia park catchment. Stormwater harvesting designs finalised and purchase of materials underway. This external grant will fund catchment based WSUD features to improve environmental condition and compliment the stormwater harvesting system at Lofberg Oval.
100892	Lofberg Quarry Creek Water Quality Imprv	11,400	5,700	0	0	-5,700	11,400	0		30/06/2009	Trash rack construction in planning stage . This will compliment PJ 101245 Lofberg Oval stormwater harvesting project.
100893	Cliff Sports Sustainable Water Mgt	41,800	21,000	0	0	-21,000	41,800	0	5%	30/06/2009	Quotes for design called and expect contractor to be engaged mid January 2009.
101181	Communication - Reputation Survey	30,500	15,000	0	0	-15,000	30,500	0			Not starting until November 2008.
101182	Vegetation Mapping	0	-12,400	0	0	12,400	0	0			Mapping funding as as per Council resolution OMC 2 September 2008
101183	Community Consultation	40,000	11,400	75,114	0	63,714	-35,114	0			Funding as per Council resolution OMC 2 September 2008

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Strategy</b>
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Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
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101184	Consultants - Background Report	50,000	10,200	15,200	0	5,000	34,800	0			Stage 1 of report is completed. Stage 2 will be review of submission by consultant in Jan/Feb 2009
101185	Legal Drafting	20,000	4,800	0	0	-4,800	20,000	0			DLEP reviewed for exhibition. Final legal drafting in Jan/Feb 2009
101186	Catchment Analysis	107,600	54,000	0	0	-54,000	107,600	9,950			Funds used for the designand modellingof various storm water works.
101222	Marian Street Theatre Feasibility Study	118,000	59,000	8,791	0	-50,209	109,209	0			currently preparing development application submission to obtain POPE
101223	Open Space Acquisition	13,582,500	6,791,300	1,740	0	-6,789,560	13,580,760	0			Ongoing costs due to valuations currently being incurred
101224	LOT 1 Water Street	495,000	495,000	400,187	231	-94,813	94,813	3,050			Acquired in July 2008, currently developing landscape plan
101225	23 Duff Street, Turrumurra	820,000	820,000	815,051	8,877	-4,949	4,949	0			Acquisition completed in September 2008. Rental income being obtained until adjoining properties are purchased
101226	31 Bridge Street Pymble - Acquisition	2,300,000	2,300,000	2,323,300	0	23,300	-23,300	0	100%	5/12/2008	Acquisition completed 5/12/08. No further expenditure required.
101227	31 Bridge Street - Renovations	500,000	0	0	0	0	500,000	529			not yet started
101230	Biodiversity Maintenance	41,000	20,400	160	2,586	-20,240	40,840	0		30/06/2009	Additonal funding to supplement bush regeneration and noxious weed control.
101231	Advertising	5,000	2,400	877	0	-1,523	4,123	0	25%	30/06/2009	This project line will compliment an assortment of projects through advertising and promotion.
101232	Signs	21,000	10,800	1,600	0	-9,200	19,400	0	25%	30/06/2009	Interpretation signs for Stormwater harvesting projects.
101233	Kokoda & Kooloona	15,000	7,800	0	0	-7,800	15,000	0	25%	30/06/2009	Bush regeneration trial in asset protection zone
101234	Fire Education	4,000	1,800	0	0	-1,800	4,000	0		30/06/2009	Planning stages for fire education Compliments PJ 100336
101235	Aerial/satelite canopy mapping	331,000	120,300	121,419	0	1,119	209,581	40,038	45%	30/06/2009	\$ 60,000 for mapping threatened plant communities. Additional \$236 000 from bus shelter funds. Mapping in progress and on schedule. This funding follows a resolution of Council in 2008.
101236	Monitoring	14,000	7,200	4,561	0	-2,639	9,439	0	40%	30/06/2009	This will fund water testing of three storm water harvesting projects.
101237	Maintenance	4,000	1,800	0	0	-1,800	4,000	0	5%	30/06/2009	Funds to be directed to maintain walking tracks at Hammond Reserve and Browns Field. Contracts currently under review.



**PROJECT PERFORMANCE  
REPORT to December, 2008**

**Dept: Strategy**


**TOTALS >> 23,295,500 12,362,092 5,338,842 182,954 -7,023,250 17,956,658 462,880**

Project	Description	Annual Budget	YTD Budget	YTD ACTUALS		Variance	Annual Budget Remaining	Commit 'ments	PROJECT PERFORMANCE		
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101238	Paddy Pallin	35,400	12,800	0	0	-12,800	35,400	0	5%	30/06/2009	Walking track up-grade through Paddy Pallin Reserve. Complimenting road upgrade on the dip of Highfield Road Lindfield. Complements PJ 101238.
101239	Little Blue Gum Creek to GNW	20,000	10,200	0	0	-10,200	20,000	24,387	5%	30/06/2009	Project to fund walking track from Little Blue Gum Creek to the Great North Walk in Lane Cove National park. Complements recent grant to construct accessible path. Design nearing completion and expect to award contract February 2009.
101240	Sheldon Forest Walking Track	92,500	14,900	60,608	0	45,708	31,892	0	60%	30/06/2009	Contractor engaged complimented by S94 funds to complete the project
101241	Interface Education	17,000	8,400	3,177	0	-5,224	13,824	0	30%	30/06/2009	Bridge loads limit signs for the fire trail
101242	Gordon Town Centre	117,000	58,800	0	0	-58,800	117,000	0		30/06/2009	Design for new park under preparation. Survey completed.
101243	EEC Riparian Vegetation Management	55,000	27,600	9,554	0	-18,046	45,446	26,114	30%	30/06/2009	Funds used to engage bush regeneration contractors at Bannockburn, Mona Street and Karuah Road bushland sites.
101244	Avondale Creek	20,000	10,200	12,342	0	2,142	7,658	3,172	60%	30/06/2009	Contractors engaged and on target for riparian bush regeneration work in the top section of Avondale Creek
101245	Loftberg Oval	440,400	126,700	0	0	-126,700	440,400	0		01/09/2010	Consultants engaged for detail design. Expect commencement by February. This project is complimented by two external grants \$250 000 NSW Enviro Trust and \$11 363 from Aust govt community water grant.
101254	Open Space Planning	4,000	1,500	0	0	-1,500	4,000	0			2009 funding as per Council resolution OMC 2 September 2008
101255	Dual Occupancy review	10,000	3,100	1,818	0	-1,282	8,182	0			2009 funding as per Council resolution OMC 2 September 2008
101256	KMC Principal LEP	0	-20,600	9,254	0	29,854	-9,254	0		30/06/2009	2009 funding as per Council resolution OMC 2 September 2008
101257	Heritage Planning	0	-9,800	2,400	0	12,200	-2,400	0			Stage 1 Report Town centres further work in 2009 funding as per Council resolution OMC 2 September 2008
101258	Architectural Master Plans	140,000	91,200	82,921	0	-8,279	57,079	0			
101263	Turramurra Railway Pedestrian Overbridge	154,000	0	0	0	0	154,000	0		30/06/2009	funding to be expended June 09

<b>PROJECT PERFORMANCE REPORT to December, 2008</b>	<b>Dept: Strategy</b>
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101267	From waste water to valuable water - St Ives Vegetation Tip	488,600	69,800	0	0	-69,800	488,600	0			
101268	A partnership for sharing alternate water supply - Roseville	112,900	16,100	0	0	-16,100	112,900	23,797	5%	06/02/2009	Contract for dam to tank site irrigation trench allocated. Works scheduled to commence 04/02/09
101269	Water for Life Council Partnership	0	0	2,903	10,000	2,903	-2,903	0	20%	30/03/2009	This external grant is providing funding for Council to promote its water savings initiatives. Advertising is underway utilising banners, Adshells and posters in St Ives shopping centre and Chambers. Information Flyers and free shower timers have been handed out at Warringah Fair and Council's immunisation clinic.
101270	Strategic Asset Management Project Plan	87,800	43,896	1,044	0	-42,852	86,756	0		30/06/2009	Consultants engaged to undertake improvement plan. Future works required based on results of improvement plan.

 <b>Restricted Assets Report Actual as at 31 December 2008</b>								<b>Restricted Assets Report Forecast to 30 June 2009 as at 31 December 2008</b>			
2008/2009	ACTUAL to December							REVISED BUDGET			
Reserve	Balance at 1/7/08	Income	Expenditure	Transfers Between Reserves	Balance	Interest Allocation	Balance at December 2008/2009	Income	Interest	Expended	Balance at 30/6/09
<b>INTERNALLY RESTRICTED RESERVES</b>											
Catchment Management	150,000	0	0		150,000		150,000	0		150,000	0
Contribution To Works	317,170	16,224	29,326		304,068		304,068	0		60,500	256,670
Drainage	29,450	0	0	-29,450	0		0	0		0	0
Infrastructure & Facilities	5,759,078	2,317,407	2,954,016	3,214,180	8,336,649	160,889	8,497,539	20,209,570	424,272	9,666,200	19,940,900
Footpath	279,705	0	0	-279,705	0		0	0		0	0
Golf Course Levy	1,316,170	114,374	0	35,000	1,465,544		1,465,544	237,932		1,223,100	366,002
Golf Course Upgrade	35,000	0	0	-35,000	0		0	0		0	0
Infrastructure Restoration	683,193	0	0	-683,193	0		0	0		0	0
Kindergarten	0	0	0		0		0	0		0	0
Library	0	0	0		0		0	0		0	0
Loan Reduction - WODCB	1,114,960	0	0	-1,114,960	0		0	0		0	0
Natural Environment Reserve	1,919	0	0		1,919		1,919	0		0	1,919
Parking Fund	93,271	0	34,776		58,495		58,495	0		93,271	0
Parking Fund - Lindfield	18,614	0	18,614		0		0	0		18,614	0
Parking Fund - Roseville	36,436	0	36,436		0		0	0		36,436	0
Parking Fund - Ryde Road	286,285	0	286,285		0		0	0		286,285	0
Parking Fund - Wahroonga	161,487	0	161,487		0		0	0		161,487	0
Parks	25,000	0	0		25,000		25,000	0		25,000	0
Plant Replacement	58,779	211,256	200,000		70,035		70,035	350,000		408,800	-21
Playground	50,642	0	0		50,642		50,642	0		50,000	642
Public Reserve Management Fund	0	5,543	0	19,301	24,844		24,844	0		0	19,301
Revenue Fund Carry Forward works	372,400	0	54,241	-26,355	291,804		291,804	0		332,400	13,645
Revolving Energy Fund	20,519	0	0		20,519		20,519	0		0	20,519
Sportsfield Improvement	239,841	0	0	-239,841	0		0	0		0	0
Street Furniture	504,812	0	0	-504,812	0		0	0		0	0
Swimming Pool Reserve	82,245	0	0	26,355	108,600		108,600	0		108,600	0
Tennis Court	252,000	0	0		252,000		252,000	0		0	252,000
Tree Planting	0	0	0		0		0	0		0	0
Bonds & Deposits	650,000	267,130	957,500		-40,370		-40,370	515,000		0	1,165,000
Contingency	213,476	4,829	0		218,305		218,305	8,000		0	221,476
Election	452,700	42,251	30,276		464,675		464,675	70,000		522,700	0
Employee Leave Entitlements	1,509,200	12,512	0		1,521,712		1,521,712	220,730		0	1,729,930
Insurance	163,826	0	0		163,826		163,826	0		0	163,826
St Ives Showground (Remediation)	19,301	0	0	-19,301	0		0	0		0	0
Superannuation Reserve	1,000,000	0	195,000		805,000		805,000	0		0	1,000,000
<b>SUB-TOTAL INTERNAL</b>	<b>15,897,479</b>	<b>2,991,526</b>	<b>4,957,956</b>	<b>362,219</b>	<b>14,293,269</b>	<b>160,889</b>	<b>14,454,157</b>	<b>21,611,232</b>	<b>424,272</b>	<b>13,143,393</b>	<b>25,151,809</b>



# Restricted Assets Report Actual as at 31 December 2008

# Restricted Assets Report Forecast to 30 June 2009 as at 31 December 2008

2008/2009		ACTUAL to December						REVISED BUDGET			
Reserve	Balance at 1/7/08	Income	Expenditure	Transfers Between Reserves	Balance	Interest Allocation	Balance at December 2008/2009	Income	Interest	Expended	Balance at 30/6/09
<b>EXTERNALLY RESTRICTED RESERVES</b>											
<b>Pre 1993 and 1993 Plans</b>											
Community Facilities	43,310	0	0		43,310	989	44,299			0	43,310
Children's Services	17,914	0	0		17,914	409	18,323			0	17,914
Central Library	3,992	0	0		3,992	91	4,083			0	3,992
Child Care facilities	188,678	0	0		188,678	4,307	192,985			0	188,678
Open Space	0	0	0		0	0	0			0	0
KWFG Master Plan	2,509	0	0		2,509	57	2,566			2,500	9
St Ives Showground	1,222	0	0		1,222	28	1,250			1,200	22
Walking Track Embellishment	7,451	0	0		7,451	170	7,621			7,400	51
Bicentennial Park Amenities	2,850	0	0		2,850	65	2,915			2,900	-50
Car Parking	1,152,313	0	0		1,152,313	26,305	1,178,618			0	1,152,313
Car Parking	1,071,030	0	0		1,071,030	24,450	1,095,480			0	1,071,030
Underground Electricity	1,649	0	0		1,649	38	1,687			0	1,649
<b>2000/2003 PLAN</b>											
Child Care Centre Acquisition	470,119	0	0		470,119	10,732	480,851			0	470,119
Acron Rd Child Ctr Upgrade	6,183	0	0		6,183	141	6,324			0	6,183
Purchase Library Bookstock	127	0	0		127	3	130			0	127
Public Art - Council	918	0	0		918	21	939			0	918
Open Space Gordon	0	0	0		0	0	0			0	0
Open Space Killara	382,439	0	0		382,439	8,730	391,169			0	382,439
Open Space Lindfield	3,344,745	0	0		3,344,745	76,354	3,421,099			3,350,000	-5,255
Open Space Pymble	533,673	0	0		533,673	12,183	545,856			0	533,673
Open Space Roseville	86,292	0	0		86,292	1,970	88,262			0	86,292
Open Space St Ives	1,822,954	0	0		1,822,954	41,615	1,864,569			1,900,000	-77,046
Open Space Turramurra	1,012,076	0	46,892		965,184	22,569	987,752			820,000	192,076
Open Space Wahroonga	1,403,822	0	0		1,403,822	32,047	1,435,869			0	1,403,822
Park Upgrade - Koola Park	274,326	0	0		274,326	6,262	280,588			51,300	223,026
N Turra Sportsfield Development	1,713,166	0	1,740		1,711,426	39,088	1,750,514			46,700	1,666,466
New Residents Kit	78	0	0		78	2	80			0	78
New Residents Survey	19,080	0	0		19,080	436	19,516			0	19,080
Study & Interim Plan	0	0	0		0	0	0			0	0
Section 94 Officer	0	0	0		0	0	0			0	0
<b>SEPP 5 PLAN</b>											
Open Space Lindfield	199,707	0	0		199,707	4,559	204,266			0	199,707
Open Space Pymble	222,047	0	0		222,047	5,069	227,116			0	222,047
Open Space St Ives	27,588	0	0		27,588	630	28,218			30,000	-2,412





# Restricted Assets Report Actual as at 31 December 2008

# Restricted Assets Report Forecast to 30 June 2009 as at 31 December 2008

2008/2009		ACTUAL to December						REVISED BUDGET			
Reserve	Balance at 1/7/08	Income	Expenditure	Transfers Between Reserves	Balance	Interest Allocation	Balance at December 2008/2009	Income	Interest	Expended	Balance at 30/6/09
2004-2009 PLAN											
Child Care facilities	3,037,237	336,352	0		3,373,589	73,173	3,446,762			0	3,037,237
Purchase Library Bookstock	93,540	30,931	0		124,471	2,488	126,960			90,000	3,540
Public Art	46,577	9,477	0		56,054	1,171	57,225			0	46,577
Youth Facilities	124,777	15,171	0		139,948	3,022	142,969			0	124,777
Seniors centres / Facilities	85,218	10,509	0		95,727	2,065	97,792			0	85,218
Information Services	56,145	6,802	0		62,947	1,359	64,306			0	56,145
Multipurpose Community Centre	966,282	121,191	0		1,087,473	23,442	1,110,915			0	966,282
Art centre upgrade	172,134	18,894	0		191,028	4,145	195,173			0	172,134
Park Acq/Embellishment - Roseville	489,136	284,854	0		773,990	14,417	788,407			0	489,136
Park Acq/Embellishment - Lindfield	2,422,381	28,617	806,174		1,644,824	46,423	1,691,248			6,342,700	-3,920,319
Park Acq/Embellishment - Killara	5,951,888	754,040	0		6,705,928	144,477	6,850,405			0	5,951,888
Park Acq/Embellishment - Gordon	-4,423,798	0	0		-4,423,798	-100,987	-4,524,785			0	-4,423,798
Park Acq/Embellishment - St Ives	5,692,823	43,671	399,956		5,336,538	125,890	5,462,428			2,044,200	3,648,623
Park Acq/Embellishment - Pymble	1,750,051	63,416	0		1,813,467	40,674	1,854,141			0	1,750,051
Park Acq/Emb-Turra/Warrawee	1,885,077	1,128,589	0		3,013,666	55,914	3,069,581			0	1,885,077
Park Acq/Embellish - Wahroonga	5,168,638	73,629	4,240		5,238,027	118,782	5,356,810			495,000	4,673,638
Park Acquisition / Planning	455,406	48,626	0		504,032	10,951	514,984			0	455,406
Northern Area Embellishment Works	1,449,048	179,849	0		1,628,897	35,132	1,664,029			87,500	1,361,548
Southern Area Embellishment Works	635,205	66,420	0		701,625	15,259	716,883			149,900	485,305
LGA Wide Embellishment Works	1,699,742	207,538	0		1,907,280	41,171	1,948,450			225,000	1,474,742
Sportsground/Park Upgrade	3,267,918	403,399	0		3,671,317	79,205	3,750,522			977,400	2,290,518
N Turra Sportsfield Development	2,056,078	288,967	0		2,345,045	50,235	2,395,279			0	2,056,078
West Pymble Pool	72,909	17,321	0		90,230	1,862	92,092			31,700	41,209
Traffic Management & Safety	39,576	3,330	0		42,906	941	43,847			0	39,576
Pedestrian Works	68,025	8,314	0		76,339	1,648	77,986			0	68,025
Cycleways	30,255	3,698	0		33,953	733	34,685			0	30,255
Public Domain Improvements	366,799	42,466	25,983		383,283	8,561	391,844			111,300	255,499
Traffic Studies	170,864	18,950	0		189,814	4,117	193,931			0	170,864
Study & Interim Plan	0	10,596	0		10,596	121	10,717			0	0
Section 94 Officer	193,973	47,082	76,818		164,237	4,089	168,326			107,200	86,773
TOWN CENTRES PLAN											
Access & Transport Facilities	0	0	0	-362,219	-362,219	-4,134	-366,353	5,290,394	2,203,699	154,000	-516,219
								5,290,394	2,203,699		7,494,093
SUB-TOTAL s94	48,036,162	4,272,700	1,361,803	-362,219	50,584,840	1,125,665	51,710,504	5,290,394	2,203,699	17,027,900	38,140,136
OTHER RESERVES											
Environmental Levy	233,505	1,958,174	963,281		1,228,398		1,228,398	1,967,175		2,121,900	78,780
Infrastructure Levy	0	1,914,842	0		1,914,842		1,914,842	1,923,651		1,924,400	-749
Unexpended Grants	923,034	1,073,157	101,805		1,894,386		1,894,386	0		886,300	36,734
Domestic Waste	2,475,361	6,372,133	5,667,797		3,179,697		3,179,697	0		606,500	1,868,861
SUB-TOTAL OTHER EXTERNAL	3,631,900	11,318,305	6,732,882	0	8,217,323	0	8,217,323	3,890,826	0	5,539,100	1,983,626
TOTAL RESERVES											
	67,565,541	18,582,531	13,052,641	0	73,095,431	1,286,554	74,381,984	30,792,452	2,627,971	35,710,393	65,275,571

# Summary of Budget Adjustments

ATTACHMENT C

Department	Additional Expense	Additional Revenue
	\$	\$
<b>COMMUNITY</b>		
- operational	(203,100)	(247,500)
- capital projects	67,800	157,800
<b>Sub Total</b>	<b>(135,300)</b>	<b>(89,700)</b>
<b>STRATEGY</b>		
- operational	0	106,000
- capital projects	0	150,000
<b>Sub Total</b>	<b>0</b>	<b>256,000</b>
<b>OPERATIONS</b>		
- operational	(79,700)	15,000
- capital projects	113,000	116,700
<b>Sub Total</b>	<b>33,300</b>	<b>131,700</b>
<b>CIVIC</b>		
- operational	(47,200)	0
- capital projects	0	0
<b>Sub Total</b>	<b>(47,200)</b>	<b>0</b>
<b>CORPORATE</b>		
- operational	(52,000)	(528,800)
- capital projects	0	0
<b>Sub Total</b>	<b>(52,000)</b>	<b>(528,800)</b>
<b>DEVELOPMENT &amp; REGULATION</b>		
- operational	(618,900)	(468,000)
- capital projects	0	0
<b>Sub Total</b>	<b>(618,900)</b>	<b>(468,000)</b>
<b>WASTE MANAGEMENT</b>		
- operational	0	0
- capital projects	0	0
<b>Sub Total</b>	<b>0</b>	<b>0</b>
<b>Total Council Budget Adjustments</b>	<b>(820,100)</b>	<b>(698,800)</b>
<b>NET EXPENDITURE</b>	<b>(121,300)</b>	

## CAPITAL WORKS

	Project Number	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
PJ	1008011260000	\$40,000	\$3,000	(\$37,000)		As per Footpaths summary comments within December Review report.
PJ	1008014631000	\$40,000	\$3,000		(\$37,000)	As per Footpaths summary comments within December Review report.
PJ	1008021260000	\$16,500	\$60,000	\$43,500		As per Footpaths summary comments within December Review report.
PJ	1008024631000	\$16,500	\$60,000		\$43,500	As per Footpaths summary comments within December Review report.
PJ	10112312600000	\$75,100	\$7,000	(\$68,100)		As per Footpaths summary comments within December Review report.
PJ	10112346310000	\$75,100	\$7,000		(\$68,100)	As per Footpaths summary comments within December Review report.
PJ	10112512600000	\$90,000	\$20,000	(\$70,000)		As per Footpaths summary comments within December Review report.
PJ	10112546310000	\$90,000	\$20,000		(\$70,000)	As per Footpaths summary comments within December Review report.
PJ	10112712600000	\$17,900	\$24,000	\$6,100		As per Footpaths summary comments within December Review report.
PJ	10112746310000	\$17,900	\$24,000		\$6,100	As per Footpaths summary comments within December Review report.
PJ	10112812600000	\$12,400	\$14,000	\$1,600		As per Footpaths summary comments within December Review report.
PJ	10112846310000	\$12,400	\$14,000		\$1,600	As per Footpaths summary comments within December Review report.
PJ	10112912600000	\$69,900	\$73,000	\$3,100		As per Footpaths summary comments within December Review report.
PJ	10112946310000	\$69,900	\$73,000		\$3,100	As per Footpaths summary comments within December Review report.
PJ	10113012600000	\$35,500	\$37,100	\$1,600		As per Footpaths summary comments within December Review report.
PJ	10113046310000	\$35,500	\$37,100		\$1,600	As per Footpaths summary comments within December Review report.



## CAPITAL WORKS

	Project Number	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
PJ	10113112600000	\$10,800	\$0	(\$10,800)		As per Footpaths summary comments within December Review report.
PJ	10113146310000	\$10,800	\$0		(\$10,800)	As per Footpaths summary comments within December Review report.
PJ	10113212600000	\$0	\$230,000	\$230,000		As per Footpaths summary comments within December Review report.
PJ	10113246310000	\$0	\$130,000		\$130,000	As per Footpaths summary comments within December Review report.
PJ	10113223500000	\$0	\$100,000		\$100,000	As per Footpaths summary comments within December Review report.
PJ	10114212600000	\$51,300	\$53,000	\$1,700		As per Traffic Facilities summary comments within December Review report.
PJ	10114312600000	\$51,300	\$52,900	\$1,600		As per Traffic Facilities summary comments within December Review report.
PJ	10114112600000	\$51,300	\$0	(\$51,300)		As per Traffic Facilities summary comments within December Review report.
PJ	10114412600000	\$0	\$20,000	\$20,000		As per Traffic Facilities summary comments within December Review report.
PJ	10114612600000	\$0	\$26,000	\$26,000		As per Traffic Facilities summary comments within December Review report.
PJ	10114623500000	\$0	\$13,000		\$13,000	As per Traffic Facilities summary comments within December Review report.
PJ	10114512600000	\$0	\$15,000	\$15,000		As per Traffic Facilities summary comments within December Review report.
PJ	10110846230000	\$0	\$1,200		\$1,200	To fund part of project utilising pre 1993 Sec 94 funds.
PJ	10056646230000	\$0	\$7,400		\$7,400	To fund part of project utilising pre 1993 Sec 94 funds.
PJ	10056646310000	\$85,500	\$78,100		(\$7,400)	To reduce funding of facilities reserve in lieu of pre 1993 sec 94 funds.
PJ	10110346230000	\$0	\$2,900		\$2,900	To fund part of project utilising pre 1993 Sec 94 funds.



## CAPITAL WORKS

	Project Number	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
PJ	10110346310000	\$50,000	\$47,100		(\$2,900)	To reduce funding of facilities reserve in lieu of pre 1993 sec 94 funds.
PJ	10109846230000	\$0	\$2,500		\$2,500	To fund part of project utilising pre 1993 Sec 94 funds.
PJ	10050446350000	\$0	\$150,000		\$150,000	To fund part of the catchment management project by the catchment management reserve.
PJ	10121646230000	\$0	\$90,000	\$0	\$90,000	To fund part of Acquisition of books project utilising pre 1993 Sec 94 funds.
PJ	10088112600000	\$3,000	\$30,800	\$27,800		Increase contractors budget for technology project funded by state grant.
PJ	10088123500000	\$0	\$27,800		\$27,800	Increase income budget for technology project funded by state grant.
PJ	10088212600000	\$30,800	\$50,800	\$20,000		Increase contractors budget for library building project funded by state grant.
PJ	10088223500000	\$0	\$20,000		\$20,000	Increase income budget for library building project funded by state grant.
PJ	10088312600000	\$12,900	\$32,900	\$20,000		Increase contractors budget for library promotion project funded by state grant.
PJ	10088323500000	\$0	\$20,000		\$20,000	Increase income budget for library promotion project funded by state grant.
Total Adjustment Requested				\$180,800	\$424,500	
NET ADJUSTMENT TO DEPARTMENTS BUDGET					\$243,700	



# Department Report: Civic

ATTACHMENT D

Financial Year: 2008/09

Review: Q2-09(DEC)

Month: December

Year To Date to December

Budget Change [%] 2.9%

RESULTS BY RESPONSIBILITY CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance
Councillor Support	68,555	49,034	368,240	289,604	-78,636	1,305	582,700		
Executive Support	69,169	88,413	494,329	531,278	36,949	23	1,060,300		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>137,724</b>	<b>137,447</b>	<b>862,569</b>	<b>820,882</b>	<b>[41,687]</b>	<b>1,327</b>	<b>1,643,000</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

Other Revenue	0	0	2	0	-2		0	0	0	0
<b>TOTAL REVENUE</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>[2]</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Employee Costs	80,676	82,600	456,963	495,600	38,637		0	989,000	936,800	-52,200
Materials & Contracts	11,726	13,110	129,204	78,660	-50,544		1,027	157,300	162,300	5,000
Operating Expense	33,002	29,117	189,860	170,902	-18,958		300	345,200	345,200	0
<b>TOTAL OPERATING EXPENSE</b>	<b>125,403</b>	<b>124,827</b>	<b>776,027</b>	<b>745,162</b>	<b>[30,865]</b>		<b>1,327</b>	<b>1,491,500</b>	<b>1,444,300</b>	<b>[47,200]</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(125,403)</b>	<b>(124,827)</b>	<b>(776,025)</b>	<b>(745,162)</b>	<b>30,863</b>		<b>(1,327)</b>	<b>(1,491,500)</b>	<b>(1,444,300)</b>	<b>47,200</b>
Depreciation	71	70	395	420	25		0	900	900	0
Internal Services	12,250	12,550	86,149	75,300	-10,849		0	150,600	150,600	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(12,321)</b>	<b>(12,620)</b>	<b>(86,544)</b>	<b>(75,720)</b>	<b>10,824</b>		<b>0</b>	<b>(151,500)</b>	<b>(151,500)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(137,724)</b>	<b>(137,447)</b>	<b>(862,569)</b>	<b>(820,882)</b>	<b>41,687</b>		<b>(1,327)</b>	<b>(1,643,000)</b>	<b>(1,595,800)</b>	<b>47,200</b>



# Responsibility Centre Report: Councillor Support

☒☒

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) -0.9%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1000 - Councillor Support	68,555	49,034	368,240	289,604	-78,636	☒	1,305	582,700		
NET EXPENDITURE / (REVENUE)	68,555	49,034	368,240	289,604	(78,636)	☒	1,305	582,700		

## NET OPERATING RESULT BY RESOURCE GROUPS

Other Revenue	0	0	2	0	-2	☐	0	0	0	0
TOTAL REVENUE	0	0	2	0	(2)	☐	0	0	0	0
Employee Costs	10,562	12,000	65,916	72,000	6,084	☒	0	143,300	143,300	0
Materials & Contracts	22,068	2,267	87,789	13,602	-74,187	☒	1,005	27,200	32,200	5,000
Operating Expense	26,725	25,567	158,261	148,802	-9,459	☒	300	301,800	301,800	0
TOTAL OPERATING EXPENSE	59,355	39,834	311,966	234,404	(77,562)	☒	1,305	472,300	477,300	5,000
Surplus/ (Deficit) - Direct Control	(59,355)	(39,834)	(311,965)	(234,404)	77,561	☒	(1,305)	(472,300)	(477,300)	(5,000)
Internal Services	9,200	9,200	56,276	55,200	-1,076	☒	0	110,400	110,400	0
Surplus/(Deficit) -Indirect Control	(9,200)	(9,200)	(56,276)	(55,200)	1,076	☒	0	(110,400)	(110,400)	0
NET SURPLUS/ (DEFICIT)	(68,555)	(49,034)	(368,240)	(289,604)	78,636	☒	(1,305)	(582,700)	(587,700)	(5,000)

Overrun due to legal costs incurred for Code of Conduct matter which is on-going. Budget not revised pending outcome of the matter.



