



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

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

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 16 December 2008

Minutes numbered 447 to 480

MINUTES FROM THE MAYOR

MM.1 **Vale Nancy Bird Walton**

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File: S02380

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of well-known aviation pioneer Nancy-Bird Walton, who passed away at age 93 on the 13 of January.

Nancy Bird was a well-known Ku-ring-gai resident who lived with her husband in Pymble for 52 years.

In 1933, she started flying lessons with Sir Charles Kingsford Smith and obtained a commercial flying Licence in 1935. At 19 years of age, she was the youngest woman in the British Commonwealth to have been granted a commercial licence.

In the same year she organised the first ladies flying tour of Australia and became the first woman to engage in commercial aviation in Australia when she was employed by the Far West Children's Health Scheme to operate aircraft as the Aerial Ambulance and Baby Clinic Service in Western NSW.

She was founder, First President and Patron of the Australian Women Pilots' Association.

Nancy Bird married Charles Walton in December 1939 and they built a house two years later at 136 Mona Vale Road (then known as Pittwater Road), Pymble.

MM.2 **Sustainability Reference Group**

2

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File: S05396

Sustainability is one of the most pressing issues facing the world today. This is evidenced by the current financial crisis, loss in species, habitats and ecological diversity and the dislocation and isolation of individuals to their local community.

During 2008, Council developed and ran a successful community and expert reference group focusing on sustainability within the Ku-ring-gai local government area. This reference group was privileged to have membership cutting across a diversity of age groups, professional expertise and other interests. In its short period of existence it achieved a number of important milestones including the participation and review of Council's first Sustainability Plan as well as developing and contributing to ideas to progress sustainability with residents, businesses and within council.

This Mayoral Minute seeks the introduction of a Sustainability Reference Committee to continue to pursue what is arguably the most important aspect of local government and one demanded by our residents.

On 16 December 2008 Council considered a report on the future committee structure. The resolution adopted reflected ideas and ideologies relevant some 20 years ago, not the

The development of a Sustainability Reference Group can work together with the adopted committees. It would focus on policy and longer term strategies and projects involving finance, environment and social development to ensure sustainability remains at the core of council's decisions. Its charter would need to be developed in conjunction with that of the other committees and that these be reported back to Council at the Ordinary Meeting of 24 February 2009.

PT.1	Safety on Lower Spencer Road - Gordon Golf Club Water Recycling Project - (Thirty-one [31] Signatures)	3
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"The residents of lower Spencer Road call for Council to:

1. Lower the speed limit to 40km and erect Slow Down for Children signs on the section of Spencer Road from Highbridge to the cul-de-sac end at the Golf Course to ensure the safety of our children during construction.
2. A commitment by Council to upgrade Spencer Road from Highbridge to the cul-de-sac end after the 28 weeks of construction work has been completed."

PT.2	Request Council improve condition of Owen Street, Lindfield between Howard Street & Archbold Road - (Twenty-two [22] Signatures)	4
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"We, the undersigned residents of Owen Street, request that Council improve the condition of the road in Owen Street, Lindfield between Howard Street and Archbold Road. The road surface and specifically the road shoulders are in a terrible state of disrepair.

The existing road surface is loose and the poor condition of the road shoulder means that stones are often dislodged and can cause windscreen or car damage. The riding of bicycles on the road shoulder is also dangerous.

In the year 2008, we observed that Middle Harbour Road has been re-asphalted using dense graded asphalt. We would request that the Council's road improvement programme include a similar overlay to Owen Street between Howard Street and Archbold Road".

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 Disclosure of Interests Returns Register

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File: S02167

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

Recommendation:

That the tabling of the Disclosure of Interests Returns Register be noted.

GB.2 Councillor Information Seminars

7

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File: S03247

To report on the attendance of Councillors at the Department of Local Government (DLG) Councillor Information Seminars.

Recommendation:

That the report on attendance at the Department of Local Government Councillor Information Seminars be received and noted.

GB.3 LGSA Tourism Conference 2009

13

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File: S02046

To advise Councillors of the opportunity to attend the LGSA Tourism Conference 2009.

Recommendation:

That Council determine if it wishes to send delegates to the LGSA Tourism Conference 2009.

GB.4 **West Pymble Pool - Ku-ring-gai Amateur Swimming Club** 18

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File: S02348

For Council to consider granting approval for Ku-ring-gai Amateur Swimming Club Inc to extend their booking time from 10.00am to 11.30am on Saturday 28 March 2009. The Club requires this additional time to complete their swimming championships.

Recommendation:

That Council grant approval for Ku-ring-gai Amateur Swimming Club Inc to extend their booking time from 10.00am to 11.30am on Saturday 28 March 2009.

GB.5 **20 Grosvenor Street, Wahroonga - Modification of Consent to DA1183/07 Proposing Amendment to the Front Building Setback, Front Fence & Driveway** 21

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File: MOD0359/08

Ward: Wahroonga
Applicant: Mrs Christine Lucy Gabb
Owner: Mrs Christine Lucy Gabb

To determine Section 96 application MOD0359/08 for modification of conditions of consent relating to the front setback, driveway configuration and front fence design.

Recommendation:

Refusal.

GB.6 **Draft Asset Management Policy** 64

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File: S06232

For Council to adopt the draft Asset Management Policy.

Recommendation:

That Council adopt the draft Asset Management Policy.

GB.7 **Environmental Levy Small Grant Projects - Round Seven** 83

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File: S04553

To seek Council's support to fund ten (10) Environmental Levy Small Grant projects.

Recommendation:

That Council endorse the recommendation of the Small Grants Panel to fund ten (10) projects as part of the Environmental Levy.

GB.8 Rural Fire Service Bid Estimates for the Rural Fire Fighting Fund 2009/2010 89

File: S02542

To seek Council's approval in principle to the bid amount of \$400,000 from the NSW RFS RFFF 2009/2010.

Recommendation:

That Council endorses the proposal for a bid of \$400,000 from the NSW RFS RFFF for 2009/2010 as a contribution towards the new Hornsby Ku-ring-gai Fire Control Facility at Berowra.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Council Committees 99

File: S06952

Rescission Motion from Mayor Councillor E Malicki, Councillor I Cross and Councillor S Holland dated 23 January 2009.

We the undersigned Councillors seek to rescind the following resolution of Council that was resolved by Council at its meeting of 16 December 2008 under Minute No. 467:

"That Council's Resolution Min 467, Council Meeting 16 December 2008 reading:

That Council establish the following Committees:

1. ***Finance and General Purposes Committee.*** *This would consist of a Councillor from each Ward and be chaired by the Mayor. The committee would be granted certain delegations as determined by Council.*
2. ***Policy and Planning Committee.*** *This would consist of a Councillor from each Ward, not being a member of the Finance and General Purposes Committee and chaired by the Deputy Mayor with delegations to be determined by Council.*

3. **Open Space Committee.** *This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.*
4. **Community Development Committee.** *This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.*
5. *That any two Councillors can withdraw a motion and call it to Council.*
6. *Details of the charters of the committees be developed and reported to Council in February 2009.*
7. *That Council seek community representatives for the Open Space and Community Development Committees".*

NM.2 Council Committee Structure

101

File: S06952

Rescission Motion from Councillors Tony Hall, Jennifer Anderson and Carolyn Hardwick dated 23 January 2009.

We the undersigned move:

"To rescind the following parts of Resolution Minute No. 467 of 16 December 2008, namely Clauses A.1, A.2 and A.5 and are hereby rescinded".

We further move that:

"As a result of legal advice provided to Council on 12 January 2009, the following clauses be inserted to replace those rescinded in Minute No 467/08:

- A. That Council move to establish, in principle, two formal principal Committees pursuant to clauses 260, 261 and 267 of the Local Government (General) Regulation 2005:
 1. **Finance and General Purposes Committee.** This committee would consist of all Councillors who wish to nominate to serve thereon and be chaired by the Mayor.
 2. **Policy and Planning Committee.** This committee would also consist of all Councillors who wish to nominate to serve thereon and be chaired by the Mayor.

Membership in both committees shall not be less than six councillors. (The remaining clauses of Minute no. 467/08 to remain as resolved on 16 December 2008).

- B. That the **Finance and General Purposes Committee** and the **Policy and Planning Committee** shall include:
1. The Mayor as chairperson of both principal committees but if she so chooses may step down as chairperson of either or both committees and Council would elect a chairperson or persons in her place.
 2. All matters listed on each principal committee's formal and advertised agenda (Business Paper) shall be dealt with as recommendations only.
 3. Each principal committee shall meet alternately immediately prior to fortnightly Council meeting so that each committee shall meet at least monthly with the starting time to be determined by the General Manager.
 4. All recommendations from each of these principal committees shall be reported to the following Council meeting held on the same day for determination, thereby avoiding the need to readvertise the matters listed in the committee's agendas (Business Papers) for that following Council meeting. The relevant committee agenda would be published with that of the following Council meeting of that day. It may be that a committee might decide to defer a matter for further information and this action would be so minuted.
 5. The quorum of each principal committee shall be the same as for the formal Council meeting, a minimum of six councillors including the Mayor in attendance, but there shall be no casting vote for the chairperson.
- C. That a **Heritage Advisory Committee** shall be established with community representation, its charter shall be the same as the former committee and be responsible to the Policy and Planning committee.

NM.3 **Sustainability Policy**

103

File: S05592

Notice of Motion from Councillor T Hall dated 23 January 2009

As Councillors are aware, Ku-ring-gai has placed considerable emphasis on ensuring ecological sustainability is part of its decision-making process. As a Council however, we have no policy to direct staff to assess sustainability of recommendations of developments made to Council.

I therefore move that:

- "1. Ku-ring-gai Council adopt a Sustainability Policy based on the models of other Councils and enclose for this purpose the Pittwater Council model.
2. The General Manager provide a formal policy based on (1) above for adoption by the next Council Meeting".

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

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

**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.*

MAYORAL MINUTE

VALE NANCY BIRD WALTON

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of well-known aviation pioneer Nancy-Bird Walton, who passed away at age 93 on the 13 of January.

Nancy Bird was a well-known Ku-ring-gai resident who lived with her husband in Pymble for 52 years.

In 1933, she started flying lessons with Sir Charles Kingsford Smith and obtained a commercial flying Licence in 1935. At 19 years of age, she was the youngest woman in the British Commonwealth to have been granted a commercial licence.

In the same year she organised the first ladies flying tour of Australia and became the first woman to engage in commercial aviation in Australia when she was employed by the Far West Children's Health Scheme to operate aircraft as the Aerial Ambulance and Baby Clinic Service in Western NSW.

She was founder, First President and Patron of the Australian Women Pilots' Association.

Nancy Bird married Charles Walton in December 1939 and they built a house two years later at 136 Mona Vale Road (then known as Pittwater Road), Pymble.

RECOMMENDATION

- A. That Council writes to Nancy Bird's family to express our sincere condolences for their loss.
- B. That we stand for a minute's silence to honour the life of Nancy Bird Walton.

Cr Elaine Malicki
Mayor

MAYORAL MINUTE

SUSTAINABILITY REFERENCE GROUP

Sustainability is one of the most pressing issues facing the world today. This is evidenced by the current financial crisis, loss in species, habitats and ecological diversity and the dislocation and isolation of individuals to their local community.

During 2008, Council developed and ran a successful community and expert reference group focusing on sustainability within the Ku-ring-gai local government area. This reference group was privileged to have membership cutting across a diversity of age groups, professional expertise and other interests. In its short period of existence it achieved a number of important milestones including the participation and review of Council's first Sustainability Plan as well as developing and contributing to ideas to progress sustainability with residents, businesses and within council.

This Mayoral Minute seeks the introduction of a Sustainability Reference Committee to continue to pursue what is arguably the most important aspect of local government and one demanded by our residents.

On 16 December 2008 Council considered a report on the future committee structure. The resolution adopted reflected ideas and ideologies relevant some 20 years ago, not the present. If Ku-ring-gai Council is to look to the future in the delivery of services and projects and meaningfully engage and involve its residents and rate payers in decision making it must position and be seen to position sustainability as its core business. With this focus it is imperative that the community be engaged in and contributes to decision making.

The development of a Sustainability Reference Group can work together with the adopted committees. It would focus on policy and longer term strategies and projects involving finance, environment and social development to ensure sustainability remains at the core of council's decisions. Its charter would need to be developed in conjunction with that of the other committees and that these be reported back to Council at the Ordinary Meeting of 24 February 2009.

RECOMMENDATION

- 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.

Cr Elaine Malicki
Mayor

MAYORAL MINUTE

AUSTRALIA DAY HONOURS & KU-RING-GAI CITIZENS OF THE YEAR 2009

I am pleased to inform you of the Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been awarded 2009 Australia Day Honours.

I also take this opportunity to honour Ku-ring-gai's own Citizens of the Year.

We are very proud to have so many dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

Faith Bandler of Turramurra

For distinguished service to the community through the advancement of human rights and social justice, by raising public awareness and understanding of the cultural heritage of South Sea Islanders, and to women's issues.

William Killinger of Gordon

For service to railway engineering through the construction and development of passenger and freight transport systems in Australia and internationally, to professional organisations, to the mining sector, and to the community.

John MacColl of Gordon

For service to the community through the promotion and development of cultural, educational and business relationships between Australia and France.

Garry Brown of Killara

For service to education, particularly as Headmaster of Mosman Church of England Preparatory School, and through a range of professional associations.

Arthur Krust of Killara

For service to the building and construction industry, and to the community through church and service groups.

Kenneth McManus of Killara

Winner of an Emergency Services Award.

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Llewellyn Russell of East Killara

For service to the shipping and transport logistics industries, to the development and promotion of trade opportunities, and to professional associations.

Thomas Acheson of Pymble

For service to medicine as a general practitioner, through administrative roles with aged-care organisations, and to the community.

Unis Goh of Pymble

For outstanding public service, particularly in the provision of community housing in New South Wales.

Robert Henry of Pymble

For service to dentistry in the field of orthodontics as a practitioner, administrator and teacher, and to the community.

Carolyn and Roy Langsford of Pymble

For service to people with multiple sclerosis through the establishment and development of the Trish MS Research Foundation.

Paul Wilson of Pymble

For service to veterans through ex-service organisations, particularly the 462/466 Squadrons Reunion.

John McCarthy of St Ives

For service to the property and construction industries, particularly through leadership roles in peak bodies, and through promotion of co-operation, research and innovation.

Franciscus Junius of Warrawee

For service to medicine through research and clinical innovations in the use of the heart-lung machine and the improved outcomes for patients.

Malcolm Longstaff of Turramurra

For service to the community through a range of maritime, social welfare, youth and cultural organisations.

Keith Campbell of Wahroonga

For service to veterans, particularly through the Bomber Command Association in Australia, and to the community.

I would also like to recognise our own Citizens of the Year:

- Citizen of the Year **Dale Robins.**
- Young Citizen of the Year **Susanna Matters.**

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- Outstanding Service to the Community individual winner **Ian Hall of the Rural Fire Service.**
- Outstanding Service to the Community group winner **Ravenswood Year 11 Community Involvement Group.**

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

RECOMMENDATION

- A. That Council acknowledge the outstanding contribution made by these recipients of 2009 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.
- B. That Council acknowledge the outstanding contributions made by the 2009 Ku-ring-gai Citizens of the Year award winners.

Cr Elaine Malicki
Mayor

PETITION

SAFETY ON LOWER SPENCER ROAD - GORDON GOLF CLUB WATER RECYCLING PROJECT - (THIRTY-ONE [31] SIGNATURES)

"The residents of lower Spencer Road call for Council to:

1. Lower the speed limit to 40km and erect Slow Down for Children signs on the section of Spencer Road from Highbridge to the cul-de-sac end at the Golf Course to ensure the safety of our children during construction.
2. A commitment by Council to upgrade Spencer Road from Highbridge to the cul-de-sac end after the 28 weeks of construction work has been completed."

RECOMMENDATION

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

PETITION

REQUEST COUNCIL IMPROVE CONDITION OF OWEN STREET, LINDFIELD BETWEEN HOWARD STREET & ARCHBOLD ROAD - (TWENTY-TWO [22] SIGNATURES)

"We, the undersigned residents of Owen Street, request that Council improve the condition of the road in Owen Street, Lindfield between Howard Street and Archbold Road. The road surface and specifically the road shoulders are in a terrible state of disrepair.

When comparing Owen Street, Lindfield with the surrounding roads of Middle Harbour Road and Owen Street, East Lindfield, it is easy to see that this street has not had the level of investment required to ensure the safety and standards expected in a normal suburban street.

The existing road surface is loose and the poor condition of the road shoulder means that stones are often dislodged and can cause windscreen or car damage. The riding of bicycles on the road shoulder is also dangerous.

In the year 2008, we observed that Middle Harbour Road has been re-asphalted using dense graded asphalt. We would request that the Council's road improvement programme include a similar overlay to Owen Street between Howard Street and Archbold Road".

RECOMMENDATION

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

DISCLOSURE OF INTERESTS RETURNS REGISTER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

BACKGROUND:

Newly elected Councillors were required to lodge Disclosure of Interests Returns with the General Manager.