# Responsibility Centre Report: Executive Support

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 4.9%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1050 - Executive Support	74,411	59,997	374,117	359,982	-14,135	<input checked="" type="checkbox"/>	0	718,900		
1055 - Ombudsman Service	12,496	20,083	68,416	121,298	52,882	<input checked="" type="checkbox"/>	23	241,400		
1060 - Ku-ring-gai Council Planning Panel	-17,738	8,333	51,796	49,998	-1,798	<input checked="" type="checkbox"/>	0	100,000		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>69,169</b>	<b>88,413</b>	<b>494,329</b>	<b>531,278</b>	<b>36,949</b>	<input checked="" type="checkbox"/>	<b>23</b>	<b>1,060,300</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

Employee Costs	70,113	70,600	391,047	423,600	32,553	<input checked="" type="checkbox"/>	0	845,700	793,500	-52,200	Underrun due to staff vacancy - Internal Ombudsman Position which has now been filled. Underrun due to invoices from the Dept of Planning for Ku-ring-gai Planning Panel members' remuneration not being received.
Materials & Contracts	-10,342	10,843	41,415	65,058	23,643	<input checked="" type="checkbox"/>	23	130,100	130,100	0	
Operating Expense	6,277	3,550	31,599	22,100	-9,499	<input checked="" type="checkbox"/>	0	43,400	43,400	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>66,048</b>	<b>84,993</b>	<b>464,061</b>	<b>510,758</b>	<b>46,697</b>	<input checked="" type="checkbox"/>	<b>23</b>	<b>1,019,200</b>	<b>967,000</b>	<b>(52,200)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(66,048)</b>	<b>(84,993)</b>	<b>(464,061)</b>	<b>(510,758)</b>	<b>(46,697)</b>	<input checked="" type="checkbox"/>	<b>(23)</b>	<b>(1,019,200)</b>	<b>(967,000)</b>	<b>52,200</b>	
Depreciation	71	70	395	420	25	<input type="checkbox"/>	0	900	900	0	
Internal Services	3,050	3,350	29,874	20,100	-9,774	<input checked="" type="checkbox"/>	0	40,200	40,200	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(3,121)</b>	<b>(3,420)</b>	<b>(30,268)</b>	<b>(20,520)</b>	<b>9,748</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(41,100)</b>	<b>(41,100)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(69,169)</b>	<b>(88,413)</b>	<b>(494,329)</b>	<b>(531,278)</b>	<b>(36,949)</b>	<input checked="" type="checkbox"/>	<b>(23)</b>	<b>(1,060,300)</b>	<b>(1,008,100)</b>	<b>52,200</b>	



# Department Report: Corporate

Financial Year: 2008/09

Review: Q2-09(DEC)

RESULTS BY RESPONSIBILITY CENTRE	Month: December		Year To Date to December			Comit'mts	Budget Change [%]		
	Actual	Budget	Actual	Budget	Variance		Full Year Budget	30th June Forecast	Variance
Council Services	21,605	25,800	140,523	154,800	14,277	305	308,100		
Corporate Accounts	-751,998	-116,108	-50,950,978	-48,961,848	1,989,130	5,540	-59,927,600		
Financial Management	90,489	83,683	667,521	620,098	-47,423	1,143	1,119,100		
Human Resource Management	81,240	118,700	623,216	740,000	116,784	42,635	1,465,500		
Information Tech	131,927	169,375	1,106,568	1,016,250	-90,318	34,309	2,032,400		
Insurance & Risk	14,473	11,708	649,395	734,348	84,953	0	803,400		
Land Information	8,444	-2,275	14,924	-13,650	-28,574	0	-28,500		
Mgmt Sup Fin & Bus	31,611	23,341	137,068	140,046	2,978	258	278,800		
Print Room	-8,836	2,383	-41,270	14,298	55,568	-6,621	28,500		
Records	46,482	59,424	358,868	356,544	-2,324	2,032	712,200		
Supply	24,206	38,300	217,429	229,800	12,371	619	456,600		

NET EXPENDITURE / [REVENUE]	(310,359)	414,331	(47,076,737)	(44,969,314)	2,107,423	80,218	(52,751,500)		
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## NET OPERATING RESULT BY RESOURCE GROUPS

Rates	-4,656	0	40,822,480	40,996,000	173,520	0	40,996,000	40,876,100	-119,900
Environmental Levy	-235	0	2,106,176	2,111,000	4,824	0	2,111,000	2,112,000	1,000
Infrastructure Levy	-230	0	2,059,604	2,065,400	5,796	0	2,065,400	2,066,400	1,000
Pension Rebates	-1,079	0	-941,352	-925,000	16,352	0	-925,000	-953,000	-28,000
Annual Charges (DWM)	-50	0	906,871	880,000	-26,871	0	880,000	907,000	27,000
User Fees	17,954	35,501	168,516	185,006	16,490	0	483,000	408,000	-75,000
Interest	255,341	326,100	1,326,092	1,956,600	630,508	0	3,913,200	3,551,000	-362,200
Other Revenue	13,529	16,992	193,693	153,452	-40,241	0	260,300	272,600	12,300
Grants	0	0	1,766,581	1,747,800	-18,781	0	3,195,600	3,210,600	15,000
<b>TOTAL REVENUE</b>	<b>280,574</b>	<b>378,593</b>	<b>48,408,660</b>	<b>49,170,258</b>	<b>761,598</b>	<b>0</b>	<b>52,979,500</b>	<b>52,450,700</b>	<b>(528,800)</b>
Employee Costs	205,520	342,375	1,884,829	2,082,050	197,221	26,579	4,307,000	4,282,000	-25,000
Materials & Contracts	97,840	119,458	683,963	687,548	3,585	42,697	1,335,200	1,315,200	-20,000
Operating Expense	118,420	169,800	1,777,404	1,756,900	-20,504	37,680	2,667,100	2,631,100	-36,000
Statutory Levies	0	528,900	1,330,893	1,860,900	530,007	0	2,389,800	2,389,800	0
Interest Expense	50,931	49,200	319,391	314,400	-4,991	0	574,200	603,200	29,000
Capital Costs	0	0	429	0	-429	0	0	0	0
<b>TOTAL OPERATING EXPENSE</b>	<b>472,711</b>	<b>1,209,733</b>	<b>5,996,908</b>	<b>6,701,798</b>	<b>704,890</b>	<b>106,956</b>	<b>11,273,300</b>	<b>11,221,300</b>	<b>(52,000)</b>

<b>Surplus/ (Deficit) - Direct Control</b>	<b>(192,137)</b>	<b>(831,140)</b>	<b>42,411,752</b>	<b>42,468,460</b>	<b>56,708</b>	<b>(106,956)</b>	<b>41,706,200</b>	<b>41,229,400</b>	<b>(476,800)</b>
s94 Contributions	-437,169	-357,525	-4,272,700	-2,145,150	2,127,550	0	-4,290,300	-5,290,300	-1,000,000
Profit on Asset Sales	3,210	0	6,628	0	-6,628	0	-6,045,600	-6,045,600	0
Depreciation	8,690	6,890	48,083	41,340	-6,743	0	84,400	84,400	0
Internal Services	-77,228	-66,174	-446,996	-397,044	49,952	-26,738	-793,800	-793,800	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>502,497</b>	<b>416,809</b>	<b>4,664,985</b>	<b>2,500,854</b>	<b>(2,164,131)</b>	<b>26,738</b>	<b>11,045,300</b>	<b>12,045,300</b>	<b>1,000,000</b>

<b>NET SURPLUS/ (DEFICIT)</b>	<b>310,359</b>	<b>(414,331)</b>	<b>47,076,737</b>	<b>44,969,314</b>	<b>(2,107,423)</b>	<b>(80,218)</b>	<b>52,751,500</b>	<b>53,274,700</b>	<b>523,200</b>
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# Responsibility Centre Report: Council Services

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 0.0%

Month: December

Year To Date to December

## OPERATING BUDGET PERFORMANCE

RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2101 - Governance	21,605	25,800	140,523	154,800	14,277	<input checked="" type="checkbox"/>	305	308,100		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>21,605</b>	<b>25,800</b>	<b>140,523</b>	<b>154,800</b>	<b>14,277</b>	<input checked="" type="checkbox"/>	<b>305</b>	<b>308,100</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	95	67	1,409	402	-1,007	<input checked="" type="checkbox"/>	0	800	800	0	
<b>TOTAL REVENUE</b>	<b>95</b>	<b>67</b>	<b>1,409</b>	<b>402</b>	<b>[1,007]</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>800</b>	<b>800</b>	<b>0</b>	
Employee Costs	12,375	22,700	98,499	136,200	37,701	<input checked="" type="checkbox"/>	0	270,900	270,900	0	
Materials & Contracts	6,840	800	28,237	4,800	-23,437	<input checked="" type="checkbox"/>	305	9,600	9,600	0	
Operating Expense	1,218	842	6,336	5,052	-1,284	<input checked="" type="checkbox"/>	0	10,100	10,100	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>20,433</b>	<b>24,342</b>	<b>133,073</b>	<b>146,052</b>	<b>12,979</b>	<input checked="" type="checkbox"/>	<b>305</b>	<b>290,600</b>	<b>290,600</b>	<b>0</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>[20,338]</b>	<b>[24,275]</b>	<b>[131,664]</b>	<b>[145,650]</b>	<b>[13,986]</b>	<input checked="" type="checkbox"/>	<b>[305]</b>	<b>[289,800]</b>	<b>[289,800]</b>	<b>0</b>	
Internal Services	1,267	1,525	8,859	9,150	291	<input type="checkbox"/>	0	18,300	18,300	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>[1,267]</b>	<b>[1,525]</b>	<b>[8,859]</b>	<b>[9,150]</b>	<b>[291]</b>	<input type="checkbox"/>	<b>0</b>	<b>[18,300]</b>	<b>[18,300]</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>[21,605]</b>	<b>[25,800]</b>	<b>[140,523]</b>	<b>[154,800]</b>	<b>[14,277]</b>	<input checked="" type="checkbox"/>	<b>[305]</b>	<b>[308,100]</b>	<b>[308,100]</b>	<b>0</b>	

Underrun due to staff vacancy. Partly offset by the use of a consultant.  
Consultants costs overrun offset by savings in employee costs



# Responsibility Centre Report: Corporate Accounts

Review: Q2-09(DEC)

Budget Change (%) -0.8%

		Financial Year: 2008/09								OPERATING BUDGET PERFORMANCE	
		Month: December		Year To Date to December						30th June Forecast	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget				
2050 - Corporate Accounts	-314,830	-103,383	-47,428,845	-47,572,998	-144,153	5,540	-55,817,900				
2075 - Statutory Levies	0	528,900	1,330,893	1,860,900	530,007	0	2,389,800				
9000 - Section 94	0	-541,625	-580,327	-3,249,750	-2,669,423	0	-6,499,500				
9001 - 2004-09 Sec 94 Plan	-437,169	0	-4,272,700	0	4,272,700	0	0				
<b>NET EXPENDITURE / (REVENUE)</b>	<b>(751,998)</b>	<b>(116,108)</b>	<b>(50,950,978)</b>	<b>(48,961,848)</b>	<b>1,989,130</b>	<b>5,540</b>	<b>(59,927,600)</b>				

## NET OPERATING RESULT BY RESOURCE GROUPS

Rates	-4,656	0	40,822,480	40,996,000	173,520	0	40,996,000	40,876,100	-119,900	Decrease in rates income due to decrease in growth. Original budget over estimated.
Environmental Levy	-235	0	2,106,176	2,111,000	4,824	0	2,111,000	2,112,000	1,000	Increase in Environmental Levy income.
Infrastructure Levy	-230	0	2,059,604	2,065,400	5,796	0	2,065,400	2,066,400	1,000	Increase in Infrastructure Levy income.
Pension Rebates	-1,079	0	-941,352	-925,000	16,352	0	-925,000	-953,000	-28,000	Increase in Pensioner Rebates.
Annual Charges (DWM)	-50	0	906,871	880,000	-26,871	0	880,000	907,000	27,000	Additional Stormwater Levy income.
User Fees	0	0	-27,820	-28,000	-180	0	57,000	57,000	0	
Interest	255,341	326,100	1,326,092	1,956,600	630,508	0	3,913,200	3,551,000	-362,200	Net decrease in interest on investments income.
Other Revenue	10,836	10,967	52,384	59,302	6,918	0	130,000	130,000	0	
Grants	0	0	1,766,581	1,747,800	-18,781	0	3,195,600	3,210,600	15,000	Increase in Pensioner Rates Subsidy.
<b>TOTAL REVENUE</b>	<b>259,927</b>	<b>337,067</b>	<b>48,071,015</b>	<b>48,863,102</b>	<b>792,087</b>	<b>0</b>	<b>52,423,200</b>	<b>51,957,100</b>	<b>(466,100)</b>	
Employee Costs	-92,137	0	-90,299	0	90,299	0	171,300	171,300	0	Actual to be journalled to balance sheet for labour on-cost monitoring.
Materials & Contracts	12,100	19,700	23,439	31,000	7,561	0	80,000	80,000	0	
Operating Expense	37,310	47,001	200,512	238,006	37,494	5,540	412,000	442,000	30,000	Increase in budget for Interest Expense relating to Bond refunds (\$30K). Actual YTD under due to Bad & Doubtful Debts End of Year Journal not yet processed and Dec 08 Bank Fees costed to Jan 09. Invoice for Board of Fire Commissioners paid in January 09 and awaiting final invoice.
Statutory Levies	0	528,900	1,330,893	1,860,900	530,007	0	2,389,800	2,389,800	0	
Interest Expense	50,931	49,200	319,391	314,400	-4,991	0	574,200	603,200	29,000	Additional loan interest expense.
<b>TOTAL OPERATING EXPENSE</b>	<b>8,205</b>	<b>644,801</b>	<b>1,783,936</b>	<b>2,444,306</b>	<b>660,370</b>	<b>5,540</b>	<b>3,627,300</b>	<b>3,686,300</b>	<b>59,000</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>251,723</b>	<b>(307,734)</b>	<b>46,287,079</b>	<b>46,418,796</b>	<b>131,717</b>	<b>(5,540)</b>	<b>48,795,900</b>	<b>48,270,800</b>	<b>(525,100)</b>	
s94 Contributions	-437,169	-357,525	-4,272,700	-2,145,150	2,127,550	0	-4,290,300	-5,290,300	-1,000,000	Increase in 2004-09 Sect. 94 Income.
Profit on Asset Sales	3,210	0	6,628	0	-6,628	0	-6,045,600	-6,045,600	0	
Internal Services	-66,317	-66,317	-397,828	-397,902	-74	0	-795,800	-795,800	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>500,276</b>	<b>423,842</b>	<b>4,663,899</b>	<b>2,543,052</b>	<b>(2,120,847)</b>	<b>0</b>	<b>11,131,700</b>	<b>12,131,700</b>	<b>1,000,000</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>751,998</b>	<b>116,108</b>	<b>50,950,978</b>	<b>48,961,848</b>	<b>(1,989,130)</b>	<b>(5,540)</b>	<b>59,927,600</b>	<b>60,402,500</b>	<b>474,900</b>	



# Responsibility Centre Report: Financial Management

Review: Q2-09(DEC)

Budget Change (%) -3.8%

Kuring-gai Council		Month: December		Year To Date to December					OPERATING BUDGET PERFORMANCE		
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action	
2150 - Financial Management	65,082	58,533	386,966	351,198	-35,768	509	700,300				
2151 - Rates & Debtors	25,407	25,150	280,555	268,900	-11,655	635	418,800				
NET EXPENDITURE / (REVENUE)	90,489	83,683	667,521	620,098	(47,423)	1,143	1,119,100				
NET OPERATING RESULT BY RESOURCE GROUPS											
User Fees	7,320	11,667	58,560	70,002	11,442	0	140,000	120,000	-20,000	Sect. 160 Certificates income decrease due to current market conditions.	
Other Revenue	-1,845	1,000	54,893	64,000	9,107	0	70,000	70,000	0		
TOTAL REVENUE	5,475	12,667	113,453	134,002	20,549	0	210,000	190,000	(20,000)		
Employee Costs	79,487	79,483	433,096	476,898	43,802	0	950,700	907,100	-43,600	Underrun due to staff vacancies. Offset by consultant cost. Ovrrun due to the use of consultants - partly offset by underrun in employee costs.	
Materials & Contracts	11,031	2,501	135,352	73,006	-62,346	70	88,000	154,000	66,000		
Operating Expense	1,050	10,299	185,937	179,794	-6,143	0	241,600	241,600	0		
TOTAL OPERATING EXPENSE	91,569	92,283	754,385	729,698	(24,687)	70	1,280,300	1,302,700	22,400		
Surplus/ (Deficit) - Direct Control	(86,094)	(79,616)	(640,932)	(595,696)	45,236	(70)	(1,070,300)	(1,112,700)	(42,400)		
Internal Services	4,395	4,067	26,589	24,402	-2,187	1,073	48,800	48,800	0		
Surplus/(Deficit) -Indirect Control	(4,395)	(4,067)	(26,589)	(24,402)	2,187	(1,073)	(48,800)	(48,800)	0		
NET SURPLUS/ (DEFICIT)	(90,489)	(83,683)	(667,521)	(620,098)	47,423	(1,143)	(1,119,100)	(1,161,500)	(42,400)		





# Responsibility Centre Report: Human Resource Management

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Review: Q2-09(DEC)

Budget Change (%) 7.9%

Financial Year: 2008/09

Month: December

Year To Date to December

## OPERATING BUDGET PERFORMANCE

RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1100 - Occupational, Health and Safety	6,763	16,684	62,879	83,404	20,525	<input checked="" type="checkbox"/>	0	184,200		
1101 - Payroll Processing	11,006	13,324	90,335	79,944	-10,391	<input checked="" type="checkbox"/>	0	159,000		
1102 - Staff Training and Development	20,588	25,684	128,152	154,104	25,952	<input checked="" type="checkbox"/>	32,147	308,200		
1103 - Workforce Management	42,883	63,008	341,850	422,548	80,698	<input checked="" type="checkbox"/>	10,488	814,100		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>81,240</b>	<b>118,700</b>	<b>623,216</b>	<b>740,000</b>	<b>116,784</b>	<input checked="" type="checkbox"/>	<b>42,635</b>	<b>1,465,500</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	0	417	30,264	2,502	-27,762	<input checked="" type="checkbox"/>	0	5,000	30,000	25,000	Additional rebate received for completion of traineeships from 07/08. Budget increased by \$25K as a result. Increased income by \$26K due to additional income received for the sale of corporate uniforms.
Other Revenue	4,424	0	26,008	0	-26,008	<input checked="" type="checkbox"/>	0	0	26,100	26,100	
<b>TOTAL REVENUE</b>	<b>4,424</b>	<b>417</b>	<b>56,273</b>	<b>2,502</b>	<b>(53,771)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>5,000</b>	<b>56,100</b>	<b>51,100</b>	
Employee Costs	51,554	73,125	465,417	466,550	1,133	<input checked="" type="checkbox"/>	26,579	918,600	969,600	51,000	An additional funds required for Council's corporate uniforms, partly offset by additional income. There have also been vacancies within Workforce Management cost centre resulting of salary savings of \$10K. Reduced budget by \$56K is predominately due to savings in legal fees and consultants within workforce management. Underrun due to savings in recruitment advertising costs. This is mainly due to changed formatting to make advertisements more cost effective and less adverts being placed. The budget has been reduced by \$60K.
Materials & Contracts	4,541	13,200	72,557	79,200	6,643	<input checked="" type="checkbox"/>	291	158,400	102,400	-56,000	
Operating Expense	27,119	29,383	125,627	176,298	50,671	<input checked="" type="checkbox"/>	15,765	352,600	292,600	-60,000	
<b>TOTAL OPERATING EXPENSE</b>	<b>83,214</b>	<b>115,708</b>	<b>663,601</b>	<b>722,048</b>	<b>58,447</b>	<input checked="" type="checkbox"/>	<b>42,635</b>	<b>1,429,600</b>	<b>1,364,600</b>	<b>(65,000)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(78,790)</b>	<b>(115,291)</b>	<b>(607,329)</b>	<b>(719,546)</b>	<b>(112,217)</b>	<input checked="" type="checkbox"/>	<b>(42,635)</b>	<b>(1,424,600)</b>	<b>(1,308,500)</b>	<b>116,100</b>	
Internal Services	2,450	3,409	15,887	20,454	4,567	<input checked="" type="checkbox"/>	0	40,900	40,900	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(2,450)</b>	<b>(3,409)</b>	<b>(15,887)</b>	<b>(20,454)</b>	<b>(4,567)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(40,900)</b>	<b>(40,900)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(81,240)</b>	<b>(118,700)</b>	<b>(623,216)</b>	<b>(740,000)</b>	<b>(116,784)</b>	<input checked="" type="checkbox"/>	<b>(42,635)</b>	<b>(1,465,500)</b>	<b>(1,349,400)</b>	<b>116,100</b>	



# Responsibility Centre Report: Information Tech

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) -0.2%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2325 - IT Support	131,927	169,375	1,106,568	1,016,250	-90,318	<input checked="" type="checkbox"/>	34,309	2,032,400		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>131,927</b>	<b>169,375</b>	<b>1,106,568</b>	<b>1,016,250</b>	<b>(90,318)</b>	<input checked="" type="checkbox"/>	<b>34,309</b>	<b>2,032,400</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

Other Revenue	0	0	2,400	0	-2,400	<input checked="" type="checkbox"/>	0	0	0	0
<b>TOTAL REVENUE</b>	<b>0</b>	<b>0</b>	<b>2,400</b>	<b>0</b>	<b>(2,400)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Employee Costs	35,911	37,100	227,602	222,600	-5,002	<input checked="" type="checkbox"/>	0	444,600	444,600	0
Materials & Contracts	49,992	66,074	312,665	396,444	83,779	<input checked="" type="checkbox"/>	19,964	793,000	763,000	-30,000
Operating Expense	35,301	57,209	508,185	343,254	-164,931	<input checked="" type="checkbox"/>	14,344	685,900	719,900	34,000
<b>TOTAL OPERATING EXPENSE</b>	<b>121,204</b>	<b>160,383</b>	<b>1,048,451</b>	<b>962,298</b>	<b>(86,153)</b>	<input checked="" type="checkbox"/>	<b>34,309</b>	<b>1,923,500</b>	<b>1,927,500</b>	<b>4,000</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(121,204)</b>	<b>(160,383)</b>	<b>(1,046,051)</b>	<b>(962,298)</b>	<b>83,753</b>	<input checked="" type="checkbox"/>	<b>(34,309)</b>	<b>(1,923,500)</b>	<b>(1,927,500)</b>	<b>(4,000)</b>
Depreciation	8,131	6,400	44,967	38,400	-6,567	<input checked="" type="checkbox"/>	0	77,800	77,800	0
Internal Services	2,592	2,592	15,550	15,552	2	<input type="checkbox"/>	0	31,100	31,100	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(10,723)</b>	<b>(8,992)</b>	<b>(60,517)</b>	<b>(53,952)</b>	<b>6,565</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(108,900)</b>	<b>(108,900)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(131,927)</b>	<b>(169,375)</b>	<b>(1,106,568)</b>	<b>(1,016,250)</b>	<b>90,318</b>	<input checked="" type="checkbox"/>	<b>(34,309)</b>	<b>(2,032,400)</b>	<b>(2,036,400)</b>	<b>(4,000)</b>

Budget phasing issue due to lease and hardware maintenance payments being made quarterly and yearly. Budget also reduced by \$30K to offset overruns in telecommunications costs. Budget phasing issues for computer licence fees, it is anticipated that the budget will be met. Overruns in telecommunication costs due to the need to retain some Telstra services which will be offset by savings on communication links and hardware maint.



# Responsibility Centre Report: Insurance & Risk

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 3.3%

		Month: December		Year To Date to December					OPERATING BUDGET PERFORMANCE		
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action	
2000 - Insurance and Risk	14,473	11,708	649,395	734,348	84,953	<input checked="" type="checkbox"/>	0	803,400			
NET EXPENDITURE / (REVENUE)	14,473	11,708	649,395	734,348	84,953	<input checked="" type="checkbox"/>	0	803,400			
NET OPERATING RESULT BY RESOURCE GROUPS											
User Fees	0	0	1,560	0	-1,560	<input checked="" type="checkbox"/>	0	0	0	Statewide reimbursement for risk management safe working practices. No further contribution to be received this financial year.	
Other Revenue	0	5,000	46,244	30,000	-16,244	<input checked="" type="checkbox"/>	0	60,000	46,200		-13,800
TOTAL REVENUE	0	5,000	47,804	30,000	(17,804)	<input checked="" type="checkbox"/>	0	60,000	46,200		(13,800)
Employee Costs	6,951	5,700	37,235	34,200	-3,035	<input checked="" type="checkbox"/>	0	67,200	67,200	0	Reduced insurance excess payments for tree claims (\$40K). Awaiting invoice for Fair Value valuations (\$10K).
Materials & Contracts	0	1,100	2,136	6,600	4,464	<input checked="" type="checkbox"/>	0	13,200	13,200	0	
Operating Expense	7,522	9,908	657,828	723,548	65,720	<input checked="" type="checkbox"/>	0	783,000	743,000	-40,000	
Surplus/(Deficit) -Indirect Control	0	0	0	0	0	<input type="checkbox"/>	0	0	0	0	
NET SURPLUS/( DEFICIT)	(14,473)	(11,708)	(649,395)	(734,348)	(84,953)	<input checked="" type="checkbox"/>	0	(803,400)	(777,200)	26,200	



# Responsibility Centre Report: Land Information

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 245.6%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2800 - Land Information	8,444	-2,275	14,924	-13,650	-28,574	<input checked="" type="checkbox"/>	0	-28,500		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>8,444</b>	<b>(2,275)</b>	<b>14,924</b>	<b>(13,650)</b>	<b>(28,574)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(28,500)</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	10,539	23,350	104,543	140,100	35,557	<input checked="" type="checkbox"/>	0	280,200	200,200	-80,000
Other Revenue	0	25	35	150	115	<input type="checkbox"/>	0	300	300	0
<b>TOTAL REVENUE</b>	<b>10,539</b>	<b>23,375</b>	<b>104,578</b>	<b>140,250</b>	<b>35,672</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>280,500</b>	<b>200,500</b>	<b>(80,000)</b>
Employee Costs	17,141	19,100	107,727	114,600	6,873	<input checked="" type="checkbox"/>	0	227,400	217,400	-10,000
Materials & Contracts	0	167	595	1,002	407	<input type="checkbox"/>	0	2,000	2,000	0
Operating Expense	300	300	1,800	1,800	0	<input type="checkbox"/>	0	3,600	3,600	0
<b>TOTAL OPERATING EXPENSE</b>	<b>17,441</b>	<b>19,567</b>	<b>110,122</b>	<b>117,402</b>	<b>7,280</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>233,000</b>	<b>223,000</b>	<b>(10,000)</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(6,902)</b>	<b>3,808</b>	<b>(5,544)</b>	<b>22,848</b>	<b>28,392</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>47,500</b>	<b>(22,500)</b>	<b>(70,000)</b>
Depreciation	259	200	1,442	1,200	-242	<input type="checkbox"/>	0	3,000	3,000	0
Internal Services	1,283	1,333	7,938	7,998	60	<input type="checkbox"/>	0	16,000	16,000	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(1,542)</b>	<b>(1,533)</b>	<b>(9,380)</b>	<b>(9,198)</b>	<b>182</b>	<input type="checkbox"/>	<b>0</b>	<b>(19,000)</b>	<b>(19,000)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(8,444)</b>	<b>2,275</b>	<b>(14,924)</b>	<b>13,650</b>	<b>28,574</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>28,500</b>	<b>(41,500)</b>	<b>(70,000)</b>

Underrun in S149 Certificate income due to the overall volatility in real estate and stock market. A Budget reduction of \$80K has been requested in this review.

Budget reduced by \$10K due to a short term staff vacancy in this area.



# Responsibility Centre Report: Mgmt Sup Fin & Bus

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1900 - Management Support - Finance &	31,611	23,341	137,068	140,046	2,978	<input checked="" type="checkbox"/>	258	278,800		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>31,611</b>	<b>23,341</b>	<b>137,068</b>	<b>140,046</b>	<b>2,978</b>	<input checked="" type="checkbox"/>	<b>258</b>	<b>278,800</b>		
<b>NET OPERATING RESULT BY RESOURCE GROUPS</b>										
Employee Costs	29,144	19,500	119,104	117,000	-2,104	<input checked="" type="checkbox"/>	0	232,700	232,700	0
Materials & Contracts	232	1,083	4,562	6,498	1,936	<input checked="" type="checkbox"/>	258	13,000	13,000	0
Operating Expense	568	883	2,695	5,298	2,603	<input checked="" type="checkbox"/>	0	10,600	10,600	0
<b>TOTAL OPERATING EXPENSE</b>	<b>29,944</b>	<b>21,466</b>	<b>126,360</b>	<b>128,796</b>	<b>2,436</b>	<input checked="" type="checkbox"/>	<b>258</b>	<b>256,300</b>	<b>256,300</b>	<b>0</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(29,944)</b>	<b>(21,466)</b>	<b>(126,360)</b>	<b>(128,796)</b>	<b>(2,436)</b>	<input checked="" type="checkbox"/>	<b>(258)</b>	<b>(256,300)</b>	<b>(256,300)</b>	<b>0</b>
Internal Services	1,667	1,875	10,708	11,250	542	<input type="checkbox"/>	0	22,500	22,500	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(1,667)</b>	<b>(1,875)</b>	<b>(10,708)</b>	<b>(11,250)</b>	<b>(542)</b>	<input type="checkbox"/>	<b>0</b>	<b>(22,500)</b>	<b>(22,500)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(31,611)</b>	<b>(23,341)</b>	<b>(137,068)</b>	<b>(140,046)</b>	<b>(2,978)</b>	<input checked="" type="checkbox"/>	<b>(258)</b>	<b>(278,800)</b>	<b>(278,800)</b>	<b>0</b>



# Responsibility Centre Report: Print Room

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2200 - Print Room	-8,836	2,383	-41,270	14,298	55,568	<input checked="" type="checkbox"/>	-6,621	28,500		
NET EXPENDITURE / (REVENUE)	(8,836)	2,383	(41,270)	14,298	55,568	<input checked="" type="checkbox"/>	(6,621)	28,500		

## NET OPERATING RESULT BY RESOURCE GROUPS

Other Revenue	114	0	11,729	0	-11,729	<input checked="" type="checkbox"/>	0	0	0	0	Additional income due to printing for Elections
TOTAL REVENUE	114	0	11,729	0	(11,729)	<input checked="" type="checkbox"/>	0	0	0	0	
Employee Costs	7,788	9,600	59,112	57,600	-1,512	<input checked="" type="checkbox"/>	0	114,800	114,800	0	
Materials & Contracts	9,339	8,908	53,845	53,448	-397	<input type="checkbox"/>	21,190	106,900	106,900	0	More income than anticipated
Operating Expense	75	75	450	450	0	<input type="checkbox"/>	0	900	900	0	
TOTAL OPERATING EXPENSE	17,202	18,583	113,407	111,498	(1,909)	<input checked="" type="checkbox"/>	21,190	222,600	222,600	0	
Surplus/ (Deficit) - Direct Control	(17,089)	(18,583)	(101,678)	(111,498)	(9,820)	<input checked="" type="checkbox"/>	(21,190)	(222,600)	(222,600)	0	
Depreciation	207	200	1,152	1,200	48	<input type="checkbox"/>	0	2,400	2,400	0	
Internal Services	-26,131	-16,400	-144,100	-98,400	45,700	<input checked="" type="checkbox"/>	-27,811	-196,500	-196,500	0	
Surplus/(Deficit) -Indirect Control	25,924	16,200	142,948	97,200	(45,748)	<input checked="" type="checkbox"/>	27,811	194,100	194,100	0	
NET SURPLUS/ (DEFICIT)	8,836	(2,383)	41,270	(14,298)	(55,568)	<input checked="" type="checkbox"/>	6,621	(28,500)	(28,500)	0	



# Responsibility Centre Report: Records

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 0.0%

Korringdal Council	Month: December		Year To Date to December			OPERATING BUDGET PERFORMANCE				
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1550 - Records Management	46,482	59,424	358,868	356,544	-2,324	<input checked="" type="checkbox"/>	2,032	712,200		
NET EXPENDITURE / [REVENUE]	46,482	59,424	358,868	356,544	(2,324)	<input checked="" type="checkbox"/>	2,032	712,200		
NET OPERATING RESULT BY RESOURCE GROUPS										
Employee Costs	35,300	41,900	240,323	251,400	11,077	<input checked="" type="checkbox"/>	0	501,800	501,800	0
Materials & Contracts	3,449	5,000	42,630	30,000	-12,630	<input checked="" type="checkbox"/>	0	60,000	60,000	0
Operating Expense	7,638	12,267	74,964	73,602	-1,362	<input checked="" type="checkbox"/>	2,032	147,200	147,200	0
Capital Costs	0	0	429	0	-429	<input type="checkbox"/>	0	0	0	0
TOTAL OPERATING EXPENSE	46,388	59,167	358,346	355,002	(3,344)	<input checked="" type="checkbox"/>	2,032	709,000	709,000	0
Surplus/ (Deficit) - Direct Control	(46,388)	(59,167)	(358,346)	(355,002)	3,344	<input checked="" type="checkbox"/>	(2,032)	(709,000)	(709,000)	0
Depreciation	94	90	522	540	18	<input type="checkbox"/>	0	1,200	1,200	0
Internal Services	0	167	0	1,002	1,002	<input checked="" type="checkbox"/>	0	2,000	2,000	0
Surplus/(Deficit) -Indirect Control	(94)	(257)	(522)	(1,542)	(1,020)	<input checked="" type="checkbox"/>	0	(3,200)	(3,200)	0
NET SURPLUS/ (DEFICIT)	(46,482)	(59,424)	(358,868)	(356,544)	2,324	<input checked="" type="checkbox"/>	(2,032)	(712,200)	(712,200)	0

Underrun in employee costs due to staff vacancies. Partly offset by the use of consultants.



# Responsibility Centre Report: Supply

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 4.9%

Month: December

Year To Date to December

## OPERATING BUDGET PERFORMANCE

RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2300 - Accounts Payable	19,588	13,466	70,429	80,796	10,367	<input checked="" type="checkbox"/>	53	159,700		
2301 - Purchasing / Supply	4,618	24,834	147,000	149,004	2,004	<input checked="" type="checkbox"/>	566	296,900		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>24,206</b>	<b>38,300</b>	<b>217,429</b>	<b>229,800</b>	<b>12,371</b>	<input checked="" type="checkbox"/>	<b>619</b>	<b>456,600</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

Employee Costs	22,007	34,167	187,013	205,002	17,989	<input checked="" type="checkbox"/>	0	407,000	384,600	-22,400	Underrun in employee costs due to staff vacancy. Offset by the use of consultants in Finance.
Materials & Contracts	314	925	7,945	5,550	-2,395	<input checked="" type="checkbox"/>	619	11,100	11,100	0	
Operating Expense	318	1,633	13,071	9,798	-3,273	<input checked="" type="checkbox"/>	0	19,600	19,600	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>22,639</b>	<b>36,725</b>	<b>208,029</b>	<b>220,350</b>	<b>12,321</b>	<input checked="" type="checkbox"/>	<b>619</b>	<b>437,700</b>	<b>415,300</b>	<b>(22,400)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(22,639)</b>	<b>(36,725)</b>	<b>(208,029)</b>	<b>(220,350)</b>	<b>(12,321)</b>	<input checked="" type="checkbox"/>	<b>(619)</b>	<b>(437,700)</b>	<b>(415,300)</b>	<b>22,400</b>	
Internal Services	1,567	1,575	9,400	9,450	50	<input type="checkbox"/>	0	18,900	18,900	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(1,567)</b>	<b>(1,575)</b>	<b>(9,400)</b>	<b>(9,450)</b>	<b>(50)</b>	<input type="checkbox"/>	<b>0</b>	<b>(18,900)</b>	<b>(18,900)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(24,206)</b>	<b>(38,300)</b>	<b>(217,429)</b>	<b>(229,800)</b>	<b>(12,371)</b>	<input checked="" type="checkbox"/>	<b>(619)</b>	<b>(456,600)</b>	<b>(434,200)</b>	<b>22,400</b>	





# Department Report: Community

Financial Year: 2008/09

Review: Q2-09(DEC)

Month: December

Year To Date to December

Budget Change (%) -0.8%

RESULTS BY RESPONSIBILITY CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance
Community Development	75,995	48,038	467,227	644,278	177,051	<input checked="" type="checkbox"/>	20,531	1,383,700	
Community & Recreation Property Unit	-175,976	-229,938	-904,770	-855,928	48,842	<input checked="" type="checkbox"/>	11,938	-1,812,900	
Communications	30,029	29,026	163,496	197,056	33,560	<input checked="" type="checkbox"/>	2,400	378,100	
Cultural Services	-43,780	-26,002	290,427	237,538	-52,889	<input checked="" type="checkbox"/>	5,558	807,800	
Customer Services	79,029	81,551	467,496	489,306	21,810	<input checked="" type="checkbox"/>	1,247	978,300	
Library Services	272,928	298,818	1,689,695	1,819,358	129,663	<input checked="" type="checkbox"/>	4,641	3,381,600	
Mgmt Sup Community	22,514	25,848	157,193	155,588	-1,605	<input checked="" type="checkbox"/>	680	328,400	

NET EXPENDITURE / (REVENUE)	260,739	227,341	2,330,764	2,687,196	356,432	<input checked="" type="checkbox"/>	46,993	5,445,000	
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## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	883,350	803,554	3,834,641	3,727,124	-107,517	<input checked="" type="checkbox"/>	0	6,343,600	6,163,600	-180,000
Other Revenue	14,163	12,393	82,546	87,408	4,862	<input checked="" type="checkbox"/>	0	152,600	152,600	0
Grants	53,332	93,442	235,926	213,052	-22,874	<input checked="" type="checkbox"/>	0	786,500	719,000	-67,500
TOTAL REVENUE	950,846	909,389	4,153,113	4,027,584	(125,529)	<input checked="" type="checkbox"/>	0	7,282,700	7,035,200	(247,500)
Employee Costs	558,449	601,201	3,471,176	3,678,606	207,430	<input checked="" type="checkbox"/>	152	7,300,300	7,096,700	-203,600
Materials & Contracts	55,878	62,367	403,225	430,752	27,527	<input checked="" type="checkbox"/>	15,332	895,600	909,600	14,000
Operating Expense	443,943	328,642	1,812,868	1,735,502	-77,366	<input checked="" type="checkbox"/>	24,647	2,784,900	2,771,400	-13,500
Statutory Levies	0	0	92	0	-92	<input type="checkbox"/>	0	0	0	0
Capital Costs	-307	0	314	0	-314	<input type="checkbox"/>	0	0	0	0
TOTAL OPERATING EXPENSE	1,057,963	992,210	5,687,675	5,844,860	157,185	<input checked="" type="checkbox"/>	40,131	10,980,800	10,777,700	(203,100)

Surplus/ (Deficit) - Direct Control	(107,117)	(82,821)	(1,534,562)	(1,817,276)	(282,714)	<input checked="" type="checkbox"/>	(40,131)	(3,698,100)	(3,742,500)	(44,400)
Depreciation	98,927	104,600	545,122	627,600	82,478	<input checked="" type="checkbox"/>	0	1,263,400	1,263,400	0
Internal Services	54,694	39,920	251,080	242,320	-8,760	<input checked="" type="checkbox"/>	6,863	483,500	483,500	0
Surplus/(Deficit) -Indirect Control	(153,621)	(144,520)	(796,202)	(869,920)	(73,718)	<input checked="" type="checkbox"/>	(6,863)	(1,746,900)	(1,746,900)	0

NET SURPLUS/ (DEFICIT)	(260,739)	(227,341)	(2,330,764)	(2,687,196)	(356,432)	<input checked="" type="checkbox"/>	(46,993)	(5,445,000)	(5,489,400)	(44,400)
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# Responsibility Centre Report: Community Development

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 6.8%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1200 - Aged Services	9,834	20,084	26,863	74,604	47,741	<input checked="" type="checkbox"/>	1,364	163,000		
1201 - Children Services Development	8,808	12,849	61,721	101,094	39,373	<input checked="" type="checkbox"/>	3,636	277,900		
1202 - Family Day Care	30,042	-28,252	110,136	135,138	25,002	<input checked="" type="checkbox"/>	0	234,500		
1203 - Service Planning and Developmen	13,359	15,900	123,001	120,600	-2,401	<input checked="" type="checkbox"/>	1,085	305,600		
1204 - Thomas Carlyle Children's Centre	-4,552	-8,200	-38,046	-1,100	36,946	<input checked="" type="checkbox"/>	11,959	-23,100		
1205 - Youth Services	12,112	19,491	99,556	116,946	17,390	<input checked="" type="checkbox"/>	73	232,900		
1206 - Immunisation	656	1,241	-4,712	7,446	12,158	<input checked="" type="checkbox"/>	0	14,900		
2406 - Community Volunteer Programs	5,735	14,925	88,709	89,550	841	<input type="checkbox"/>	2,414	178,000		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>75,995</b>	<b>48,038</b>	<b>467,227</b>	<b>644,278</b>	<b>177,051</b>	<input checked="" type="checkbox"/>	<b>20,531</b>	<b>1,383,700</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	175,705	179,408	1,135,370	1,132,748	-2,622	<input checked="" type="checkbox"/>	0	1,877,000	1,877,000	0	
Other Revenue	0	1,417	5,944	8,502	2,558	<input checked="" type="checkbox"/>	0	17,000	17,000	0	
Grants	30,281	83,142	194,463	184,552	-9,911	<input checked="" type="checkbox"/>	0	490,500	490,500	0	
<b>TOTAL REVENUE</b>	<b>205,986</b>	<b>263,967</b>	<b>1,335,777</b>	<b>1,325,802</b>	<b>(9,975)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>2,384,500</b>	<b>2,384,500</b>	<b>0</b>	
Employee Costs	119,834	136,966	749,623	831,896	82,273	<input checked="" type="checkbox"/>	0	1,646,300	1,552,500	-93,800	Salary savings due to staff vacancies. A budget reduction of \$93k has been requested in this review. Under expenditure in this responsibility centre due to late invoicing by cleaning contractors. The budget will meet expenditure target by the next quarter.
Materials & Contracts	14,242	23,896	115,625	151,276	35,651	<input checked="" type="checkbox"/>	7,023	304,300	304,300	0	
Operating Expense	110,430	114,209	757,207	764,704	7,497	<input checked="" type="checkbox"/>	11,746	1,370,200	1,370,200	0	
Capital Costs	0	0	24	0	-24	<input type="checkbox"/>	0	0	0	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>244,506</b>	<b>275,071</b>	<b>1,622,479</b>	<b>1,747,876</b>	<b>125,397</b>	<input checked="" type="checkbox"/>	<b>18,769</b>	<b>3,320,800</b>	<b>3,227,000</b>	<b>(93,800)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(38,520)</b>	<b>(11,104)</b>	<b>(286,702)</b>	<b>(422,074)</b>	<b>(135,372)</b>	<input checked="" type="checkbox"/>	<b>(18,769)</b>	<b>(936,300)</b>	<b>(842,500)</b>	<b>93,800</b>	
Depreciation	18,284	21,500	101,950	129,000	27,050	<input checked="" type="checkbox"/>	0	260,600	260,600	0	Depreciation on Council's Children's Services facilities less than originally anticipated. Under expenditure in this responsibility centre is due to scheduling of building maintenance program
Internal Services	19,191	15,434	78,575	93,204	14,629	<input checked="" type="checkbox"/>	1,762	186,800	186,800	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(37,475)</b>	<b>(36,934)</b>	<b>(180,525)</b>	<b>(222,204)</b>	<b>(41,679)</b>	<input checked="" type="checkbox"/>	<b>(1,762)</b>	<b>(447,400)</b>	<b>(447,400)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(75,995)</b>	<b>(48,038)</b>	<b>(467,227)</b>	<b>(644,278)</b>	<b>(177,051)</b>	<input checked="" type="checkbox"/>	<b>(20,531)</b>	<b>(1,383,700)</b>	<b>(1,289,900)</b>	<b>93,800</b>	



# Responsibility Centre Report: Community & Recreation Property Unit

Review: Q2-09[DEC]

Budget Change (%) 7.4%

Financial Year: 2008/09

Month: December		Year To Date to December						OPERATING BUDGET PERFORMANCE			
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action	
1250 - Community Facilities Unit	67,206	40,764	283,610	253,084	-30,526	☒	4,545	496,000			
1251 - Community Halls	17,758	31,693	43,077	130,058	86,981	☒	5,574	313,700			
1252 - Meeting Rooms	4,211	6,575	26,537	35,850	9,313	☒	0	40,700			
1253 - Gordon Golf Course - Revenue	-81,416	-75,167	-356,740	-351,302	5,438	☒	0	-845,000			
1254 - Park Revenue	422	-4,825	-19,375	-28,950	-9,575	☒	0	-57,900			
1255 - Nth Turrumurra Golf - Revenue	-60,955	-58,734	-343,516	-340,104	3,412	☒	0	-830,800			
1256 - Tennis - Revenue	-64,609	-56,492	-198,864	-200,652	-1,788	☒	0	-355,500			
1257 - Sportsground - Revenue	-14,707	-67,210	-223,230	-233,260	-10,030	☒	0	-366,600			
1258 - St Ives Showground Revenue	-43,887	-46,542	-116,268	-120,652	-4,384	☒	1,818	-207,500			
NET EXPENDITURE / (REVENUE)	[175,976]	[229,938]	[904,770]	[855,928]	48,842	☒	11,938	[1,812,900]			
NET OPERATING RESULT BY RESOURCE GROUPS											
User Fees	581,163	496,178	2,219,529	2,111,268	-108,261	☒	0	3,787,700	3,607,700	-180,000	Less than anticipated income due to general decrease in number of golf games played
Other Revenue	1,879	1,368	14,607	8,208	-6,399	☒	0	16,400	16,400	0	
TOTAL REVENUE	583,042	497,546	2,234,136	2,119,476	[114,660]	☒	0	3,804,100	3,624,100	(180,000)	
Employee Costs	68,874	46,600	246,821	279,600	32,779	☒	0	556,500	510,300	-46,200	Salary savings due to staff vacancies Contract staff offset by salary savings Difference in rebates for community groups - partially offset by additional income - budget to be reviewed in March quarter
Materials & Contracts	1,918	1,251	37,436	7,506	-29,930	☒	1,483	15,000	29,000	14,000	
Operating Expense	302,155	177,077	844,139	720,362	-123,777	☒	10,455	906,600	893,100	-13,500	
TOTAL OPERATING EXPENSE	372,947	224,928	1,128,396	1,007,468	[120,928]	☒	11,938	1,478,100	1,432,400	[45,700]	
Surplus/ (Deficit) - Direct Control	210,095	272,618	1,105,739	1,112,008	6,269	☒	[11,938]	2,326,000	2,191,700	(134,300)	
Depreciation	28,478	31,880	158,784	191,280	32,496	☒	0	383,500	383,500	0	Depreciation for Council owned facilities Building maintenance for Council facilities
Internal Services	5,641	10,800	42,185	64,800	22,615	☒	0	129,600	129,600	0	
Surplus/(Deficit) -Indirect Control	[34,119]	[42,680]	[200,970]	[256,080]	[55,110]	☒	0	[513,100]	[513,100]	0	
NET SURPLUS/ (DEFICIT)	175,976	229,938	904,770	855,928	[48,842]	☒	[11,938]	1,812,900	1,678,600	(134,300)	



# Responsibility Centre Report: Communications

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Review: Q2-09(DEC)

Budget Change (%) 10.4%

Financial Year: 2008/09

Month: December

Year To Date to December

## OPERATING BUDGET PERFORMANCE

RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1400 - Communications	30,029	29,026	163,496	197,056	33,560	<input checked="" type="checkbox"/>	2,400	378,100		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>30,029</b>	<b>29,026</b>	<b>163,496</b>	<b>197,056</b>	<b>33,560</b>	<input checked="" type="checkbox"/>	<b>2,400</b>	<b>378,100</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

Employee Costs	19,253	24,650	120,197	152,900	32,703	<input checked="" type="checkbox"/>	0	299,700	260,400	-39,300
Materials & Contracts	3,161	676	18,304	21,956	3,652	<input checked="" type="checkbox"/>	0	34,000	34,000	0
Operating Expense	6,414	3,358	23,087	20,148	-2,939	<input checked="" type="checkbox"/>	0	40,300	40,300	0
<b>TOTAL OPERATING EXPENSE</b>	<b>28,829</b>	<b>28,684</b>	<b>161,588</b>	<b>195,004</b>	<b>33,416</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>374,000</b>	<b>334,700</b>	<b>(39,300)</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(28,829)</b>	<b>(28,684)</b>	<b>(161,588)</b>	<b>(195,004)</b>	<b>(33,416)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(374,000)</b>	<b>(334,700)</b>	<b>39,300</b>
Internal Services	1,200	342	1,909	2,052	143	<input type="checkbox"/>	2,400	4,100	4,100	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(1,200)</b>	<b>(342)</b>	<b>(1,909)</b>	<b>(2,052)</b>	<b>(143)</b>	<input type="checkbox"/>	<b>(2,400)</b>	<b>(4,100)</b>	<b>(4,100)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(30,029)</b>	<b>(29,026)</b>	<b>(163,496)</b>	<b>(197,056)</b>	<b>(33,560)</b>	<input checked="" type="checkbox"/>	<b>(2,400)</b>	<b>(378,100)</b>	<b>(338,800)</b>	<b>39,300</b>

A budget reduction of \$29k has been requested due to a vacant position within communications.



# Responsibility Centre Report: Cultural Services

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] -5.4%

Month: December		Year To Date to December				OPERATING BUDGET PERFORMANCE				
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1300 - Art Centre	-25,920	-36,171	31,175	3,474	-27,701	<input checked="" type="checkbox"/>	0	152,200		
1301 - Community Programs	-54,572	-36,350	-25,707	-14,100	11,607	<input checked="" type="checkbox"/>	2,067	105,500		
1302 - Arts & Cultural Development	12,400	16,167	97,101	97,002	-99	<input type="checkbox"/>	0	192,800		
1303 - Community Functions	1,801	9,392	27,880	37,602	9,722	<input checked="" type="checkbox"/>	0	130,700		
2407 - Wildflower Gardens	22,511	20,960	159,977	113,560	-46,417	<input checked="" type="checkbox"/>	3,491	226,600		
NET EXPENDITURE / (REVENUE)	(43,780)	(26,002)	290,427	237,538	(52,889)	<input checked="" type="checkbox"/>	5,558	807,800		
NET OPERATING RESULT BY RESOURCE GROUPS										
User Fees	121,706	121,792	449,258	446,052	-3,206	<input checked="" type="checkbox"/>	0	604,800	604,800	0
Other Revenue	6,298	4,591	32,131	41,096	8,965	<input checked="" type="checkbox"/>	0	78,200	78,200	0
Grants	23,051	10,300	41,463	28,500	-12,963	<input checked="" type="checkbox"/>	0	28,500	28,500	0
TOTAL REVENUE	151,056	136,683	522,852	515,648	(7,204)	<input checked="" type="checkbox"/>	0	711,500	711,500	0
Employee Costs	64,397	79,059	546,706	530,354	-16,352	<input checked="" type="checkbox"/>	152	1,030,900	1,074,700	43,800
Materials & Contracts	16,811	16,709	129,835	126,354	-3,481	<input checked="" type="checkbox"/>	2,476	295,400	295,400	0
Operating Expense	9,921	7,459	47,373	51,154	3,781	<input checked="" type="checkbox"/>	2,058	101,800	101,800	0
Capital Costs	0	0	290	0	-290	<input type="checkbox"/>	0	0	0	0
TOTAL OPERATING EXPENSE	91,129	103,227	724,204	707,862	(16,342)	<input checked="" type="checkbox"/>	4,686	1,428,100	1,471,900	43,800
Surplus/ (Deficit) - Direct Control	59,927	33,456	(201,352)	(192,214)	9,138	<input checked="" type="checkbox"/>	(4,686)	(716,600)	(760,400)	(43,800)
Depreciation	5,588	2,510	31,157	15,060	-16,097	<input checked="" type="checkbox"/>	0	30,700	30,700	0
Internal Services	10,559	4,944	57,918	30,264	-27,654	<input checked="" type="checkbox"/>	872	60,500	60,500	0
Surplus/(Deficit) -Indirect Control	(16,146)	(7,454)	(89,075)	(45,324)	43,751	<input checked="" type="checkbox"/>	(872)	(91,200)	(91,200)	0
NET SURPLUS/ (DEFICIT)	43,780	26,002	(290,427)	(237,538)	52,889	<input checked="" type="checkbox"/>	(5,558)	(807,800)	(851,600)	(43,800)

Additional Government grants received due to an increase of children attending school holiday programs

Internal transfer of staff costs between strategy and community

Internal charges for depreciation for Council owned facilities



# Responsibility Centre Report: Customer Services

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 1.8%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1450 - Customer Services	79,029	81,551	467,496	489,306	21,810	<input checked="" type="checkbox"/>	1,247	978,300		
<b>NET EXPENDITURE / [REVENUE]</b>	<b>79,029</b>	<b>81,551</b>	<b>467,496</b>	<b>489,306</b>	<b>21,810</b>	<input checked="" type="checkbox"/>	<b>1,247</b>	<b>978,300</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	316	875	4,310	5,250	940	<input type="checkbox"/>	0	10,500	10,500	0
Other Revenue	1,406	583	4,401	3,498	-903	<input type="checkbox"/>	0	7,000	7,000	0
<b>TOTAL REVENUE</b>	<b>1,722</b>	<b>1,458</b>	<b>8,710</b>	<b>8,748</b>	<b>38</b>	<input type="checkbox"/>	<b>0</b>	<b>17,500</b>	<b>17,500</b>	<b>0</b>
Employee Costs	73,246	75,800	429,357	454,800	25,443	<input checked="" type="checkbox"/>	0	909,200	891,200	-18,000
Materials & Contracts	3,774	4,000	26,475	24,000	-2,475	<input checked="" type="checkbox"/>	7	48,000	48,000	0
Operating Expense	3,035	2,991	18,466	17,946	-520	<input type="checkbox"/>	0	35,900	35,900	0
<b>TOTAL OPERATING EXPENSE</b>	<b>80,055</b>	<b>82,791</b>	<b>474,298</b>	<b>496,746</b>	<b>22,448</b>	<input checked="" type="checkbox"/>	<b>7</b>	<b>993,100</b>	<b>975,100</b>	<b>[18,000]</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>[78,332]</b>	<b>[81,333]</b>	<b>[465,587]</b>	<b>[487,998]</b>	<b>[22,411]</b>	<input checked="" type="checkbox"/>	<b>[7]</b>	<b>[975,600]</b>	<b>[957,600]</b>	<b>18,000</b>
Depreciation	16	10	91	60	-31	<input type="checkbox"/>	0	200	200	0
Internal Services	680	208	1,817	1,248	-569	<input type="checkbox"/>	1,239	2,500	2,500	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>[696]</b>	<b>[218]</b>	<b>[1,909]</b>	<b>[1,308]</b>	<b>601</b>	<input type="checkbox"/>	<b>[1,239]</b>	<b>[2,700]</b>	<b>[2,700]</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>[79,029]</b>	<b>[81,551]</b>	<b>[467,496]</b>	<b>[489,306]</b>	<b>[21,810]</b>	<input checked="" type="checkbox"/>	<b>[1,247]</b>	<b>[978,300]</b>	<b>[960,300]</b>	<b>18,000</b>


Variance is due to staff vacancies within the responsibility centre. Casual staff used to offset part of F/T position vacancy. Decreased budget of \$18k in Dec review.



# Responsibility Centre Report: Library Services

Review: Q2-09(DEC)

Budget Change [%] -0.5%

		Financial Year: 2008/09				Budget Change [%]		-0.5%		
		Month: December		Year To Date to December			OPERATING BUDGET PERFORMANCE			
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1350 - Management Support - Library Services	41,851	57,025	349,994	343,750	-6,244	<input checked="" type="checkbox"/>	290	418,500		
1351 - Gordon Library	102,497	95,692	476,940	576,952	100,013	<input checked="" type="checkbox"/>	1,558	1,155,800		
1352 - Information Services	19,421	24,566	152,750	167,596	14,846	<input checked="" type="checkbox"/>	490	343,000		
1353 - Lindfield Library	11,777	14,460	76,855	88,210	11,355	<input checked="" type="checkbox"/>	0	176,200		
1354 - Special Library Services	9,753	10,450	58,898	62,700	3,802	<input checked="" type="checkbox"/>	0	125,900		
1355 - St. Ives Library	29,998	27,236	186,986	163,416	-23,570	<input checked="" type="checkbox"/>	0	328,300		
1356 - Technical Services	24,642	32,425	170,433	194,950	24,517	<input checked="" type="checkbox"/>	1,201	388,900		
1357 - Turramurra Library	28,718	31,033	180,731	186,198	5,467	<input checked="" type="checkbox"/>	802	373,100		
1358 - Young Adult and Childrens Services	4,272	5,931	36,108	35,586	-522	<input type="checkbox"/>	300	71,900		
NET EXPENDITURE / (REVENUE)	272,928	298,818	1,689,695	1,819,358	129,663	<input checked="" type="checkbox"/>	4,641	3,381,600		
NET OPERATING RESULT BY RESOURCE GROUPS										
User Fees	4,460	5,301	26,174	31,806	5,632	<input checked="" type="checkbox"/>	0	63,600	63,600	0
Other Revenue	154	334	898	2,004	1,106	<input checked="" type="checkbox"/>	0	4,000	4,000	0
Grants	0	0	0	0	0	<input type="checkbox"/>	0	267,500	200,000	-67,500
TOTAL REVENUE	4,614	5,635	27,072	33,810	6,738	<input checked="" type="checkbox"/>	0	335,100	267,600	(67,500)
Employee Costs	191,703	213,426	1,228,939	1,280,856	51,917	<input checked="" type="checkbox"/>	0	2,562,300	2,512,200	-50,100
Materials & Contracts	13,255	14,585	65,275	92,160	26,885	<input checked="" type="checkbox"/>	4,023	183,900	183,900	0
Operating Expense	10,800	21,390	112,105	148,240	36,135	<input checked="" type="checkbox"/>	28	304,200	304,200	0
Capital Costs	-307	0	0	0	0	<input type="checkbox"/>	0	0	0	0
TOTAL OPERATING EXPENSE	215,451	249,401	1,406,319	1,521,256	114,937	<input checked="" type="checkbox"/>	4,051	3,050,400	3,000,300	(50,100)
Surplus/(Deficit) - Direct Control	(210,837)	(243,766)	(1,379,247)	(1,487,446)	(108,199)	<input checked="" type="checkbox"/>	(4,051)	(2,715,300)	(2,732,700)	(17,400)
Depreciation	46,417	48,610	252,337	291,660	39,323	<input checked="" type="checkbox"/>	0	587,300	587,300	0
Internal Services	15,674	6,442	58,111	40,252	-17,859	<input checked="" type="checkbox"/>	590	79,000	79,000	0
Surplus/(Deficit) -Indirect Control	(62,091)	(55,052)	(310,447)	(331,912)	(21,465)	<input checked="" type="checkbox"/>	(590)	(666,300)	(666,300)	0
NET SURPLUS/( DEFICIT)	(272,928)	(298,818)	(1,689,695)	(1,819,358)	(129,663)	<input checked="" type="checkbox"/>	(4,641)	(3,381,600)	(3,399,000)	(17,400)
Salary savings due to unfilled vacancies. A budget reduction of 40k has been requested in this review										
Invoices from contractors awaiting processing										
Strata and electricity invoices awaiting processing										
Less than anticipated depreciation on Library buildings										
More than expected for the half year building maintenance on library buildings.										



# Responsibility Centre Report: Mgnt Sup Community

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1150 - Management Support - Communi	22,514	25,848	157,193	155,588	-1,605	680	328,400			
NET EXPENDITURE / (REVENUE)	22,514	25,848	157,193	155,588	(1,605)	680	328,400			

## NET OPERATING RESULT BY RESOURCE GROUPS

Other Revenue	4,425	4,100	24,566	24,100	-466	0	30,000	30,000	0
TOTAL REVENUE	4,425	4,100	24,566	24,100	(466)	0	30,000	30,000	0
Employee Costs	21,141	24,700	149,533	148,200	-1,333	0	295,400	295,400	0
Materials & Contracts	2,717	1,250	10,275	7,500	-2,775	319	15,000	15,000	0
Operating Expense	1,188	2,158	10,492	12,948	2,456	361	25,900	25,900	0
Statutory Levies	0	0	92	0	-92	0	0	0	0
TOTAL OPERATING EXPENSE	25,045	28,108	170,392	168,648	(1,744)	680	336,300	336,300	0
Surplus/ (Deficit) - Direct Control	(20,621)	(24,008)	(145,826)	(144,548)	1,278	(680)	(306,300)	(306,300)	0
Depreciation	144	90	802	540	-262	0	1,100	1,100	0
Internal Services	1,750	1,750	10,565	10,500	-65	0	21,000	21,000	0
Surplus/(Deficit) -Indirect Control	(1,894)	(1,840)	(11,367)	(11,040)	327	0	(22,100)	(22,100)	0
NET SURPLUS/ (DEFICIT)	(22,514)	(25,848)	(157,193)	(155,588)	1,605	(680)	(328,400)	(328,400)	0





# Department Report: Development & Regulation

Financial Year: 2008/09

Review: Q2-09(DEC)

Month: December

Year To Date to December

Budget Change [%] 4.7%

RESULTS BY RESPONSIBILITY CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance
Building Unit	9,162	-16,657	-8,744	-43,642	-34,898	<input checked="" type="checkbox"/>	0	-175,900	
Compliance & Health Services	41,183	33,069	266,534	214,214	-52,320	<input checked="" type="checkbox"/>	113	580,200	
Administration	68,060	66,027	338,988	392,762	53,774	<input checked="" type="checkbox"/>	14,435	788,800	
Development Assessment	179,784	162,571	857,219	1,035,626	178,407	<input checked="" type="checkbox"/>	0	1,916,700	
Landscape Assessment	30,088	34,525	209,887	207,150	-2,737	<input checked="" type="checkbox"/>	0	414,000	
Regulation	-8,608	9,310	-31,536	21,160	52,696	<input checked="" type="checkbox"/>	0	78,100	
Development Engineers	-4,811	25,591	-104,465	-42,554	61,911	<input checked="" type="checkbox"/>	0	-422,300	

NET EXPENDITURE / (REVENUE)	314,858	314,436	1,527,882	1,784,716	256,834	<input checked="" type="checkbox"/>	14,548	3,179,600	
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## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	217,549	260,783	1,616,225	1,708,198	91,974	<input checked="" type="checkbox"/>	0	3,858,000	3,428,500	-429,500
Other Revenue	98,870	104,808	564,218	584,648	20,430	<input checked="" type="checkbox"/>	0	1,073,500	1,035,000	-38,500
TOTAL REVENUE	316,419	365,591	2,180,443	2,292,846	112,403	<input checked="" type="checkbox"/>	0	4,931,500	4,463,500	(468,000)
Employee Costs	358,817	469,658	2,502,543	2,817,948	315,405	<input checked="" type="checkbox"/>	0	5,626,500	5,146,900	-479,600
Materials & Contracts	182,972	133,410	716,914	797,960	81,046	<input checked="" type="checkbox"/>	308	1,572,600	1,423,100	-149,500
Operating Expense	27,818	21,734	150,127	130,304	-19,823	<input checked="" type="checkbox"/>	0	249,200	259,400	10,200
TOTAL OPERATING EXPENSE	569,608	624,802	3,369,584	3,746,212	376,628	<input checked="" type="checkbox"/>	308	7,448,300	6,829,400	(618,900)

Surplus/ (Deficit) - Direct Control	(253,189)	(259,211)	(1,189,141)	(1,453,366)	(264,225)	<input checked="" type="checkbox"/>	(308)	(2,516,800)	(2,365,900)	150,900
Depreciation	44	40	248	240	-8	<input type="checkbox"/>	0	600	600	0
Internal Services	61,624	55,185	338,493	331,110	-7,383	<input checked="" type="checkbox"/>	14,240	662,200	662,200	0
Surplus/(Deficit) -Indirect Control	(61,669)	(55,225)	(338,741)	(331,350)	7,391	<input checked="" type="checkbox"/>	(14,240)	(662,800)	(662,800)	0

NET SURPLUS/ (DEFICIT)	(314,858)	(314,436)	(1,527,882)	(1,784,716)	(256,834)	<input checked="" type="checkbox"/>	(14,548)	(3,179,600)	(3,028,700)	150,900
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# Responsibility Centre Report: Building Unit

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Review: Q2-09(DEC)