The Act requires that the Disclosure of Interests Returns Register be tabled at the first meeting after the last day for lodgement.

COMMENTS:

The Register will be tabled at the meeting.

RECOMMENDATION:

That the tabling of the Disclosure of Interests Returns Register be noted.

PURPOSE OF REPORT

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

BACKGROUND

As Councillors are aware, Section 449 of the Local Government Act 1993 requires the lodgement of returns disclosing interests by newly elected Councillors.

Under Section 450A(2)(a) of the Act, returns must be tabled at the first Council meeting held after the last day of lodgement (21 December 2008).

COMMENTS

Not applicable.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the tabling of the Disclosure of Interests Returns Register be noted.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

COUNCILLOR INFORMATION SEMINARS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report on the attendance of Councillors at the Department of Local Government (DLG) Councillor Information Seminars.
BACKGROUND:	The DLG held Councillor Information Seminars in October/November 2008 following the local government elections.
COMMENTS:	DLG circular 08/22 dated 2 May 2008 requested that General Managers report to the first Council meeting in 2009 on the level of attendance at the seminars.
RECOMMENDATION:	That the report on attendance at the Department of Local Government Councillor Information Seminars be received and noted.

PURPOSE OF REPORT

To report on the attendance of Councillors at the Department of Local Government (DLG) Councillor Information Seminars.

BACKGROUND

The DLG held Councillor Information Seminars in October/November 2008 following the local government elections.

COMMENTS

DLG circular 08/22 dated 2 May 2008 (**attached**) requested that General Managers report to the first Council Meeting in 2009 on the level of attendance at the seminars.

Ku-ring-gai Councillors attended the seminars as follows:

Chatswood, 22 October – Councillor Anderson
Warringah, 6 November – Councillors Cross, Keays and Malicki
Sydney, 17 November – Councillors Holland and Szatow
Sutherland, 18 November – Councillor Duncombe.

CONSULTATION

None required or undertaken.

FINANCIAL CONSIDERATIONS

The seminars were conducted free of charge by the DLG.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None required or undertaken.

SUMMARY

Councillors attended the Department of Local Government Councillor Information Seminars in October/November as set out in this report.

RECOMMENDATION

That the report on attendance at the Department of Local Government Councillor Information Seminars be received and noted.

John McKee
General Manager

Attachments: **DLG Circular 08/22 dated 2 May 2008 - 927198**

Circular No. 08/22
Date 2 May 2008
Doc ID. A133361

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

COUNCILLOR DEVELOPMENT STRATEGY

The purpose of this Circular is to inform councils about a Councillor Development Strategy that is being prepared to assist councillors elected on 13 September 2008 to undertake their role. The strategy is a joint initiative of the Department and the Local Government and Shires Associations of NSW (the Associations).

The Strategy comprises:

- A publication for prospective councillors that includes basic information on the role and responsibilities of being a councillor and support available;
- A one-day seminar for councillors and their General Managers, following the election in September 2008;
- A publication for newly elected councillors outlining in more detail their roles and responsibilities, support available to assist them to undertake their role and where to find additional resources;
- A web-based information directory for councils and councillors;
- A Practice Note to guide the development of council-based councillor induction and on-going councillor professional development programs.

Publication for Prospective Councillors

The Department has recently published *Becoming a Councillor* (Circular 08-12 refers), a resource for prospective councillors developed in cooperation with the Associations. It is aimed at members of the public interested in standing for council and includes a basic overview of what local government is, what is expected of a councillor and what support is provided to assist councillors in their role. It is available for download from the Department's website at www.dlg.nsw.gov.au and the Associations' websites at www.lgsa.org.au.

Post-election One-day Seminar

Following the election all councillors will be expected to attend a one-day seminar to be held later this year. General Managers are encouraged to attend the seminars with their councillors. The seminars are being organised and presented via a partnership arrangement between the Department, the Associations and Local Government Managers Australia (LGMA). The seminar content is being designed to be of value to both new and experienced councillors.

Up to 15 seminars will be held at various metropolitan and regional locations to facilitate attendance. Councils wishing to host a seminar or to suggest the most appropriate regional and metropolitan locations for the seminars are invited to contact the Department by **Friday, 30 May 2008**.

General Managers are requested to report to the first council meeting in 2009 the level of councillor attendance at the seminars and any feedback from councillors about the seminar.

Publication for Newly Elected Councillors

A publication will be available for newly elected councillors from the time of the post-election seminars that will build on information contained in *Becoming a Councillor*. The publication will aim to provide, in a single resource, key information about the roles and responsibilities of councillors and support available to assist them to fulfil their role, as well as reference to where to obtain further detail and resources.

Web-based Information Directory for Councils and Councillors

A web-based directory of information is being developed to assist councillors to undertake their role. It will include links to relevant legislation, guidelines, policies and other resources. It will also be available from the time of the post-election seminars for councillors.

Practice Note to Guide Development of Council-based Councillor Induction and On-going Councillor Professional Development Programs

As part of the Councillor Development Strategy all councils are being strongly urged to develop and implement both a councillor induction program and an on-going professional development program for councillors.

It is recognised that a number of councils already have such programs in place. It is also recognised that different councils and councillors will have different training needs and that programs will vary from council to council. Councils should consider making use of their resource sharing arrangements with other councils, including Regional Organisations of Councils when planning further training for councillors.

A range of delivery methods will be required to support the training needs of councillors. These could include:

- workshops, seminars and informal (briefing) sessions conducted by Council with appropriate guest speakers and trainers;
- attendance at workshops, seminars and conferences offered by organisations such as the Local Government and Shires Associations of NSW, Australian Local Government Association, Local Government Managers Australia and other private providers that provide an opportunity for councillors to gain new skills, network with other councillors and staff from within and outside of New South Wales. An example is the Councillor

Professional Development Program conducted by Local Government Learning Solutions (a unit of the Associations);

- training booklets and discussion papers that could be distributed to councillors for information; and,
- on-line training delivery.

In this context, the Department will issue a Practice Note prior to the elections to provide encouragement and guidance to councils on councillor induction and on-going professional development.

The Department is inviting input from councils on the content of the Practice Note by **Friday, 13 June 2008**. We are particularly interested in hearing from councils that have developed comprehensive induction and professional development programs for councillors, as well as from those that have undertaken a systematic analysis to identify councillor professional development and training needs. The Department will also be seeking input from the Associations, LGMA and other agencies.

Meanwhile, councils are asked to ensure that their management plan for 2008/2009 makes adequate provision for the development and implementation of councillor induction and ongoing councillor professional development programs.

Councils are similarly asked to ensure that their policies on the payment of expenses and the provision of facilities to mayors and councillors provide for an appropriate level of support for councillor training and professional development when next reviewed for 2008/2009.

Further information about the Councillor Development Strategy, including details about the post-election seminars, will be made available to councils over the coming months.

Councils that wish to contribute to the Practice Note, make suggestions for the location of the seminars or who have questions about the Strategy should contact Wendy Forrester on tel: 02 4428 4172 or via email at wendy.forrester@dlg.nsw.gov.au.



Garry Payne AM
Director General

LGSA TOURISM CONFERENCE 2009

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Councillors of the opportunity to attend the LGSA Tourism Conference 2009.
BACKGROUND:	The Conference will be held from 10 to 12 March 2009 in Kiama.
COMMENTS:	The Conference theme is 'Creating a Strong Foundation in Tourism'. The program is attached.
RECOMMENDATION:	That Council determine if it wishes to send delegates to the LGSA Tourism Conference 2009.

PURPOSE OF REPORT

To advise Councillors of the opportunity to attend the LGSA Tourism Conference 2009.

BACKGROUND

The Conference will be held from 10 to 12 March 2009 in Kiama.

COMMENTS

The fifth annual local government tourism conference is about building the foundations for tourism development in your local area, and consequently NSW as a whole. Tourism relies upon many facets of infrastructure and related services to create a competitive product. This involves the successful integration of private and public sector investment in areas such as transport, restaurants, accommodation, cultural and recreational facilities, attractions and community facilities.

This conference creates a framework to help you strengthen your tourism strategy with sessions exploring:

- How NSW and other states have integrated tourism and infrastructure strategies
- How councils have supported tourism development and benefited the community with infrastructure initiatives
- Transport infrastructure and service needs, covering aviation, road and rail based tourism and;
- The role of precinct redevelopment and investment in community infrastructure, which can have major positive spin-offs for tourism development.

Find out how your council can improve its potential to create new tourism opportunities, leverage its assets, and develop strategies to realise its potential as a tourism destination. This conference presents a platform for councillors and council staff to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The cost of attending the conference is \$599.00. Accommodation and travel expenses are additional.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That Council determine if it wishes to send delegates to the LGSA Tourism Conference 2009.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

Attachments: LGSA Tourism Conference 2009 program - 2009/005601

Draft LGSA Tourism Conference 2009 - Program as of 23 December 2008
Creating a Strong Foundation in Tourism
10 - 12 March 2009, Kiama Showground Community Events and Exhibition Centre

Conference MC: Bruce Elder, Features Writer Travel and Tourism

Tuesday 10 March

1.00pm – 5.00pm	Managing Local Tourism - Master Class Highlights Professional development program sampler - Optional session Presented by The School of Tourism and Hospitality Management at Southern Cross University
12.00pm – 2.00pm	Registration opens at Kiama Showground
6pm – 7.30pm	Welcome Reception Cocktail Party at The Sebel Harbourside Kiama Sponsored by Kiama Council. Delegate registration will be available at this event

Wednesday 11 March

9.00am	Statement of Recognition / Welcome to Country	Elder from Kiama Council
9.10am	Welcome to Kiama Municipal Council	Cr Sandra McCarthy, Mayor, Kiama Municipal Council
9.15am	Presidents' Welcome	Cr Bruce Miller, President Shires Association of NSW
9.30am	Tourism Keynote Address	Lyndel Gray, Executive Director, Tourism NSW
10.00am	Tourism Address	Bill Healey, CEO, The Australian Hotel Association (invited)
10.30am Morning Tea		
11.00am	NSW Innovation Strategy	Jason Scattolin, Senior Manager, Innovation Strategies, DSRD
Transport Infrastructure and Services		
11.30am	Aviation – regional access	Ian Baker, Airport Agencies Pty Ltd (invited)
12.00pm	Self-drive market, roads, and touring, Princess Hwy upgrade, rural road safety grants, Ozlink Roads	Michael Leary, Head of Travel and Tourism, NRMA
12.30pm 12.45pm	Rail Infrastructure: packaging and marketing tourism products; regular services and special services, Elvis Train, CityLink and Countrylink	Scott McGregor, Off the Rails Productions Pty Ltd and Nadine Clench, Sales and Distribution Mgr, CountryLink
1.00pm Lunch sponsored by the Department of Lands		
Building foundations		
2.00pm	Precinct redevelopment and community infrastructure/public private partnerships	Chris Quigley, Director Strategic and Commercial Services, Kiama Municipal Council
2.30pm	Converting Assets Into Tourism Product	Todd Wright, Three Sides Marketing: marketing, online, training
Council Case Studies		
3.00pm	Molong's Gelato Ingredients Manufacturers of Australia Pty Ltd	Giovanni Di Francesca
3.20pm 3.40pm	Tullamore Irish Festival Working Together: case study in council collaboration Northern Rivers Local Tourism Management Master Class	Robert Edwards Dr Dianne Dredge, Associate Professor, Tourism Policy and Planning, Southern Cross University and Liz Shepherd, Tourism & Development Manager, Ballina Shire Council
4.00pm	SITE INSPECTION: development of an iconic tourism product at Jamberoo Action Park	James Eddy, Owner, Jamberoo Action Park
6.00pm Conference finishes day one		

7.30pm	Conference Dinner On the Boardwalk - Barefoot and Black Tie Sponsored by Southern Cross University
10.30pm	Bus transfers back to accommodation

DAY 2 Thursday 12 March

7.30am – 8.30am Guided Walk and Breakfast		
9.00am	Keynote Address	Hon Jodi McKay MP, Minister for Tourism
Marketing your Assets and Building your Brand		
9.30am		Stuart O'Brien, CEO, Australia and New Zealand, Ogilvy and Mather
10.00am		Gregg Currie, Owner, Bellachara Boutique Hotel
10.30am	Morning Tea	
11.00am	Tapping the Trends (Demographics)	Simon Pomfret, Executive Director, Illawarra Regional Information Service (IRIS)
11.30am	Taskforce on Tourism and National Parks in NSW	Richard Davies, Manager Visitor Programs Unit, Parks and Wildlife Group, DECC
12.00pm – 1.30pm	Workshop Breakout sessions Matching Tourism Products with Markets and Building Your Foundations Scenario 1: inland remote council with non-direct transport links and relatively small visitation	Facilitator: Jenny Calkin, Managing Director, Jenny Calkin and Associates
12.00pm – 1.30pm	Scenario 2: Coastal council with high visitation and good transport (surf strategy)	Facilitator: Debra Howe, Manager Tourism and Events, Toowoomba Regional Council
12.00pm – 1.30pm	Scenario 3: Metropolitan council, large and popular tourism destination with attractions	Facilitator: John Allen, Director, Australian Centre for Event Management
1.30pm	Lunch sponsored by the Department of Lands	
Touring Tourism		
2.30pm – 2.50pm	Motorhomes / Caravan Parks / Councils Industry Operators, Council Communities and Consumers: boom or bust?	Diana Worner, Chairman, Caravan and Motorhome Club of Australia
2.50pm – 3.10pm		Graham Harding, General Manager, Crown Lands Division, Department of Lands
3.10pm – 3.30pm		Bob Browne, Legal Council, Caravan and Camping Industry Association
3.30pm	Wrap up by MC and close	Cr Bruce Miller, President, Shires Association of NSW and Bruce Elder, MC
4.00pm	Happy Hour Drinks	
5.00pm	Close	

WEST PYMBLE POOL - KU-RING-GAI AMATEUR SWIMMING CLUB

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider granting approval for Ku-ring-gai Amateur Swimming Club Inc to extend their booking time from 10.00am to 11.30am on Saturday 28 March 2009. The Club requires this additional time to complete their swimming championships.

BACKGROUND:

Ku-ring-gai Amateur Swimming Club has used West Pymble Pool in Lofberg Road, West Pymble since 1969 in providing opportunities for young people to learn to swim and participate in swimming competitions. The Club members pay to use the pool during their swim times.

The Club currently has a permanent booking at the Pool for the following times:

Saturday 6.00am to 10.00am
Sunday 9.00am to 10.00pm
Monday, Wednesday & Friday 6.00am to 8.00am
Monday, Tuesday & Thursday 4.00pm to 6.00pm

COMMENTS:

The Club normally finishes at 10.00am on Saturdays. This extension request until 11.30am is a "one-off" and only for Saturday 28 March 2009.

RECOMMENDATION:

That Council grant approval for Ku-ring-gai Amateur Swimming Club Inc to extend their booking time from 10.00am to 11.30am on Saturday 28 March 2009.

PURPOSE OF REPORT

For Council to consider granting approval for Ku-ring-gai Amateur Swimming Club Inc to extend their booking time from 10.00am to 11.30am on Saturday 28 March 2009. The Club requires this additional time to complete their swimming championships.

BACKGROUND

The Swimming Club has used West Pymble Pool in Lofberg Road, West Pymble since 1969 in providing opportunities for young people to learn to swim and participate in swimming competitions. The Club members pay to use the pool during their swim times.

The Club currently has a permanent booking at the Pool for the following times:

Saturday 6.00am to 10.00am

Sunday 9.00am to 10.00pm

Monday, Wednesday & Friday 6.00am to 8.00am

Monday, Tuesday & Thursday 4.00pm to 6.00pm

In accordance with the pool licence agreement, Council is required to approve any changes to the opening times (not including scheduled swimming carnivals).

The Club has been using the Aquatic Centre at Homebush for the last few years to host their end of season carnival. Increased costs to hire Homebush have forced the Club to consider using West Pymble.

COMMENTS

The Club normally finishes at 10.00am on Saturdays. This extension request until 11.30am is a "one-off" and only for Saturday 28 March 2009. No other carnivals or major activities are planned for this day, although members of the public will be affected, in that they will not be allowed to use the main Olympic pool until after 11.30am on this day. The two other smaller pools will remain open to the public on this day.

CONSULTATION

Council has consulted with the pool operator licensee who confirms the pool closure will have a minimum impact, provided suitable notification is given to casual adult users

FINANCIAL CONSIDERATIONS

The pool licensee will receive payment for all attendees from the Swimming Club for the event.

Adults, children and spectators will pay the usual entry fees as follows:

Adults \$3.70, Children & Seniors \$2.70, and spectators \$2.10.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The Ku-ring-gai Amateur Swimming Club Inc has used West Pymble Pool for some time. It provides the community with a valuable opportunity for young people to learn to swim and participate in swimming competitions. As well as providing a regular income via pool fees. The Club already has a permanent booking between 6.00am and 10.00am every Saturday morning.