Budget Change (%) 58.6%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1650 - Building Certificates & Finals	0	0	0	0	0	<input type="checkbox"/>	0	0		
1651 - Building Unit	9,162	-16,657	-8,744	-43,642	-34,898	<input checked="" type="checkbox"/>	0	-175,900		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>9,162</b>	<b>(16,657)</b>	<b>(8,744)</b>	<b>(43,642)</b>	<b>(34,898)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(175,900)</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	25,658	55,033	227,267	272,398	45,131	<input checked="" type="checkbox"/>	0	634,000	480,500	-153,500	Loss of market share to private sector in respect of certification & supervision of building works. Council is responsible for less than 20% of sites. A budget adjustment of \$153.5K was made in this review.
Other Revenue	0	600	3,360	5,100	1,740	<input checked="" type="checkbox"/>	0	9,000	6,000	-3,000	
<b>TOTAL REVENUE</b>	<b>25,658</b>	<b>55,633</b>	<b>230,627</b>	<b>277,498</b>	<b>46,871</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>643,000</b>	<b>486,500</b>	<b>(156,500)</b>	
Employee Costs	635	32,600	154,573	195,600	41,027	<input checked="" type="checkbox"/>	0	390,600	337,200	-53,400	Savings due to vacancies within group. A budget adjustment of \$53.4 K was made in this review
Materials & Contracts	29,518	1,667	38,667	10,002	-28,665	<input checked="" type="checkbox"/>	0	20,000	20,000	0	
Operating Expense	150	192	1,543	1,152	-391	<input type="checkbox"/>	0	2,300	2,300	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>30,303</b>	<b>34,459</b>	<b>194,783</b>	<b>206,754</b>	<b>11,971</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>412,900</b>	<b>359,500</b>	<b>(53,400)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(4,645)</b>	<b>21,174</b>	<b>35,844</b>	<b>70,744</b>	<b>34,900</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>230,100</b>	<b>127,000</b>	<b>(103,100)</b>	
Internal Services	4,517	4,517	27,100	27,102	2	<input type="checkbox"/>	0	54,200	54,200	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(4,517)</b>	<b>(4,517)</b>	<b>(27,100)</b>	<b>(27,102)</b>	<b>(2)</b>	<input type="checkbox"/>	<b>0</b>	<b>(54,200)</b>	<b>(54,200)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(9,162)</b>	<b>16,657</b>	<b>8,744</b>	<b>43,642</b>	<b>34,898</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>175,900</b>	<b>72,800</b>	<b>(103,100)</b>	



# Responsibility Centre Report: Compliance & Health Services

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 1.7%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1700 - Development Compliance	8,726	-2,955	55,718	35,770	-19,948	<input checked="" type="checkbox"/>	51	188,200		
1702 - Public Health Services	32,457	36,024	210,816	178,444	-32,372	<input checked="" type="checkbox"/>	62	392,000		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>41,183</b>	<b>33,069</b>	<b>266,534</b>	<b>214,214</b>	<b>(52,320)</b>	<input checked="" type="checkbox"/>	<b>113</b>	<b>580,200</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	8,539	7,533	67,006	82,898	15,892	<input checked="" type="checkbox"/>	0	128,000	128,000	0	Income from out door dining rentals did not achieve estimate, and regulatory inspection programme for some public health programmes delayed for commencement in March 09 Variance due to increased compliance levels of existing active development sites and reduced number of start up sites.
Other Revenue	22,950	34,909	133,694	154,954	21,260	<input checked="" type="checkbox"/>	0	168,500	172,000	3,500	
<b>TOTAL REVENUE</b>	<b>31,489</b>	<b>42,442</b>	<b>200,700</b>	<b>237,852</b>	<b>37,152</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>296,500</b>	<b>300,000</b>	<b>3,500</b>	
Employee Costs	47,347	52,100	302,519	312,600	10,081	<input checked="" type="checkbox"/>	0	622,800	587,200	-35,600	Savings due to on going vacancies, to be recruited in Feb 09. A budget adjustment was made of 35.6k in this review. Variance due to ongoing fire safety programme, use of contractor to fill staff vacancies Variance due to bad and doubtful debts incurred against regulatory inspection services - failure to pay by property and shop owners
Materials & Contracts	14,205	12,633	86,300	74,798	-11,502	<input checked="" type="checkbox"/>	113	124,500	149,500	25,000	
Operating Expense	1,020	683	17,821	4,098	-13,723	<input checked="" type="checkbox"/>	0	8,200	12,600	4,400	
<b>TOTAL OPERATING EXPENSE</b>	<b>62,572</b>	<b>65,416</b>	<b>406,640</b>	<b>391,496</b>	<b>(15,144)</b>	<input checked="" type="checkbox"/>	<b>113</b>	<b>755,500</b>	<b>749,300</b>	<b>(6,200)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(31,082)</b>	<b>(22,974)</b>	<b>(205,940)</b>	<b>(153,644)</b>	<b>52,296</b>	<input checked="" type="checkbox"/>	<b>(113)</b>	<b>(459,000)</b>	<b>(449,300)</b>	<b>9,700</b>	
Depreciation	26	20	144	120	-24	<input type="checkbox"/>	0	300	300	0	
Internal Services	10,075	10,075	60,450	60,450	0	<input type="checkbox"/>	0	120,900	120,900	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(10,101)</b>	<b>(10,095)</b>	<b>(60,594)</b>	<b>(60,570)</b>	<b>24</b>	<input type="checkbox"/>	<b>0</b>	<b>(121,200)</b>	<b>(121,200)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(41,183)</b>	<b>(33,069)</b>	<b>(266,534)</b>	<b>(214,214)</b>	<b>52,320</b>	<input checked="" type="checkbox"/>	<b>(113)</b>	<b>(580,200)</b>	<b>(570,500)</b>	<b>9,700</b>	



# Responsibility Centre Report: Administration

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 8.4%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1600 - Mgt Support - Development & Reg	41,069	24,459	188,669	146,754	-41,915	<input checked="" type="checkbox"/>	0	293,000		
1601 - Administration	26,991	41,568	150,318	246,008	95,690	<input checked="" type="checkbox"/>	14,435	495,800		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>68,060</b>	<b>66,027</b>	<b>338,988</b>	<b>392,762</b>	<b>53,774</b>	<input checked="" type="checkbox"/>	<b>14,435</b>	<b>788,800</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	10,817	14,883	80,945	91,198	10,253	<input checked="" type="checkbox"/>	0	180,000	162,000	-18,000	Decreased demand for Outstanding Notice Certificates attributed to down turn in real estate market. Estimated income for year reduced by \$18K
Other Revenue	918	1,083	5,993	6,498	505	<input type="checkbox"/>	0	13,000	13,000	0	
<b>TOTAL REVENUE</b>	<b>11,735</b>	<b>15,966</b>	<b>86,938</b>	<b>97,696</b>	<b>10,758</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>193,000</b>	<b>175,000</b>	<b>(18,000)</b>	
Employee Costs	66,805	73,733	368,000	442,398	74,398	<input checked="" type="checkbox"/>	0	883,900	791,900	-92,000	Ongoing staff vacancies, full recruitment expected by end of Feb 09. Budget reduced by \$92K
Materials & Contracts	1,382	3,026	22,154	16,656	-5,498	<input checked="" type="checkbox"/>	195	35,100	42,700	7,600	
Operating Expense	1,742	1,850	8,035	11,100	3,065	<input checked="" type="checkbox"/>	0	22,200	22,000	-200	
<b>TOTAL OPERATING EXPENSE</b>	<b>69,929</b>	<b>78,609</b>	<b>398,189</b>	<b>470,154</b>	<b>71,965</b>	<input checked="" type="checkbox"/>	<b>195</b>	<b>941,200</b>	<b>856,600</b>	<b>(84,600)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(58,194)</b>	<b>(62,643)</b>	<b>(311,251)</b>	<b>(372,458)</b>	<b>(61,207)</b>	<input checked="" type="checkbox"/>	<b>(195)</b>	<b>(748,200)</b>	<b>(681,600)</b>	<b>66,600</b>	
Internal Services	9,866	3,384	27,737	20,304	-7,433	<input checked="" type="checkbox"/>	14,240	40,600	40,600	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(9,866)</b>	<b>(3,384)</b>	<b>(27,737)</b>	<b>(20,304)</b>	<b>7,433</b>	<input checked="" type="checkbox"/>	<b>(14,240)</b>	<b>(40,600)</b>	<b>(40,600)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(68,060)</b>	<b>(66,027)</b>	<b>(338,988)</b>	<b>(392,762)</b>	<b>(53,774)</b>	<input checked="" type="checkbox"/>	<b>(14,435)</b>	<b>(788,800)</b>	<b>(722,200)</b>	<b>66,600</b>	



# Responsibility Centre Report: Development Assessment

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Review: Q2-09[DEC]

Budget Change (%) 15.3%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1750 - Development Assessment	179,784	162,571	857,219	1,035,626	178,407	<input checked="" type="checkbox"/>	0	1,916,700		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>179,784</b>	<b>162,571</b>	<b>857,219</b>	<b>1,035,626</b>	<b>178,407</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>1,916,700</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	130,858	168,567	886,680	970,102	83,422	<input checked="" type="checkbox"/>	0	2,005,000	1,935,000	-70,000	Variance a result of easing in development activity, adjustment of \$70,000 made Diminished legal cost recovery due to Land & Environment Court rulings
Other Revenue	2,500	833	5,500	-14,002	-19,502	<input checked="" type="checkbox"/>	0	50,000	60,000	10,000	
<b>TOTAL REVENUE</b>	<b>133,358</b>	<b>169,400</b>	<b>892,180</b>	<b>956,100</b>	<b>63,920</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>2,055,000</b>	<b>1,995,000</b>	<b>(60,000)</b>	Variance a result of staff vacancies, adjustment of \$187,000 made Variance a result of staff vacancies, adjustment of \$170,000 made
Employee Costs	148,844	189,300	1,012,434	1,135,800	123,366	<input checked="" type="checkbox"/>	0	2,271,200	2,084,200	-187,000	
Materials & Contracts	132,356	110,000	540,674	660,000	119,326	<input checked="" type="checkbox"/>	0	1,320,000	1,150,000	-170,000	
Operating Expense	6,531	7,259	43,837	43,454	-383	<input type="checkbox"/>	0	75,500	79,500	4,000	
<b>TOTAL OPERATING EXPENSE</b>	<b>287,731</b>	<b>306,559</b>	<b>1,596,945</b>	<b>1,839,254</b>	<b>242,310</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>3,666,700</b>	<b>3,313,700</b>	<b>(353,000)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(154,373)</b>	<b>(137,159)</b>	<b>(704,765)</b>	<b>(883,154)</b>	<b>(178,389)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(1,611,700)</b>	<b>(1,318,700)</b>	<b>293,000</b>	
Depreciation	19	20	104	120	16	<input type="checkbox"/>	0	300	300	0	
Internal Services	25,392	25,392	152,350	152,352	2	<input type="checkbox"/>	0	304,700	304,700	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(25,410)</b>	<b>(25,412)</b>	<b>(152,454)</b>	<b>(152,472)</b>	<b>(18)</b>	<input type="checkbox"/>	<b>0</b>	<b>(305,000)</b>	<b>(305,000)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(179,784)</b>	<b>(162,571)</b>	<b>(857,219)</b>	<b>(1,035,626)</b>	<b>(178,407)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(1,916,700)</b>	<b>(1,623,700)</b>	<b>293,000</b>	



# Responsibility Centre Report: Landscape Assessment

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 3.3%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2600 - Landscape Assessment	30,088	34,525	209,887	207,150	-2,737	0	414,000			
<b>NET EXPENDITURE / (REVENUE)</b>	<b>30,088</b>	<b>34,525</b>	<b>209,887</b>	<b>207,150</b>	<b>(2,737)</b>	<b>0</b>	<b>414,000</b>			

## NET OPERATING RESULT BY RESOURCE GROUPS

Other Revenue	0	417	600	2,502	1,902	0	5,000	5,000	0
<b>TOTAL REVENUE</b>	<b>0</b>	<b>417</b>	<b>600</b>	<b>2,502</b>	<b>1,902</b>	<b>0</b>	<b>5,000</b>	<b>5,000</b>	<b>0</b>
Employee Costs	27,396	32,200	193,904	193,200	-704	0	386,100	372,300	-13,800
Materials & Contracts	0	0	319	0	-319	0	0	0	0
Operating Expense	375	425	2,364	2,550	186	0	5,100	5,100	0
<b>TOTAL OPERATING EXPENSE</b>	<b>27,771</b>	<b>32,625</b>	<b>196,587</b>	<b>195,750</b>	<b>(837)</b>	<b>0</b>	<b>391,200</b>	<b>377,400</b>	<b>(13,800)</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(27,771)</b>	<b>(32,208)</b>	<b>(195,987)</b>	<b>(193,248)</b>	<b>2,739</b>	<b>0</b>	<b>(386,200)</b>	<b>(372,400)</b>	<b>13,800</b>
Internal Services	2,317	2,317	13,900	13,902	2	0	27,800	27,800	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(2,317)</b>	<b>(2,317)</b>	<b>(13,900)</b>	<b>(13,902)</b>	<b>(2)</b>	<b>0</b>	<b>(27,800)</b>	<b>(27,800)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(30,088)</b>	<b>(34,525)</b>	<b>(209,887)</b>	<b>(207,150)</b>	<b>2,737</b>	<b>0</b>	<b>(414,000)</b>	<b>(400,200)</b>	<b>13,800</b>



# Responsibility Centre Report: Regulation

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 75.2%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1800 - Animal Control	-9,005	9,317	-428	30,502	30,930	<input checked="" type="checkbox"/>	0	88,500		
1801 - Parking & Traffic	-45,136	-38,399	-240,864	-230,394	10,470	<input checked="" type="checkbox"/>	0	-461,700		
1802 - Area Rangers	45,533	38,392	209,756	221,052	11,296	<input checked="" type="checkbox"/>	0	451,300		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>(8,608)</b>	<b>9,310</b>	<b>(31,536)</b>	<b>21,160</b>	<b>52,696</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>78,100</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	9,012	12,433	65,443	81,498	16,055	<input checked="" type="checkbox"/>	0	155,000	138,000	-17,000	Patronage of Culworth parking station less than fore cast, end of year budget income reduced by \$17K in this review Annual parking fine income reduced by \$14K due to ongoing vacancies and illness within ranger group - vacancies expected to be filled by end of Feb 09
Other Revenue	72,502	66,966	415,071	429,596	14,525	<input checked="" type="checkbox"/>	0	828,000	779,000	-49,000	
<b>TOTAL REVENUE</b>	<b>81,514</b>	<b>79,399</b>	<b>480,514</b>	<b>511,094</b>	<b>30,580</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>983,000</b>	<b>917,000</b>	<b>(66,000)</b>	
Employee Costs	42,618	64,525	303,686	387,150	83,464	<input checked="" type="checkbox"/>	0	770,900	656,800	-114,100	Savings as a result of ongoing vacancies within group - all vacancies expected to be filled by end of Feb 09. Annual budget reduced by \$114.1K .
Materials & Contracts	5,512	6,084	28,687	36,504	7,817	<input checked="" type="checkbox"/>	0	73,000	60,900	-12,100	
Operating Expense	17,775	11,058	74,605	66,348	-8,257	<input checked="" type="checkbox"/>	0	132,700	134,200	1,500	
<b>TOTAL OPERATING EXPENSE</b>	<b>65,905</b>	<b>81,667</b>	<b>406,978</b>	<b>490,002</b>	<b>83,024</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>976,600</b>	<b>851,900</b>	<b>(124,700)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>15,608</b>	<b>(2,268)</b>	<b>73,536</b>	<b>21,092</b>	<b>(52,444)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>6,400</b>	<b>65,100</b>	<b>58,700</b>	
Internal Services	7,000	7,042	42,000	42,252	252	<input type="checkbox"/>	0	84,500	84,500	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(7,000)</b>	<b>(7,042)</b>	<b>(42,000)</b>	<b>(42,252)</b>	<b>(252)</b>	<input type="checkbox"/>	<b>0</b>	<b>(84,500)</b>	<b>(84,500)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>8,608</b>	<b>(9,310)</b>	<b>31,536</b>	<b>(21,160)</b>	<b>(52,696)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(78,100)</b>	<b>(19,400)</b>	<b>58,700</b>	



# Responsibility Centre Report: Development Engineers

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 44.5%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
1850 - Development Assessment Engine	22,722	23,258	159,808	139,448	-20,360	<input checked="" type="checkbox"/>	0	277,700		
1851 - Infrastructure Restoration	-27,533	2,333	-264,274	-182,002	82,272	<input checked="" type="checkbox"/>	0	-700,000		
NET EXPENDITURE / (REVENUE)	(4,811)	25,591	(104,465)	(42,554)	61,911	<input checked="" type="checkbox"/>	0	(422,300)		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	32,666	2,334	288,883	210,104	-78,779	<input checked="" type="checkbox"/>	0	756,000	585,000	-171,000
TOTAL REVENUE	32,666	2,334	288,883	210,104	(78,779)	<input checked="" type="checkbox"/>	0	756,000	585,000	(171,000)
Employee Costs	25,171	25,200	167,427	151,200	-16,227	<input checked="" type="checkbox"/>	0	301,000	317,300	16,300
Materials & Contracts	0	0	112	0	-112	<input type="checkbox"/>	0	0	0	0
Operating Expense	225	267	1,922	1,602	-320	<input type="checkbox"/>	0	3,200	3,700	500
TOTAL OPERATING EXPENSE	25,396	25,467	169,462	152,802	(16,660)	<input checked="" type="checkbox"/>	0	304,200	321,000	16,800
Surplus/ (Deficit) - Direct Control	7,270	(23,133)	119,422	57,302	(62,120)	<input checked="" type="checkbox"/>	0	451,800	264,000	(187,800)
Internal Services	2,458	2,458	14,957	14,748	-209	<input type="checkbox"/>	0	29,500	29,500	0
Surplus/(Deficit) -Indirect Control	(2,458)	(2,458)	(14,957)	(14,748)	209	<input type="checkbox"/>	0	(29,500)	(29,500)	0
NET SURPLUS/ (DEFICIT)	4,811	(25,591)	104,465	42,554	(61,911)	<input checked="" type="checkbox"/>	0	422,300	234,500	(187,800)





# Department Report: Operations

Financial Year: 2008/09

Review: Q2-09(DEC)

RESULTS BY RESPONSIBILITY CENTRE	Month: December		Year To Date to December			Comit'mts	Budget Change (%)		
	Actual	Budget	Actual	Budget	Variance		Full Year Budget	30th June Forecast	Variance
Bush & Nat Resources	73,929	95,609	483,622	573,658	90,036	☑	22,126	1,145,300	
Depot Support Service	34,516	37,458	194,862	224,748	29,886	☑	48	169,200	
Fleet Operations	-95,723	-78,803	-284,772	-249,818	34,954	☑	689	-624,500	
Maint & Construction	715,169	638,051	3,026,153	3,073,306	47,153	☑	10,021	6,093,600	
Mgnt Sup Operations	155,283	184,728	911,427	1,108,368	196,941	☑	148	2,072,500	
Plant Nursery	9,059	6,647	59,882	39,882	-20,000	☒	1,216	78,700	
Parks	229,232	228,883	1,362,846	1,333,198	-29,648	☒	7,187	2,711,600	
Sport & Recreation	240,413	259,714	1,514,785	1,558,284	43,499	☑	11,700	3,116,900	
Street Sweep & Litter	148,484	121,293	747,126	727,758	-19,368	☒	7,200	1,451,200	
Trade Services	26,032	150,803	784,185	904,818	120,633	☑	10,080	1,806,500	
Traffic & Projects	-8,810	60,444	340,604	313,664	-26,940	☒	693	664,200	
Trees	112,513	119,840	603,105	670,240	67,135	☑	1,505	1,386,800	

NET EXPENDITURE / (REVENUE)	1,640,098	1,824,667	9,743,824	10,278,106	534,282	☑	72,613	20,072,000	
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## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	125,985	181,358	1,238,248	1,108,248	-130,000	☑	569	2,474,100	2,474,100	0
Other Revenue	5,323	2,083	20,571	12,498	-8,073	☑	0	25,000	25,000	0
Grants	0	24,167	181,485	186,902	5,417	☒	0	621,500	636,500	15,000
TOTAL REVENUE	131,309	207,608	1,440,305	1,307,648	(132,657)	☑	569	3,120,600	3,135,600	15,000
Employee Costs	642,420	875,617	4,624,982	5,286,702	661,720	☑	81	10,591,400	10,336,700	-254,700
Materials & Contracts	620,074	584,351	3,180,504	2,675,206	-505,298	☒	52,022	5,525,600	5,700,600	175,000
Operating Expense	155,757	215,842	1,260,040	1,485,056	225,016	☑	19,512	2,780,100	2,780,100	0
Capital Costs	0	0	18,250	0	-18,250	☒	0	0	0	0
TOTAL OPERATING EXPENSE	1,418,251	1,675,810	9,083,776	9,446,964	363,188	☑	71,615	18,897,100	18,817,400	(79,700)

Surplus/ (Deficit) - Direct Control	(1,286,942)	(1,468,202)	(7,643,471)	(8,139,316)	(495,845)	☑	(71,046)	(15,776,500)	(15,681,800)	94,700
Profit on Asset Sales	0	0	1,875	0	-1,875	☒	0	0	0	0
Depreciation	522,411	485,480	2,901,787	2,912,880	11,093	☑	0	5,843,700	5,843,700	0
Internal Services	-169,255	-129,015	-803,308	-774,090	29,218	☑	429	-1,548,200	-1,548,200	0
Surplus/(Deficit) -Indirect Control	(353,155)	(356,465)	(2,100,353)	(2,138,790)	(38,437)	☑	(429)	(4,295,500)	(4,295,500)	0


NET SURPLUS/ (DEFICIT)	(1,640,098)	(1,824,667)	(9,743,824)	(10,278,106)	(534,282)	☑	(71,475)	(20,072,000)	(19,977,300)	94,700
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# Responsibility Centre Report: Bush & Nat Resources

Review: Q2-09(DEC)

Budget Change [%] 3.6%



Financial Year: 2008/09

Budget Change [%] 3.6%

Month: December		Year To Date to December			OPERATING BUDGET PERFORMANCE					
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2404 - Bushland Maintenance	73,929	95,609	483,622	573,658	90,036	<input checked="" type="checkbox"/>	22,126	1,145,300		
NET EXPENDITURE / (REVENUE)	73,929	95,609	483,622	573,658	90,036	<input checked="" type="checkbox"/>	22,126	1,145,300		

## NET OPERATING RESULT BY RESOURCE GROUPS


User Fees	0	0	199	0	-199	<input type="checkbox"/>	0	0	0	0	
Other Revenue	0	0	182	0	-182	<input type="checkbox"/>	0	0	0	0	
TOTAL REVENUE	0	0	381	0	(381)	<input type="checkbox"/>	0	0	0	0	
Employee Costs	46,909	66,992	327,737	401,952	74,215	<input checked="" type="checkbox"/>	0	801,900	743,200	-58,700	Employee costs lower due to staff vacancies.
Materials & Contracts	11,370	12,584	57,722	75,504	17,782	<input checked="" type="checkbox"/>	13,589	151,000	169,000	18,000	
Operating Expense	963	2,100	6,433	12,604	6,171	<input checked="" type="checkbox"/>	8,537	25,200	25,200	0	
Capital Costs	0	0	8,250	0	-8,250	<input checked="" type="checkbox"/>	0	0	0	0	
TOTAL OPERATING EXPENSE	59,242	81,676	400,142	490,060	89,918	<input checked="" type="checkbox"/>	22,126	978,100	937,400	(40,700)	
Surplus/ (Deficit) - Direct Control	(59,242)	(81,676)	(399,762)	(490,060)	(90,298)	<input checked="" type="checkbox"/>	(22,126)	(978,100)	(937,400)	40,700	
Depreciation	30	0	170	0	-170	<input type="checkbox"/>	0	0	0	0	
Internal Services	14,657	13,933	83,691	83,598	-93	<input type="checkbox"/>	0	167,200	167,200	0	
Surplus/(Deficit) -Indirect Control	(14,687)	(13,933)	(83,861)	(83,598)	263	<input type="checkbox"/>	0	(167,200)	(167,200)	0	
NET SURPLUS/ (DEFICIT)	(73,929)	(95,609)	(483,622)	(573,658)	(90,036)	<input checked="" type="checkbox"/>	(22,126)	(1,145,300)	(1,104,600)	40,700	



# Responsibility Centre Report: Depot Support Service

Review: Q2-09(DEC)

Budget Change [%] 12.4%



Kuring-gai Council

Financial Year: 2008/09

☒

Review: Q2-09(DEC)

Budget Change (%) 12.4%

Month: December		Year To Date to December			OPERATING BUDGET PERFORMANCE					
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
3100 - Management Support - Depot Ser	34,516	37,458	194,862	224,748	29,886	<input checked="" type="checkbox"/>	48	169,200		
NET EXPENDITURE / (REVENUE)	34,516	37,458	194,862	224,748	29,886	<input checked="" type="checkbox"/>	48	169,200		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	0	0	0	0	0	<input type="checkbox"/>	0	280,000	280,000	0	
Other Revenue	1,125	0	5,793	0	-5,793	<input checked="" type="checkbox"/>	0	0	0	0	
TOTAL REVENUE	1,125	0	5,793	0	(5,793)	<input checked="" type="checkbox"/>	0	280,000	280,000	0	
Employee Costs	24,441	28,342	143,163	170,052	26,889	<input checked="" type="checkbox"/>	0	339,800	318,900	-20,900	Employee costs lower due to staff vacancies
Materials & Contracts	76	791	1,757	4,746	2,989	<input checked="" type="checkbox"/>	48	9,500	9,500	0	
Operating Expense	2,422	4,275	22,496	25,650	3,154	<input checked="" type="checkbox"/>	0	51,300	51,300	0	
TOTAL OPERATING EXPENSE	26,939	33,408	167,415	200,448	33,033	<input checked="" type="checkbox"/>	48	400,600	379,700	(20,900)	
Surplus/ (Deficit) - Direct Control	(25,813)	(33,408)	(161,622)	(200,448)	(38,826)	<input checked="" type="checkbox"/>	(48)	(120,600)	(99,700)	20,900	
Internal Services	8,703	4,050	33,239	24,300	-8,939	<input checked="" type="checkbox"/>	0	48,600	48,600	0	
Surplus/(Deficit) -Indirect Control	(8,703)	(4,050)	(33,239)	(24,300)	8,939	<input checked="" type="checkbox"/>	0	(48,600)	(48,600)	0	
NET SURPLUS/ (DEFICIT)	(34,516)	(37,458)	(194,862)	(224,748)	(29,886)	<input checked="" type="checkbox"/>	(48)	(169,200)	(148,300)	20,900	



# Responsibility Centre Report: Fleet Operations

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 3.2%

Month: December

Year To Date to December

OPERATING BUDGET PERFORMANCE

RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
3250 - Management Support - Fleet Oper	11,626	12,201	79,660	73,206	-6,454	<input checked="" type="checkbox"/>	0	145,100		
3251 - Operational Fleet	-45,137	-53,975	-171,573	-233,850	-62,277	<input checked="" type="checkbox"/>	0	-558,100		
3252 - Passenger Fleet	-93,346	-70,498	-391,166	-289,988	101,178	<input checked="" type="checkbox"/>	0	-612,700		
3253 - Small Plant & Equipment	4,896	4,401	25,827	26,406	579	<input type="checkbox"/>	455	53,300		
3254 - Workshop	26,238	29,068	172,479	174,408	1,929	<input checked="" type="checkbox"/>	234	347,900		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>(95,723)</b>	<b>(78,803)</b>	<b>(284,772)</b>	<b>(249,818)</b>	<b>34,954</b>	<input checked="" type="checkbox"/>	<b>689</b>	<b>(624,500)</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS


User Fees	58,485	28,333	303,172	169,998	-133,174	<input checked="" type="checkbox"/>	0	340,000	340,000	0	Budget can be increased due to increased lease back fees higher than anticipated.
Other Revenue	2,405	2,000	12,931	12,000	-931	<input type="checkbox"/>	0	24,000	24,000	0	
<b>TOTAL REVENUE</b>	<b>60,890</b>	<b>30,333</b>	<b>316,103</b>	<b>181,998</b>	<b>(134,105)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>364,000</b>	<b>364,000</b>	<b>0</b>	
Employee Costs	32,695	35,825	250,028	247,950	-2,078	<input checked="" type="checkbox"/>	0	559,100	559,100	0	Over expenditure due to higher fuel prices and increase in vehicle accidents requiring materials
Materials & Contracts	86,549	63,572	504,162	381,432	-122,730	<input checked="" type="checkbox"/>	689	762,800	782,800	20,000	
Operating Expense	2,502	20,400	280,952	312,400	31,448	<input checked="" type="checkbox"/>	0	434,800	434,800	0	Under expenditure due to phasing of registration of vehicles, and reduced insurance costs
<b>TOTAL OPERATING EXPENSE</b>	<b>121,746</b>	<b>119,797</b>	<b>1,035,142</b>	<b>941,782</b>	<b>(93,360)</b>	<input checked="" type="checkbox"/>	<b>689</b>	<b>1,756,700</b>	<b>1,776,700</b>	<b>20,000</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(60,856)</b>	<b>(89,464)</b>	<b>(719,039)</b>	<b>(759,784)</b>	<b>(40,745)</b>	<input checked="" type="checkbox"/>	<b>(689)</b>	<b>(1,392,700)</b>	<b>(1,412,700)</b>	<b>(20,000)</b>	
Profit on Asset Sales	0	0	1,875	0	-1,875	<input checked="" type="checkbox"/>	0	0	0	0	
Depreciation	129,321	118,200	711,372	709,200	-2,172	<input checked="" type="checkbox"/>	0	1,420,400	1,420,400	0	
Internal Services	-285,899	-286,467	-1,717,058	-1,718,802	-1,744	<input checked="" type="checkbox"/>	0	-3,437,600	-3,437,600	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>156,579</b>	<b>168,267</b>	<b>1,003,811</b>	<b>1,009,602</b>	<b>5,791</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>2,017,200</b>	<b>2,017,200</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>95,723</b>	<b>78,803</b>	<b>284,772</b>	<b>249,818</b>	<b>(34,954)</b>	<input checked="" type="checkbox"/>	<b>(689)</b>	<b>624,500</b>	<b>604,500</b>	<b>(20,000)</b>	



# Responsibility Centre Report: Maint & Construction

Review: Q2-09(DEC)

Budget Change [%] 0.0%

		Financial Year: 2008/09		Review: Q1 07/DEC		Budget Change (%)		0.0%			
		Month: December		Year To Date to December			OPERATING BUDGET PERFORMANCE				
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action	
3150 - Mgt Support - Maintenance & Con	28,279	21,459	172,440	128,754	-43,686	<input checked="" type="checkbox"/>	0	256,400		Revenue reasonably in line with budget. No adjustment required at this stage.	
3151 - Access Crossings	-25,537	-5,651	14,755	-33,906	-48,661	<input checked="" type="checkbox"/>	0	-71,300			
3152 - Drainage Maintenance & Repair	84,761	97,000	533,822	582,000	48,178	<input checked="" type="checkbox"/>	3,662	1,162,200			
3153 - Footpath Maintenance	61,204	64,360	361,352	386,160	24,808	<input checked="" type="checkbox"/>	4,619	771,800			
3154 - Kerb & Gutter Maintenance	8,772	24,683	80,383	148,098	67,715	<input checked="" type="checkbox"/>	1,740	295,200			
3155 - Patching	11,072	11,099	81,364	66,594	-14,770	<input checked="" type="checkbox"/>	0	132,100			
3156 - Restorations	25,936	-57,683	-261,512	-346,098	-84,586	<input checked="" type="checkbox"/>	0	-694,000			
3157 - Road Maintenance	475,566	430,150	1,791,749	1,825,900	34,151	<input checked="" type="checkbox"/>	0	3,609,400			
3158 - Road Maintenance - Road Shoulders	27,817	34,942	150,805	209,652	58,847	<input checked="" type="checkbox"/>	0	417,900			
3159 - Car Parks	17,298	17,692	100,995	106,152	5,157	<input checked="" type="checkbox"/>	0	213,900			
NET EXPENDITURE / [REVENUE]	715,169	638,051	3,026,153	3,073,306	47,153	<input checked="" type="checkbox"/>	10,021	6,093,600			
NET OPERATING RESULT BY RESOURCE GROUPS											
User Fees	37,131	132,125	814,084	792,750	-21,334	<input checked="" type="checkbox"/>	0	1,585,500	1,585,500	0	Revenue reasonably in line with budget. No adjustment required at this stage.
Grants	0	21,667	137,500	130,002	-7,498	<input checked="" type="checkbox"/>	0	260,000	275,000	15,000	
TOTAL REVENUE	37,131	153,792	951,584	922,752	(28,832)	<input checked="" type="checkbox"/>	0	1,845,500	1,860,500	15,000	
Employee Costs	108,951	166,474	739,721	998,844	259,123	<input checked="" type="checkbox"/>	0	1,983,300	1,983,300	0	Adjustments required to cover actual work done for utility restorations and awaiting payments by utility companies. Higher expenditure but higher revenue expected when invoices are sent. See above comments.
Materials & Contracts	252,941	267,709	1,072,118	851,254	-220,864	<input checked="" type="checkbox"/>	8,021	1,660,500	1,675,500	15,000	
Operating Expense	1,326	5,085	15,902	30,510	14,608	<input checked="" type="checkbox"/>	2,000	61,000	61,000	0	
TOTAL OPERATING EXPENSE	363,217	439,268	1,827,741	1,880,608	52,867	<input checked="" type="checkbox"/>	10,021	3,704,800	3,719,800	15,000	
Surplus/[Deficit] - Direct Control	(326,086)	(285,476)	(876,157)	(957,856)	(81,699)	<input checked="" type="checkbox"/>	(10,021)	(1,859,300)	(1,859,300)	0	
Depreciation	349,140	323,900	1,946,959	1,943,400	-3,559	<input checked="" type="checkbox"/>	0	3,890,200	3,890,200	0	
Internal Services	39,943	28,675	203,037	172,050	-30,987	<input checked="" type="checkbox"/>	0	344,100	344,100	0	
Surplus/[Deficit] -Indirect Control	(389,083)	(352,575)	(2,149,996)	(2,115,450)	34,546	<input checked="" type="checkbox"/>	0	(4,234,300)	(4,234,300)	0	
NET SURPLUS/[DEFICIT]	(715,169)	(638,051)	(3,026,153)	(3,073,306)	(47,153)	<input checked="" type="checkbox"/>	(10,021)	(6,093,600)	(6,093,600)	0	



# Responsibility Centre Report: Mgmt Sup Operations

Review: Q2-09(DEC)

Budget Change (%) 0.8%

Financial Year: 2008/09

Month: December

Year To Date to December

## OPERATING BUDGET PERFORMANCE

RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2900 - Management Support - Operation	24,376	28,345	150,878	170,070	19,192	<input checked="" type="checkbox"/>	148	338,500		
2901 - Public Lighting	121,985	142,500	698,803	855,000	156,197	<input checked="" type="checkbox"/>	0	1,484,000		
2902 - Rural Fire Brigade Services	4,737	6,925	30,382	41,550	11,168	<input checked="" type="checkbox"/>	0	165,400		
2903 - SES Services	4,186	6,958	31,364	41,748	10,384	<input checked="" type="checkbox"/>	0	84,600		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>155,283</b>	<b>184,728</b>	<b>911,427</b>	<b>1,108,368</b>	<b>196,941</b>	<input checked="" type="checkbox"/>	<b>148</b>	<b>2,072,500</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

Other Revenue	602	0	602	0	-602	<input type="checkbox"/>	0	0	0	0	
Grants	0	0	0	0	0	<input type="checkbox"/>	0	274,500	274,500	0	
<b>TOTAL REVENUE</b>	<b>602</b>	<b>0</b>	<b>602</b>	<b>0</b>	<b>(602)</b>	<input type="checkbox"/>	<b>0</b>	<b>274,500</b>	<b>274,500</b>	<b>0</b>	
Employee Costs	19,666	24,200	117,673	145,200	27,527	<input checked="" type="checkbox"/>	0	288,500	272,800	-15,700	Under expenditure due to vacancies
Materials & Contracts	886	3,609	5,869	21,654	15,785	<input checked="" type="checkbox"/>	148	173,300	173,300	0	Lower expenditure due to a phasing issue.
Operating Expense	123,659	145,007	715,558	870,042	154,484	<input checked="" type="checkbox"/>	0	1,740,100	1,740,100	0	Under expenditure due time lag in Energy
<b>TOTAL OPERATING EXPENSE</b>	<b>144,210</b>	<b>172,816</b>	<b>839,100</b>	<b>1,036,896</b>	<b>197,796</b>	<input checked="" type="checkbox"/>	<b>148</b>	<b>2,201,900</b>	<b>2,186,200</b>	<b>(15,700)</b>	Australia invoices relative to monthly period
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(143,608)</b>	<b>(172,816)</b>	<b>(838,498)</b>	<b>(1,036,896)</b>	<b>(198,398)</b>	<input checked="" type="checkbox"/>	<b>(148)</b>	<b>(1,927,400)</b>	<b>(1,911,700)</b>	<b>15,700</b>	
Depreciation	2,109	2,170	11,781	13,020	1,239	<input checked="" type="checkbox"/>	0	28,200	28,200	0	
Internal Services	9,567	9,742	61,148	58,452	-2,696	<input checked="" type="checkbox"/>	0	116,900	116,900	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(11,676)</b>	<b>(11,912)</b>	<b>(72,929)</b>	<b>(71,472)</b>	<b>1,457</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(145,100)</b>	<b>(145,100)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(155,283)</b>	<b>(184,728)</b>	<b>(911,427)</b>	<b>(1,108,368)</b>	<b>(196,941)</b>	<input checked="" type="checkbox"/>	<b>(148)</b>	<b>(2,072,500)</b>	<b>(2,056,800)</b>	<b>15,700</b>	



# Responsibility Centre Report: Plant Nursery

XXXXXX

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2500 - Plant Nursery	9,059	6,647	59,882	39,882	-20,000	<input checked="" type="checkbox"/>	1,216	78,700		
NET EXPENDITURE / (REVENUE)	9,059	6,647	59,882	39,882	(20,000)	<input checked="" type="checkbox"/>	1,216	78,700		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	1,510	9,166	42,018	54,996	12,978	<input checked="" type="checkbox"/>	569	110,000	110,000	0	Decrease in fees due to wholesale nursery customers requirements being down but expect a pick up over the next 2 quarters
TOTAL REVENUE	1,510	9,166	42,018	54,996	12,978	<input checked="" type="checkbox"/>	569	110,000	110,000	0	
Employee Costs	9,594	12,433	74,999	74,598	-401	<input type="checkbox"/>	0	148,100	148,100	0	
Materials & Contracts	842	3,259	21,939	19,554	-2,385	<input checked="" type="checkbox"/>	647	39,100	39,100	0	
Operating Expense	809	1,542	11,234	9,252	-1,982	<input checked="" type="checkbox"/>	0	18,500	18,500	0	
TOTAL OPERATING EXPENSE	11,245	17,234	108,172	103,404	(4,768)	<input checked="" type="checkbox"/>	647	205,700	205,700	0	
Surplus/ (Deficit) - Direct Control	(9,735)	(8,068)	(66,154)	(48,408)	17,746	<input checked="" type="checkbox"/>	(78)	(95,700)	(95,700)	0	
Depreciation	851	670	4,744	4,020	-724	<input type="checkbox"/>	0	8,100	8,100	0	
Internal Services	-1,527	-2,091	-11,016	-12,546	-1,530	<input checked="" type="checkbox"/>	0	-25,100	-25,100	0	
Surplus/(Deficit) -Indirect Control	676	1,421	6,272	8,526	2,254	<input checked="" type="checkbox"/>	0	17,000	17,000	0	
NET SURPLUS/ (DEFICIT)	(9,059)	(6,647)	(59,882)	(39,882)	20,000	<input checked="" type="checkbox"/>	(78)	(78,700)	(78,700)	0	



# Responsibility Centre Report: Parks

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2450 - Management Support Open Space	24,821	22,883	144,476	137,298	-7,178	<input checked="" type="checkbox"/>	1,518	272,600		
2451 - Business Centre Landscapes	-76	0	0	0	0	<input type="checkbox"/>	0	0		
2452 - Playground Maintenance	6,232	4,274	50,312	45,944	-4,368	<input checked="" type="checkbox"/>	0	71,600		
2457 - Parks Maintenance	139,815	157,523	889,079	884,738	-4,341	<input checked="" type="checkbox"/>	5,669	1,839,400		
2550 - Open Space Asset Management	34,535	17,901	144,958	107,406	-37,552	<input checked="" type="checkbox"/>	0	213,500		
2558 - St Ives Showground	23,905	26,302	134,022	157,812	23,790	<input checked="" type="checkbox"/>	0	314,500		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>229,232</b>	<b>228,883</b>	<b>1,362,846</b>	<b>1,333,198</b>	<b>(29,648)</b>	<input checked="" type="checkbox"/>	<b>7,187</b>	<b>2,711,600</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	0	0	2,000	0	-2,000	<input checked="" type="checkbox"/>	0	0	0	0	
<b>TOTAL REVENUE</b>	<b>0</b>	<b>0</b>	<b>2,000</b>	<b>0</b>	<b>(2,000)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Employee Costs	139,605	133,584	782,770	801,504	18,734	<input checked="" type="checkbox"/>	0	1,595,300	1,595,300	0	Variation due to vacancies
Materials & Contracts	41,478	53,158	301,762	278,848	-22,914	<input checked="" type="checkbox"/>	6,397	606,800	606,800	0	Variations due to the employment of agency staff to cover staff vacancies
Operating Expense	5,116	6,100	37,530	36,600	-930	<input type="checkbox"/>	361	73,200	73,200	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>186,198</b>	<b>192,842</b>	<b>1,122,062</b>	<b>1,116,952</b>	<b>(5,110)</b>	<input checked="" type="checkbox"/>	<b>6,758</b>	<b>2,275,300</b>	<b>2,275,300</b>	<b>0</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(186,198)</b>	<b>(192,842)</b>	<b>(1,120,062)</b>	<b>(1,116,952)</b>	<b>3,110</b>	<input checked="" type="checkbox"/>	<b>(6,758)</b>	<b>(2,275,300)</b>	<b>(2,275,300)</b>	<b>0</b>	
Depreciation	13,136	10,500	73,566	63,000	-10,566	<input checked="" type="checkbox"/>	0	129,800	129,800	0	
Internal Services	29,898	25,541	169,218	153,246	-15,972	<input checked="" type="checkbox"/>	429	306,500	306,500	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(43,034)</b>	<b>(36,041)</b>	<b>(242,784)</b>	<b>(216,246)</b>	<b>26,538</b>	<input checked="" type="checkbox"/>	<b>(429)</b>	<b>(436,300)</b>	<b>(436,300)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(229,232)</b>	<b>(228,883)</b>	<b>(1,362,846)</b>	<b>(1,333,198)</b>	<b>29,648</b>	<input checked="" type="checkbox"/>	<b>(7,187)</b>	<b>(2,711,600)</b>	<b>(2,711,600)</b>	<b>0</b>	





# Responsibility Centre Report: Sport & Recreation

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2551 - Gordon Golf Course - Expenditure	46,917	45,533	300,982	273,198	-27,784	<input checked="" type="checkbox"/>	5,884	544,700		
2552 - North Turrumurra Golf Course - E	38,905	46,217	302,823	277,302	-25,521	<input checked="" type="checkbox"/>	3,381	553,500		
2553 - West Pymble Pool	3,137	7,496	15,493	44,976	29,483	<input checked="" type="checkbox"/>	0	90,800		
2555 - Tennis Courts - Expenditure	9,950	11,134	71,698	66,804	-4,894	<input checked="" type="checkbox"/>	0	134,500		
2557 - Sportsfield Maintenance	141,504	149,334	823,789	896,004	72,215	<input checked="" type="checkbox"/>	2,435	1,793,400		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>240,413</b>	<b>259,714</b>	<b>1,514,785</b>	<b>1,558,284</b>	<b>43,499</b>	<input checked="" type="checkbox"/>	<b>11,700</b>	<b>3,116,900</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	0	0	0	0	0	<input type="checkbox"/>	0	0	0	0	
<b>TOTAL REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<input type="checkbox"/>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Employee Costs	106,461	115,983	639,538	695,898	56,360	<input checked="" type="checkbox"/>	81	1,386,600	1,386,600	0	Lower expenditure due to vacancies but funding required due to seasonal requirements.
Materials & Contracts	56,002	64,834	399,467	389,004	-10,463	<input checked="" type="checkbox"/>	11,619	778,000	778,000	0	Higher expenditure due to treatment of greens.
Operating Expense	7,762	15,467	81,384	92,802	11,418	<input checked="" type="checkbox"/>	0	185,600	185,600	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>170,225</b>	<b>196,284</b>	<b>1,120,388</b>	<b>1,177,704</b>	<b>57,316</b>	<input checked="" type="checkbox"/>	<b>11,700</b>	<b>2,350,200</b>	<b>2,350,200</b>	<b>0</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(170,225)</b>	<b>(196,284)</b>	<b>(1,120,388)</b>	<b>(1,177,704)</b>	<b>(57,316)</b>	<input checked="" type="checkbox"/>	<b>(11,700)</b>	<b>(2,350,200)</b>	<b>(2,350,200)</b>	<b>0</b>	
Depreciation	19,211	23,230	105,078	139,380	34,302	<input checked="" type="checkbox"/>	0	284,300	284,300	0	
Internal Services	50,977	40,200	289,319	241,200	-48,119	<input checked="" type="checkbox"/>	0	482,400	482,400	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(70,188)</b>	<b>(63,430)</b>	<b>(394,397)</b>	<b>(380,580)</b>	<b>13,817</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(766,700)</b>	<b>(766,700)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(240,413)</b>	<b>(259,714)</b>	<b>(1,514,785)</b>	<b>(1,558,284)</b>	<b>(43,499)</b>	<input checked="" type="checkbox"/>	<b>(11,700)</b>	<b>(3,116,900)</b>	<b>(3,116,900)</b>	<b>0</b>	



# Responsibility Centre Report: Street Sweep & Litter

Review: Q2-09(DEC)

Budget Change (%) 1.7%

Financial Year: 2008/09

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
3300 - Litter Control & Clearing	26,900	30,458	170,519	182,748	12,229	<input checked="" type="checkbox"/>	3,670	363,900		
3301 - Routine Pit Clearance	10,484	15,142	79,680	90,852	11,172	<input checked="" type="checkbox"/>	3,530	181,400		
3302 - Street Sweeping	87,730	66,268	419,305	397,608	-21,697	<input checked="" type="checkbox"/>	0	794,500		
3303 - Unformed Shoulder Clearing	23,370	9,425	77,621	56,550	-21,071	<input checked="" type="checkbox"/>	0	111,400		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>148,484</b>	<b>121,293</b>	<b>747,126</b>	<b>727,758</b>	<b>(19,368)</b>	<input checked="" type="checkbox"/>	<b>7,200</b>	<b>1,451,200</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

Employee Costs	42,403	61,909	302,153	371,454	69,301	<input checked="" type="checkbox"/>	0	738,600	654,300	-84,300	Lower costs due to vacancies Higher costs due to agency staff to cover vacancies.
Materials & Contracts	73,184	25,666	239,285	153,996	-85,289	<input checked="" type="checkbox"/>	7,200	308,000	368,000	60,000	
Operating Expense	255	1,075	9,837	6,450	-3,387	<input checked="" type="checkbox"/>	0	12,900	12,900	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>115,843</b>	<b>88,650</b>	<b>551,276</b>	<b>531,900</b>	<b>(19,376)</b>	<input checked="" type="checkbox"/>	<b>7,200</b>	<b>1,059,500</b>	<b>1,035,200</b>	<b>(24,300)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(115,843)</b>	<b>(88,650)</b>	<b>(551,276)</b>	<b>(531,900)</b>	<b>19,376</b>	<input checked="" type="checkbox"/>	<b>(7,200)</b>	<b>(1,059,500)</b>	<b>(1,035,200)</b>	<b>24,300</b>	
Internal Services	32,642	32,643	195,850	195,858	8	<input type="checkbox"/>	0	391,700	391,700	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(32,642)</b>	<b>(32,643)</b>	<b>(195,850)</b>	<b>(195,858)</b>	<b>(8)</b>	<input type="checkbox"/>	<b>0</b>	<b>(391,700)</b>	<b>(391,700)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(148,484)</b>	<b>(121,293)</b>	<b>(747,126)</b>	<b>(727,758)</b>	<b>19,368</b>	<input checked="" type="checkbox"/>	<b>(7,200)</b>	<b>(1,451,200)</b>	<b>(1,426,900)</b>	<b>24,300</b>	



# Responsibility Centre Report: Trade Services

Review: Q2-09(DEC)

Budget Change [%] 0.1%

Financial Year: 2008/09

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2025 - Security Services	7,772	10,682	53,388	64,092	10,704	<input checked="" type="checkbox"/>	8,159	128,200		
2250 - Cleaning Services	18,836	21,409	105,990	128,454	22,464	<input checked="" type="checkbox"/>	455	254,700		
3200 - Management Support - Trade Ser	-13,078	18,494	118,026	110,964	-7,062	<input checked="" type="checkbox"/>	0	220,500		
3201 - Building Management	12,502	100,218	506,781	601,308	94,527	<input checked="" type="checkbox"/>	1,467	1,203,100		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>26,032</b>	<b>150,803</b>	<b>784,185</b>	<b>904,818</b>	<b>120,633</b>	<input checked="" type="checkbox"/>	<b>10,080</b>	<b>1,806,500</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	0	167	0	1,002	1,002	<input checked="" type="checkbox"/>	0	2,000	2,000	0
Other Revenue	0	83	-3,200	498	3,698	<input checked="" type="checkbox"/>	0	1,000	1,000	0
<b>TOTAL REVENUE</b>	<b>0</b>	<b>250</b>	<b>(3,200)</b>	<b>1,500</b>	<b>4,700</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>3,000</b>	<b>3,000</b>	<b>0</b>
Employee Costs	39,573	91,800	493,801	550,800	56,999	<input checked="" type="checkbox"/>	0	1,097,700	1,056,500	-41,200
Materials & Contracts	61,614	60,294	437,329	361,764	-75,565	<input checked="" type="checkbox"/>	1,467	723,500	763,500	40,000
Operating Expense	8,514	11,716	57,585	70,296	12,711	<input checked="" type="checkbox"/>	8,613	140,600	140,600	0
<b>TOTAL OPERATING EXPENSE</b>	<b>109,701</b>	<b>163,810</b>	<b>988,715</b>	<b>982,860</b>	<b>(5,855)</b>	<input checked="" type="checkbox"/>	<b>10,080</b>	<b>1,961,800</b>	<b>1,960,600</b>	<b>(1,200)</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(109,701)</b>	<b>(163,560)</b>	<b>(991,915)</b>	<b>(981,360)</b>	<b>10,555</b>	<input checked="" type="checkbox"/>	<b>(10,080)</b>	<b>(1,958,800)</b>	<b>(1,957,600)</b>	<b>1,200</b>
Depreciation	8,437	6,710	47,134	40,260	-6,874	<input checked="" type="checkbox"/>	0	81,300	81,300	0
Internal Services	-92,106	-19,467	-254,864	-116,802	138,062	<input checked="" type="checkbox"/>	0	-233,600	-233,600	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>83,669</b>	<b>12,757</b>	<b>207,730</b>	<b>76,542</b>	<b>(131,188)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>152,300</b>	<b>152,300</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(26,032)</b>	<b>(150,803)</b>	<b>(784,185)</b>	<b>(904,818)</b>	<b>(120,633)</b>	<input checked="" type="checkbox"/>	<b>(10,080)</b>	<b>(1,806,500)</b>	<b>(1,805,300)</b>	<b>1,200</b>

Under expenditure due to staff vacancies within Cleaning and Trades areas  
Over Expenditure due to increase in reactive maintenance caused by high amount of vandalism and unexpected plant failure



# Responsibility Centre Report: Traffic & Projects

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Review: Q2-09(DEC)

Budget Change [%] 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2950 - Investigation & Design	-26,853	17,625	153,427	105,750	-47,677	<input checked="" type="checkbox"/>	0	210,000		
2951 - Road Safety	6,875	6,777	982	11,662	10,680	<input checked="" type="checkbox"/>	104	42,300		
2952 - Traffic Management	9,748	33,125	184,798	191,650	6,852	<input checked="" type="checkbox"/>	589	394,900		
2953 - Road Safety Programs	1,420	2,917	1,398	4,602	3,204	<input checked="" type="checkbox"/>	0	17,000		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>(8,810)</b>	<b>60,444</b>	<b>340,604</b>	<b>313,664</b>	<b>(26,940)</b>	<input checked="" type="checkbox"/>	<b>693</b>	<b>664,200</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	23,303	2,134	32,394	32,904	510	<input type="checkbox"/>	0	43,400	43,400	0	User fees has been rephased to reflect when fees are paid to Council across the entire 12 months.
Other Revenue	1,191	0	4,264	0	-4,264	<input checked="" type="checkbox"/>	0	0	0	0	
Grants	0	2,500	43,985	56,900	12,915	<input checked="" type="checkbox"/>	0	87,000	87,000	0	Grant funding has been rephased to apply when RTA will be paid to Council.
<b>TOTAL REVENUE</b>	<b>24,494</b>	<b>4,634</b>	<b>80,643</b>	<b>89,804</b>	<b>9,161</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>130,400</b>	<b>130,400</b>	<b>0</b>	
Employee Costs	4,606	51,442	316,456	308,652	-7,804	<input checked="" type="checkbox"/>	0	615,800	615,800	0	
Materials & Contracts	1,420	3,676	31,366	35,056	3,690	<input checked="" type="checkbox"/>	693	59,100	59,100	0	
Operating Expense	2,206	2,584	18,691	15,504	-3,187	<input checked="" type="checkbox"/>	0	31,000	31,000	0	
Capital Costs	0	0	10,000	0	-10,000	<input checked="" type="checkbox"/>	0	0	0	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>8,232</b>	<b>57,702</b>	<b>376,513</b>	<b>359,212</b>	<b>(17,301)</b>	<input checked="" type="checkbox"/>	<b>693</b>	<b>705,900</b>	<b>705,900</b>	<b>0</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>16,261</b>	<b>(53,068)</b>	<b>(295,870)</b>	<b>(269,408)</b>	<b>26,462</b>	<input checked="" type="checkbox"/>	<b>(693)</b>	<b>(575,500)</b>	<b>(575,500)</b>	<b>0</b>	
Depreciation	176	100	982	600	-382	<input type="checkbox"/>	0	1,400	1,400	0	
Internal Services	7,275	7,276	43,752	43,656	-96	<input type="checkbox"/>	0	87,300	87,300	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(7,451)</b>	<b>(7,376)</b>	<b>(44,734)</b>	<b>(44,256)</b>	<b>478</b>	<input type="checkbox"/>	<b>0</b>	<b>(88,700)</b>	<b>(88,700)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>8,810</b>	<b>(60,444)</b>	<b>(340,604)</b>	<b>(313,664)</b>	<b>26,940</b>	<input checked="" type="checkbox"/>	<b>(693)</b>	<b>(664,200)</b>	<b>(664,200)</b>	<b>0</b>	



# Responsibility Centre Report: Trees

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change [%] 0.9%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2601 - Tree Preservation Order	9,825	8,608	52,604	51,648	-956	<input type="checkbox"/>	0	101,800		
2652 - Tree Maintenance	102,688	111,232	550,501	618,592	68,091	<input checked="" type="checkbox"/>	1,505	1,285,000		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>112,513</b>	<b>119,840</b>	<b>603,105</b>	<b>670,240</b>	<b>67,135</b>	<input checked="" type="checkbox"/>	<b>1,505</b>	<b>1,386,800</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	5,556	9,433	44,381	56,598	12,217	<input checked="" type="checkbox"/>	0	113,200	113,200	0	Lower than expected TPO applications.
Other Revenue	0	0	0	0	0	<input type="checkbox"/>	0	0	0	0	
<b>TOTAL REVENUE</b>	<b>5,556</b>	<b>9,433</b>	<b>44,381</b>	<b>56,598</b>	<b>12,217</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>113,200</b>	<b>113,200</b>	<b>0</b>	
Employee Costs	67,516	86,633	436,943	519,798	82,855	<input checked="" type="checkbox"/>	0	1,036,700	1,002,800	-33,900	Lower costs due to staff vacancies.
Materials & Contracts	33,712	25,199	107,729	102,394	-5,335	<input checked="" type="checkbox"/>	1,505	254,000	276,000	22,000	
Operating Expense	225	491	2,438	2,946	508	<input type="checkbox"/>	0	5,900	5,900	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>101,453</b>	<b>112,323</b>	<b>547,110</b>	<b>625,138</b>	<b>78,028</b>	<input checked="" type="checkbox"/>	<b>1,505</b>	<b>1,296,600</b>	<b>1,284,700</b>	<b>(11,900)</b>	
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(95,897)</b>	<b>(102,890)</b>	<b>(502,729)</b>	<b>(568,540)</b>	<b>(65,811)</b>	<input checked="" type="checkbox"/>	<b>(1,505)</b>	<b>(1,183,400)</b>	<b>(1,171,500)</b>	<b>11,900</b>	
Internal Services	16,617	16,950	100,376	101,700	1,324	<input checked="" type="checkbox"/>	0	203,400	203,400	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(16,617)</b>	<b>(16,950)</b>	<b>(100,376)</b>	<b>(101,700)</b>	<b>(1,324)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(203,400)</b>	<b>(203,400)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(112,513)</b>	<b>(119,840)</b>	<b>(603,105)</b>	<b>(670,240)</b>	<b>(67,135)</b>	<input checked="" type="checkbox"/>	<b>(1,505)</b>	<b>(1,386,800)</b>	<b>(1,374,900)</b>	<b>11,900</b>	



# Department Report: Strategy

Financial Year: 2008/09

Review: Q2-09(DEC)

RESULTS BY RESPONSIBILITY CENTRE	Month: December		Year To Date to December			Comit'mts	Budget Change (%)		
	Actual	Budget	Actual	Budget	Variance		Full Year Budget	30th June Forecast	Variance
Mgmt Sup Strategy	-21,904	40,058	229,657	240,348	10,691	☑	818	479,600	
Corporate Planning & Sustainability	71,623	80,433	459,087	482,598	23,511	☑	3,966	965,400	
Strategic Asset Management	-79,943	26,409	17,745	92,454	74,709	☑	0	281,100	
Urban Planning	71,640	81,766	468,249	423,596	-44,653	☒	241	979,300	
<b>NET EXPENDITURE / (REVENUE)</b>	<b>41,416</b>	<b>228,666</b>	<b>1,174,738</b>	<b>1,238,996</b>	<b>64,258</b>	<b>☑</b>	<b>5,025</b>	<b>2,705,400</b>	<b>3.9%</b>

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	167,423	65,008	560,753	538,248	-22,505	☑	0	880,600	986,600	106,000
Other Revenue	0	400	29,612	31,200	1,588	☒	0	33,000	33,000	0
Grants	0	0	10,000	0	-10,000	☑	0	0	0	0
<b>TOTAL REVENUE</b>	<b>167,423</b>	<b>65,408</b>	<b>600,365</b>	<b>569,448</b>	<b>(30,917)</b>	<b>☑</b>	<b>0</b>	<b>913,600</b>	<b>1,019,600</b>	<b>106,000</b>
Employee Costs	102,871	200,667	1,137,928	1,137,002	-926	☐	0	2,402,300	2,402,300	0
Materials & Contracts	8,951	9,957	56,158	59,742	3,584	☑	4,784	119,500	119,500	0
Operating Expense	12,519	25,317	216,073	262,902	46,829	☑	0	396,800	396,800	0
<b>TOTAL OPERATING EXPENSE</b>	<b>124,342</b>	<b>235,941</b>	<b>1,410,158</b>	<b>1,459,646</b>	<b>49,488</b>	<b>☑</b>	<b>4,784</b>	<b>2,918,600</b>	<b>2,918,600</b>	<b>0</b>

<b>Surplus/ (Deficit) - Direct Control</b>	<b>43,081</b>	<b>(170,533)</b>	<b>(809,794)</b>	<b>(890,198)</b>	<b>(80,404)</b>	<b>☑</b>	<b>(4,784)</b>	<b>(2,005,000)</b>	<b>(1,899,000)</b>	<b>106,000</b>
Depreciation	30,947	33,150	172,604	198,900	26,296	☑	0	400,600	400,600	0
Internal Services	53,551	24,983	192,340	149,898	-42,442	☒	241	299,800	299,800	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(84,498)</b>	<b>(58,133)</b>	<b>(364,944)</b>	<b>(348,798)</b>	<b>16,146</b>	<b>☒</b>	<b>(241)</b>	<b>(700,400)</b>	<b>(700,400)</b>	<b>0</b>

<b>NET SURPLUS/ (DEFICIT)</b>	<b>(41,416)</b>	<b>(228,666)</b>	<b>(1,174,738)</b>	<b>(1,238,996)</b>	<b>(64,258)</b>	<b>☑</b>	<b>(5,025)</b>	<b>(2,705,400)</b>	<b>(2,599,400)</b>	<b>106,000</b>
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# Responsibility Centre Report: Mgmt Sup Strategy

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Review: Q2-09(DEC)

Budget Change (%) 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2350 - Management Support - Strategy	-40,288	28,141	126,418	168,846	42,428	<input checked="" type="checkbox"/>	818	337,300		
2750 - Open Space Planning	18,384	11,917	103,239	71,502	-31,737	<input checked="" type="checkbox"/>	0	142,300		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>(21,904)</b>	<b>40,058</b>	<b>229,657</b>	<b>240,348</b>	<b>10,691</b>	<input checked="" type="checkbox"/>	<b>818</b>	<b>479,600</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

Employee Costs	-28,825	31,084	188,685	186,504	-2,181	<input checked="" type="checkbox"/>	0	371,800	371,800	0
Materials & Contracts	2,611	2,791	11,461	16,746	5,285	<input checked="" type="checkbox"/>	818	33,500	33,500	0
Operating Expense	1,295	2,216	8,946	13,296	4,350	<input checked="" type="checkbox"/>	0	26,600	26,600	0
<b>TOTAL OPERATING EXPENSE</b>	<b>(24,919)</b>	<b>36,091</b>	<b>209,092</b>	<b>216,546</b>	<b>7,454</b>	<input checked="" type="checkbox"/>	<b>818</b>	<b>431,900</b>	<b>431,900</b>	<b>0</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>24,919</b>	<b>(36,091)</b>	<b>(209,092)</b>	<b>(216,546)</b>	<b>(7,454)</b>	<input checked="" type="checkbox"/>	<b>(818)</b>	<b>(431,900)</b>	<b>(431,900)</b>	<b>0</b>
Depreciation	98	50	547	300	-247	<input type="checkbox"/>	0	700	700	0
Internal Services	2,917	3,917	20,018	23,502	3,484	<input checked="" type="checkbox"/>	0	47,000	47,000	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(3,015)</b>	<b>(3,967)</b>	<b>(20,565)</b>	<b>(23,802)</b>	<b>(3,237)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(47,700)</b>	<b>(47,700)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>21,904</b>	<b>(40,058)</b>	<b>(229,657)</b>	<b>(240,348)</b>	<b>(10,691)</b>	<input checked="" type="checkbox"/>	<b>(818)</b>	<b>(479,600)</b>	<b>(479,600)</b>	<b>0</b>



# Responsibility Centre Report: Corporate Planning & Sustainability

Review: Q2-09(DEC)

Budget Change [%] 0.0%

		Financial Year: 2008/09								OPERATING BUDGET PERFORMANCE	
		Month: December		Year To Date to December						30th June Forecast	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget				
2355 - Environmental Levy	-5,280	2,266	5,440	13,596	8,156	<input checked="" type="checkbox"/>	0	27,200			
2400 - Corporate Planning	25,728	34,592	203,149	207,552	4,403	<input checked="" type="checkbox"/>	3,966	416,300			
2408 - Environmental Management	51,176	43,575	250,497	261,450	10,953	<input checked="" type="checkbox"/>	0	521,900			
<b>NET EXPENDITURE / (REVENUE)</b>	<b>71,623</b>	<b>80,433</b>	<b>459,087</b>	<b>482,598</b>	<b>23,511</b>	<input checked="" type="checkbox"/>	<b>3,966</b>	<b>965,400</b>			

## NET OPERATING RESULT BY RESOURCE GROUPS

Grants	0	0	10,000	0	-10,000	<input checked="" type="checkbox"/>	0	0	0	0
<b>TOTAL REVENUE</b>	<b>0</b>	<b>0</b>	<b>10,000</b>	<b>0</b>	<b>(10,000)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Employee Costs	66,719	70,542	384,397	423,252	38,855	<input checked="" type="checkbox"/>	0	845,700	845,700	0
Materials & Contracts	693	1,599	26,341	9,594	-16,747	<input checked="" type="checkbox"/>	3,966	19,200	19,200	0
Operating Expense	-2,991	2,109	12,813	12,654	-159	<input type="checkbox"/>	0	25,300	25,300	0
<b>TOTAL OPERATING EXPENSE</b>	<b>64,421</b>	<b>74,250</b>	<b>423,550</b>	<b>445,500</b>	<b>21,950</b>	<input checked="" type="checkbox"/>	<b>3,966</b>	<b>890,200</b>	<b>890,200</b>	<b>0</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(64,421)</b>	<b>(74,250)</b>	<b>(413,550)</b>	<b>(445,500)</b>	<b>(31,950)</b>	<input checked="" type="checkbox"/>	<b>(3,966)</b>	<b>(890,200)</b>	<b>(890,200)</b>	<b>0</b>
Depreciation	1,802	200	10,092	1,200	-8,892	<input checked="" type="checkbox"/>	0	3,400	3,400	0
Internal Services	5,400	5,983	35,444	35,898	454	<input type="checkbox"/>	0	71,800	71,800	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(7,202)</b>	<b>(6,183)</b>	<b>(45,536)</b>	<b>(37,098)</b>	<b>8,438</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(75,200)</b>	<b>(75,200)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(71,623)</b>	<b>(80,433)</b>	<b>(459,087)</b>	<b>(482,598)</b>	<b>(23,511)</b>	<input checked="" type="checkbox"/>	<b>(3,966)</b>	<b>(965,400)</b>	<b>(965,400)</b>	<b>0</b>

Under expenditure in employee costs due to vacancies in the first quarter.  
Increase in use of contractors due to vacancies and to cover pre-planning of major projects.