The general public will be affected by the proposed extension of the Club's swimming championships until 11.30am in the Olympic pool, however these will mainly be adults. There are two other pools the public can still use during this time, although these are children's pools. The extension of time is for only one day in March 2009.

RECOMMENDATION

That Council grant approval for Ku-ring-gai Amateur Swimming Club Inc to extend their booking time from 10am to 11.30am on Saturday 28 March 2009 in association with their swimming championships and that the general public users are advised of the pool closure.

Michael New
**Property Officer Community
& Recreation Properties**

Mark Taylor
**Manager Community &
Recreation Properties**

Janice Bevan
Director Community

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	20 GROSVENOR STREET, WAHROONGA - MODIFICATION OF CONSENT TO DA1183/07 PROPOSING AMENDMENT TO THE FRONT BUILDING SETBACK, FRONT FENCE AND DRIVEWAY
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	MOD0359/08
SUBJECT LAND:	20 Grosvenor Street, Wahroonga
APPLICANT:	Mrs Christine Lucy Gabb
OWNER:	Mrs Christine Lucy Gabb
DESIGNER:	Charleston Homes
PRESENT USE:	Dwelling house
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 38 - Residential Design Manual, DCP 43 - Car Parking
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	3 October 2008
40 DAY PERIOD EXPIRED:	12 November 2008
PROPOSAL:	Modification of consent to DA1183/07 proposing amendment to the front building setback, front fence and driveway
RECOMMENDATION:	Refusal.

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documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
<i>Site Plan (Scale 1:200)</i>	<i>unknown</i>	<i>Not dated. Received by Council 5 February 2008.</i>
<i>GAB33406 sheets 3 to 8 inclusive</i>	<i>Charleston Homes</i>	<i>1 November 2006</i>
<i>Site Management Plan GAB33406 sheet 10</i>	<i>Charleston Homes</i>	<i>1 November 2006</i>
<i>Front fence details</i>	<i>Unknown</i>	<i>Not dated</i>

Reason: *To ensure that the development is in accordance with the determination of Council.*

2. Dwelling location

The whole dwelling is to be relocated further back from Grosvenor Street, so that the southeast elevation of the proposed garage does not encroach beyond the existing setback of the current dwelling, as marked in red on the approved site plan. The amendment is to be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: *Reduce visual impacts on the setting of the heritage item at 18 Grosvenor Street and the Urban Conservation Area 28 and to maintain the streetscape character.*

3. Driveway amendment

To reduce the extent of hard paved area within the front setback the driveway is to be reduced in size and the turning bay relocated to the southern side of the driveway, as marked in red on the approved site plan. Details of the amendments are to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: *Maintain landscape character of streetscape.*

4. Driveway materials

The driveway and turning bay is to be constructed out of pavers or gravel and is to be mid to dark in colour. Details of the material and colour to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To protect the heritage items and conservation area.*

5. Outbuilding

If the rear outbuilding is to be relocated and reconstructed, the building is to be setback 2m off any boundaries and landscaping to be provided along the side boundary.

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Reason: *Maintain sufficient setback to provide landscaping.*

7. Front fence

The brick base of the front fence be reduced in height to 2 bricks and the top of the piers be reduced to 1 brick course, as marked in red on the approved front boundary fence detail.

Reason: *Streetscape and maintain visual transparency of the fence.*

19. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plan, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
NHD/02/C	Open Space Partnership	30/01/08

The above landscape plan(s) shall be amended in the following ways:

- The plan is to reflect the increased front setback for the dwelling and amended driveway and turn bay location.*
- Soft landscape treatment is to be indicated replacing existing paving and structures that are to be removed such as existing driveway and garage.*
- Plant numbers to be provided to plant schedule*
- To preserve neighbour amenity, screen planting is to be provided to northern boundary that can attain 5m in height. Existing low shrub planting to northern boundary to be supplemented to achieve this condition.*
- Proposed landscape treatment to front setback to be consistent with the existing landscape character of the area. Proposed areas of mulch to front setback shall be replaced with areas of turf and planting along front fence and driveway.*
- Proposed retaining wall to rear terrace to be maximum 1 metre high.*
- Proposed driveway shall not encroach within 2 metres of trunk of following trees,*

Schedule

Tree/location	Radius from trunk
<i>Franklinia axillaris (Gordonia) Tree 2/front setback</i>	<i>3m</i>
<i>Franklinia axillaris (Gordonia) Tree 4/front setback</i>	<i>3m</i>
<i>Pistacia chinensis (Pistacia) Tree 1/nature strip</i>	<i>4m</i>
<i>Pistacia chinensis (Pistacia) Tree 3/nature strip</i>	<i>3m</i>

Reason: *To ensure adequate landscaping of the site*

25. Pier & beam footings near trees

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that the footings of the proposed front fence will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

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Schedule

Tree/location	Radius from trunk
<i>Acer palmatum</i> (Japanese Maple) Tree 43/adj property	4m
<i>Franklinia axillaris</i> (Gordonia) Tree 2/front setback	3m
<i>Franklinia axillaris</i> (Gordonia) Tree 4/front setback	3m
<i>Pistacia chinensis</i> (Pistacia) Tree 1/nature strip	4m
<i>Pistacia chinensis</i> (Pistacia) Tree 3/nature strip	3m

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam(s) shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Note: *Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.*

Reason: *To protect existing trees.*

47. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:

Schedule

Tree location	Tree works
<i>Pistacia chinensis</i> (Pistacia) Tree 1/nature strip	Minor crown lifting
<i>Pistacia chinensis</i> (Pistacia) Tree 3/nature strip	Minor crown lifting

Reason: *To protect the environment.*

50. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Schedule

Tree location	Approved tree works
<i>Pistacia chinensis</i> (Pistacia) Tree 1/nature strip	Minor crown lifting
<i>Pistacia chinensis</i> (Pistacia) Tree 3/nature strip	Minor crown lifting

Removal or pruning of any other tree on the site is not approved.

Reason: *To ensure that the development is in accordance with the determination of Council.*

THE SITE AND SURROUNDING AREA

Zoning:	Residential 2(c)
Visual Character Study Category:	Pre 1920
Lot Number:	1

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DP Number:	1079013
Area:	1479 m ²
Side of Street:	Western (low)
Heritage Affected:	No (adjacent to item)
Required Front Setback:	15.0 metres minimum (predominant setback)
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	Yes (Sydney Turpentine Ironbark Forest)
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The subject site is located on the western side of Grosvenor Street, between Bareena Avenue and Lochville Street. The site has a street frontage of 23.87m to Grosvenor Street and a depth of 61.215m-63.23m, with an area of 1479m². The site falls approximately 4.09m from the south-eastern corner to the north-western corner at the rear of the site. The site contains an existing single storey dwelling.

THE PROPOSAL

The proposal seeks the following modifications under section 96(1A) of the Environmental Planning and Assessment Act 1979:

- modification of Condition No.1 - plan reference condition
- deletion of Condition No.2 - dwelling relocation condition
- deletion of Condition No.3 - driveway design condition
- modification of Condition No.4 - driveway materials
- deletion of Condition No.5 - outbuilding relocation
- deletion of Condition No.7 - front fence
- deletion of Condition No.19 - landscape plan amendments
- deletion of Condition No.25 - pier and beam construction
- deletion of Condition No.47 - canopy and root pruning
- deletion of Condition No.50 - approved tree works

The proposed modifications essentially seek to:

1. locate the approved dwelling on a reduced front setback - the dwelling setback modification seeks to reduce the required setback from 15.0m-15.4m to 10.2m-11.3m;
2. retain the originally proposed front fence; and
3. reconfigure the driveway.

The reasons provided by the applicant for the modifications are summarised as follows:

Front setback –

- Section 4.1.3 of DCP 38 requires a minimum setback of 9m with an average of 11m, with at least 75% of the front elevation on the average setback and a maximum of 25% on the minimum setback, and the proposal meets and exceeds these requirements.

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- the existing setbacks in the locality vary between 6.85m and 18.595m.
- clause 61E of the KPSO only requires Council to undertake a heritage assessment and there is no non-compliance with this clause.
- the definition of "Conservation area" in DCP 38 refers to land identified in LEP No.1 or any other subsequent Heritage Conservation LEPs, and the subject site is not identified in any Heritage LEP and consequently, the design requirements of section 4.1.3 of DCP 38 do not apply.
- the streetscape and visual impact study by Richard Lamb & Associates concludes that the proposed modifications are satisfactory with regard to streetscape, visual and heritage impact.
- the existing landscaping hides the dwellings and the proposed setback will not impact on the vista to the heritage item from Grosvenor Street.
- the rear yard will not receive adequate solar access, as confirmed in the submitted letter by Steven King, Consultant Architect.
- the reduced setback will allow retention of the existing laundry that is required to be retained as a condition of the demolition consent and will avoid the prohibitive cost of relocating the laundry.
- there is no adverse impact on the heritage significance of the adjoining item, as detailed in the letter by Archnex Designs.

The supporting letters and reports by Richard Lamb & Associates, Steven King, Consultant Architect, Archnex Designs and JCA Landscape Architects are included as attachments to this report.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of adjoining properties were given notice of the application. Submissions from the following were received:

- | | | |
|-----|------------------------------|--------------------------------|
| 1. | Mr & Mrs P Hammond | 18 Grosvenor Street, Wahroonga |
| 2. | BA Tinworth | 16 Grosvenor Street, Wahroonga |
| 3. | Ms E Browne | PO Box 864, Wahroonga |
| 4. | Mrs DL Barnett | 11 Kintore Street, Wahroonga |
| 5. | Mr A Parr | 42 Water Street, Wahroonga |
| 6. | Mrs and Mrs D and K Preston | 10 Kintore Street, Wahroonga |
| 7. | DF Brew | 86 Braeside Street, Wahroonga |
| 8. | Mrs and Mrs P and K Phillips | 39 Burns Road, Wahroonga |
| 9. | Mr D Hill | 8 Kintore Street, Wahroonga |
| 10. | J Cameron | 32 Burns Road, Wahroonga |

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The submissions raised the following issues:

the proposed setback, particularly given the 2 storey front façade, is inconsistent with the setback of other dwellings in Grosvenor Street

It is agreed that the front setback is inconsistent with the setback of adjoining and nearby dwellings in Grosvenor Street.

the 2 storey façade will be dominant on the site and is intrusive when compared to the adjoining setbacks

The proposed 2 storey façade would be acceptable subject to an increased setback, as required by Condition No.2.

the National Trust UCA 28 should not be ignored

Council's DCP 38 requires National Trust UCAs to be considered when assessing the heritage impact of a development, as discussed later in this report. This assessment appropriately considers the impact of the proposal with regard to UCA No.28.

the retention of the laundry and/or the prohibitive cost of relocating the laundry is unnecessary, as Council has no objection to its removal

It is agreed that there is no objection or impediment to removal of the outbuilding.

planning controls should not be varied to address the claimed lack of solar access to the rear yard, particularly given that the owners must have been aware of the trees to the north and west when purchasing the property

the property has a large rear yard and the amount of solar access to the private open space should be secondary to the preservation of the UCA and streetscape

As discussed later in this report, the level of solar access to the rear yard is acceptable and there is no justification on this basis for a reduced front setback.

the site is a large block of 1479m² with a gentle slope and no building restrictions or constraints and, as such, there are no reasons why the new dwelling should not completely comply with DCP 38

It is agreed that there are no development constraints that prevent the dwelling from being located at the required setback.

a precedent will be set which will lead to many other variations / approval will weaken the aims of the UCA

It is agreed that varying the provisions of Section 4.1.3 of DCP 38 on an ad hoc basis, on a site with no development constraints that prevent compliance with the front setback control would undermine the DCP 38 and UCA 28.

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the site is surrounded by a number of heritage items and sits in a streetscape and area of considerable heritage significance

Council's Heritage Advisor has provided a detailed analysis of the surrounding heritage items and has concluded that the proposed reduced setback is unsatisfactory in this regard.

the issues in this situation are strikingly similar to those considered in the application at 44 Braeside Street, particularly with regard to the relevance of National Trust UCA 28

Despite any similarities in fact between the subject application and the application at 44 Braeside Street, the circumstances of that application are not directly relevant to the subject assessment.

the applicant would have been aware of the Council requirements for setback and the setback of adjoining properties when they purchased the property but chose to place a large and bulky development beside listed heritage items and contributory items in a National Trust UCA

Whether or not the applicant was aware at the time of purchase of the site of Council's requirements relating to setbacks is not relevant to the application of those requirements in the currently proposed modification.

CONSULTATION - WITHIN COUNCIL

Heritage Advisor

Council's Heritage Advisor, Paul Dignam, commented on the proposed modification as follows:

Heritage status

The site is not a heritage item but is within the vicinity of several items and directly adjoins one item, No 18 Grosvenor Street. The following additional items are nearby:

- 16 Grosvenor Street
- 15 Grosvenor Street
- 28 Grosvenor Street
- 32 Grosvenor Street

No 15 Grosvenor Street is opposite, but is a battle axe lot and it is considered the proposed development would not impact on it. Clause 61 E of the KPSO requires Council to make an assessment of and consider the impact of the proposed works on the heritage significance of the nearby items.

The subject site was identified as a potential heritage item in the 2000 GML heritage review. It has not been reviewed and no decision was made by Council on its heritage significance. Consent to demolish the house was granted in 2006.

The site is within the National Trust UCA No 28 and is graded as a contributory item. The UCA is non statutory, however, Council may consider the heritage significance of the National Trust classification in its determination of the application.

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Comments

Setback

There is no proposed modification to the approved house. This application proposes reducing the setback to 10.2m (at the front portico/entrance). My recommendation in the original DA was to set the replacement house back to match the front setback of the existing house (between 15m and 16.2m). The reason for the increased set back was to reduce impacts on the adjoining heritage item which has a setback of about 19m and to be consistent with prevailing setbacks in the street. The approved setback at the south-eastern corner is the line of the existing house, which is about 15m. Thus a variation of about 5.0m is sought.

In terms of impact on the heritage item, the main issues are loss of views to and from the item, impacts on its setting, curtilage and visual domination. The proposed setback reduces the ability of the item to be read from Grosvenor Street. As the replacement house is higher and slightly closer to the side setback of the item it would result in some visual domination. In my opinion, this can be minimised by setting it back to the line of the existing house.

The other issue is that the streetscape is included in a National Trust UCA and has historic and aesthetic values. Although there has been some change to the overall character of the streetscape, there is a reasonable level of integrity which should be retained. Much of the integrity is due to the setback of houses behind front gardens.

The applicant has submitted a report prepared by Richard Lamb & Associates. In relation to the setback issue it concludes:

"The effect of confining the development on the south-east corner to the same location as the existing dwelling would be perceivable on plan, but the benefits, if any, to the streetscape would be minimal and to the heritage significance of No 18, would be nil."

The applicant's report concludes:

"I do not consider that there would be any significant or related amenity impacts of the proposed development on the immediate southern neighbour at 18 Grosvenor Street. The proposed dwelling and the driveway would not have any negative effect on the views to and from the heritage dwelling/property. It would not affect the visual setting of the heritage items present in the vicinity of the site or the factors which give those items their significance to the street. I do not consider that there are any unreasonable effects of the proposed development owing to its reduced but compliant front setback compared to the approved development. "

As discussed earlier, the proposed development is higher and closer to the adjoining heritage item and thus would be more visually dominant than the existing house from the street and alters the visual setting of the item. Any new building on the subject site should respect the existing visual setting of the adjoining item. While it is acknowledged that there is substantial tree screening along the boundary of the heritage item and the subject site that screens views between the two properties and the oblique views across the subject site to the heritage items, tree screening does not by itself form a permanent or solid screen. There is some transparency through the canopy of the trees and the views always change

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with the seasons, growth, wind movement and dieback. Buildings are visually solid and the obstruction of views by them is permanent for the life of the building.

There would be more limited opportunities to view the heritage item from the street as a result of the proposed setback which would reduce its heritage significance.

In relation to streetscape the applicant's report concludes:

"I am of the opinion that the proposed development and the driveway would appropriately respond to the streetscape of Grosvenor Street between Burns Road and Junction Street."

This view appears to give little or no weight to the historic and aesthetic values of the streetscape and the National Trust UCA. The planning report submitted with the application states that, as the area is not a conservation area, it is inappropriate to base streetscape requirements and setbacks on the UCA.

Council is entitled to consider the historic and aesthetic values of an area or streetscape in its determination of an application, even if it is a non-statutory listing such as National Trust UCA. The aims and objectives in Schedule 9 of the KPSO state that new residential development should only be permitted where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development. DCP 38 states the predominant setback pattern of the streetscape shall prevail in a UCA and should be appropriately located on a site having regard to the setback of adjoining properties and the setback pattern within the block.

The setbacks in Grosvenor Street are substantial at around 16m, although there are a few sites where garaging has been located in front of the existing houses, such as No 26. In my opinion, the qualities of the National Trust UCA and streetscape should be retained in any development of this site and the existing setback should not be amended as proposed.