# Responsibility Centre Report: Strategic Asset Management

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Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 37.7%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2251 - Strategic Asset Management	-79,943	26,409	17,745	92,454	74,709	☑	0	281,100		
<b>NET EXPENDITURE / (REVENUE)</b>	<b>(79,943)</b>	<b>26,409</b>	<b>17,745</b>	<b>92,454</b>	<b>74,709</b>	<b>☑</b>	<b>0</b>	<b>281,100</b>		

## NET OPERATING RESULT BY RESOURCE GROUPS

User Fees	167,423	65,008	560,753	538,248	-22,505	☑	0	880,600	986,600	106,000	Additional income due to extended remediation at former Caltex site and debt recovery action
Other Revenue	0	400	29,612	31,200	1,588	☒	0	33,000	33,000	0	
<b>TOTAL REVENUE</b>	<b>167,423</b>	<b>65,408</b>	<b>590,365</b>	<b>569,448</b>	<b>[20,917]</b>	<b>☑</b>	<b>0</b>	<b>913,600</b>	<b>1,019,600</b>	<b>106,000</b>	
Employee Costs	7,024	27,808	161,387	166,848	5,461	☑	0	331,900	331,900	0	Scheduled use of consultants to be commenced in third quarter. Under expenditure due to savings from energy contract.
Materials & Contracts	77	3,734	6,547	22,404	15,857	☑	0	44,800	44,800	0	
Operating Expense	12,410	18,567	186,789	222,402	35,613	☑	0	315,800	315,800	0	
<b>TOTAL OPERATING EXPENSE</b>	<b>19,511</b>	<b>50,109</b>	<b>354,722</b>	<b>411,654</b>	<b>56,932</b>	<b>☑</b>	<b>0</b>	<b>692,500</b>	<b>692,500</b>	<b>0</b>	Depreciation is a corporate charge and will even out over the remainder of the financial year. Over expenditure due to uneven charges for internal services throughout the year.
<b>Surplus/ (Deficit) - Direct Control</b>	<b>147,912</b>	<b>15,299</b>	<b>235,643</b>	<b>157,794</b>	<b>[77,849]</b>	<b>☑</b>	<b>0</b>	<b>221,100</b>	<b>327,100</b>	<b>106,000</b>	
Depreciation	29,047	32,900	161,965	197,400	35,435	☑	0	396,500	396,500	0	
Internal Services	38,922	8,808	91,423	52,848	-38,575	☒	0	105,700	105,700	0	
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(67,969)</b>	<b>(41,708)</b>	<b>(253,388)</b>	<b>(250,248)</b>	<b>3,140</b>	<b>☒</b>	<b>0</b>	<b>(502,200)</b>	<b>(502,200)</b>	<b>0</b>	
<b>NET SURPLUS/ (DEFICIT)</b>	<b>79,943</b>	<b>(26,409)</b>	<b>(17,745)</b>	<b>(92,454)</b>	<b>(74,709)</b>	<b>☑</b>	<b>0</b>	<b>(281,100)</b>	<b>(175,100)</b>	<b>106,000</b>	



# Responsibility Centre Report: Urban Planning

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Review: Q2-09(DEC)

Budget Change [%] 0.0%

RESULTS BY COST CENTRE	Month: December		Year To Date to December			Comit'mts	Full Year Budget	OPERATING BUDGET PERFORMANCE		
	Actual	Budget	Actual	Budget	Variance			30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
2851 - Urban Planning	71,640	81,766	468,249	423,596	-44,653	<input checked="" type="checkbox"/>	241	979,300		
NET EXPENDITURE / (REVENUE)	71,640	81,766	468,249	423,596	(44,653)	<input checked="" type="checkbox"/>	241	979,300		

## NET OPERATING RESULT BY RESOURCE GROUPS

Employee Costs	57,953	71,233	403,459	360,398	-43,061	<input checked="" type="checkbox"/>	0	852,900	852,900	0
Materials & Contracts	5,570	1,833	11,810	10,998	-812	<input type="checkbox"/>	0	22,000	22,000	0
Operating Expense	1,805	2,425	7,525	14,550	7,025	<input checked="" type="checkbox"/>	0	29,100	29,100	0
TOTAL OPERATING EXPENSE	65,328	75,491	422,794	385,946	(36,848)	<input checked="" type="checkbox"/>	0	904,000	904,000	0
Surplus/ (Deficit) - Direct Control	(65,328)	(75,491)	(422,794)	(385,946)	36,848	<input checked="" type="checkbox"/>	0	(904,000)	(904,000)	0
Internal Services	6,312	6,275	45,455	37,650	-7,805	<input checked="" type="checkbox"/>	241	75,300	75,300	0
Surplus/(Deficit) -Indirect Control	(6,312)	(6,275)	(45,455)	(37,650)	7,805	<input checked="" type="checkbox"/>	(241)	(75,300)	(75,300)	0
NET SURPLUS/ (DEFICIT)	(71,640)	(81,766)	(468,249)	(423,596)	44,653	<input checked="" type="checkbox"/>	(241)	(979,300)	(979,300)	0

Noted Senior Urban Designer- Previously costed to projects when on contract. Now full time Permanent to be costed to GL2851. There were 2 staff on temporary contracts costed to GL2851 these are now costed to the relevant projects



# Department Report: Waste Management

Financial Year: 2008/09

Review: Q2-09(DEC)

RESULTS BY RESPONSIBILITY CENTRE	Month: December		Year To Date to December			Comit'mts	Budget Change (%)		
	Actual	Budget	Actual	Budget	Variance		Full Year Budget	30th June Forecast	Variance
Domestic Waste	1,141,600	862,334	-4,889,291	-4,562,496	326,795	<input checked="" type="checkbox"/>	42,943	608,900	
Trade Waste	105,088	-10,275	-424,241	-517,650	-93,409	<input checked="" type="checkbox"/>	0	-580,000	
<b>NET EXPENDITURE / (REVENUE)</b>	<b>1,246,688</b>	<b>852,059</b>	<b>(5,313,531)</b>	<b>(5,080,146)</b>	<b>233,385</b>	<input checked="" type="checkbox"/>	<b>42,943</b>	<b>28,900</b>	

## NET OPERATING RESULT BY RESOURCE GROUPS

Pension Rebates	-211	0	-183,502	-199,600	-16,098	<input checked="" type="checkbox"/>	0	-199,600	-199,600	0
Annual Charges (DWM)	-379	0	10,531,860	10,282,300	-249,560	<input checked="" type="checkbox"/>	0	10,282,300	10,282,300	0
User Fees	5,630	99,167	590,114	595,002	4,888	<input checked="" type="checkbox"/>	0	1,190,000	1,190,000	0
Interest	-3	0	3,681	0	-3,681	<input checked="" type="checkbox"/>	0	0	0	0
Other Revenue	66,340	51,667	552,523	310,002	-242,521	<input checked="" type="checkbox"/>	0	620,000	620,000	0
Grants	0	0	101,243	109,800	8,557	<input checked="" type="checkbox"/>	0	109,800	109,800	0
<b>TOTAL REVENUE</b>	<b>71,376</b>	<b>150,834</b>	<b>11,595,919</b>	<b>11,097,504</b>	<b>(498,415)</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>12,002,500</b>	<b>12,002,500</b>	<b>0</b>
Employee Costs	24,070	28,000	163,425	168,000	4,575	<input checked="" type="checkbox"/>	0	332,200	332,200	0
Materials & Contracts	1,228,277	910,434	5,730,483	5,462,604	-267,879	<input checked="" type="checkbox"/>	42,581	10,925,200	10,925,200	0
Operating Expense	2,736	2,101	12,676	12,606	-70	<input type="checkbox"/>	361	25,200	25,200	0
<b>TOTAL OPERATING EXPENSE</b>	<b>1,255,082</b>	<b>940,535</b>	<b>5,906,584</b>	<b>5,643,210</b>	<b>(263,374)</b>	<input checked="" type="checkbox"/>	<b>42,943</b>	<b>11,282,600</b>	<b>11,282,600</b>	<b>0</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(1,183,706)</b>	<b>(789,701)</b>	<b>5,689,335</b>	<b>5,454,294</b>	<b>(235,041)</b>	<input checked="" type="checkbox"/>	<b>(42,943)</b>	<b>719,900</b>	<b>719,900</b>	<b>0</b>
Depreciation	248	200	1,385	1,200	-185	<input type="checkbox"/>	0	2,900	2,900	0
Internal Services	62,734	62,158	374,419	372,948	-1,471	<input checked="" type="checkbox"/>	0	745,900	745,900	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(62,982)</b>	<b>(62,358)</b>	<b>(375,804)</b>	<b>(374,148)</b>	<b>1,656</b>	<input checked="" type="checkbox"/>	<b>0</b>	<b>(748,800)</b>	<b>(748,800)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(1,246,688)</b>	<b>(852,059)</b>	<b>5,313,531</b>	<b>5,080,146</b>	<b>(233,385)</b>	<input checked="" type="checkbox"/>	<b>(42,943)</b>	<b>(28,900)</b>	<b>(28,900)</b>	<b>0</b>



# Responsibility Centre Report: Domestic Waste

Review: Q2-09(DEC)

Budget Change [%] 0.0%

Financial Year: 2008/09

Month: December		Year To Date to December			OPERATING BUDGET PERFORMANCE					
RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
3350 - Domestic Waste	475,026	407,727	-7,744,096	-7,290,138	453,958	☑	42,893	-4,843,900		
3351 - Green Waste Service	449,273	275,482	1,826,350	1,652,892	-173,458	☑	0	3,304,600		
3352 - Recycling Service	217,300	179,125	1,028,455	1,074,750	46,295	☑	50	2,148,200		
<b>NET EXPENDITURE / [REVENUE]</b>	<b>1,141,600</b>	<b>862,334</b>	<b>(4,889,291)</b>	<b>(4,562,496)</b>	<b>326,795</b>	<b>☑</b>	<b>42,943</b>	<b>608,900</b>		
<b>NET OPERATING RESULT BY RESOURCE GROUPS</b>										
Pension Rebates	-211	0	-183,502	-199,600	-16,098	☑	0	-199,600	-199,600	0
Annual Charges (DWM)	-379	0	10,083,142	9,826,300	-256,842	☑	0	9,826,300	9,826,300	0
Interest	-3	0	3,681	0	-3,681	☑	0	0	0	0
Other Revenue	66,340	51,667	552,523	310,002	-242,521	☑	0	620,000	620,000	0
Grants	0	0	101,243	109,800	8,557	☑	0	109,800	109,800	0
<b>TOTAL REVENUE</b>	<b>65,746</b>	<b>51,667</b>	<b>10,557,087</b>	<b>10,046,502</b>	<b>(510,585)</b>	<b>☑</b>	<b>0</b>	<b>10,356,500</b>	<b>10,356,500</b>	<b>0</b>
Employee Costs	20,895	24,000	140,992	144,000	3,008	☑	0	284,900	284,900	0
Materials & Contracts	1,114,208	819,017	5,101,703	4,914,102	-187,601	☑	42,581	9,828,200	9,828,200	0
Operating Expense	2,661	2,026	9,698	12,156	2,458	☑	361	24,300	24,300	0
<b>TOTAL OPERATING EXPENSE</b>	<b>1,137,764</b>	<b>845,043</b>	<b>5,252,393</b>	<b>5,070,258</b>	<b>(182,135)</b>	<b>☑</b>	<b>42,943</b>	<b>10,137,400</b>	<b>10,137,400</b>	<b>0</b>
<b>Surplus/ (Deficit) - Direct Control</b>	<b>(1,072,017)</b>	<b>(793,376)</b>	<b>5,304,695</b>	<b>4,976,244</b>	<b>(328,451)</b>	<b>☑</b>	<b>(42,943)</b>	<b>219,100</b>	<b>219,100</b>	<b>0</b>
Depreciation	248	200	1,385	1,200	-185	☐	0	2,900	2,900	0
Internal Services	69,334	68,758	414,019	412,548	-1,471	☑	0	825,100	825,100	0
<b>Surplus/(Deficit) -Indirect Control</b>	<b>(69,582)</b>	<b>(68,958)</b>	<b>(415,404)</b>	<b>(413,748)</b>	<b>1,656</b>	<b>☑</b>	<b>0</b>	<b>(828,000)</b>	<b>(828,000)</b>	<b>0</b>
<b>NET SURPLUS/ (DEFICIT)</b>	<b>(1,141,600)</b>	<b>(862,334)</b>	<b>4,889,291</b>	<b>4,562,496</b>	<b>(326,795)</b>	<b>☑</b>	<b>(42,943)</b>	<b>(608,900)</b>	<b>(608,900)</b>	<b>0</b>

Underrun in pensioner rebates. Budget to be adjust in March quarter.  
Income higher than anticipated and will be adjusted in the March quarter.  
Rebate on recycling of paper not budgeted for. Budget to be revised in the March quarter.  
Variation due to CPI payments being made to contractor earlier than anticipated.



# Responsibility Centre Report: Trade Waste

☒

Financial Year: 2008/09

Review: Q2-09(DEC)

Budget Change (%) 0.0%

Month: December

Year To Date to December

## OPERATING BUDGET PERFORMANCE

RESULTS BY COST CENTRE	Actual	Budget	Actual	Budget	Variance	Comit'mts	Full Year Budget	30th June Forecast	Variance	Council Meeting Comments - Variance Explanation & Proposed Recovery Action
3400 - Trade Waste	105,088	-10,275	-424,241	-517,650	-93,409	<input checked="" type="checkbox"/>	0	-580,000		
NET EXPENDITURE / (REVENUE)	105,088	(10,275)	(424,241)	(517,650)	(93,409)	<input checked="" type="checkbox"/>	0	(580,000)		

## NET OPERATING RESULT BY RESOURCE GROUPS

Annual Charges (DWM)	0	0	448,718	456,000	7,282	<input checked="" type="checkbox"/>	0	456,000	456,000	0
User Fees	5,630	99,167	590,114	595,002	4,888	<input checked="" type="checkbox"/>	0	1,190,000	1,190,000	0
TOTAL REVENUE	5,630	99,167	1,038,832	1,051,002	12,170	<input checked="" type="checkbox"/>	0	1,646,000	1,646,000	0
Employee Costs	3,175	4,000	22,433	24,000	1,567	<input checked="" type="checkbox"/>	0	47,300	47,300	0
Materials & Contracts	114,068	91,417	628,780	548,502	-80,278	<input checked="" type="checkbox"/>	0	1,097,000	1,097,000	0
Operating Expense	75	75	2,979	450	-2,529	<input checked="" type="checkbox"/>	0	900	900	0
TOTAL OPERATING EXPENSE	117,318	95,492	654,191	572,952	(81,239)	<input checked="" type="checkbox"/>	0	1,145,200	1,145,200	0
Surplus/ (Deficit) - Direct Control	(111,688)	3,675	384,641	478,050	93,409	<input checked="" type="checkbox"/>	(0)	500,800	500,800	0
Internal Services	-6,600	-6,600	-39,600	-39,600	0	<input type="checkbox"/>	0	-79,200	-79,200	0
Surplus/(Deficit) -Indirect Control	6,600	6,600	39,600	39,600	0	<input type="checkbox"/>	0	79,200	79,200	0
NET SURPLUS/ (DEFICIT)	(105,088)	10,275	424,241	517,650	93,409	<input checked="" type="checkbox"/>	(0)	580,000	580,000	0

Disposal higher than expected, R/F higher but no changes to the end of year budget at this stage.

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## NOTICE OF MOTION

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### SAFE DISPOSAL OF COMMUNITY SHARPS

#### Notice of Motion from Councillor T Hall dated 2 February 2009.

It is not widely known that despite the NSW Government identifying types of Clinical waste such as sharps generated with the home healthcare setting for safe disposal, no such regulated safe disposal methods are employed by NSW Local Councils as there are by other State Governments.

I move:

"That this Council raise with the State Government and the NSW Local Government Association the question of the disposal of non-commercial clinical waste, such as sharps, syringes and related items generated with the home care setting with a view to providing NSW Council's with a regulated universal safe disposal system".

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall  
**St Ives Ward Councillor**

**Attachments:**

- Background Information, circulated under separate cover:**
- NSW Health - Community Safe - 2009/014115**
- Waste Management Association of Australia - 2009/014118**
- South Eastern Sydney safe handling of sharp objects- 2009/014121**
- City of Melbourne - needle & syringe disposal - 2009/014124**
- Liverpool City Council - be sharp safe - 2009/014127**
- Queensland - guidelines disposal of needle/syringe - 2009/014128**

# Local Community Sharps Disposal Bins

## Community Sharps Disposal Bins

- **Nepean Hospital**  
Derby Street, KINGSWOOD  
Phone: 02 4734 2000  
⇒ *Bin located at Somerset Street entrance*
- **South Court Primary Care Centre (NSP)**  
Court Building, Nepean Hospital  
Derby Street, KINGSWOOD  
Phone: 1800 354 589  
⇒ *Bin located in car park in front of building*
- **Penrith Community Health Centre**  
Soper Place, PENRITH  
Phone: 02 4732 9400  
⇒ *Bin located in driveway in front of building*
- **Cranebrook Development Centre**  
1 Progress Way, CRANEBROOK  
Phone: 02 4730 1242  
⇒ *Accessible bin located inside fence in front of building*
- **St Marys Community Health Centre**  
Cnr East Lane and Phillip Street, ST MARYS  
Phone: 02 9833 6800  
⇒ *Bin located near adjacent toilet block in East Lane car park*

**For information about disposal in your area please call:**

**South Court Primary Care Centre**  
**(02) 4734 3996**

SYDNEY WEST | NSW HEALTH  
AREA HEALTH SERVICE

## Sydney West Area Health Service

### Needle and Syringe Program

### South Court Primary Care Centre

South Wing, Court Building  
Nepean Hospital Campus  
Derby Street, Kingswood

**FREE CALL 1800 354 589**

A free and confidential interpreter service is  
available 24hrs - 7 days per week.

Ask staff to arrange an interpreter for you  
(including Auslan)

**Call 9840 3456**



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SYDNEY WEST | NSW HEALTH  
AREA HEALTH SERVICE

# SAFE DISPOSAL OF COMMUNITY SHARPS

**NSW HEALTH**  
**24 HOUR NEEDLE CLEAN UP**

**HOTLINE:**  
**1800 633 353**



**A Penrith Valley Community Safety  
Partnership Initiative**



# Industry Code of Practice for the Management of Clinical and Related Wastes

5th Edition



A Division of



**WASTE MANAGEMENT  
ASSOCIATION  
OF AUSTRALIA**

**March 2007**



## 3. Community Relations

This Section identifies:

- Types of clinical and related waste industry (e.g., generators, transporters, treatment and disposal facilities), information which should be made publicly available; and
- Some options available to the industry to better convey this information to the community.

### 3.1 RIGHT TO KNOW (COMMUNITY)

3.1.1 The community should be recognised as anyone (as an individual, group or organisation) who wishes to become informed of the clinical and related waste industry's activities.

3.1.2 The community has the right to information with respect to (this does not negate any rights established by applicable State/Territory legislation such as "Freedom of Information Legislation"):

- (a) Generation, handling, storage, transport, treatment and disposal activities at any clinical and related waste industry premises;
- (b) EPA (or similar agency) and Workplace and Safety (or similar agency) licences and reports;
- (c) Licenced and accidental emissions of clinical and related waste residues to any receiving environment;
- (d) Future plans for alterations, upgrading, construction or performance improvements of any clinical and related waste industry facility;
- (e) Contingency plans for emergencies;
- (f) Any health monitoring conducted at a clinical and related waste industry facility other than confidential or personal monitoring results of individual workers; and
- (g) Risk assessments, environmental audits and state of the environment reports, which are conducted for any clinical and related waste industry facility.

3.1.3 The following information shall not be divulged:

- (a) Personal details of employees including names of employees; and
- (b) Commercial and confidential information or information protected by law or by legal obligation to a third party.

3.1.4 The clinical and related waste industry members will attempt to provide relevant information to the community by methods such as:

- (a) Forming community consultation groups which have access where necessary to personnel with relevant process, technical, health and safety and environmental expertise;
- (b) Site visits, community newsletters, letter box drops and advertisement/articles in local publications (e.g. newspapers);
- (c) Promotion of the community emergency response plan for their area; and
- (d) Appointing community liaison officer(s) to establish and maintain channels of communication with the community and respond to any requests for information or complaints.

## **3.2 MEDIA**

3.2.1 Accurate and fair coverage of any issue can be achieved by the clinical and related waste industry:

- (a) Providing accurate information in an open and frank manner;
- (b) Preparing standard media responses for areas of operation; and
- (c) Training management staff in media response techniques.

3.2.2 It is the responsibility of the organisation to provide to the community information about public hazards that have occurred as a consequence of their failure to comply with this Code. Release of such information should occur following discussion with relevant government agencies.

## 4. Home Healthcare Waste

This Section distinguishes between commercial and non-commercial provision of home healthcare. This Section applies to that home healthcare which is provided by medical professionals (e.g. community nurses and visiting doctors), in the course of their duties that results in the generation of clinical and related waste as well as to patients administering self care. In some jurisdictions, these wastes are not classified under applicable legislation, and as such are not subject to any controls. Therefore management of these wastes is conducted in an ad hoc manner. This Section applies to those wastes that if generated within a healthcare facility would be subject to legislative controls.

There is a clear need, and this has been encouraged by regulatory authorities and health departments, for those providing or managing home healthcare services to manage clinical and related waste in a more responsible manner. ANZCWMIG sees this as an extension of a due-diligence program towards environmental and public health and protection of staff health and safety.

It is recognised that there is a trend towards an increase in the number of patients requiring home healthcare, with the resultant procedures in the domestic setting generating significantly greater quantities of clinical and related waste.

### 4.1 HOME HEALTHCARE WASTE ISSUES

- 4.1.1 Every year, many thousands of sharps, syringes and significant quantities of other clinical and related waste are generated within the home healthcare setting. This also includes wastes from patients on haemodialysis (ie. under direct supervision of a healthcare professional or administering the treatment under self care).
- 4.1.2 As there is both an increase in the number of people receiving home healthcare and the diversity of the treatments provided, coupled with the generation of a greater range of therapeutic devices, there is a clear need to provide guidance on managing the clinical and related waste generated as a result.
- 4.1.3 Medical professionals are currently transporting clinical and related waste in an un-safe manner in their vehicles. Not only does this pose a significant occupational health and safety risk to those individuals in the



event of an accident, but also to those providing emergency assistance. This waste is generally not properly contained and labelled, and poses a risk to those who handle the waste or may come into contact with the waste.

- 4.1.4 This waste if not transported with due care can cause environmental and health & safety impacts to family members, the community, waste handlers and emergency response personnel, if not managed in the same manner as for similar wastes generated within healthcare facilities.

## **4.2 MANAGEMENT OF HOME HEALTHCARE WASTE**

This Section applies to those who provide home healthcare on a professional basis. While the patient is under the care of professional healthcare providers and clinical and related waste is generated due to the direct care of the healthcare professional, then this waste shall be managed in accordance with this Code, relevant legislation and the requirements of the facility responsible for that care.

- 4.2.1 Patients who are treated in the home may require the administration of drugs via a needle and syringe. The sharps generated shall be disposed of in the same manner as for sharps generated within a healthcare facility.
- 4.2.2 All waste items generated in the home due to the direct care of professional healthcare providers that would be classified as clinical and related waste in a healthcare facility shall be classified as clinical and related waste.
- 4.2.3 All waste collected for storage/transport/treatment by home healthcare providers shall be managed in accordance with the requirements of this Code.
- 4.2.4 Therefore, it is the responsibility of the facility/organisation employing the services of the home healthcare provider to develop a waste management plan for the waste generated as a result of the services provided. This plan shall be distributed to all relevant staff and education provided in good waste management techniques/practices. This plan shall indicate the location and operational requirements for storage/disposal facilities and identify responsible staff.

This waste management plan should be developed in consultation with local authorities to ensure that they are sufficient for the requirements set out in applicable legislation.



**New South Wales Government**  
NSW Health Department  
South Eastern Sydney & Illawarra Area Health Service

**SOUTH EASTERN SYDNEY  
ILLAWARRA  
NSW HEALTH**

## Resource Packages: Safe Handling, Usage and Disposal of Sharp Objects

### Historical Overview

The accidental puncture of the skin by hypodermic needles and other instruments has long been regarded as an occupational hazard of health care workers.

Reports more than ninety years old illustrate the hazards of such injuries. Evans reported an early case of blastomycosis in 1903 following a sharp injury by a physician during an autopsy on a patient with a systemic blastomycosis. In 1933 Sigerist reported on a professor and his colleague who both sustained cuts during the course of their work and probably died of septicaemia. Over 25 cases of laboratory acquired leptospirosis were reported by Blumenberg in 1937. Most were associated with needlestick injury or cuts with contaminated glass.

Collins and Kennedy, in the *Journal of Applied Bacteriology* (1987), reported on 22 different infections that have been acquired from needlestick and sharps injuries. These included diphtheria, herpes, malaria, scrub typhus, syphilis, toxoplasmosis, hepatitis B virus (HBV), human immunodeficiency virus (HIV) and Ebola fever. Historically, however, there had been little concern about what are now known as "needlestick" injuries.

### Recent Developments

In recent years needlestick injuries have assumed far greater importance. The reasons for a change in attitude have been due to the fears regarding the transmission of HIV, HBV and hepatitis C (HCV). Because of the potentially lethal nature of the disease process of these viruses, these are the primary blood-borne pathogens that currently present an occupational hazard to health care workers in Australia.

In 1985, largely because of HIV, a new strategy was developed in the United States to minimise the risk of transmitting blood-borne pathogens in the healthcare setting. The strategy developed by the Centers for Disease Control and Prevention (CDC), placed emphasis for the first time on applying blood and body fluid precautions universally to all persons regardless of their infectious status. This strategy, which was termed Universal Precautions and revised throughout the late 1980's, emphasised infection control efforts for preventing transmission of blood-borne pathogens in the workplace. Preventing needlestick injuries and providing hepatitis B immunisation were two of the most important strategies addressed.

With a few modifications, Australia adopted the Universal Precautions outlined by the CDC. Special care was recommended to prevent injuries caused by needles, scalpels and other sharp instruments or devices, during procedures and during handling, cleaning or disposal following procedures. To prevent needlestick injuries health care workers were now instructed not to recap needles. Purposely bending or breaking needles, removing them from disposable syringes, or otherwise manipulating by hand was discouraged. After use, disposable needles and syringes, scalpel blades and other sharp items had to be placed in puncture resistant containers for disposal. These containers had to be located as close as practicable to the area of use. Equipment manufacturers started to produce safety devices and needle-less systems.

However, safer needle devices for performing venipuncture and other procedures have not completely eliminated the risk of needlestick injuries, or the subsequent exposure of health care workers to blood-borne pathogens. Numerous studies still show that the main reasons for needlestick injuries are preventable. Saghafi (1992) found 69% of needlestick injuries are preventable, an alarming consistent percentage found in other studies. In Saghafi's study the main reasons for the preventable needlestick were recapping needles, manipulation of needles



and incorrect disposal of needles.

This study also concluded that incorrect disposal of sharps was the main reason housekeeping staff reported needlestick injuries.

The New South Wales Health Department Infection Control Policy Circular 99/87 states that health care facilities have a responsibility to ensure adequate and accessible resources for the disposal of sharps. Each health care worker who uses sharps is responsible for their management and disposal.

## **Preventing Sharps Injuries**

The following recommendations are simple, but should help reduce the incident of needlestick injuries.

A hypodermic needle can be a potentially lethal instrument. Venipuncture for example, is one of the most dangerous procedures a health care worker can perform if it results in a needlestick injury.

### **Preparation**

- Assemble all equipment required for the procedure. Needlestick injuries often occur when a health care worker is distracted because they have to stop halfway through a procedure to get additional equipment
- Minimise distractions. For example, ask relatives or visitors to leave the bedside while you perform the procedure; wait until doctors have completed their rounds; give the drug keys to another colleague. If possible perform the procedure in an area otherwise free from distraction
- Ensure patient compliance. If a patient is confused get assistance from colleagues to enable the procedure to be performed safely

### **Equipment**

- Equipment should be used strictly according to protocols and only for the purpose for which it was designed
- Choose the safest equipment. There are a variety of safety products available that meet most budgets. Remember health care workers need to be educated how to use the safety features. Studies have shown hospitals are buying safety equipment only to have it wasted, because staff lack the knowledge to correctly activate the safety features. This fact is reflected in the consistent number of needlestick injuries that occur in hospitals that extensively use safety equipment

### **Technique**

- Perform the procedure slowly and carefully
- Minimise the handling of sharp instruments. The less they are handled the less chances of needlestick injuries occurring
- Supervise all unskilled or new staff. This is especially important at the start of each New Year when university graduates, such as registered nurses and interns flood the health care setting
- Sharp instruments must not be passed from the hand of a health care worker to another person. A puncture resistant tray must be used to transfer sharp instruments from one health care worker to another, or from the procedure site to the sharps container, if there is any distance to be covered
- Needles must not be resheathed, except in special circumstances. Where resheathing is required, the needle must be properly recapped; the sheath must not be held in the fingers; either a single-handed technique, forceps or a suitable protective guard designed for the purpose, must be used
- Needles must not be removed from disposable syringes for disposal. They must not be purposefully broken; or otherwise manipulated by hand, except when it is necessary to remove the needle for technical reasons, or when performing procedures where needles

must be bent. Those needles must not be bent after contamination with blood or body substances

- Each health care worker who uses sharp instruments is responsible for their management and disposal
- Dispose of all the sharp instruments used during the procedure immediately, carefully and appropriately
- The sharps container must never be overfilled and must be securely sealed with a lid before disposal.

### Sharps Containers

- Sharps containers should be placed as close as practicable to the patient, or the procedure, to ensure sharp instruments are not carried unprotected through the facility
- Sharps containers should be placed so that visitors, particularly children, do not easily access them
- Non-reusable sharp instruments must, immediately after use, be disposed of in a puncture resistant container
- Sharps containers must be puncture resistant, waterproof, leakproof and meet Australian standards. They must be designed to have an opening that is wide enough to allow sharp instruments to be dropped into the container by a single hand operation, but small enough to prevent insertion of a persons hand
- The sharps container must be clearly labelled with black lettering on yellow background with the biohazard symbol printed on the container
- The sharps container must never be overfilled and must be securely sealed with a lid before disposal
- Sharp instruments should never be forcibly placed into a sharps container
- Re-useable sharps containers must be cleaned before reuse
- Re-useable sharp instruments must, immediately after use, be placed in a puncture resistant container, especially kept and labelled for that purpose

### Gloves

Gloves need not be worn for subcutaneous, intramuscular or intradermal injection unless exposure to blood is anticipated. Gloves do not prevent needlestick injuries. However, studies have shown that transmission of blood-borne pathogens can be significantly reduced due to the 'cleaning' effect the latex or vinyl has on the instrument as it passes through the glove. Gloves appear to be protective against the extent of exposure to blood.

### Needlestick Injuries

All occupational exposures must be fully documented to meet legal requirements and to ensure that health care workers are able to obtain the support to worker's compensation, if appropriate.

A Needlestick Injury Hotline has been established to assist area health services and health care facilities in the management of occupational exposures to blood and body substances. The Hotline provides information, support and a referral service. The Hotline is not a substitute for local area services. The hotline provides a 24 hour service and can be contacted on free call 1800 804 823 within NSW.

### Reporting

Every health care facility, including, general practices and dental surgeries, must have an Occupational Exposure Policy so that staff members know the reporting mechanism of their workplace, and the steps to follow in the event of a needlestick injury.

### All needlestick injuries must be reported

Health care workers must never be made to feel guilty or careless when reporting a needlestick injury. The response given to a person reporting a needlestick injury may impact upon future



reporting amongst peers. Some staff members are concerned that by reporting a needlestick injury they will immediately be assumed to have been careless and will incur a degree of blame from the authorities of the health care establishment. A punitive approach is not recommended, as it may result in a reluctance to report the injury. Under-reporting by as much as 70% is already well documented. It is preferable that staff are encouraged to report needlestick injuries and that they are well supported and cared for during their subsequent management.

The New South Wales Health Department has issued very clear and concise circulars that provide guidelines for the management of health care workers who sustain needlestick injuries.

## References

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## Needle and syringe disposal

People in the City of Melbourne use syringes for a range of reasons, including illicit drug use, steroid use, prescription medications, and diabetes. The majority of syringe users dispose of syringes safely and appropriately.

To support safe disposal, the City of Melbourne services and maintains approximately 400 syringe disposal bins throughout the municipality. These bins, which are marked with the City of Melbourne's logo and contact numbers, are located in various laneways and in every Council-operated public toilet. To maximise safe disposal, the City of Melbourne also provides a daily weekday clean-up of syringes in hot-spot areas and fast on-call collection of syringes found anywhere in the municipality.



- [Inappropriately discarded syringes](#)
- [Safe syringe disposal and blood borne virus risks](#)
- [Supporting residents and businesses to manage safe disposal](#)
  - [Syringe bins for businesses](#)
  - [Syringe Container pick-up and drop-off service](#)
  - [Safe syringe disposal kits](#)
  - [Syringe disposal bin location map](#)
  - [Safe-Syringe training seminars](#)
- [City of Melbourne Syringe Management Plan](#)
- [Multilingual information](#)

## Inappropriately discarded syringes

If you find an inappropriately discarded syringe anywhere within the City of Melbourne, please contact the City of Melbourne on 9658 9658 (Monday to Friday from 7:30am to 6pm) to arrange for the safe collection and disposal of the syringe.

For after-hours services, or for collection outside the City of Melbourne, please contact the state-wide **Victorian Syringe Disposal Helpline** on 1800 552 355 (free call from a landline), 24 hours a day, seven days a week.

Please note that syringes should not be placed in your regular rubbish or recycling bin (even inside a bottle). While most of the waste and recycling processes are now automated, some tasks are still done by hand. Syringes mixed in with waste and recyclables can be dangerous for waste workers.

[Back to top ^](#)

## Safe syringe disposal and blood borne virus risks

Contrary to popular belief, the risk of contracting a blood borne virus, such as HIV or Hepatitis C, from a needle-stick injury is **very low**. For instance, no known cases of HIV transmission from a needle-stick injury in a community setting have ever been recorded worldwide.

Information on how to safely pick up and dispose of needles and syringes, and what to do in case of a needle-stick injury can be downloaded here:



[DHS Safe Retrieval and Handling of Syringes Guidelines 206kb](#)



Information and support is also available by contacting the following organisations:

- [Hep C Council of Victoria](#) 
- [Victorian AIDS Council](#) 
- [Melbourne Sexual Health Clinic](#) 

[Back to top ^](#)

## Supporting residents and businesses to manage safe disposal

The City of Melbourne also offers a range of free services to better equip residents and businesses in the municipality to manage syringe waste. These services include:

- [Syringe bins for businesses](#)
- [Syringe Container pick-up and drop-off service](#)
- [Safe syringe disposal kits](#)
- [Syringe disposal bin location map](#)
- [Safe-Syringe training seminars](#)

## Syringe bins for businesses

The City of Melbourne provides and installs up to three syringe disposal bins free of charge to eligible businesses in the municipality.

For more information on the program download the flyer:



[Syringe Bins for Business Program \(171kb\)](#) 



[Syringe Bins for Business Program \(21kb\)](#) 

## Syringe Container pick-up and drop-off service


The City of Melbourne provides a free syringe disposal container exchange service for people who need to dispose of syringes. The containers are made of yellow plastic and are available in three sizes: small (250ml; holds about 10 syringes); medium (1.8 litre; holds about 100 syringes); and large (5 litre; holds 250-300 syringes).

### Option 1:

Containers can be collected and returned in person between 8am and 5pm Monday-Friday at the City of Melbourne offices at Level 3, 200 Little Collins Street Melbourne. There is a self-serve disposal chute and cupboard of new containers in the reception area. No receptionist is present, but an internal phone and contact details for relevant staff are provided in case you would like further information or support. This is a confidential service. No appointment is necessary, however you will need to get an access pass from the ground floor Concierge.

### Option 2:

Where customers are unable to visit in person within these hours, arrangements can be made for containers to be delivered and picked up free of charge from private properties within the City of Melbourne. This is also a confidential service.

Please Note: neither of these services are offered to businesses who regularly generate their own biological/sharps waste (for example: hairdressers, tattooists, GPs, health centres, acupuncturists, etc). In this case you must organise your own disposal service. (check the [Yellow Pages](#)  under "Waste reduction and disposal services").

## Safe syringe disposal kits

Each kit contains: a DVD or video on syringe handling and disposal; a map of disposal bin locations; DHS guidelines on safe syringe disposal; key contact numbers; and a small plastic syringe disposal container with gloves. These kits can be posted to residents and businesses in the City of Melbourne.

**Syringe disposal bin location map**

This maps provide information on the location of disposal bins throughout the City of Melbourne, and details on a range of other syringe services.

Download the map:



[Syringe Disposal Bin Locations \(623kb\)](#) 

If you would like a map posted to you, contact the City of Melbourne on 9658 9658.

**Safe-Syringe training seminars**

Seminars are available free for City of Melbourne businesses and community organisations who would like more information on the safe handling of syringes. Seminars are approximately 1.5 hours long and cover harm minimisation, blood borne virus risks, safe syringe disposal and needlestick injury. Recommended group size 5 to 25 people.

Alternatively, you can request a copy of the Safe Syringe Disposal DVD by calling the City of Melbourne on 9658 9658.

[Back to top ^](#)

**City of Melbourne Syringe Management Plan**

The City of Melbourne Syringe Management Plan forms part of the [Strategy for a Safer City 2007-2010](#).

You can also download the City of Melbourne's Syringe disposal fact sheet:



[Syringe disposal in the city fact sheet \(207kb\)](#) 



[Syringe disposal in the city fact sheet \(27kb\)](#) 



[Back to top ^](#)

**Multilingual information**

The Department of Human Services provides syringe retrieval and safety information in other languages.

Go to [Safe retrieval and disposal of needles and syringes](#)  at the Department of Human Services.



Printer-friendly

[Home](#) / [Services](#) / [Waste and recycling](#) / [Safe sharps](#)

## Sharps and syringes

### SAFELY DISPOSING OF SHARPS AND SYRINGES



The Be Sharp Safe Program is a Council initiative working in collaboration with local pharmacies to implement safe needle disposal in the Liverpool LGA

[What are community sharps?](#)

[Collection Facilities](#)

[How to purchase a sharps container](#)

[What to do if you find a syringe or needle](#)

[How to handle a needle stick injury](#)

[What are community sharps?](#)

Many people rely on using needles and syringes to maintain their own health or that of a family member. Community sharps include:

- Needles
- Syringes
- Lancets and
- Similar equipment associated with these items

**Please do not dispose sharps in your recycling or waste bins**

Syringe needles, and other medical sharps, disposed in recycling and garbage bins pose a risk to workers at waste and recycling centres and other community members.

animal management

bus hire

children's services

citizenship

community services directory

customer service

general nuisance complaints

hall hire

noise

online services

state emergency service

recreation and open space

trees

waste and recycling

collection information  
household clean up service

household chemical collection

recycling

safe sharps

future waste and recycling

Sharps should always be:

- Placed in a sharps disposal container or appropriate puncture resistant container (not glass)
- Kept out of reach of children
- Disposed of at a sharps collection facility or disposal bin (see below)

Sharps should never be:

- Placed in your household waste or recycling bins or a public litter bin
- Flushed down toilets or drains
- Left on the ground



## Collection Facilities

Liverpool City Council has partnered with selected local pharmacies to introduce a safe needle disposal service for diabetics and other sharps users in the community. Community sharps bins have also been placed in selected areas within the Liverpool LGA which are easily accessible for the public who require sharps disposal.

**Pharmacies offering a safe needle disposal service:**

Pharmacy	Address	Phone
Austral Pharmacy	Corner of Edmondson and Tenth Avenues, Austral	9606 9091
Black & White Pharmacy	337 Hume Highway, Liverpool	9602 3145
Blooms The Chemist	46-47 Miller Shopping Centre, Miller	9607 7204
Casula Centre Pharmacy	Corner of Hume Highway and DeMeyrick Avenue, Casula	9601 6106
Casula Mall Soul Pattinson	38 Casula Mall, Kurrajong Road, Casula	9821 1323
Chen's Pharmacy Hammondville	44 Walder Road, Hammondville	9825 3638
MediAdvice Pharmacy	63 Hill Road, Lurnea	9607 2114
Moorebank Pharmacy	1/42 Stockton Avenue, Moorebank	9602 3255
Soul Pattinson Chemist	Shop 2060, Westfield Shoppingtown, Liverpool	9822 2977

Valley Plaza Pharmacy	189 Wilson Road, Green Valley	9825 0600
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### Community sharps disposal bins 24 hour service available to the public:

- Bigge Park, Liverpool
- Gabo Park, Gabo Crescent, Sadlier
- Gibbs Park, Yalta Road, Sadlier
- Light Horse Park, Bigge Street, Liverpool
- Pirie Street Car Park, Liverpool
- Pioneer Park, Campbell Street, Liverpool
- Warwick Farm railway station (eastern side), Warwick Farm
- Warwick Farm railway station (western side), Warwick Farm



Sharps bin at Pirie St Carpark

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### How to purchase a sharps container

Sharps waste containers can be purchased from local pharmacies or by contacting Diabetes Australia on 9552 9900.

### For a limited time only...

**If you are an insulin dependant diabetic, you can collect a FREE 1.4L sharps container from any local participating pharmacy listed above.**

Please dispose the container at any participating pharmacy for safe disposal.

There are no costs associated with the disposal of your sharps disposal container.

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### What to do if you find a syringe or needle

If you find needles and syringes in public places, please contact the NSW Health Needle Clean Up Hotline on 1800 633 353 or Liverpool City Council on 1300 36 2170.

If you require any further information please contact Council's Sustainable Environment Team on 1300 36 2170.

### How to handle a needle stick injury

If you are injured:

1. Stay calm, the risk of serious injury is very small.
2. Seek first aid treatment from a qualified First Aid Officer is possible
3. Do not squeeze the wound
4. Wash the wounded area with warm water and soap. Do not scrub.
5. Apply antiseptic, if available, and a Band-Aid.
6. Where possible and if it is safe to do so, retain the syringe which caused the injury.

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## NOTICE OF MOTION

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### PROJECTED KU-RING-GAI DWELLINGS/POPULATION INCREASES

**Notice of Motion from Councillor T Hall dated 14 February 2009.**

I refer to Director Watson's memo of 9 February 2009 to the Mayor, as attached in the Greens, in response to Council's resolution of 2 December 2008 advising projected dwellings numbers as a result of the new residential/commercial land zonings in Ku-ring-gai.

In this communication, Mr Watson provided three scenarios of potential residential yield from 2009 to 2030, using 60 % take-up, 80% take-up and 100%-take-up of approved or to be approved residential unit zonings under LEP194/200 and the Ku-ring-gai Town Centres' draft LEP which give totals of:

1. 60% take-up of approved/draft approvals - 8176 dwellings
2. Mid range - take- up 80% - 10,516 dwellings
3. Max 100% take- up - 13,106 dwellings

In the Ku-ring-gai Planning Panel's letter of 10 November 2008 to those Ku-ring-gai owners whose properties were identified for open space acquisition by the Council, under the 3-5 year open space Strategy, it was disclosed the open space requirements for Ku-ring-gai LGA needed to meet a projected population of 26,000 persons (or 26% above the existing population).

In order then to identify the population yields of the above scenarios I obtained the Department of Planning's 2008 Sydney Metro Population projections to 2036, attached, that gave from 2.53 (2009) to 2.36 persons/ dwelling as at 2036. Adopting the lower figure, I found these alarming projected population figures for Ku-ring-gai LGA:

- |             |   |
|-------------|---|
| Scenario 1. | 19,295 persons or 19% increase over existing population (106,000) |
| Scenario 2. | 24,817 persons or 24% increase over existing population           |
| Scenario 3. | 30,930 persons or 30% increase over existing population.          |

It would appear therefore that the Ku-ring-gai Planning Panel's projected population figure of 26,000 is a reasonably accurate forecast.

When two independent Case Studies were undertaken for the Council in 2000 the professional consultancies involved, GHD on traffic and Sinclair Mertz Knight on additional water reticulation and sewerage connexions, confirmed existing infrastructure could only cope with a maximum 15% increase in population growth over the next 25 years for Ku-ring-gai LGA. It is also a known fact public school enrolments will also exceed existing public school accommodation in the LGA as soon as 2010. It is also known that independent local schools are accepting the overflow in enrolments in 2009.



Item 2

**S04554**  
**16 February 2009**

I move:

"That this Council requests the Ku-ring-gai Planning Panel to address in its recommendation to adopt the 2008 Ku-ring-gai Town Centres Local Environment Plan, what additional Infrastructure, such as schools, roads, water reticulation and sewerage, telephone and electricity increases, it proposes to seek from the State government when recommending its draft plan to the Planning Minister in order to meet a projected increase of the Ku-ring-gai Local government Area's population of 26,000 persons, or 26%, the Council having already confirmed the existing infrastructure mentioned can only cater for an additional 15,000 or 15% population to 2030.

The Panel is asked to provide its Infrastructure recommendations to this Council prior to its formal submission to adopt the draft LEP".

## **RECOMMENDATION**

That the above Notice of Motion as printed be adopted.

Tony Hall  
Councillor for St Ives Ward

**Attachments:**      **Background Information - circulated under separate cover:**  
1. Letter - Advising Resident of Proposed RE1 Rezoning - 2008/033178  
2. Memorandum regarding Metropolitan Dwelling Numbers - 2009/012161  
3. Department of Planning Sydney Population Projections 2008 - 2009/018956

**Contact:** Deborah Silva

**Reference:** S06913

11 November 2008

Dear

**PROPOSED RE-ZONING OF PROPERTIES FROM RESIDENTIAL TO RE1 [OPEN SPACE] WITHIN THE DRAFT TOWN CENTRE LOCAL ENVIRONMENT PLAN [LEP]**

On Wednesday 5 November 2008, the Ku-ring-gai Planning Panel resolved to place on exhibition the Draft Ku-ring-gai Town Centres Local Environment Plan [LEP].

Identified within the Draft Ku-ring-gai Town Centres LEP are residential properties which are proposed to be re-zoned for future open space and your property is included in this proposal. The proposed re-zoning of these properties was not carried out by Council but by the Ku-ring-gai Planning Panel as part of the Draft Ku-ring-gai Town Centres LEP process.

Council acknowledges that there are residents across Ku-ring-gai who are currently concerned about these plans to re-zone land within the Town Centre boundaries as RE1, and the purpose of this letter is to take the opportunity to clearly outline what the draft LEP sets out in terms of re-zoning RE1 land within the planning panel boundaries by answering some of the frequently asked questions [refer to attachment].

If you do not agree with the proposal to re-zone your property as RE1 you can state this and request your land be rezoned as per adjoining zones. If this is considered appropriate subsequent changes may be made to the draft plan.

You can make a submission on the draft plan for consideration to the Ku-ring-gai Planning Panel. The draft Town Centre LEP will be on exhibition from 17 November – 19 December 2008.

Should you wish to make a submission please write to the General Manager at Locked Bag 1056, Pymble NSW 2073, quoting "S06913 - Ku-ring-gai Town Centres Draft Plan Exhibition" or email to [towncentres@kmc.nsw.gov.au](mailto:towncentres@kmc.nsw.gov.au). Submissions *must* be received by Friday 19 December.

If you would like to meet with a Council officer to discuss your concerns please contact Deborah Silva on 9424 0858.

Yours sincerely

Andrew Watson  
**Director Strategy**

9 February 2009

## MEMORANDUM

TO: General Manager  
Mayor  
Councillors  
Directors

CC: Ku-ring-gai Planning Panel

FROM: Manager Urban Planning

SUBJECT: **Metropolitan Dwelling Numbers**

I refer to the Mayoral Minute dated 2 December 2008 regarding Metropolitan Strategy Dwelling Numbers. A response to the questions is provided below. In preparing estimates of dwellings yields particularity into the longer term, it is not possible to provide definitive yield figures and they should be used only as a guide. The figures are estimates only, based on the assumptions provided and are subject to a wide range of variations resulting from changes to local, state and federal government policy directions on housing, land use and housing affordability and overall property market trends and cycles.

*A. The actual average unit size of LEP 194/200 buildings constructed or in the process of being constructed from 26 November 2004 to December 2008 (approximately 20 new buildings to be assessed).*

**Response:**

The actual average unit size is **125m<sup>2</sup>**. This has been tested based on a sample of 20 approved DAs which are either under construction or complete.

*B. Net yields for dwellings approved since 1 April, 2004.*

*This should include separate categories of apartments, town houses, SEPP 5, SEPP 53, SEPP Seniors' Living, subdivision, single dwelling houses and dual occupancies etc, and show figures for within the Panel's boundaries, within LEP 194/200 boundaries outside of Town Centres, and in the rest of Ku-ring-gai.*

**Response:**

Apartments approved on LEP 194/Ministers sites  
: **3827** (2426 within Panel's boundaries)  
(1401 outside Panel's boundaries)

SEPP Seniors' Living : **153**

Single dwellings : **130**

These are net figures and include approvals by the Land and Environment Court, Planning Panel, Minister and officer delegation.

C. *Figures for maximum, midrange and minimum development uptake scenarios for the following:*

- i. *Figures for each of the 6 Town Centres within the Panel's gazetted boundaries. Figures should be listed under each development/zoning type (ie R2, R3, R4, B2, B4, E4 etc) and should include the gross planned dwellings and net additional dwellings.*
- ii. *Figures for or all LEP 194/200 areas outside of the Panel Town Centre boundaries on a zoning type basis (ie 2(d3), 2(c2), 2(c1) etc). This should be according to the following areas: Roseville to Lindfield, Lindfield to Gordon, Gordon to Pymble, Pymble to Turramurra, Turramurra to Wahroonga, St Ives*

*Maximum development scenarios should include any additional dwellings from bonus controls such as additional FSR for SEPP Seniors' Living, Good design and sloping sites and so on. It should include all zoned lands that have genuine potential for development such as council owned land.*

*Medium development scenarios should make provision to exclude sites that are unlikely to be developed and assumes a reasonable uptake but should still include bonus provisions. Sites excluded should be noted with the yield they would achieve if they were developed according to their zoning.*

**Response:**

The requested information is provided in the attached tables. The assumptions used for each scenario is included with each table. The figures include yield from Minister's sites as well.

The figures do not include any yield from the R2 and E4 zones. The only potential sources of additional dwellings under the current draft planning controls in these zones would be via secondary dwellings or subdivisions.

As secondary dwellings will be a new form of development permitted in the DLEP, it is impossible at this stage to make any predictions about the take up of this form of housing. In any case, it is unlikely that secondary dwellings will count towards Metropolitan Strategy housing targets as they can not be subdivided and held under separate title. Additional Metro Strategy housing supply will be determined thorough increases in Sydney Water connections. Given the title arrangements of secondary dwellings, it is unlikely they will have separate water connections and therefore will not be counted as additional dwelling supply for Metro Strategy purposes.

The figures also do not include any yield for the 2(c1) and 2(c2) zones. Due to the restrictive nature of the dual occupancy provisions in LEP 194, the additional housing supply from these zones in the 5 years since the gazettal of LEP 194 has been negligible, and is expected to negligible (most likely nil) into the future, as these zones will also become redundant with Council's new Principle LEP due for completion in 2011.

*D. Potential dwelling numbers for predicted natural growth in areas outside of the Town Centres and LEP 194/200 areas based on best estimates using figures from 1 ABOVE.*

**Response:**

It is impossible to provide any meaningful predictions for growth in dwellings outside of the Town Centres and LEP 194/200 as past trends provide little relevance to the future planning regime in Ku-ring-gai.

SEPP Seniors Living has provided a significant source of housing supply in the past at a time when there was little alternative zoning capacity for medium density in Ku-ring-gai. The supply of this from of housing outside of the medium and high density zones can be expected to decline significantly in the future. This is already evident with a substantial decline in senior living development applications since the gazettal of LEP 194.

Additional potential yield from dual occupancies is also difficult to predict.

The Planning Panel are currently developing an LEP to provide new dual occupancy provisions to replace those contained in SEPP 53. Until the details of such an LEP are known, it is not possible to make predictions as to the nature and extent of future dual occupancy development in Ku-ring-gai. It should also be noted that the Town Centres LEP is seeking an exemption from SEPP 53 for those areas covered by the LEP.

In terms of additional single dwellings, the main source of these in recent times has been through the development of surplus government sites, eg; Bradfield Rd, West Lindfield and the B2/B3 corridor at South Turramurra and Fox Valley. Apart from the potential for an additional 15-30 dwellings on the remainder of the B2 lands at South Turramurra, no other significant sites have been identified for redevelopment in the foreseeable future. In any case, the overall contribution of such sites to total dwelling yield in Ku-ring-gai will be negligible.

*E. Potential dwelling numbers for various types of dwellings within Part 3A sites.*

**Response;**

- 1) UTS - **345** dwellings approved.
- 2) SAN - Major project application lodged for **988** dwellings (Note estimate only subject to clarification including existing dwelling numbers, retirement/seniors housing component)

Regards,

Antony Fabbro  
**Manager Urban Planning**  
*Attached*

# RESIDENTIAL YIELD SUMMARY TABLE 2009

## MINIMUM SCENARIO

CENTRES	POTENTIAL YIELD					APPROVED YIELD	TOTAL YIELD (POTENTIAL & APPROVED)
	R4/2(d3)/ Ministers sites- 60% take up	R3 sites- 60% take up	B2 sites- 50% take up for strip retail (BONUS FSR NOT INCLUDED)	B4 sites- 100% take up (BONUS FSR NOT INCLUDED)	TOTAL POTENTIAL YIELD	TOTAL APPROVED YIELD- 2(d3) & Ministers sites	
	NET DWELLING INCREASE (units)						
WITHIN KPP AREA							
1. St Ives	270	153	113	0	536	878	1414
2. Turramurra	318	141	246	0	704	402	1106
3. Pymble	192	66	52	0	310	186	496
4. Gordon	420	149	204	217	989	550	1539
5. Lindfield	182	148	304	0	634	249	883
6. Roseville	239	89	100	0	429	161	590
SUBTOTAL	1620	746	1018	217	3601	2426	6027
OUTSIDE KPP AREA							
7. Roseville to Lindfield	30				30	28	58
8. Lindfield to Gordon (Killara)	372				372	648	1020
9. Pymble to Turramurra	136				136	121	257
10. Turramurra to Wahroonga	210				210	604	814
SUBTOTAL	747	0	0	0	747	1401	2148
TOTAL	2368	746	1018	217	4349	3827	8176

### General assumptions for all scenarios

- Average unit size for residential flat buildings (within R4/2d3 zone) is 125sqm.
- Average unit size for shop-top housing (within B2 and B4 zones) is 100sqm.
- Average unit size for townhouses (within R3 zone) is 150sqm.
- Population is calculated on the basis of 2.9 persons per existing single dwelling; 1.8 persons per existing and new dwelling unit.
- Dwelling numbers on sites with development approvals are excluded.
- The total dwellings numbers are net figures (new dwellings less existing houses).
- Full take up of maximum business/office/retail FSR under the Draft Town Centres LEP on all mixed use sites. Remaining FSR is used for the purpose of the dwelling yield calculation.
- All of the Minister's sites are included.
- The following sites are assumed to be unlikely to redevelop:
  - § all strata/company/community title properties whether residential or commercial, except where sites are known through discussions with landowners;
  - § isolated sites (a result of past planning approvals) with site area less than 1200sqm;
  - § land zoned or proposed for open space;
  - § churches, schools, town hall, hospitals/major health care centres/nursing homes and cemeteries;
  - § substation sites and service stations.

### Assumptions for MINIMUM SCENARIO

- Bonus provisions are NOT used for key sites (within B2 zone) identified in the Draft Town Centres LEP.
- 100% take up rate for all undeveloped B2 and B4 zoned sites, except for the strip retail area where 50% take-up rate is assumed.
- 60% take up rate for all undeveloped R4 and R3 zoned sites.
- The following sites are assumed to be unlikely to redevelop (in addition to the sites identified in the general assumption):
  - § all Council owned sites;
  - § sites currently listed as heritage items under State or Local plans except where identified for adaptive re-use and amalgamation with adjoining sites; and
  - § sites where relatively new and/or substantial buildings are present (some have been developed to near full capacity allowable under draft Town Centres LEP).

# RESIDENTIAL YIELD SUMMARY TABLE 2009

## MID RANGE SCENARIO

CENTRES	POTENTIAL YIELD					APPROVED YIELD	TOTAL YIELD (POTENTIAL & APPROVED)
	R4/2(d3)/ Ministers sites-80% take up	R3 sites- 80% take up	B2 sites- 50% take up for strip retail (BONUS FSR INCLUDED)	B4 sites- 100% take up (BONUS FSR INCLUDED)	TOTAL POTENTIAL YIELD	TOTAL APPROVED YIELD- 2(d3) & Ministers sites	
	NET DWELLING INCREASE (units)						
WITHIN KPP AREA							
1. St Ives	451	255	197	0	902	878	1780
2. Turramurra	530	234	324	0	1089	402	1491
3. Pymble	320	127	73	0	520	186	706
4. Gordon	745	249	264	275	1533	550	2083
5. Lindfield	303	247	413	0	963	249	1212
6. Roseville	404	149	133	0	686	161	847
SUBTOTAL	2753	1261	1405	275	5692	2426	8118
OUTSIDE KPP AREA							
7. Roseville to Lindfield	40				40	28	68
8. Lindfield to Gordon (Killara)	496				496	648	1144
9. Pymble to Turramurra	181				181	121	302
10. Turramurra to Wahroonga	280				280	604	884
SUBTOTAL	996	0	0	0	996	1401	2397
TOTAL	3749	1261	1405	275	6689	3827	10516

### General assumptions for all scenarios

- Average unit size for residential flat buildings (within R4/2d3 zone) is 125sqm.
- Average unit size for shop-top housing (within B2 and B4 zones) is 100sqm.
- Average unit size for townhouses (within R3 zone) is 150sqm.
- Population is calculated on the basis of 2.9 persons per existing single dwelling; 1.8 persons per existing and new dwelling unit.
- Dwelling numbers on sites with development approvals are excluded.
- The total dwellings numbers are net figures (new dwellings less existing houses).
- Full take up of maximum business/office/retail FSR under the Draft Town Centres LEP on all mixed use sites. Remaining FSR is used for the purpose of the dwelling yield calculation.
- All of the Minister's sites are included.
- The following sites are assumed to be unlikely to redevelop:
  - § all strata/company/community title properties whether residential or commercial, except where sites are known through discussions with landowners;
  - § isolated sites (a result of past planning approvals) with site area less than 1200sqm;
  - § land zoned or proposed for open space;
  - § churches, schools, town hall, hospitals/major health care centres/nursing homes and cemeteries;
  - § substation sites and service stations.

### Assumptions for MID RANGE SCENARIO

- Bonus provisions are used for key sites (within B2 zone) identified in the Draft Town Centres LEP.
- 100% take up rate for all undeveloped B2 and B4 zoned sites, except for the strip retail area where 50% take-up rate is assumed.
- 80% take up rate for all undeveloped R4 and R3 zoned sites.
- The following sites are assumed to be unlikely to redevelop (in addition to the sites identified in the general assumption):
  - § all Council owned sites;
  - § sites currently listed as heritage items under State or Local plans except where identified for adaptive re-use and amalgamation with adjoining sites; and
  - § sites where relatively new and/or substantial buildings are present (some have been developed to near full capacity allowable under draft Town Centres LEP).

# RESIDENTIAL YIELD SUMMARY TABLE 2009

## MAXIMUM SCENARIO

CENTRES	POTENTIAL YIELD					APPROVED YIELD	TOTAL YIELD (POTENTIAL & APPROVED)
	R4/2[d3]/ Ministers sites- 100% take up	R3 sites- 100% take up	B2 sites- 100% take up (BONUS FSR INCLUDED)	B4 sites- 100% take up (BONUS FSR INCLUDED)	TOTAL POTENTIAL YIELD	TOTAL APPROVED YIELD- 2[d3] & Ministers sites	
	NET DWELLING INCREASE (units)						
WITHIN KPP AREA							
1. St Ives	563	318	329	0	1211	878	2089
2. Turramurra	662	293	719	0	1674	402	2076
3. Pymble	400	176	187	0	763	186	949
4. Gordon	978	311	562	275	2125	550	2675
5. Lindfield	379	308	599	0	1287	249	1536
6. Roseville	511	186	277	0	974	161	1135
SUBTOTAL	3493	1593	2673	275	8033	2426	10459
OUTSIDE KPP AREA							
7. Roseville to Lindfield	49				49	28	77
8. Lindfield to Gordon (Killara)	620				620	648	1268
9. Pymble to Turramurra	226				226	121	347
10. Turramurra to Wahroonga	350				350	604	954
SUBTOTAL	1245	0	0	0	1245	1401	2646
TOTAL	4739	1593	2673	275	9279	3827	13106

### General assumptions for all scenarios

- Average unit size for residential flat buildings (within R4/2d3 zone) is 125sqm.
- Average unit size for shop-top housing (within B2 and B4 zones) is 100sqm.
- Average unit size for townhouses (within R3 zone) is 150sqm.
- Population is calculated on the basis of 2.9 persons per existing single dwelling; 1.8 persons per existing and new dwelling unit.
- Dwelling numbers on sites with development approvals are excluded.
- The total dwellings numbers are net figures (new dwellings less existing houses).
- Full take up of maximum business/office/retail FSR under the Draft Town Centres LEP on all mixed use sites. Remaining FSR is used for the purpose of the dwelling yield calculation.
- All of the Minister's sites are included.
- The following sites are assumed to be unlikely to redevelop:
  - § all strata/company/community title properties whether residential or commercial, except where sites are known through discussions with landowners;
  - § isolated sites (a result of past planning approvals) with site area less than 1200sqm;
  - § land zoned or proposed for open space;
  - § churches, schools, town hall, hospitals/major health care centres/nursing homes and cemeteries;
  - § substation sites and service stations.