Front fence

The amendment is to delete conditions requiring the brick piers to be reduced in height by 2 brick courses and the base of the fence reduced in height by one brick course. This condition was imposed due to planning issues rather than heritage issues. However, in consideration of the historic character of the streetscape, traditionally timber picket fences do not have high masonry piers and the base is commonly only one brick course high. DCP 38 states front fences should be historically appropriate, retain the heritage significance of heritage items and their settings. On this basis, the existing conditions on fencing in the DA consent are supported as they seek to retain the historic character of fences in the street.

Driveway

The proposed reconfiguration of the driveway would not have adverse impacts on the neighbouring heritage item. However, the broad areas of paving would have visual impacts on the existing streetscape and integrity of the UCA which is largely characterised by houses set within gardens with driveways remaining transparent or secondary elements within the garden.

It is noted that clause 4.5.6 of DCP 38 requires driveways in UCAs to be two concrete wheel strips separated by grass. The intention of this is to minimise the impact of paving on the

Item 5

garden setting. Broad areas of concrete in a UCA should be avoided. The proposed change to the driveway is not supported.

Conclusions and recommendations

The amendments in this application are not supported due to adverse impacts on the neighbouring heritage items and changes to the historic character of the existing streetscape which is a National Trust UCA.

Development Engineer

Council's Senior Development Engineer, Ross Guerrero, commented on the proposed modification as follows:

The proposed turning path as shown on Site Plan GAB33406 Sheet 2, prepared by Charleston Homes Pty Ltd, satisfies Australian Standards AS2890.1:2004 B85 design template with respect to the turning manoeuvrability for vehicles to leave in a forward direction.

A new layback and driveway crossover is proposed, with the existing crossover to be made redundant. These driveway levels will be issued by Council prior to issue of the construction certificate.

Previous engineering conditions are still applicable.

PROVISIONS OF RELEVANT LEGISLATION

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 - Remediation of Land

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate was submitted in relation to the original DA. The proposed modifications do not affect the validity of the previously submitted BASIX certificate.

Section 96 of the Environmental Planning and Assessment Act 1979

Section 96(1A)

Under section 96(1A) of the Environmental Planning and Assessment Act 1979 Council may modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Item 5

- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposal is considered to be unsatisfactory with regard to the provisions of section 96(1A), essentially as the proposed modification does not have “minimal environmental impact”. The unsatisfactory environmental impact of the proposal is discussed later in this report.

Ku-ring-gai Planning Scheme Ordinance

Part B: Aims and objectives for residential zones:

The proposed deletion of Condition No.2 is unsatisfactory having regard to the following aims and objectives for residential development as outlined in Schedule 9:

- “(e) all new dwelling houses...are of a height, size, and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development...”*

The siting of the building with a 10.2m front setback does not harmonise with neighbouring development and is unsatisfactory with regard to the aims and objectives for residential zones.

Clause 61E *Development in the vicinity of heritage items*, states that Council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has assessed the likely impact on the heritage significance of the item and its setting. Council’s Heritage Advisor concludes that the proposed reduced front setback is unsatisfactory with regard to impact on the significance of the item.

POLICY PROVISIONS

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

Part 4.1 - Streetscape:

Front Setback:

With regard to front setbacks, Part 4.1.3 states:

In Urban Conservation Areas the predominant setback pattern of the existing streetscape shall prevail.

Development must be appropriately located on the site having regard to:

Item 5

1. The existing setback of adjoining properties,
2. The setback pattern of the street block within which the proposal is situated, and
3. Council's minimum and average setback requirements

Where the predominant setback pattern of the existing streetscape reflects setbacks which exceed the required minimum, the greater setback suggested by the street character will apply

1. Existing setback of adjoining properties –

The proposed 10.2m minimum setback to Grosvenor Street is not consistent with the prevailing setbacks of adjoining properties in Grosvenor Street and is unsatisfactory in this regard. The immediately adjoining property at No.18 Grosvenor Street has a setback of approximately 18.5m and No. 22 Grosvenor Street is set back approximately 14m.

The aerial photo below depicts the minimum setbacks of adjoining properties in Grosvenor Street:



Item 5

2. The setback pattern of the street block within which the proposal is situated-

As partly depicted above, the setback pattern of the street block within which the proposal is situated is characterised by front setbacks significantly greater than the proposed 10.2m minimum setback. The proposed front setback is inconsistent with the existing setback pattern of the street block. It is noted that the existing setback to Grosvenor Street of the building on the subject site is 15m.

3. Council's minimum and average setback requirements

The proposed minimum front setback of 10.2m complies with Council's minimum and average requirements.

Development Control	Proposed	Complies
4.1 Streetscape:		
Building setbacks (s.4.1.3)		
Front setback:		
11 metres (Ave) -75% front elevation	81.5% / 11metres	YES
9 metres (min) – 25% front elevation	18.5% / 10.2 metres	YES

However, as clearly specified in Section 4.1.3 of DCP 38, "*In Urban Conservation Areas the predominant setback pattern of the existing streetscape shall prevail*", and as such, compliance with the non-UCA setback requirements is of limited relevance in the assessment of this particular application.

Front fence:

One of the assessment criteria in section 4.1.5 of DCP 38 in relation to front fences requires that they "*Be historically appropriate and retain the heritage significance of heritage items and their settings and the heritage significance of conservation areas.*"

Council's Heritage Officer has indicated that "*in consideration of the historic character of the streetscape, traditionally timber picket fences do not have high masonry piers and the base is commonly only one brick course high. On this basis the conditions on fencing in the earlier DA are supported as they seek to retain the historic character of fences in the street.*"

Although it is acknowledged that there are a variety of front fence types in Grosvenor Street, on the basis of the above, Condition 7 is appropriate and should not be deleted.

Driveway reconfiguration:

No objection is raised in principle to the proposed driveway and turning area configuration. However, as the submitted plans relate to the proposed reduced building setback (which is not supported), the proposed turning area configuration can not be approved as part of this application.

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Arguments in support of proposed modification:

The following arguments (summarised) are relied upon by the applicant in seeking the reduced front setback:

1. *Section 4.1.3 of DCP 38 requires a minimum setback of 9m with an average of 11m, with at least 75% of the front elevation on the average setback and a maximum of 25% on the minimum setback, and the proposal meets and exceeds these requirements.*

Comment – Section 4.1.3 also clearly states that in Urban Conservation Areas the predominant setback pattern of the existing streetscape shall prevail, however, this key provision has been completely overlooked. Additionally, section 4.1.3 requires development to be appropriately located with regard to the existing setback of adjoining properties and the setback pattern of the street block.

2. *the existing setbacks in the locality vary between 6.85m and 18.595m.*

Comment – Section 4.1.3 states that “Where the predominant setback pattern of the existing streetscape reflects setbacks which exceed the required minimum, the greater setback suggested by the street character will apply”. As depicted above, the predominant setback pattern on the subject side of Grosvenor Street has setbacks which significantly exceed the required minimum setbacks.

3. *clause 61E of the KPSO only requires Council to undertake a heritage assessment and there is no non-compliance with this clause*

Comment – It is agreed that there is no non-compliance with the requirement for Council to undertake a heritage assessment. However, the outcome of the heritage assessment concludes that there would be an adverse impact on the heritage significance of the adjoining item, as previously discussed in this report.

4. *the definition of “Conservation area” in DCP 38 refers to land identified in LEP No. 1 or any other subsequent Heritage Conservation LEPs, and the subject site is not identified in any Heritage LEP and consequently, the design requirements of section 4.1.3 of DCP 38 do not apply.*

Comment – It has never been claimed that the subject site is in a “Conservation area” as defined in the glossary of DCP 38 and it is agreed that the site is not in any heritage LEP. Section 3.1.8 of DCP 38 *Heritage Items and Conservation Areas* requires applicants to consider a number of heritage related provisions, including specific reference to National Trust Urban Conservation Areas. Section 4.1.3 specifically refers to “Urban Conservation Areas” and the setback provisions are clearly applicable to the subject DA which is located in National Trust UCA No 28.

Non-compliance with Section 4.1.3 is a key issue in this s96 application and the claim that Section 4.1.3 does not apply (multiple references in the Statement of Environmental Effects) demonstrates a lack of comprehension of the provisions of DCP 38 and the relevant setback control, and undermines the arguments contained in the Statement of Environmental Effects put forward in support of the s96 modifications.

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5. *the streetscape and visual impact study by Richard Lamb & Associates concludes that the proposed modifications are satisfactory with regard to streetscape, visual and heritage impact.*

Comment – In the absence of the setback controls contained in Section 4.1.3, a merit based assessment of the proposed modifications may be of some use in determining an acceptable front setback. However, DCP 38 provides clear guidelines on determining an acceptable front setback in a UCA. The streetscape and visual impact study by Richard Lamb and Associates does not provide any argument that relates to the setback provisions set out in Section 4.1.3. In fact, at page 2 of the study, Dr Richard Lamb states “*I have not commented on the compliance of the proposed development with the various development standards as they are for other consultants with town planning expertise.*” Given the specific provisions contained in DCP 38, this study has limited relevance to an assessment under Section 4.1.3.

6. *the existing landscaping hides the dwellings and the proposed setback will not impact on the vista to the heritage item from Grosvenor Street*

Comment - It is agreed that the existing landscaping provides a degree of screening of views to the item, however, this does not justify non compliance with the building setback requirements. Landscaping is not a permanent form of screening and the landscaping on the site does not entirely obscure views of the heritage item.

7. *the rear yard will not receive adequate solar access, as confirmed in the submitted letter by Steven King, Consultant Architect.*

Comment – The rear yard is over 560m² in area (total site area is 1479m²) and provides ample private open space. The site is aligned on an east/west axis and the rear yard is located to the west of the proposed dwelling, resulting in almost the entire rear yard not being overshadowed by any buildings located directly to the north. There are a number of large trees to the north and west that will overshadow the rear yard to some extent. It is a widely practiced convention when assessing solar access to include areas that may be overshadowed by vegetation and trees. This convention is enunciated in the planning principle on solar access (Parsonage v Ku-ring-gai Council): “*The amount of sunlight on private open space should be measured at ground level. Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*”

The one page letter by Steven King does not state that the rear yard will not receive adequate solar access. The letter states that there would be an “amenity advantage” and “better solar access opportunity for private open space” if the proposed modified setback is approved, but does not claim that the rear yard is unsatisfactory with regard to solar access.

In summary, the approved dwelling has a large rear yard which will receive an acceptable level of solar access throughout the year. There is no justification for the reduced front setback based on unsatisfactory solar access to the rear yard.

8. *the reduced setback will allow retention of the existing laundry that is required to be retained as a condition of the demolition consent, and will avoid the prohibitive cost of relocating the laundry*

Item 5

Comment – Council raises no issue with the demolition of the laundry. Condition No.5 of DA1183/07 provides the opportunity to relocate the outbuilding, at the applicant's discretion. The relocation of the laundry was proposed by the applicant as part of the previous DA. If the applicant does not wish to relocate the laundry, demolition is the natural consequence of the increased dwelling house setback requirement and no further development consent for demolition is required.

9. *there is no adverse impact on the heritage significance of the adjoining item, as detailed in the letter by Archnex Designs.*

Comment – Council's Heritage Advisor has raised issues in relation to impact on the nearby item, as detailed previously in this report.

Likely impacts

The likely adverse impacts of the proposal have been discussed throughout this report.

Suitability of the site

The site is suitable for residential development, however, the proposed front setback and fence modifications are unsatisfactory.

Any submissions

All matters raised in submissions have been addressed in this report.

Public interest

The proposal is not in the public interest due to the unsatisfactory impact on the streetscape and on the adjacent heritage item.

Other relevant matters

All relevant matters have been considered in this assessment.

CONCLUSION

Having regard to the provisions of s96 and s79C of the Environmental Planning and Assessment Act 1979, the proposed modifications to the front setback, front fence and driveway are unsatisfactory.

RECOMMENDATION

THAT the Council, as the consent authority, refuse MOD0359/08 for modification of development consent to DA1183/07, in relation to land at No 20 Grosvenor Street, Wahroonga, for the following reasons:

1. The proposed 10.2m minimum setback to Grosvenor Street is not consistent with the prevailing setbacks of adjoining properties in Grosvenor Street and is unsatisfactory in this regard. The immediately adjoining property at No.18 Grosvenor Street has a

Item 5

setback of approximately 18.5m and No. 22 Grosvenor Street is set back approximately 14m. The setback pattern of the street block within which the proposal is situated is characterised by front setbacks significantly greater than the proposed 10.2m minimum setback. The proposed front setback is inconsistent with the existing setback pattern of the street block. The existing setback to Grosvenor Street of the current dwelling house on the subject site is 15m.

2. The proposal results in an unacceptable impact on the adjoining heritage item at 18 Grosvenor Road. These impacts include the loss of views to and from the heritage item, relationship to its setting, and curtilage and visual domination. The proposed setback reduces the ability of the item to be read from Grosvenor Street. As the replacement house is higher and closer to the side setback of the item, it would result in visual domination by reducing the setback of the proposed dwelling. Buildings are visually solid and the obstruction of views by them is permanent for the life of the building.
3. The proposal results in an unacceptable impact on the National Trust UCA No.28. The streetscape is included in a National Trust UCA No 28 and has historic and aesthetic values. The UCA retains a reasonable level of integrity due to setback of houses behind substantial front gardens and should be respected. DCP 38 states that the predominant setback pattern of the streetscape shall prevail in a UCA and should be appropriately located on a site having regard to the setback of adjoining properties and the setback pattern within the block.
4. MOD0359/08 was incorrectly lodged as a s 961(A) application under the Environmental Planning and Assessment Act, 1979. In view that the modification substantially impacts both streetscape and the adjoining heritage item and conservation area, an application pursuant to s 96 (2) is required.
5. Condition 7 which modifies the front fence requiring the brick piers to be reduced in height by 2 brick courses and the base of the fence reduced in height by one brick course should not be deleted. This historic character of the streetscape does not have high masonry piers and the base is commonly only one brick course high. DCP 38 states front fences should be historically appropriate, retain the heritage significance of heritage item and their settings.

G Youhanna
Executive Assessment Officer

S Segall
**Team Leader
Development Assessment - North**

C Swanepoel
**Manager
Development Assessment Services**

M Miocic
**Director
Development & Regulation**

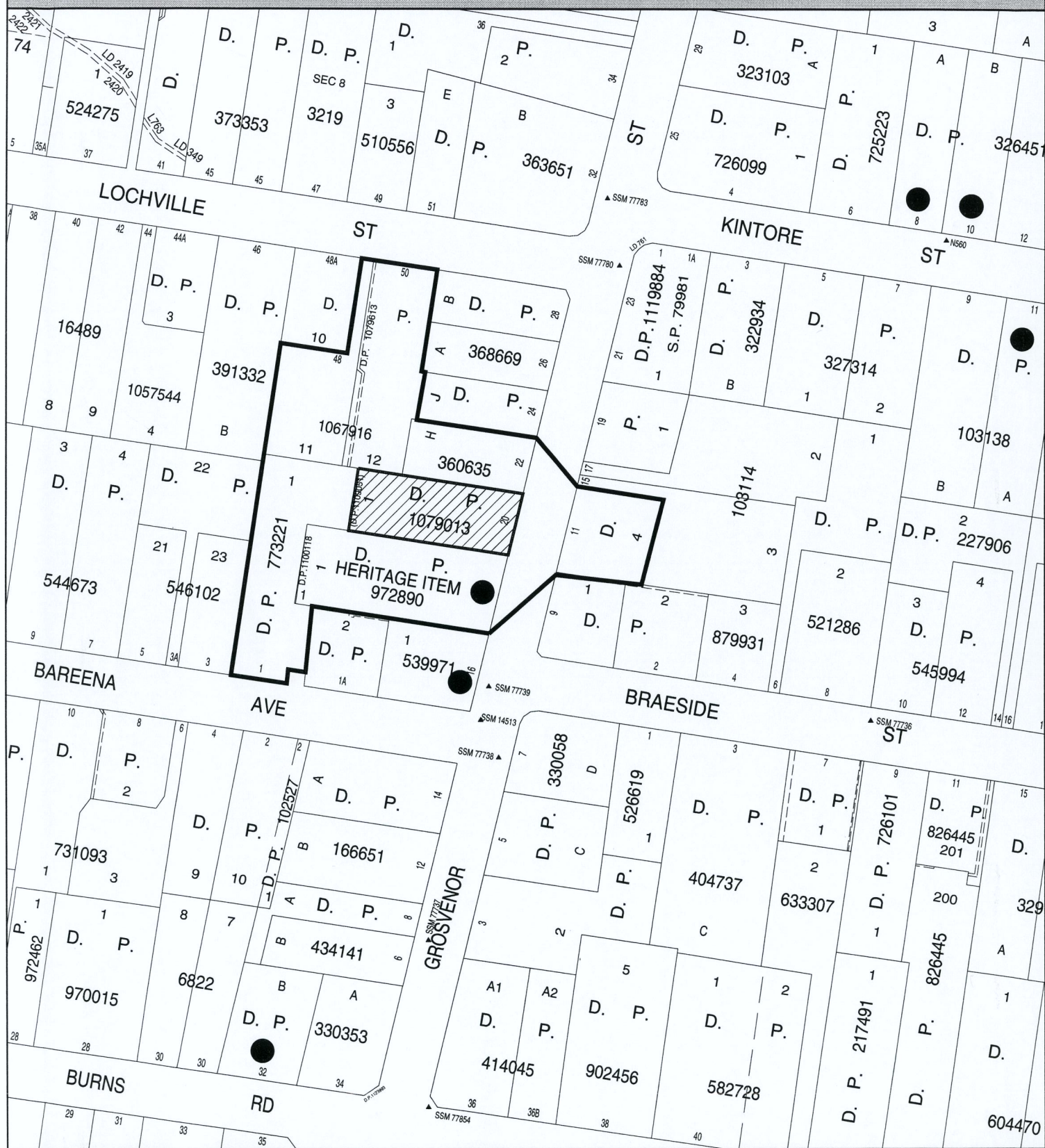
Item 5

Attachments: Location sketch – 2009/010201
 Zoning extract – 2009/010201
 Site plan – 2009/010203
 Floor plans -2009/010203
 Elevation – 2009/010203
 Driveway & Landscape Planting - 2009/010203
 Letter from Steve King, Consultant Architect, Linarch Pty Ltd – 2009/010205
 Letter & Report from Richard Lamb & Associates – 2009/010207
 Advice from Archnex Designs – 2009/010208
 Letter from JCA Landscape Architects – 2009/010209

LOCATION SKETCH

20 Grosvenor Street, WAHROONGA

DEVELOPMENT APPLICATION No 359/08



Scale : 1:2000

20-01-2009



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



SUBMISSION



CIRCULATED AREA



Zoning Extract

20 Grosvenor Street, WAHROONGA DA 359/08



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

- 2(b)
- 2(c)
- 2(c1)
- 2(c2)
- 2(d)
- 2(d3)
- 2(e)
- 2(f)
- 2(g)
- 2(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

- 3(a)
- 3(a)-A1
- 3(a)-A2
- 3(a)-A3
- 3(b)
- 3(b)-B1
- 3(b)-B2

5. SPECIAL USES

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

- SC+00L
- 5(a1)

6. OPEN SPACE

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

- SC+00L
- 5(a1)

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:20-01-2009

SITE CALCULATIONS:

GROUND FLOOR LIVING 212.10m²
 FIRST FLOOR LIVING 187.64m²
 GARAGE 51.51m²
 PORCH 2.54m²
 ENTRY 20.99m²

Total Area 474.78m²

SITE AREA: 1479m²

DRIVEWAY & PATH AREA: 99.95m²

FLOOR SPACE REQUIRED: 170+20%= 465.8m²

FLOOR SPACE ACHIEVED: 416.42m²

FIRST FLOOR PERCENTAGE OF FLOOR SPACE: 40%

Built Up Area Required: 54% of Site

Foot print 285.7m² + Driveway & Paving 99.95m² = 385.65m² (26% of Site)

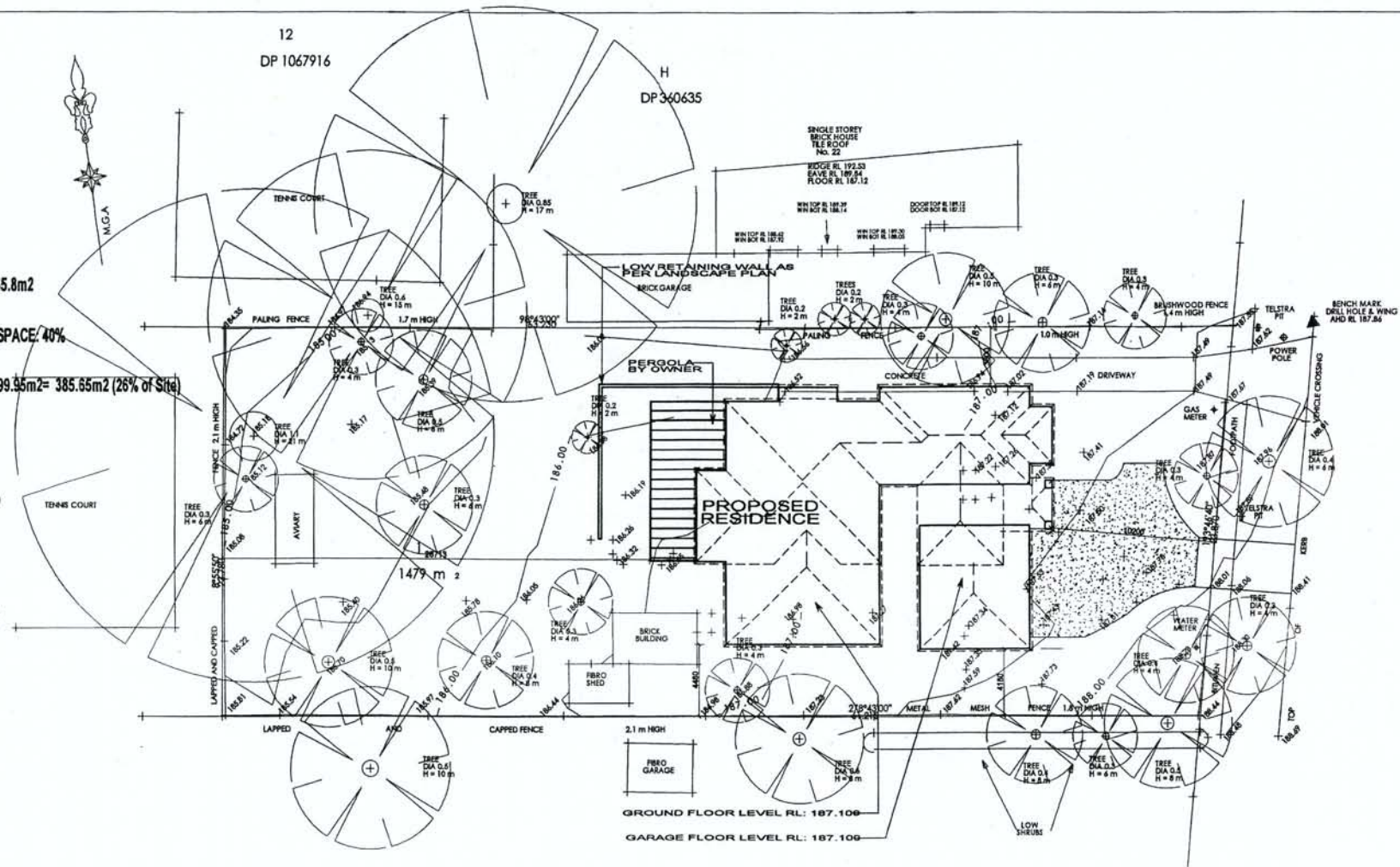
Landscape Ratio Required: (46% of Site)

Landscape Ratio Achieved: (74%),

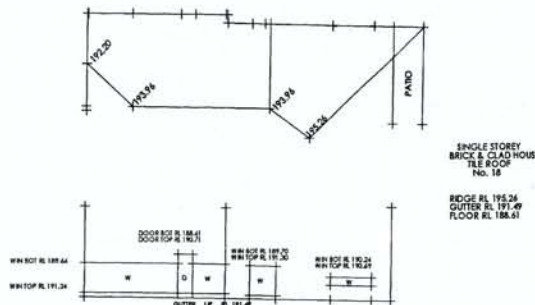
NOTES:

STORMWATER DRAINAGE IS TO BE CONNECTED TO A COUNCIL APPROVED SYSTEM AND DISBURSED ON SITE. ALL LANDSCAPING AND RETAINING WALLS, IF REQUIRED, SHALL BE CONSTRUCTED BY THE OWNER.

THERE ARE TWO GARDEN TAPS, ONE TO THE FRONT & ONE TO THE REAR, TO BE POSITIONED AT THE DISCRETION OF THE PLUMBER.



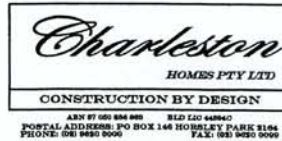
1
 DP 972890



SITE PLAN

NOTE: ALL DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO THE SCALE OF THE DRAWING.

SETOUT AND LEVELS ARE TO BE DETERMINED/CONFIRMED UPON THE RECEIPT OF THE REGISTERED SURVEYORS CONTOUR PLAN.



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DESIGN: **FEDERATION CONCEPT**

CLIENT: **CHRISTINE GABB**

ADDRESS: **LOT 1 (DP 956944) No 20 GROSVENOR STREET, WAHROONGA**

DATE: **1st November 2006**

SCALE: **(1:200 on A2)**

DRAWN BY: **DFZ**

OWNERS APPROVAL:

JOB NUMBER: **GAB33406**

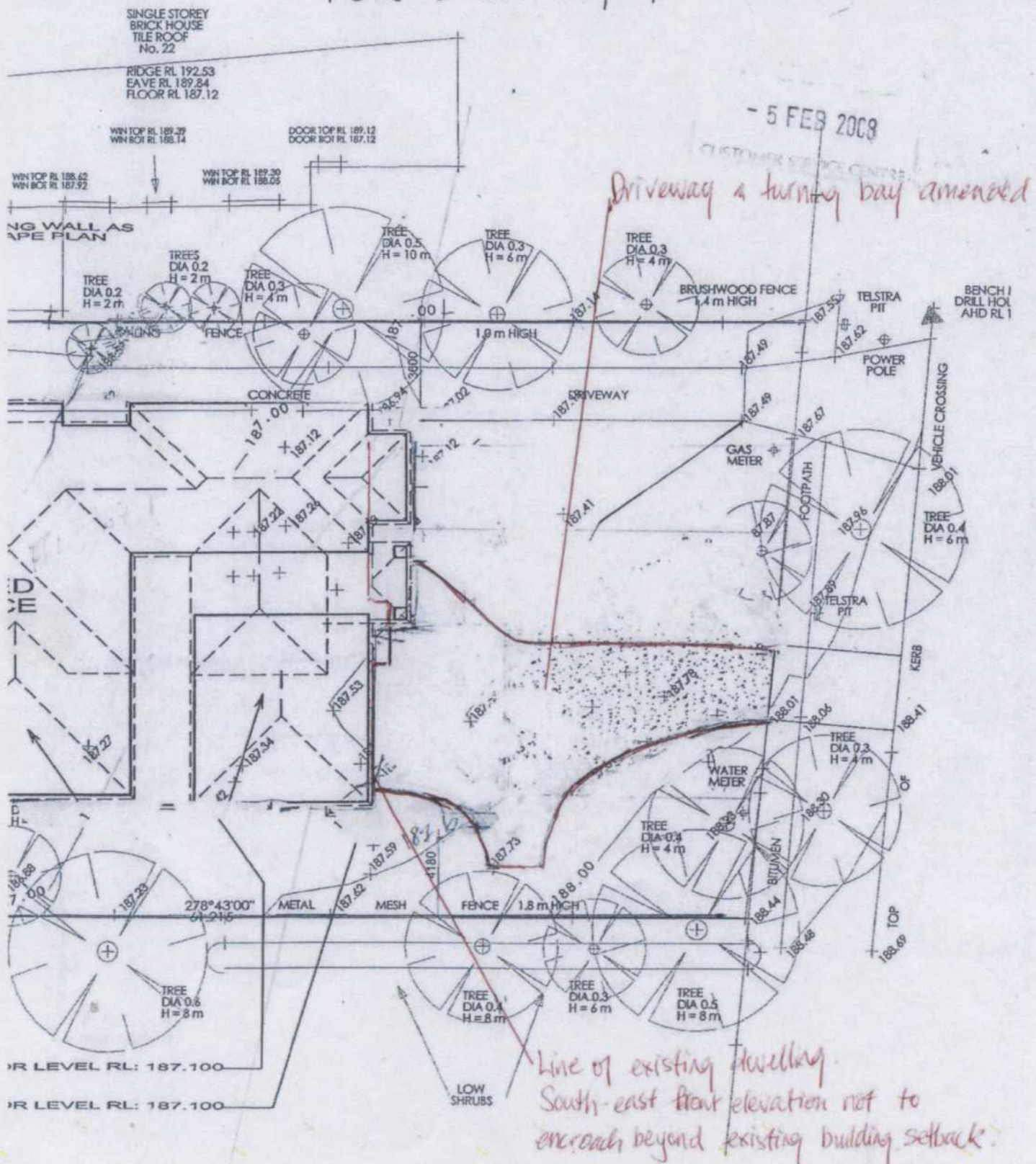
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 20th March 2007, Variation 1 to Tender
 20th March 2007, Variation 2 to Tender
 24th April 2007, Amendment to Plans
 8th May 2007, Variation 3 to Tender
 22nd May 2007, Variation 4 to Tender
 27th August 2007, Variation 5 to Tender
 17th October 2007, Amendment Plans
 20th January 2008, Update Survey
 4th April 2008, 10m setback

NOTE: ALL DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO THE SCALE OF THE DRAWING. ALL GROUND LINES ARE INDICATIVE ONLY & ARE TO BE CONFIRMED BY A REGISTERED SURVEYORS CONTOUR PLAN.

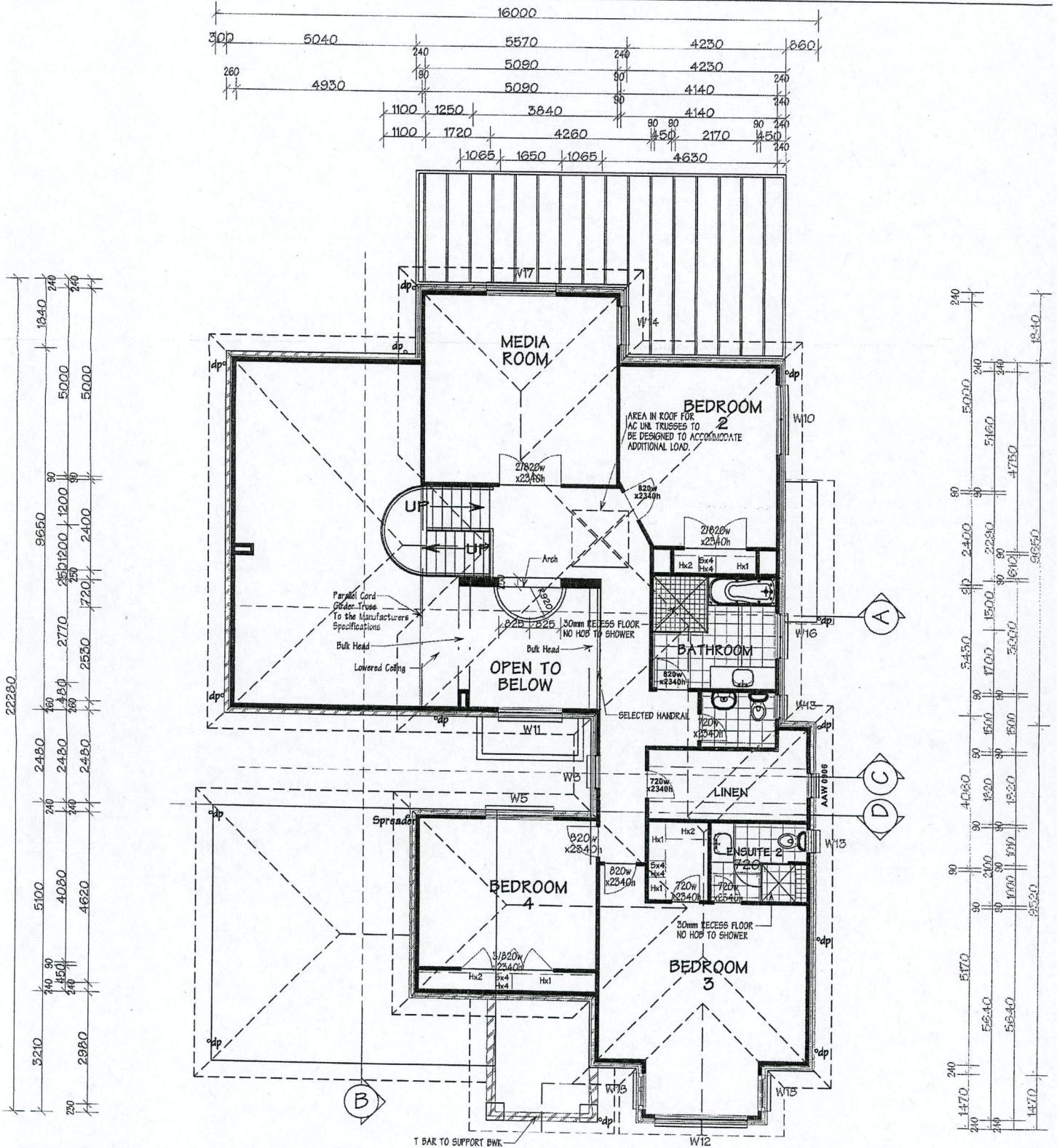
SHEET:

2

EXTRACT FROM APPROVED PLANS FOR D.A.1183/07



18.5_M



NOTE:
ALL INTERNAL AND EXTERNAL
DOORS ALONG WITH SQUARE
SET OPENINGS HAVE A STUD
OPENING HEIGHT OF 2430mm.