### Assumptions for MAXIMUM SCENARIO

- Bonus provisions are used for key sites (within B2 zone) identified in the Draft Town Centres LEP.
- All Council owned sites are included, except where identified solely for community facility and/or council chamber/administration.
- All heritage listed sites are included.
- 100% take-up rate for all undeveloped R4 and R3 zoned sites.
- 100% take-up rate for all undeveloped B2 and B4 zoned sites, including 100% of the strip retail area.



### **General assumptions for all scenarios**

- Average unit size for residential flat buildings (within R4/2d3 zone) is 125sqm.
- Average unit size for shop-top housing (within B2 and B4 zones) is 100sqm.
- Average unit size for townhouses (within R3 zone) is 150sqm.
- Population is calculated on the basis of 2.9 persons per existing single dwelling; 1.8 persons per existing and new dwelling unit.
- Dwelling numbers on sites with development approvals are excluded (these identified in separate tables and are to be added to the total).
- The total dwellings numbers are net figures (new dwellings less existing houses).
- Full take up of maximum business/office/retail FSR under the Draft Town Centres LEP on all mixed use sites. Remaining FSR is used for the purpose of the dwelling yield calculation.
- All of the Minister's sites are included.
- The following sites are assumed to be unlikely to redevelop:
  - all strata/company/community title properties whether residential or commercial, except where sites are known through discussions with landowners;
  - isolated sites (a result of past planning approvals) with site area less than 1200sqm;
  - land zoned or proposed for open space;
  - churches, schools, town hall, hospitals/major health care centres/nursing homes and cemeteries;
  - substation sites and service stations.

### **Assumptions for MAXIMUM SCENARIO**

- Bonus provisions are used for key sites (within B2 zone) identified in the Draft Town Centres LEP.
- All Council owned sites are included, except where identified solely for community facility and/or council chamber/administration.
- All heritage listed sites are included.
- 100% take-up rate for all undeveloped R4 and R3 zoned sites.
- 100% take-up rate for all undeveloped B2 and B4 zoned sites, including 100% of the strip retail area.

### **Assumptions for MID RANGE SCENARIO**

- Bonus provisions are used for key sites (within B2 zone) identified in the Draft Town Centres LEP.
- 100% take up rate for all undeveloped B2 and B4 zoned sites, except for the strip retail area where 50% take-up rate is assumed.
- 80% take up rate for all undeveloped R4 and R3 zoned sites.
- The following sites are assumed to be unlikely to redevelop (in addition to the sites identified in the general assumption):
  - all Council owned sites;
  - sites currently listed as heritage items under State or Local plans except where identified for adaptive re-use and amalgamation with adjoining sites; and
  - sites where relatively new and/or substantial buildings are present (some have been developed to near full capacity allowable under draft Town Centres LEP).

### **Assumptions for MINIMUM SCENARIO**

- Bonus provisions are NOT used for key sites (within B2 zone) identified in the Draft Town Centres LEP.
- 100% take up rate for all undeveloped B2 and B4 zoned sites, except for the strip retail area where 50% take-up rate is assumed.
- 60% take up rate for all undeveloped R4 and R3 zoned sites.
- The following sites are assumed to be unlikely to redevelop (in addition to the sites identified in the general assumption):
  - all Council owned sites;
  - sites currently listed as heritage items under State or Local plans except where identified for adaptive re-use and amalgamation with adjoining sites; and
  - sites where relatively new and/or substantial buildings are present (some have been developed to near full capacity allowable under draft Town Centres LEP).

### 3. Sydney

*'Sydney' refers to Sydney  
Statistical Division*

#### Key results

- The number of households in the Sydney region is projected to increase to 2.35 million by 2036, a rise of 738,900 (or 46%) on the 2006 total of 1.62 million households.
- Annual household growth is expected to be between 23,400 and 25,500.
- The resulting annual net dwelling need is projected to be between 24,400 and 26,600.
- Average household size is projected to decline from 2.61 in 2006 to 2.49 by 2036.
- The lone person household is the type of household expected to experience the greatest percentage increase between 2006 and 2036. These households are expected to increase in number from 377,900 in 2006 to 637,500 by 2036 (a 69% increase). The growth of the elderly population will drive much of this growth.
- All other types of household are projected to experience growth in numbers.

#### Total growth in households and dwellings

The **total number of households** in the Sydney region is projected to increase from 1.62 million in 2006 to 2.35 million by 2036. This is an increase of 738,900, or 46%, over the 2006–36 period. Annual growth in the number of households is projected to vary between 23,400 and 25,500.

**Average household size** is projected to decline from 2.61 persons per household in 2006 to 2.49 by 2036. The percentage increase in the number of households between 2006 and 2036 is higher than the projected population increase of 40% over the period<sup>6</sup>.

The **number of structural dwellings** required is expected to increase from a total of 1.68 million in 2006 to 2.45 million by 2036, a net growth of 768,900 or 46%. Annual net dwelling demand is projected to vary between 24,400 and 26,600. Further statistics are given in Table 3.2 on page 10.

#### Growth by household type

Households can be divided into three broad types: family households, lone person households, and group households. Projected changes in the numbers of these households between 2006 and 2036 in the Sydney region are shown in Figure 3.1.

The number of **family households** is projected to increase from 1.17 million in 2006 to 1.64 million by 2036, a rise of 467,500 households, or 40%. In 2006 family households comprised 73% of all households. By 2036 their share is projected to have fallen slightly to just under 70%.

The number of **lone person households** is projected to increase from 377,900 in 2006 to 637,500 by 2036, a rise of 259,700 households, or 69%. The chance of someone being in a lone person household is greatest in the elderly ages; the growth of this household type is in large part associated with the projected growth of the elderly population. The share of all households which are lone person households is projected to rise from 23% in 2006 to 27% by 2036.

The number of **group households** is projected to increase from 63,200 in 2006 to 74,900 by 2036, a rise of 11,700 or 19%. Group households are expected to decline slightly as a proportion of all households in the Sydney region, falling from about 4% in 2006 to just over 3% in 2036.

<sup>6</sup> *New South Wales State and Regional Population Projections: 2008 Release*. Department of Planning, Sydney, 2008.



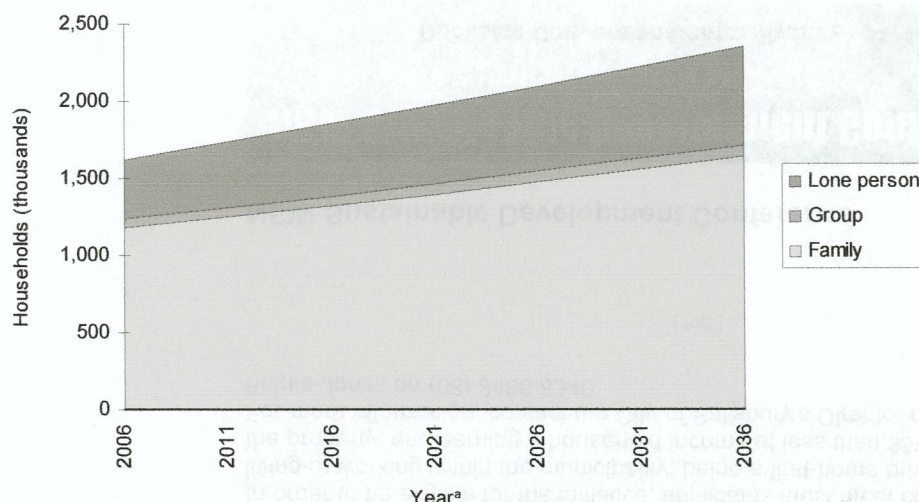


Figure 3.1: Projected number of households in the Sydney region, 2006–36

a 'Year' refers to 30th June in the year shown

### Growth of family households by type

Figure 3.2 shows projections of three types of one family household: single parent households, households containing couples without children, and those containing couples with children.

The number of **single parent households** is projected to increase from 176,400 in 2006 to 261,500 by 2036, a rise of 85,100, or 48%.

Households containing **couples without children** are expected to increase in number from 364,100 in 2006 to 567,500 by 2036, a rise of 203,400 or 56%. The chance of being in a couple household without children is highest in the elderly ages. The significant growth of this type of household is driven to a large extent by the projected growth of the elderly population.

The number of households containing **couples with children** is projected to increase from 584,500 in 2006 to 741,600 by 2036, a rise of 157,100 or 27%.

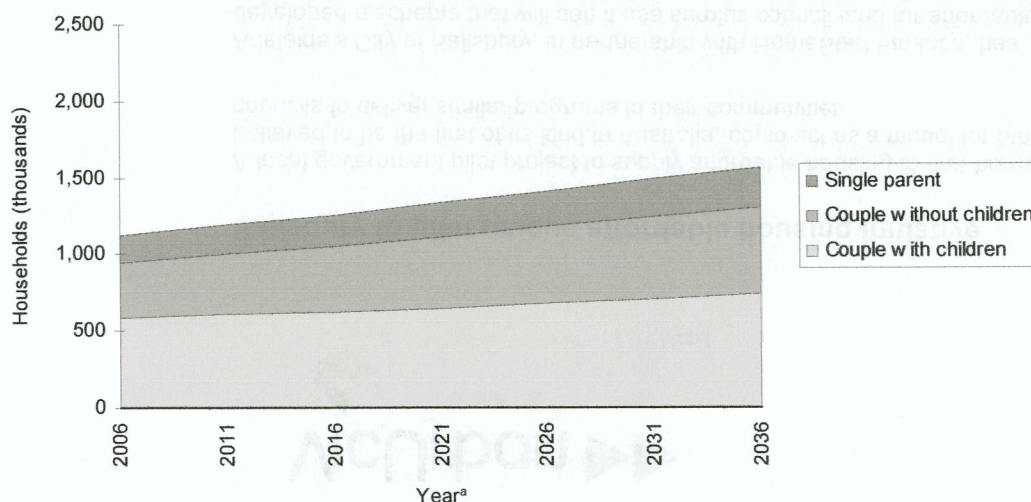


Figure 3.2: Projected number of one family households in the Sydney region, 2006–36

a 'Year' refers to 30th June of the year shown

## Projected household and dwelling growth for 2006–2031

To enable comparison with earlier projections in the Government's 2005 Metropolitan Strategy<sup>7</sup>, this section presents household and dwelling projections for the Sydney region covering the period between 2006 and 2031 (not 2036). As Table 3.1 shows, the number of households in the Sydney region is projected to increase from 1.62 million in 2006 to 2.23 million by 2031, a rise of 611,400 or 38%. The number of dwellings required to house these households is projected to increase from 1.68 million in 2006 to 2.31 million by 2031, a rise of 636,100 or 38%.

Projections for the Metropolitan Strategy put the population growth of the Sydney region at 1.1 million over the 2004–31 period, whilst the requirement for new dwellings was projected to be 640,000. Even allowing for the 2 year difference between 2004–31 and 2006–31, the two dwelling requirement projections are similar.

The new 2008 release population projection for the Sydney region, however, is markedly higher than before due to higher fertility and higher net overseas migration. Over the 2006–31 period the population of the Sydney region is now expected to increase by 1.41 million<sup>8</sup>. Despite this higher population projection, the projected dwelling requirement out to 2031 has changed little because average household sizes are not projected to decline by as much as previously anticipated. Whereas the Metropolitan Strategy projections expected the average household size to fall to 2.36 persons per household by 2031, the new projected average household size for 2031 is 2.51 (Table 3.1). As the third panel of Table 3.1 shows:

- the average household size for family households is projected to decline only marginally, falling from 3.14 in 2006 to 3.09 by 2031;
- for group households there is barely any change; and
- lone person households maintain an average household size of 1.0 (because, by definition, they contain just one person).

<sup>7</sup> *City of Cities – A Plan for Sydney's Future*. Metropolitan Strategy. Department of Planning, Sydney, 2005.

<sup>8</sup> *New South Wales State and Regional Population Projections: 2008 Release*. Department of Planning, Sydney, 2008.



Table 3.1: Household projections for the Sydney region, 2006–31: summary statistics

	2006 <sup>a</sup>	2031 <sup>a</sup>	2006–31 change		
Households					
	'000	'000	'000	%	Growth rate <sup>b</sup> %
One family households:					
Couple family with children	584.5	711.3	126.8	21.7	0.8
Couple family without children	364.1	534.4	170.3	46.8	1.5
Single parent family	176.4	247.0	70.6	40.0	1.4
Other family	24.6	32.4	7.9	32.1	1.1
Total one family household	1,149.6	1,525.2	375.6	32.7	1.1
Multiple family household	25.3	35.7	10.4	41.2	1.4
Total family household	1,174.9	1,560.9	386.0	32.9	1.1
Group household	63.2	71.6	8.4	13.3	0.5
Lone person household	377.9	594.9	217.0	57.4	1.8
Total households	1,615.9	2,227.3	611.4	37.8	1.3
Persons in Households					
One family households:					
Couple family with children	2,284.6	2,827.7	543.1	23.8	0.9
Couple family without children	738.1	1,082.9	344.8	46.7	1.5
Single parent family	469.8	647.5	177.7	37.8	1.3
Other family	52.9	69.9	16.9	32.0	1.1
Total one family household	3,545.4	4,628.0	1,082.5	30.5	1.1
Multiple family household	141.1	193.3	52.2	37.0	1.3
Total family household	3,686.6	4,821.3	1,134.8	30.8	1.1
Group household	148.8	168.4	19.6	13.1	0.5
Lone person household	377.9	594.9	217.0	57.4	1.8
Total persons in private dwellings	4,213.3	5,584.6	1,371.3	32.5	1.1
Total persons in non-private dwellings	68.7	104.0	35.3	51.4	1.7
Total persons	4,282.0	5,688.6	1,406.6	32.9	1.1
Average household size (persons per household)					
One family households:					
Couple family with children	3.91	3.98	0.07	—	—
Couple family without children	2.03	2.03	0.00	—	—
Single parent family	2.66	2.62	-0.04	—	—
Other family	2.15	2.15	0.00	—	—
Total one family household	3.08	3.03	-0.05	—	—
Multiple family household	5.58	5.41	-0.17	—	—
Total family household	3.14	3.09	-0.05	—	—
Group household	2.36	2.35	0.00	—	—
Lone person household	1.00	1.00	0.00	—	—
Total households	2.61	2.51	-0.10	—	—
Dwellings					
Structural dwellings <sup>c</sup>	1,678.6	2,314.6	636.1	37.9	1.3

a Refers to 30th June of the year shown.

b Annual average growth rate for the period 2006–2031.

c Structural dwellings include occupied and unoccupied dwellings.



Table 3.2: Household and dwelling projections for the Sydney region, 2006–36: summary statistics

	2006 <sup>a</sup>	2016 <sup>a</sup>	2026 <sup>a</sup>	2036 <sup>a</sup>	2006–36 change		
Households							
	'000	'000	'000	'000	'000	%	Growth rate <sup>b</sup> %
One family households:							
Couple family with children	584.5	621.0	681.1	741.6	157.1	26.9	0.8
Couple family without children	364.1	434.8	501.3	567.5	203.4	55.9	1.5
Single parent family	176.4	206.1	232.6	261.5	85.1	48.2	1.3
Other family	24.6	27.7	30.8	34.1	9.5	38.9	1.1
Total one family household	1,149.6	1,289.6	1,445.9	1,604.7	455.1	39.6	1.1
Multiple family household	25.3	29.6	33.7	37.7	12.4	48.9	1.3
Total family household	1,174.9	1,319.2	1,479.6	1,642.4	467.5	39.8	1.1
Group household	63.2	62.2	68.3	74.9	11.7	18.6	0.6
Lone person household	377.9	474.5	552.5	637.5	259.7	68.7	1.8
Total households	1,615.9	1,856.0	2,100.4	2,354.8	738.9	45.7	1.3
Persons in Households							
One family households:							
Couple family with children	2,284.6	2,470.5	2,708.4	2,944.3	659.7	28.9	0.8
Couple family without children	738.1	881.0	1,015.6	1,150.4	412.2	55.8	1.5
Single parent family	469.8	550.1	615.2	679.6	209.8	44.7	1.2
Other family	52.9	59.8	66.3	73.4	20.5	38.8	1.1
Total one family household	3,545.4	3,961.3	4,405.5	4,847.7	1,302.2	36.7	1.0
Multiple family household	141.1	162.9	183.4	203.1	61.9	43.9	1.2
Total family household	3,686.6	4,124.2	4,588.9	5,050.7	1,364.2	37.0	1.1
Group household	148.8	146.7	160.8	176.2	27.3	18.4	0.6
Lone person household	377.9	474.5	552.5	637.5	259.7	68.7	1.8
Total persons in private dwellings	4,213.3	4,745.4	5,302.2	5,864.4	1,651.2	39.2	1.1
Total persons in non-private dwellings	68.7	76.6	92.4	117.6	48.9	71.2	1.8
Total persons	4,282.0	4,822.0	5,394.5	5,982.1	1,700.1	39.7	1.1
Average household size (persons per household)							
One family households:							
Couple family with children	3.91	3.98	3.98	3.97	0.06	—	—
Couple family without children	2.03	2.03	2.03	2.03	0.00	—	—
Single parent family	2.66	2.67	2.64	2.60	-0.06	—	—
Other family	2.15	2.15	2.15	2.15	0.00	—	—
Total one family household	3.08	3.07	3.05	3.02	-0.06	—	—
Multiple family household	5.58	5.49	5.44	5.39	-0.19	—	—
Total family household	3.14	3.13	3.10	3.08	-0.06	—	—
Group household	2.36	2.36	2.35	2.35	0.00	—	—
Lone person household	1.00	1.00	1.00	1.00	0.00	—	—
Total households	2.61	2.56	2.52	2.49	-0.12	—	—
Dwellings							
	'000	'000	'000	'000	'000	%	Growth rate <sup>b</sup> %
Structural dwellings <sup>c</sup>	1,678.6	1,928.1	2,182.5	2,447.5	768.9	45.8	1.3
Annual average dwelling growth <sup>d</sup>	—	25.5	25.9	26.6	—	—	—

a Refers to 30th June of the year shown.

b Annual average growth rate for the period 2006–2036.

c Structural dwellings include occupied and unoccupied dwellings.

d Annual average growth in the numbers of dwellings for the five year period ending 30 June of the year shown.

**Contact:** Deborah Silva

**Reference:** S06913 / P58390

10 November 2008

13010120100210123130021323

Mr W & Mrs H Georgans  
25 Shinfield Ave  
ST IVES NSW 2075

Dear Mr & Mrs Georgans

**PROPOSED RE-ZONING OF PROPERTIES FROM RESIDENTIAL TO RE1 [OPEN SPACE] WITHIN THE DRAFT TOWN CENTRE LOCAL ENVIRONMENT PLAN [LEP]**

On Wednesday 5 November 2008, the Ku-ring-gai Planning Panel resolved to place on exhibition the Draft Ku-ring-gai Town Centres Local Environment Plan [LEP].

Identified within the Draft Ku-ring-gai Town Centres LEP are 24 residential properties which are proposed to be re-zoned for future open space. The proposed re-zoning of these properties was not carried out by Council but by the Ku-ring-gai Planning Panel as part of the Draft Ku-ring-gai Town Centres LEP process.

Council acknowledges that there are residents across Ku-ring-gai who are currently concerned about these plans to re-zone land within the Town Centre boundaries as RE1, and the purpose of this letter is to take the opportunity to clearly outline what the draft LEP sets out in terms of re-zoning RE1 land within the planning panel boundaries by answering some of the frequently asked questions [refer to attachment].

If you do not agree with the proposal to re-zone your property as RE1 you can state this and request your land be rezoned as per adjoining zones. If this is considered appropriate subsequent changes may be made to the draft plan.

You can make a submission on the draft plan for consideration to the Ku-ring-gai Planning Panel. The draft Town Centre LEP will be on exhibition from 17 November – 19 December 2008.

Should you wish to make a submission please write to the General Manager at Locked Bag 1056, Pymble NSW 2073, quoting "S06913 - Ku-ring-gai Town Centres Draft Plan Exhibition" or email to [towncentres@kmc.nsw.gov.au](mailto:towncentres@kmc.nsw.gov.au). Submissions must be received by Friday 19 December.

If you would like to meet with a Council officer to discuss your concerns please contact Deborah Silva on 9424 0858.

Yours truly

Andrew Watson  
**Director Strategy**

## Q & A

### Introduction

Ku-ring-gai Council acknowledges that there are residents across Ku-ring-gai who are currently concerned about Council's plans to rezone land within the Town Centre boundaries as RE1. Council would like to take the opportunity to clearly outline what the draft Local Environment Plan sets out in terms of rezoning RE1 land within the planning panel boundaries by answering some of the frequently asked questions.

### **Why are residential properties showing as RE1 zoning on the Town centres LEP maps?**

In line with community aspirations, Council is seeking to provide for new local parks within the Town Centre areas through the draft Local Environment Plan. Local parks are small to medium sized areas which are predominantly grassed, with a range of facilities catering for non-organised leisure activities such as kicking a ball, riding a bike, playing on a play ground and the like, these parks are intended to be used by residents who live within a 5 minute walk to the park.

The locations for the proposed new local parks meet a range of criteria that are identified in Council's Open Space Acquisition Strategy. The strong need for new local parks has been identified through a series of studies and strategies undertaken by Council over the past 3 years.

The 2005 Ku-ring-gai Open Space Strategy identified that the Local Government Area has a relatively low provision of both local and district level open space (local open space generally has a catchment area of up to half a kilometre whilst district open space generally has a larger catchment area, a broader scope of activity and have higher usage rates)

Further the distribution of these open spaces is moderately uneven with low per capita provision in some areas. The 2005 study identified that approximately 35% of all households are beyond reasonable walking distance to any high quality neighbourhood open space. It also noted that as predicted, the Ku-ring-gai population is set to increase by approximately 26,000 people over the next 20 years, as a result of the Metropolitan Strategy targets that Ku-ring-gai Council will need to meet. This will place further demand on the open space system.

Given these shortfalls and the increased demands in the provision of open space for both current and new populations, Council has adopted the Section 94 Contributions Plan – Residential Development (2004-2009) with approximately \$29 million to be collected towards open space acquisitions and a further \$4.2 million for existing park embellishment. The earlier Section



94 Plan for Residential Development (2000-2003) had also identified \$9.2 million for acquisition of open space.

The 2004-2009 Section 94 Plan identified that this Acquisition Strategy should be prepared as part of the acquisition program to identify priority sites for acquisition. This is to also ensure that the new open space is appropriately configured to meet the needs of new residents.

Ku-ring-gai Council has firm financial plan in place which is supported through Section 94 funding, more commonly known as developer contribution payments.

### **Examples of Questions being asked by residents:**

**Q. What evidence is there that the size and location of the new park meets with the strategy?**

A. The key criteria for selection of a location for a new park are:

- The location is close to areas where new development is proposed
- The new park is around 3,000sqm (typically 3-4 properties)
- The location is within a 200-400 metre walking distance of the Pacific Highway or Mona Vale Road and/or the town centres
- The site has more than one street frontage
- Where existing parks meet expansion is preferred to creating another new park

**Q. What does this mean if my property is showing as RE1 zoning on the map?**

Council wishes to enter into negotiations with owners to purchase all properties shown as RE1 in order to provide for new local open space within the Town Centres over an extended period of time.

The reason is following on from the earlier Open Space Strategy of 2005, further studies undertaken to identify and develop strategies within priority areas depleted of local open space and in October 2007, Council adopted the current Open Space Acquisition Strategy. The Open Space Acquisition Strategy provided strategies that Council can utilise now and into the future to guide decision making in relation to acquisition of open space. It is a guide to:

- Acquire open space efficiently based on location and quality of space acquired
- Assess the existing open space system and identify implications of an increasing population
- Assess priorities based on new population and development trends identified in all areas of Council planning

- Develop a decision making rationale that will ensure that acquisition of open space will meet the needs of the new population without further exacerbating existing deficiencies in the open space system
- Identify priorities including 'hot spots' for acquisition of open space
- Ensure provision of quality open space - not solely focused on quantity
- Examine potential of other open space improvements such as enhancement of existing open space,
- Make recommendations regarding embellishment of open space in terms of facilities and recreation opportunities
- Be able to respond appropriately to opportunities to acquire specific sites for open space

**Q. Why my property?**

Council has identified your property for future local open space based on the information derived from both the Open Space Strategy and the Open Space Acquisition Strategy, as well as a lengthy and detailed review of open space requirements in Priority 1 and 2 areas within the Town Centres. Numerous properties were identified as potential open space and assessed against the Open Space Acquisition Strategy over a six month period. In July 2007, Council identified 24 preferred locations for new local open space within the Town Centres, which included your property.

**Q. Why did Council choose to rezone the land and are there any other options?**

Council has two options:

1. Zone the land for residential uses and identify land to be acquired in a separate document.

The advantage of this option is that land retains its residential zone and land owners are less directly affected. This does not mean however that Council is still not interested in purchasing the property.

The disadvantages of this option are that:

Council will not be able to transparently report to the community regarding its plans to provide additional parkland for a growing population because there is no public commitment in zoned land. Council would still maintain a land acquisition list however Council is likely to be seen as having a secret "hit list" which is not the case.

2. Zone the land for public recreation

The Department of Planning have indicated that their preferred approach is for Council to appropriately zone land as "local open space" and have the land identified on a Land Reservation Map and so listed within an appropriate Local

Environmental Plan. This is standard practise when proposing to acquire new parks.

The advantage of this option is that land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991. In certain circumstances, particularly "*hardship*" as defined in that legalisation, an owner can initiate acquisition of his /her land by the Council.

The disadvantage of this option is that rezoning can be an uncertain process for residents.

**Q. Why have more parks in your location when there are other small parks in the area not being utilised?**

Council acknowledges that many of the existing parks around the town centres are under utilised, because of one or more of the following factors:

- They have no facilities, inadequate facilities or facilities that do not meet the needs of the local community
- They are not visually attractive, interesting or inviting
- The parks are too small to cater for the needs of the local community
- The park is poorly located whether that be on a main road or in a location difficult to access
- Many of councils parks are bushland reserves that limit what people can do in them

**Q. Why was there no consultation prior to the decision being made?**

Firstly no decision has been made. The current plans are a draft and will be exhibited for a month between November 17 and December 19, 2008, during which time residents are invited to make submissions. The final plans then are submitted to the Minister for Planning for approval. If the plans are to the satisfaction of the Minister then they will be gazetted. At this stage the earliest this is likely to occur is around March 2009.

Council has undertaken consultation including:

- Exhibition of draft Open Space Acquisition Strategy and receipt of public submissions. Public Information Session 2006
- Presentations to Planning forums (open to the public) through 2007
- Council Reports

Consultation with specific landowners during the process of identifying the sites has not been possible due to the confidential content of some Council reports.

**Q. Is being zoned RE1 public recreation effectively the same as having my property compulsorily acquired?**

No, firstly Council has not resolved to compulsorily acquire any land in its Local Government Area. Secondly, Council would need to obtain the Minister for Local Government's consent before it could compulsorily acquire property and after that consent (if granted) there would be formal notices to you and offers of compensation made to you

Therefore, your property will not be acquired by the Council (assuming it is re-zoned RE1) until you and the Council agree on a price and you are ready to move. On the other hand, if the Council is of the opinion that the time has come when the land is required for its proposed community use and negotiations with you are unsuccessful then it may move to have the property compulsorily acquired. This is unlikely to occur without extensive negotiations with you or your representative first.

Should compulsory acquisition occur you will be entitled to remain in possession of your property (if you occupy it) until you receive your compensation (if that amount is agreed) or 90% of the compensation offered to you by the Council.

**Q. What compensation am I entitled to if my property is re-zoned RE1?**

As well as receiving the market value of your land you will also be entitled to legal costs and valuation fees reasonably incurred by you, and financial costs in connection with your relocation, including stamp duty, costs relating to the discharge of any mortgage and costs associated with a new mortgage on a new property.

The details are set out in the Land Acquisition (Just Terms Compensation) Act 1991, and your solicitor will advise you on your entitlements.

**Q. With a RE1 Public Recreation zone can I still do alterations and additions, what will be the effect on my property value?**

Yes, and depending on the scope of works potentially a development application would be required. Any alterations and additions will affect the valuation of your land, which would be reflected in the compensation you receive for it.

**Q. We are long term residents wanting to stay in the area**

This is a long term acquisition program, there are many options available for property owners who wish to stay in their home or who do not wish to sell their property immediately and these can be discussed with a Council officer.

**Q. What if I don't want to sell ever?**

Council understands the concerns and sensitivities surrounding a person's home. However, lengthy and detailed studies have been undertaken in the lead up to identifying the preferred properties for acquisition, and overtime Council will require your property.

Also keep in mind that many things can change over time, potentially the area which you now live in will change dramatically and so may your desire to stay in your street. Keep your options open until you have had an opportunity to discuss your concerns with family members and a Council officer.

**Q. I am considering selling my property in the future what happens now?**

Council staff are available to meet and discuss the process with you.

**Q. What is the process if I want to sell my property now?**

The General Manager and /or his delegate will commence the pre-acquisition process, which includes;

- Obtaining an independent valuation;
- assessment against the principles and objectives of Council's *Open Space Acquisition Strategy*;
- A statement of goals and objectives for the proposed Land including a statement of any "Special Value" deemed appropriate by Council;
- Commence negotiation, and if successful, implementation of all matters necessary for the preparation, signing and sealing of contract documentation required;
- Seek 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.

Wherever possible Council's preferred method of acquisition is to acquire Land through mutual agreement. The key principles in the acquisition of Land are:

- Responding when the desired Land is offered to the market; and
- Pro-actively by initiating negotiations for the desired Land.

**Q. What can I do during the exhibition period if I don't agree with the decision?**

You can make a submission on the draft plan for consideration to the Ku-ring-gai Planning Panel. If you do not agree with the proposal to zone your

property as RE1 you can state this and request your land be rezoned as per adjoining zones. If this is considered appropriate subsequent changes may be made to the draft plan.

Important to note, is that in the event your property returns to a residential zoning upon gazettal of the final LEP, Council may still be interested in purchasing your property sometime in the future for open space.

**Q. What's the best way for us to find out more information?**

Arrange a meeting with Council staff to discuss your concerns and options. Talk with family members and discuss your options. If you would prefer to bring a family member along to speak with Council staff, please do so.

If you are interested in selling your property a Council officer will explain the process and develop some options for you to consider.

If you are not interested in selling your property make a submission to the Kuring-gai Planning Panel during the exhibition period. Most importantly make sure your submission reaches Council by the due date.

**Q. Where can I go for independent help and advice?**

Speak to family members, contact your solicitor to obtain legal advice, a registered property valuer or approach your local member of parliament.

Council staff are available to answer questions and/or meet with you and your family to discuss options.

*This publication is intended as a first point of reference and should not be relied on as a substitute for professional advice.*

*Specialist advice should always be sought in relation to any particular circumstances and no liability will be accepted for any losses incurred by those relying solely on this publication.*