Down Pipes are Diagrammatic only and are
indicating an approximate position only. For
Accurate details refer to the Selection Schedule
And the Roof plan Detail.

FIRST
FLOOR
PLAN

Charleston
HOMES PTY LTD
CONSTRUCTION BY DESIGN
MAIN OFFICE: 100/100 RIVER ST, MELBOURNE VIC 3000
PHONE: 03 9400 0000

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as stated in the general building specifications.

DESIGN: **FEDERATION CONCEPT**
CLIENT: **CHRISTINE GABB**
ADDRESS: **LOT 1 (DP 956944) No 20
GROSVENOR STREET, WAHROONGA**

DATE: **1st November 2006**
SCALE: **1:100**
DRAWN BY: **DFZ**
OWNERS APPROVAL:

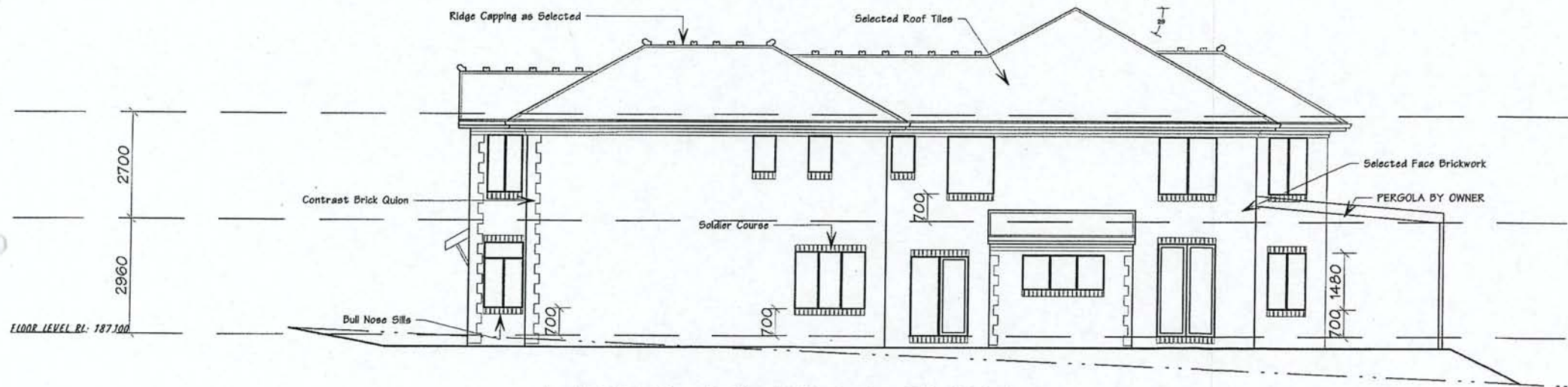
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20th March 2007, Variation 1 to Tender
30th March 2007, Variation 2 to Tender
24th April 2007, Variation 3 to Tender
8th May 2007, Variation 4 to Tender
22nd May 2007, Variation 5 to Tender
27th August 2007, Variation 6 to Tender
17th October 2007, Variation 7 to Tender

JOB NUMBER:
GAB33406

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FRONT ELEVATION



LEFT ELEVATION



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NOTE:
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as stated in the general building specifications.

DESIGN: FEDERATION CONCEPT
CLIENT: CHRISTINE GABB
ADDRESS:
LOT 1 (DP 956944) No 20
GROSVENOR STREET, WAHROONGA

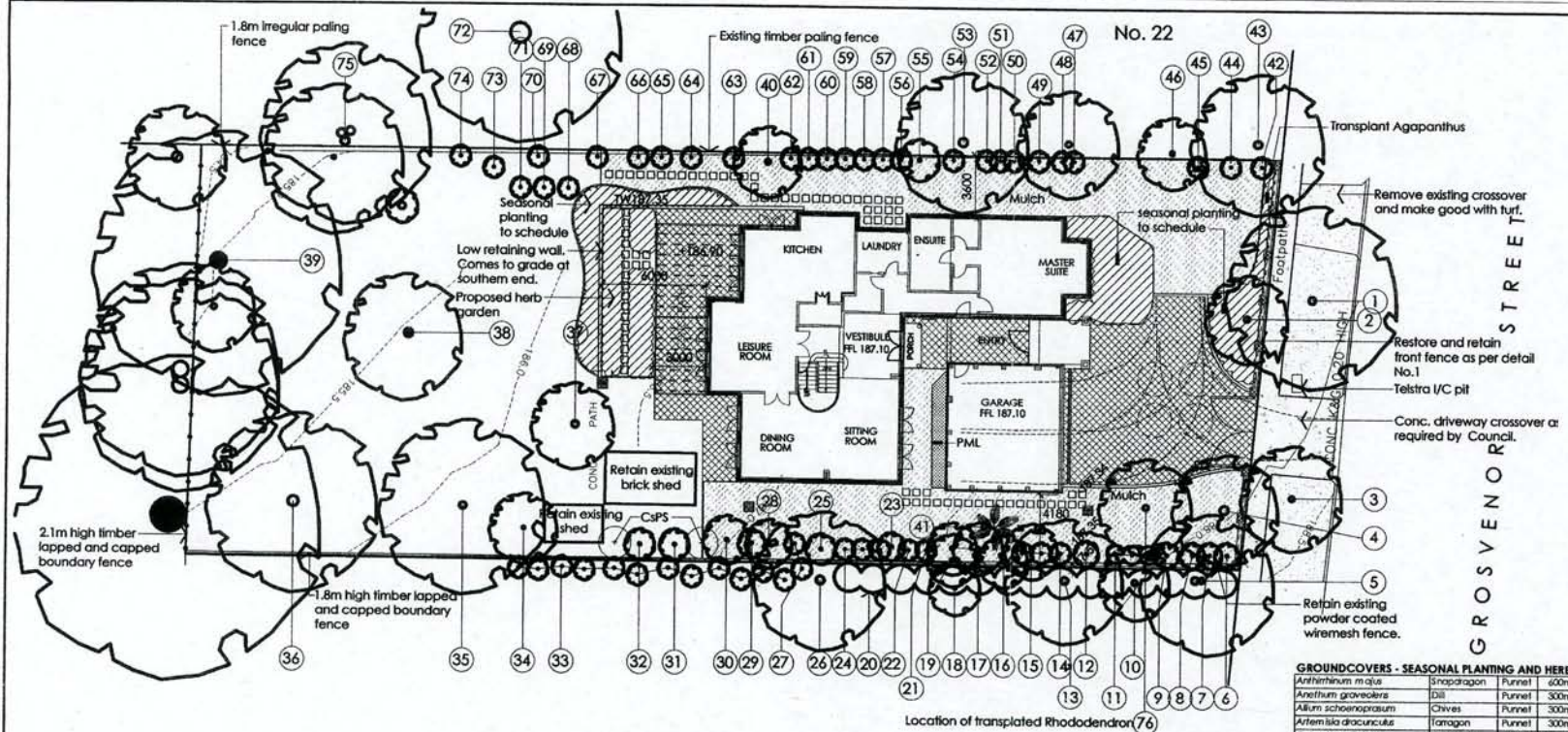
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OWNERS APPROVAL:

JOB NUMBER:
GAB33406

AMENDMENTS:
20th March 2007, Variation 1 to Tender
30th March 2007, Variation 2 to Tender
24th April 2007, Amendments to Plans
4th May 2007, Variation 3 to Tender
22nd May 2007, Pergola & Level Changes
27th August 2007, Variation 4 to Tender
17th October 2007, Amended Plans

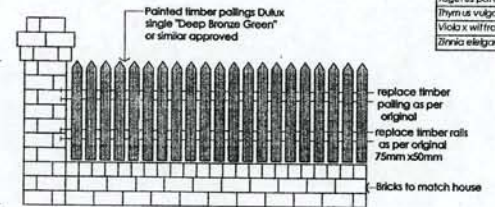
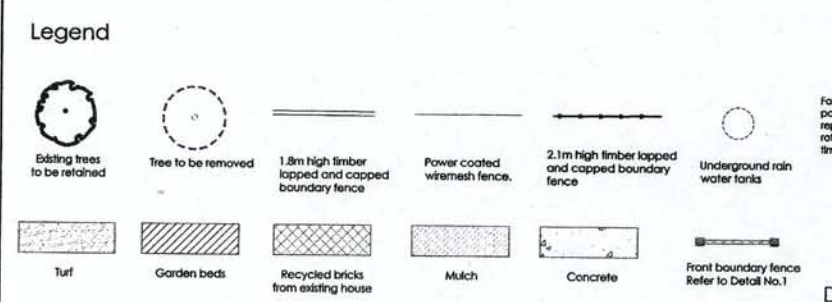
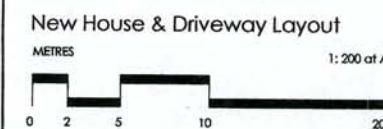
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ALL GROUND LINES ARE INDICATIVE ONLY & ARE TO BE
CONFIRMED BY A REGISTERED SURVEYORS CONTOUR PLAN.

SHEET:
5



Existing Tree & Shrub Inventory:				
CODE	BOTANICAL NAME	COMMON NAME	HEIGHT	ACTION
1	Platanus chinensis	Chinese Platanus	8m	Retain
2	Gordonia ailanthi	Fried Egg Tree	7m	Retain
3	Platanus chinensis	Chinese Platanus	5m	Retain
4	Gordonia ailanthi	Fried Egg Tree	4.5m	Retain
5	Olea africana	African Olive	10m	Retain
6	Rhododendron species	Rhododendron	1.1m	Retain
7	Fuchsia species	Fuchsia	3m	Retain
8	Rhododendron species	Rhododendron	1.1m	Retain
9	Begonia species	Fuchsia	3m	Retain
10	Magnolia x soulangiana	Magnolia	6m	Retain
11	Rhododendron species	Rhododendron	1.1m	Retain
12	Rhododendron species	Rhododendron	1.1m	Retain
13	Gordonia ailanthi	Fried Egg Tree	7m	Retain
14	Fuchsia species	Fuchsia	3m	Retain
15	Camellia japonica	Japanese Camellia	5m	Retain
16	Camellia japonica	Japanese Camellia	5m	Retain
17	Syringium species	Lilly Pilly	1.5m	Retain
18	Ceratopetalum gum m. liliifolium	NSW Christmas Bush	7m	Retain
19	Camellia japonica	Japanese Camellia	2.5m	Retain
20	Camellia japonica	Japanese Camellia	1.2m	Retain
21	Rhododendron species	Rhododendron	1m	Retain
22	Azalea species	Azalea	1m	Retain
23	Laurus nobilis	Bay Tree	2m	Retain
24	Rhododendron species	Rhododendron	1.2m	Retain
25	Gibbifera japonica	Loquat	1.8m	Retain
26	Acer palmatum	Japanese Maple	9m	Retain
27	Azalea species	Azalea	1.8m	Retain
28	Camellia japonica	Japanese Camellia	1.5m	Retain
29	Begonia species	Begonia	3m	Retain
30	Camellia japonica	Japanese Camellia	4.5m	Retain
31	Acanthus mollis	Oyster Plant	1.2m	Retain
32	Hydrangea macrophylla	Hydrangea	1.8m	Retain
33	Camellia japonica	Japanese Camellia	1.2m	Retain
34	Camellia japonica	Japanese Camellia	6m	Retain
35	Macadamia integrifolia	Macadamia Nut Tree	1.5m	Retain
36	Macadamia integrifolia	Macadamia Nut Tree	1.4m	Retain
37	Plumella acutifolia	Frangipani	4.5m	Retain
38	Magnolia x soulangiana	Saucer Magnolia	3m	Retain
39	Liquidambar styraciflua	Liquidambar	25m	Retain
40	Ceratopetalum gum m. liliifolium	NSW Christmas Bush	4.5m	Retain
41	Archontophoenix alexandriae	Alexandria Palm	2m	Retain
42	Azalea species	Azalea	2m	Retain
43	Acer palmatum	Japanese Maple	4m	Retain
44	Azalea species	Azalea	2m	Retain
45	Azalea species	Azalea	2m	Retain
46	Acer palmatum	Japanese Maple	3m	Retain
47	Azalea species	Azalea	2m	Retain
48	Azalea species	Azalea	2m	Retain
49	Azalea species	Azalea	2m	Retain
50	Azalea species	Azalea	2m	Retain
51	Azalea species	Azalea	2m	Retain
52	Azalea species	Azalea	2m	Retain
53	Cypripedium species	Conifer	4m	Retain
54	Rondeletia amara	Rondeletia	3m	Retain
55	Acer palmatum	Japanese Maple	5m	Retain
56	Azalea japonica	Gold Dust Plant	2m	Retain
57	Chrysola ferrata	Mexican Orange Blossom	3.5m	Retain
58	Azalea species	Azalea	2m	Retain
59	Azalea species	Azalea	2m	Retain
60	Camellia japonica	Japanese Camellia	3m	Retain
61	Camellia japonica	Japanese Camellia	3m	Retain
62	Camellia japonica	Japanese Camellia	3m	Retain
63	Acanthus mollis	Oyster Plant	1m	Retain
64	Camellia japonica	Japanese Camellia	2m	Retain
65	Syringium species	Lilly Pilly	4m	Retain
66	Syringium species	Lilly Pilly	4m	Retain
67	Camellia japonica	Japanese Camellia	3m	Retain
68	Cyathochaete	Tree Fern	1m	Retain
69	Cyathochaete	Tree Fern	1m	Retain
70	Rhododendron species	Rhododendron	3m	Retain
71	Cyathochaete	Tree Fern	1m	Retain
72	Liquidambar styraciflua	Liquidambar	21m	Retain
73	Camellia japonica	Japanese Camellia	3m	Retain
74	Ceratopetalum gum m. liliifolium	NSW Christmas Bush	4m	Retain
75	Eucalyptus species	Eucalyptus	15m	Retain
76	Rhododendron species	Rhododendron	3m	Retain

GROUNDCOVERS - SEASONAL PLANTING AND HERBS		
Anethum graveolens	Dill	Punnet 300mm
Allium schoenoprasum	Chives	Punnet 300mm
Artemisia dracunculifolia	Tamagun	Punnet 300mm
Calendula officinalis	Calendula	Punnet 300mm
Coriandrum sativum	Coriander	Punnet 300mm
Dianthus barbatus	Dianthus	Punnet 300mm
Lobelia erina	Lobelia	Punnet 300mm
Lothys odorata	Sweet Pea	Punnet 600mm
Marjoram hortensis	Marjoram	Punnet 300mm
Mentha species	Mint	Punnet 400mm
Melissa officinalis	Lemon Balm	Punnet 400mm
Ocimum basilicum	Sweet Basil	Punnet 500mm
Origanum vulgare	Oregano	Punnet 300mm
Papaver nudicaule	Papaver	Punnet 500mm
Pastinaca sativa	Parsley	Punnet 300mm
Petunia x hybrida	Petunia	Punnet 300mm
Primula malacoides	Primula	Punnet 400mm
Rosmarinus officinalis	Rosemary	Punnet 500mm
Salvia officinalis	Sage	Punnet 300mm
Tagetes patula	Marigold	Punnet 300mm
Thymus vulgaris	Thyme	Punnet 300mm
Viola wittrockiana	Pansy	Punnet 300mm
Zinnia elegans	Zinnia	Punnet 500mm



PROPOSED PLANT SCHEDULE				
CODE	BOTANICAL NAME	COMMON NAME	POT SIZE	QUANTITY
SCREEN & BARRIER SHRUBS				
CPS	Camellia Pure Silk	Pure Silk Camellia	300mm	2
GROUND COVERS				
PML	Plectranthus Noni Lavender	Plectranthus	200mm	12

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Builder: **Charleston HOMES PTY LTD**
CONSTRUCTION BY DESIGN
JOB NO: 100 000 000 JOB NO: 100 000 000
PHONE: (02) 9551 0000 FAX: (02) 9551 0000

Landscape Architects: **open Space Partnership**
Postal Address: PO BOX 287, Gloucester, NSW 2111
Phone: 0419-429-987

Client: **Christine Gabb**
Project: **20 Grosvenor Street WAHROONGA**

Title: **Driveway & Landscape Planting**
Proj. No: **20GD/D/D**
Dwg No: **NHD/02/D**
Scale: **1:200 at A2**
Drawn: **VM/NR** Checked: **JC** Date: **01/10/08**

DO NOT SCALE THIS DRAWING. ALL DIMENSIONS ARE TO BE VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED PRIOR TO COMMENCEMENT ANY WORK OR SHOP DRAWING BEING UNDERTAKEN.

STEVE KING

CONSULTANT ARCHITECT

Appropriate design and alternative technologies for environmental control in buildings

23 July 2008

Peter and Christine Gabb,
20 Grosvenor Street, Wahroonga NSW 2076

Dear Christine,

Re: 20 Grosvenor Street, Wahroonga - solar assessment

I refer to the issue of the required setback for the proposed new residence on the above property. I confirm that I have examined the likely solar access for your proposed building and private open space, in order to form an opinion as to the likely comparison of amenity resulting from the otherwise complying front setback, and that required by Council — apparently as part of considerations relating to the visual curtilage of the adjacent heritage property.

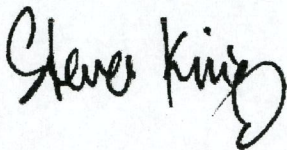
I rely also on the communications to you by JCA Landscape Architects (letter of 20th July 2007), setting out the likely developed mature landscape on and adjacent to your site.

I am of the considered opinion that given the density of retained and reinforced plantings proposed, there is a self-evident amenity advantage to the otherwise complying setback, and that a large part of that advantage is better solar access opportunity for private open space on your site. In that respect, the normal, otherwise complying setback would seem to achieve Council's own objectives for good amenity and better sustainability of developments. Given the conventions usually applied to the analysis of complying solar access, the degree of uncertainty related to patterns of overshadowing by vegetation, and the complexity of satisfactorily quantifying the differences in the sun patches, I suggest that to undertake a further computer aided analysis to establish the precise qualitative differences is an unjustified expense.

As an architect with some urban conservation experience (but no claim to heritage consultant expertise), I also conclude that much of the issue of visual impact on the curtilage of the heritage house is rendered of doubtful value by the same proposed reinforced planting, both on your property and on that of the heritage item. I would come to a different conclusion about the determinate force that can be given to the additional setback you are being asked to observe.

Finally, I note that it is likely you appear to have little choice in any possible redistribution of private uses between the front and back of your property, largely due to the same considerations of maintaining an appropriate setting for the heritage item. It would be perverse to suggest that like some properties in your street, you should consider enclosing the front garden for such private uses. Therefore, I would agree that maximising the area of rear garden, and the parts of that garden with acceptable solar access amenity, would be of very real concern to you. From that point of view again, I draw the conclusion that there is significant merit in your preference to site the new building at the otherwise complying front setback.

Yours sincerely,



Steve King

LINARCH PTY LTD
ABN 60 068 110 494

11 CLOVELLY ROAD RANDWICK NSW 2031
Mob 0414385485 Phone/Fax 0293986376

Steve King

B.Arch(Hons.) Dip.Bdg.Sc. (Sydney)

I have been teaching architectural design, thermal comfort and building services at the Universities of Sydney, Canberra and New South Wales since 1971. From 1992, I was a Research Project Leader in SOLARCH, the National Solar Architecture Research Unit at the University of NSW. Until its disestablishment in November 2006, I was the Associate Director, Centre for Sustainable Built Environments (SOLARCH), UNSW.

My research and consultancy includes work in solar access, energy simulation and assessment for houses and multi-dwelling developments, building assessments under the NSW SEDA Energy Smart Buildings program, appropriate design and alternative technologies for museums and other cultural institutions, and asthma and domestic building design. I am the principal author of *SITE PLANNING IN AUSTRALIA: Strategies for energy efficient residential planning*, funded by the then Department of Primary Industry and Energy, and published by AGPS, and of the RAIA Environment Design Guides on the same topic.

Through NEERG Seminars, I conduct training in solar access and overshadowing assessment for Local Councils. I have delivered professional development courses on topics relating to energy efficient design both in Australia and internationally.

I am a Registered Architect and maintain a specialist consultancy practice in Sydney and Canberra. I regularly assist the Land and Environment Court as an expert witness in related matters.



11 August 2008

The General Manager,
Ku-ring-gai Council,
818 Pacific Highway,
Gordon NSW 2072

Dear Sir,

20 Grosvenor Street, Wahroonga – proposed residential development

I refer to the above and to the s96 Application lodged by the owners of the property for a proposed residential development to consists of a part one and part two storeys dwelling, a double garage, a driveway and a fence. I have been appointed by the Applicant to undertake an independent assessment of the potential environmental impacts of the proposal on the streetscape, specifically the visual effects of the amended application. I have also been requested to assess whether there are any significant visual or other related effects on the neighbouring heritage item at No. 18 Grosvenor Street.

The Background

The Applicant has development consent for demolition of the existing dwelling and garage on the site. The existing brick laundry located to the rear of the existing dwelling in the southwest is to be retained. I understand that Council had determined a previous DA (DA 1183/07) for a proposed part one and part two storeys dwelling by granting development consent with some conditions. The conditions relevant to this assessment are *a) Dwelling location : The whole dwelling is to be relocated further back from Grosvenor Street, so that the southeast elevation of the proposed garage does not encroach beyond the existing setback of the current dwelling* (a council officer has marked a red line to indicate this on a DA Site Plan), *b) Driveway amendment : To reduce the extent of hard paved area within the front setback, the driveway is to be reduced in size and the turning bay relocated to the southern side of the driveway* (a council officer has marked in red on the approved site plan, *c) Driveway crossing : To preserve the existing street trees, the proposed driveway crossing shall be maximum 3.7m in width;* *d) Front fence : The brick base of the front fence be reduced in height to 2 bricks and the top of the piers be reduced to 1 brick course,* (a council officer has marked the above in red on the approved front boundary fence detail and also shown that the timber pickets be extended in length to the same extent as the removal of one brick course from the fence base).

The Proposal

The Applicant is now making a s96 Application to vary the consent. The application has a lesser front setback compared to the condition of consent and an amended driveway with a lesser footprint and with the turning bay on the north side. The Council's condition of consent requires the turning bay



on the south side. I have been advised that advice provided to the Applicant by professional traffic experts is that there is insufficient turning radius available with the conditioned location of the turning bay on the south side of the driveway. The overall building forms, floor plans and elevations remain the same as under the consent.

The dwelling would have a double garage, dining and sitting room, leisure area/breakfast room, kitchen, vestibule laundry, master suite and ensuite on the ground floor and 3 bedrooms, media room, bathroom, ensuite and void area over sitting room at the first floor. The garage would be located in the southeast sector of the proposed dwelling site and is separated from the main dwelling at the ground floor by a paved entrance area to the north and west of it. The main entrance to the dwelling is through this paved entrance to the north of the garage. There is a bedroom located at the upper level on part of the garage below. The dwelling is single storey in the southern sector and steps up to two storeys in the northern sector. The massing of the building is such that it presents a single storey façade to the southern boundary of the site and to view from the immediate southern neighbour. The two storey component is located at a distance from the boundary. The two storey component of the proposal is separated from the southern neighbouring dwelling by the total of the northern side setback of that property, the proposed southern side setback on the subject site and the total width of the proposed lounge/dining room. The two storey component is approximately 9m from the boundary.

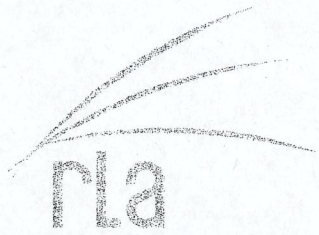
The driveway is proposed in the eastern central sector of the site, partly in the location of an existing paved path between the dwelling and the existing fence on the site along the street boundary. It is roughly rectangular in shaped and wider than the driveway the subject of the condition of consent, with the turning bay on the north side. The existing driveway would be removed and replaced with soft landscape.

A front fence is proposed to consist of a two/three brick course base with a picket timber fence above. The fence has brick piers engaged by a bull nose brick course, two of which act as gate posts and the details indicate that all fence piers are proposed to be brick with decorative caps three brick courses high. The proposed fence is intended to require minimal construction beyond the existing fence footings which it utilises, and covers existing damage. It is compliant with the Council's recommendations for reducing root damage. The pickets are a reproduction of the original pickets. The two bricks on each of the six/seven piers spaced approximately 3m apart are similar to the heritage fence at 'Pilorchy' in Braeside Street.

My Approach

I visited the subject site on 15 July 2008. I carried out a detailed assessment of the character of the streetscape of Grosvenor Street between Burns Road and Junction Street on the day of my site visit. I did this on a site-by-site basis as well as making an assessment of the typical characters of each of the main streetscape elements. I take this opportunity to provide you with my assessment of the streetscape character, the compatibility of the proposed development within the streetscape and the potential effects of it on the adjacent heritage item and on the streetscape in general. I have not commented on the compliance of the proposed development with the various development standards as they are for other consultants with town planning expertise.

I have only assessed the potential visual, streetscape and related amenity effects of the proposed development and if there were any unreasonable potential effects of the proposal. I note that the Council, as part of the previous approved application does not have any significant concern in relation



to the building form, height, its architecture or design. I understand from the information in front of me that the main concerns of the Council for previous application were front setback, shape of the driveway and fence.

Notwithstanding, the previous history of the development, including the application for demolition, has raised the issue of the heritage significance of the neighbouring properties, in particular the immediate southern neighbour (18 Grosvenor Street). In this regard, it appears that the condition of consent relative to the front setback appears to be a matter related to the perceived impact of the proposal on the streetscape, not so much from an urban design, but from a "heritage curtilage" viewpoint. There appears to be a second issue, which is the view out from the 18 Grosvenor Street and the extent to which this should be preserved.

Character of the streetscape

The streetscape of Grosvenor Street between Burns Road and Junction Street is characterised by one to two storey detached residential developments set in gardenised landscapes with a variety of street-facing fences. The houses are of various styles predominantly including Federation style, arts and crafts, art deco, Tudor revival, contemporary and vernacular of no particular style. The various fence types include

- i) random rubble sandstone base and picket timber or paling timber fence (with/without planter beds)
- ii) dimensioned sandstone base with timber picket or paling timber fence
- iii) rendered brick fence with or without planter beds and hedges
- v) timber picket or paling fence
- v) random rubble sandstone base and steel picket fence
- vi) timber posts and wire fence
- vii) low level random rubble base or dimensioned sandstone fence with sandstone posts and cap courses.

A random rubble or dimension sandstone base is a common fencing feature of most of the properties on the east side of Grosvenor Street between Burns Road and Kintore Street. The west side of Grosvenor Street exhibits a more varied character in terms of the types of fences that could be seen along the properties, however the random rubble or dimensioned sandstone base is not often present as a fence type.

The driveway types are predominantly of two types, either in the form of a paved front yard in front of the dwelling, or a long paved driveway along a side boundary to access the garage located at the rear of the property. The front yards of the dwellings are predominantly a mix of partly paved and partly grassed/garden settings.

I describe each of the dwellings in detail below.

1. 34 Burns Road This is a two storey Tudor revival style dwelling with short setback to Grosvenor Street. It has a masonry base and timber fence above of up to two metres. The fencing is opaque and the courtyard of the property is not visible at all. A three car garage is located along the Grosvenor Road frontage of the site.

2. Dwelling at NE corner of Grosvenor Street & Burns Road A Tudor revival style dwelling with a random course masonry fence. This dwelling appears to be in poor condition.
3. 6 Grosvenor Street, 'Greenheys' Circa 1918 A Federation arts and crafts style part one and part two storey dwelling having a short setback to Grosvenor Street. It has masonry fences with timber gates, *Ficus pumila* hedges over the timber fence and a straight driveway to a garage with small entry path to the front door. There is no significant view of the front yard of the property as the fence is opaque.
4. 3 Grosvenor Street This is a 1950s single storey house. The fence has a random rubble base and timber picket fence above and behind. There is a garden bed/planter bed above the total length of the random rubble base. There are filtered views of the front yard through the picket fence.
5. 8 Grosvenor Street This is a 1950s house with a small setback to Grosvenor Street and largely paved front yard. There is a garden bed behind the fence. It has a masonry fence with cap course of double bricks. Views of the front yard of the property are only through the opened entrance gate of the property.
6. 12 Grosvenor Street This is a 1930s style single storey dwelling. It has a brick fence with gate piers with single course caps. There are two entrance gates on either side of the property on Grosvenor Street. Fig planting covers the fence. There is a high hedging inside the fence. The dwelling is located at a short setback from the street. Views of the front yard are not possible and would be available only through the entrance gates when opened.
7. 5 Grosvenor Street This is a 1930s Mediterranean style single storey house with moderate setback from the street. The fence is of random rubble masonry base and timber paling fence the top which is covered by planting.
8. 14 Grosvenor Street An Art & Crafts/Federation style dwelling which has been significantly modified. It has approx 1.8m high masonry fence with some planter beds within the fence. There is some hedging along the fence in the interior of the property. The fence is opaque and there are no views to the front yard and the interiors of the property.
9. 7 Grosvenor Street This is a Mediterranean style house with significant modifications. It has a brick planter bed and brick rendered fence behind the planter bed. There are two very large Tallow wood (*Eucalypt*) trees within the premises. The fence is opaque and the interior of the site is not visible from the street.
10. 9 Grosvenor Street (cnr Braeside and Grosvenor Streets) A partly contemporary rendered masonry and tile residence. The fence has dimensioned sandstone at the base and steel pickets above. There are sandstone posts with a single layer cap course on them at the entrance gates. It is located at shorter setbacks from both the streets. The northern part of the house appears to be the original part of the dwelling and the remaining are later additions.
11. 16 Grosvenor Street, 'Aloha' This is a Georgian/Colonial, early 20th Century house which is a heritage item of local significance. The garage of the house is at zero setback to the street on Bareena Avenue. There is a front garden and the fence is of a low masonry base and timber picket fence above. The fence, based on its styling and materials appears to be a considerably later addition to the property.
12. 18 Grosvenor Street, 'Nirvana' This is a Federation Art & Crafts house of early 20th century. It has 'fish scale' roof tiles above windows. There is a small weatherboard addition on the northern side of the dwelling. It has a 1.8–2 m solid hedge (*Raphiolepis indica*) to the street over a wire and timber fence and there is a gravel driveway close to the northern boundary of the property.



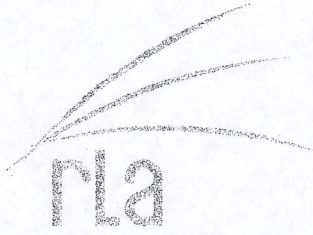
There is an olive tree toward the street and a row of *Camellia sasanqua* planted close and parallel to the northern fence. Some other trees close to the northern boundary of the property are *Magnolia*, *Gordonia*, *Rhododendron*, Japanese Maple and a small group of Australian Christmas trees. The front and rear gardens are mostly grassed and generally do not have any significant trees. The landscape features to the street and adjacent to the subject property include relatively young plantings of various species which do not appear to have any direct association with the early garden. While they are of aesthetic and amenity value, they do not appear to be significant to the heritage value of the property.

13. The dwelling on the property at 18 Grosvenor Street does not have a high visual presence within the street. It is highly screened due to the presence of the hedge along the eastern boundary of the property. There are screened views of parts of the dwelling from Grosvenor Street through an oblique view line across the south east corner of the subject site, which is enhanced when deciduous trees are not in leaf. This view and the concomitant view outward from No. 18 in the same direction will be significantly reduced in the future when the Camellias planted along the northern boundary of the property form a continuous wall and reach a mature height.
14. The dwelling is located on a higher level compared to the proposed dwelling and floor levels within it appear to be elevated above ground level on the north side as a result of a brick foundation wall up to approximately 1.5m in height.
15. 11 Grosvenor Street A Mediterranean style 1930s dwelling with a paved driveway and courtyard. The fence consists of random rubble masonry. There are gate piers with a single layer cap course. It has curved steel gates.
16. 22 Grosvenor Street This dwelling has a brushwood fence and is located at a lesser setback compared to the existing house on the subject site. It has a paved driveway on the southern side. There is no significant visibility of the dwelling or of the front yard from within the street.
17. 15 & 17 Grosvenor Street These properties are located on battleaxe blocks and do not have significant presence within the street. There is a random rubble fence with sandstone cap course. The driveway is flanked by gardens on both sides.
18. 19 Grosvenor Street This is a 1930–1940 Ranch Style single storey dwelling with moderate setbacks from the street, low random rubble fence with sandstone cap course and combined paved driveway and pathway to a double garage.
19. 24 Grosvenor Street This is a Californian bungalow. It has a timber lapped and capped fence with a fancy timber top beading. It has a paved entrance/driveway. There is low visibility of the dwelling and the interior of the property from within the street because of the effect of the fence and presence of vegetation in the street and property.
20. 26 Grosvenor Street This is a modified ranch style masonry, single storey dwelling. It has a masonry double garage and a masonry fence of about 1.4m height of the same detailing style as the dwelling and the garage. There are masonry gate posts with a single layer cap course. The dwelling and the front yard are mostly visible only through the opened entrance gate.
21. 21-23 Grosvenor Street This is a contemporary style seniors living development with semi-detached dwellings and relatively smaller street setbacks. It has extensive paved driveway and courtyards and a low level dimensioned random sandstone fence with engaged piers in part.
22. 28 Grosvenor Street (cnr Lochville and Grosvenor Streets) This is a Federation Arts & Crafts style dwelling with what appears to be a new roof with earlier terracotta cap tiles and finials. The garage is located on Lochville Street. It has a low level fence consisting of one course of bull-nose



brick with timber pickets. There are engaged intermediate brick posts with bull nosed brick cap courses. It has small setbacks on Lochville Street.

23. 32 Grosvenor Street It is a Tudor/Gothic/English farmhouse style dwelling. It is one of the early developments and is a heritage item. There is a large gravelled carriage loop and driveway off Lochville Street. It has deep setbacks and a relatively low timber fence, with gardens in the front yard.
24. 4 Kintore Street A 1930s house with a 2m high masonry fence with solid gates. The fence is opaque and the front yards of the property are not visible from the street.
25. 36 Grosvenor Street A 1950s brick house with a long gravel driveway and a double garage at the rear of the dwelling. It has a dimensioned sandstone fence with sandstone piers and caps on piers.
26. 29 Grosvenor Street 'Pinehurst' This is a 1930s house which appears to have been extensively modified. It has a large double garage with access/driveway parallel to the street. It has a 1.5m high steel picket fence. There is a dense hedge along the fence in the interior of the property. It has a predominantly paved entry/ driveway and courtyard.
27. 34 Grosvenor Street It is a battle axe property and has a long paved driveway. It has 1.5m brick columns at the entrance with flat brick caps. The driveway is flanked by garden beds and trees on both sides.
28. 36A Grosvenor Street It is a battleaxe property. It has long paved driveway and masonry gateposts with flat capping. The driveway is flanked by garden beds and trees on both sides.
29. 38 Grosvenor Street 'Harland' It is a Californian bungalow / Art Deco bungalow with an extensive area of gravel paving and gravel driveway. The front setback is similar to the setback of the existing dwelling on the subject site. There is no fence. There is a garden within the front setback of the site. It has newer brick gate posts with flat sandstone caps.
30. 29A Grosvenor Street This is a contemporary brick bungalow with a 1.8m brick fence with planter boxes. It has a double garage and paved front yard. The front yard is only visible from the street through the steel gate.
31. 40 Grosvenor Street This is a 1970s Chalet style house. It has a gardenesque style landscape. The brick fence is about 600mm high and has 3-4 brick courses with low engaged gate post piers with flat stone cap on the posts. It has a paved driveway.
32. 31 Grosvenor Street This is what appears to be a modified Art & Crafts brick bungalow with new upper floor and roof additions. It has a 1.8m masonry fence with planters and solid gates. The front yard of the property is only visible through opened entrance gates as the fence is opaque.
33. 42 Grosvenor Street This is a masonry residence and has a long paved driveway to the rear garage. It has a 2m hedge to the street. There is a parking bay behind the hedge, parallel to the street which does not have any significant visibility from the street.
34. 44 Grosvenor Street This is a 1930s bungalow which is almost invisible from Grosvenor Street. It has a 2.4m high brick capped fence covered with *Ficus pumila* and there are intermediate planter boxes.
35. 33 Grosvenor Street (cnr Junction Street) The dwelling is unable to be seen from the street. There is a high privet screening hedge.



Potential effects of the proposed development on the heritage item

The subject site is located on the west side of Grosvenor Street and is presently occupied by a single storey dwelling. There is a variety of shrubs and plants along the southern boundary of the site with 18 Grosvenor Street. There are some *Gordonia* and *Rhododendron* within the front yard of the property. The subject site is not a heritage item. It is within the National Trust UCA (Urban Conservation Area) No 28. The UCA is non-statutory. The dwelling was graded as a contributory item under the UCA No.28. It has an existing consent for demolition.

The subject site is adjacent to 18 Grosvenor Street to the south and 22 Grosvenor Street to the north. No 18 Grosvenor Street is an item of local heritage significance as is No 16. There are other heritage items in the vicinity of the site including 15, 28 and 32 Grosvenor Street which are not within the visual setting of the subject site.

The two storey component of the proposed dwelling is located at significant setback from 18 Grosvenor Street and would not have any visual or related amenity effects on it other than to change the character of the existing view from the northern side of No 18. There are no windows proposed along the southern elevation at the ground floor in the part of the proposed dwelling closest to the southern boundary of the site. The windows facing south within the proposed dwelling are located at a considerable distance from the southern boundary of the site both on the first and second levels and would not cause any visual or privacy impacts on 18 Grosvenor Street. Existing and proposed landscape will assist in further screening any impacts. Council has not indicated any concern with regard to these features of the existing consent, which remain unchanged in the s96 application.

The fact that the proposed building is adjacent to a heritage item does not lead to the finding that any visual effects of the development are heritage impacts. Impacts on the heritage significance of the item would have to occur by way of obstructing views intended to be preserved by the design, landscape or setting of the heritage item in historical terms, by physical or tangible impacts on aspects of its significance, or impacts on its curtilage and the interpretation of the significance of the item.

In common with the other items of significance listed in the vicinity, No 18 is listed as an item of municipal significance, ie. local significance, with architectural and rarity value. No indication is given in the UCA 28 listing of any other features, such as special attributes of the setting, an extended curtilage that is larger than its lot or relationship to other buildings, including the subject site, in regard to the significance of the property.

It is true that the setting of the property was probably more expansive before the subdivision of the immediate locality which produced the present development pattern. While the historic setting of the immediately adjacent heritage item and its neighbour at No. 16 formerly did not include the subject property which was probably built post WW I, this does not mean that the heritage items have a heritage curtilage which extends beyond their own boundaries and which constrain the location of acceptable development on the subject land. The items, in common with others listed in the immediate vicinity and indeed the other dwellings in the street, have essentially a suburban address to the streets and to their neighbours. As such, their curtilages are essentially Lot Boundary Curtilages, using the term under its definition in the Heritage Curtilages document in the Heritage Manual, published by the former NSW Heritage Office. This means that the area which is essential to the significance, conservation of and the interpretation of the significance of the properties is within their existing lots. I noted some letters of objection to the Council both in regard to the demolition of the existing dwelling and the application for the approved new dwelling use the term curtilage to describe land outside the properties, including the subject land and the street. This is in my opinion an inappropriate use of the term.



The proposed development, as is the case with the existing dwelling on the subject site, is within the streetscape which includes the heritage items at 16 and 18 Grosvenor Street. It is also within the general visual setting of them, in particular that of No 18. It is however not within the curtilage of either of the properties and the location and character of the development does not have the potential to have any negative impact on the curtilage of either.

It does not appear that the adjacent dwelling at No 18 has a highly valued view in the direction of the front yard of the subject dwelling or obliquely across its front yard between the dwelling and the street. This is the area which is the subject of the condition on the existing consent with respect to setback of the south east corner of the building. This is evidenced by the timber addition to the north eastern verandah which effectively prevents view in that direction from the interior of the dwelling and from the north east part of the verandah from which it would potentially be experienced in the greatest detail, from the closest range and along the view line in question. I note also that there is a capped and lapped fence of 1.8m along part of the southern boundary of the subject site between the properties and that the owners of No 18 appear to have densely planted and cared for vegetation along the boundary in their property which will have the effect of either heavily screening or totally blocking the view line in the future.

I have not had the opportunity to experience the view from the heritage dwelling myself. However based on my observations and the spatial relationships between the dwelling and the proposal, in my opinion, the view from the heritage property is not negatively affected to any significant extent by the proposed development, other than in regard to a qualitative change to the nature and character of the view. There is no evidence that the view that is affected is of any heritage significance in itself (ie, that it was either designed to be or contrived to be a special experience of some historic importance). While the occupants of the dwelling may have preferences for views, these are not matters of heritage significance, nor are changes to them heritage matters.

In terms of the view of the item in the street, the view obliquely across the front garden of the subject site is one of the many potential glimpses that are possible of the heritage dwelling. However this view is not in my opinion a constraint on the appropriate location of future development on the subject site beyond the front setback control that applies. Not only is the view significantly screened by existing vegetation, but it is also likely to be significantly decreased in the future by landscape in both the garden of No 18 and in the landscape of the proposed development.

The setting of the heritage dwelling can be perceived much more effectively from any part of the street frontage of the property and also, but to a lesser degree, obliquely along its boundaries, as well as down its driveway. That view also exposes the additions made to the rear of the dwelling, which do not appear to be of any heritage significance, as well as the increasing exposure of the dwelling to view as a result of the loss of earlier tree plantings. The Applicant has shown me some photographs that indicate that there have been some tree removals from this property between the period starting from 2003 and until now. Its own front hedge significantly constrains views of the dwelling and confines views out from the dwelling to the context of its own garden. This situation is similar to that for other properties in the street. While it is possible to perceive the heritage dwelling as being set back further than some other buildings in the street including the subject dwelling, the ability to view and interpret the evidence of its heritage significance is not constrained by others being closer to the street. It is also considerably set back from the northern boundary with the subject property, providing a wide view cone to the street within which the open garden and northern facades of the building can be viewed. This façade is not the most significant of those associated with the building in any event and also includes a later addition of lesser, if any, heritage merit.



The setback proposed for the garage of the subject development on the south east side, given the existing and future landscape, fence treatment and the extensive setback of the heritage item at No 18 from the southern boundary of the subject property, has a minimal effect on the visibility of features of the dwelling at No 18 when seen from the street. Pushing the dwelling backward on the lot, as per the condition of consent on the existing approved development, will have no perceivable benefit to the setting of No 18. However, it will have detrimental effects on the amenity of the rear yard of the subject property which will be caused by tall trees to the north and west of the dwelling in its own and adjacent neighbouring properties.

The effect of confining the development on the south east corner to the same location as the existing dwelling would be perceivable on plan, but the benefits, if any, to the streetscape would be minimal and to the heritage significance of No 18, would be nil.

In summary, I do not consider that there would be any significant visual or related amenity impacts of the proposed development on the immediate southern neighbour at 18 Grosvenor Street. The proposed dwelling and the driveway would not have any negative effect on the views to and from the heritage dwelling/property. It would not affect the visual setting of the heritage items present in the vicinity of the site or the factors which give those items their significance to the street. I do not consider that there are any unreasonable effects of the proposed development owing to its reduced but compliant front setback compared to the approved development.

Potential effects on the streetscape

I am of the opinion that the proposed development and the driveway would appropriately respond to the streetscape of Grosvenor Street between Burns Road and Junction Street. As described above on a site-by-site analysis, the streetscape of Grosvenor Street is characterised by a mix of various styles of one to two storey detached residential dwellings within garden settings and with a variety of street fences. There are many examples of properties that have garages located closer to the street and a paved driveway in front of the dwelling.

The bulk and scale of the proposed development is considered appropriate and there are no unreasonable visual and related amenity effects on the predominant character of the streetscape. Council has raised no concerns with these aspects of the approved scheme.

It is also considered that there would be no visual or privacy effects of the proposed development on the immediate northern neighbour of the site at 22 Grosvenor Street. This is due to the presence of tall vegetation along the northern boundary of the site as well as the vegetation along the southern boundary of 22 Grosvenor Street. This vegetation will provide a screening effect to the northern elevation of the proposed development and maintain privacy between the two properties. The northern facades of the dwelling are also of minimal future visibility from the street.

Fencing details

Based on the findings of the analysis of the streetscape character of Grosvenor Street, I consider that there are many options for fencing for the subject site. I have noted above all of the types of fences seen within the streetscape. The fence proposed is appropriate to the setting and the streetscape character.

There are benefits to the fence having some transparency, to counter the tendency for high masonry fences which predominate in more recent developments. As such, the fence proposed, which has a masonry base with timber pickets above, is acceptable. The proposed bull nose course and engaged

Archnex Designs

Nominated Architect: Greg Patch (Reg. No. 4820)
Wentech Pty Ltd (ABN 310 735 41803) Trading as Archnex Designs
Architects, Heritage Building Consultants, Interior Designers

19 September 2008

Ms Christine Gabb
20 Grosvenor Street
WAHROONGA N S W 2076

Dear Christine

**Re: 20 Grosvenor Street, Wahroonga
Proposed New Residence
DA 1183/07- Proposed s96 Application**

Further to receipt of the following documents:

- Advice: Streetscape & Character Assessment by Dr Richard Lamb of Richard Lamb and Associates (23 July 2008).
- Solar Assessment by Steve King, Consultant Architect (23 July 2008)
- Heritage Memorandum: Paul Dignam, Heritage Advisor, Ku-Ring-Gai Council (10/01/2008)
- Drawings:

Plan no.	Drawn by	Dated
Site Plan [Scale 1:200]	Charleston Homes	1 November 2006 amendment date 4 th April 2008
GAB33406 sheets 3 to 8 inclusive	Charleston Homes	1 November 2006
Site Management Plan GAB330406 sheet 10	Charleston Homes	1 November 2006
NHD/02/C Landscape Plan	Open Space Partnership	29 August 2008

I make the following observations and comments:

Setback of the Proposed New Dwelling

Council had marked and annotated in red on the site plan as part of a condition relating to DA 1183/07 to the effect that:

Line of existing dwelling.

South-east front elevation not to encroach beyond existing building setback

I have referred to a survey prepared by Chadwick Cheng, Consulting Surveyors, which indicates that the setback of the street façade of the existing house is approx. 15.15 m at the south-east, and approx. 15.75 at the north-east corner.

The distance from the south-east corner of the proposed garage to the rear wall of the new dwelling is some 18.6 metres.

The setback proposed by Council would, then, push the proposed building back on the site to the extent that would entail the demolition of the existing laundry outbuilding which is to be retained under Condition 2 of DA 368/06.

A front setback is now proposed 10.2 metres to the south eastern corner of the entry portico, with the ground floor level of both the house and garage at RL 187.10. This gives an eaves height (all heights by scale off the Front Elevation, Dwg GAB33406/5- RLs approx.) to top of gutter [ToG] for the garage at RL 190.1, and to ToG for the Formal Dining Rm/ Sitting Rm portion of RL191.1. The peak of the hip to the garage is RL 192.3 and over the Dining Rm/ Sitting Rm at approx. RL194.1. The main transverse ridge is at RL 194.30, with the uppermost ridge at RL 195.5.

These levels compare with those of the adjoining house at 18 Grosvenor St ("Nirvana") as follows (all existing RLs taken from Chadwick Cheng Dwg 26112U and proposed heights by scale from proposal drawings):

Element	18 Grosvenor	20 Grosvenor	Difference (m)	Note
Floor	188.61	187.1	-1.51	
ToG	191.49	190.1	-1.49	At Garage of N° 20
	191.49	191.1	-0.39	At Dining/Sitting of N° 20
Peak of Hip	195.26	192.3	-2.96	At Garage of N° 20
	195.26	194.1	-1.16	At Dining/Sitting N° 20
	195.26	194.3	-0.96	Transverse Ridge to N° 20
	195.26	194.5	-0.76	Longitudinal Ridge to Gable N° 20
	195.26	195.5	+0.24	Highest Ridge N° 20

As can be seen from the above calculations, the identified elements of the proposed new house to 20 Grosvenor Street are generally substantially lower than those to 18 Grosvenor Street. Where higher (as in the highest ridge), the setback from the street is greater with the uppermost ridge of the proposal at a 1 metre greater setback from the street boundary. Given that this is the peak of an essentially pyramidal hipped roof, the 240 mm difference will be imperceptible.

The fall of the land is such that from the north-eastern corner of No 18 to the proposed south-eastern of the proposed garage, there is a differential of approx. 240 mm (RL 187.99- RL 187.75). While the proposed house is forward of that to 18 Grosvenor Street, those portions of the proposal that are forward are substantially lower to the extent that sufficiently compensates for the differential in setback.

Essentially, these differences arise due to the method of construction of the proposed house to 20 Grosvenor Street when compared to that to 18 Grosvenor Street. The proposal is drawn as slab-on-ground, with a ground to first floor height of 2960mm and a height of the first floor of 2700 mm to the ceiling. No 18 has a subfloor height of approximately 600 mm (at the north-eastern corner) and conventionally ceiling heights are in the order of 3.3 metres or more in buildings of that era, with the roof at a greater pitch (typically approx. 35°), and often over a greater floor area for individual roof elements.

The inter- building setback is generous, at approximately 16 metres, and the setback of the proposal to the southern boundary, at 4.18 metres to the garage, and 4.48 to the Living/ Dining wall, is sufficient to provide supplementary planting to what is currently a relatively densely vegetated boundary line.

Views of and from "Nirvana" will be negligibly affected by the proposal, as it is apparent that no significant views are obtained from the north east on Grosvenor Street to the item, and that the dense planting precludes views from the item in that direction, in any meaningful sense.

Front Fence

A marked-up detail of an A4 fragment of what appears to be the Landscape plan lodged with the development application indicates that two courses of the proposed pier caps are to be deleted and the header course of the plinth, with the proposed pickets to be extended at the bottom to a similar extent.

While the detail drawing of the proposed fence acknowledges that it is "not to scale", the representation of the brick courses appears indicative only. Conventional brick courses, based on a standard 230 (L) x 110 (W) x 76 (D) brick are generally laid to a rod of 7 courses to 600mm in height. The 1200mm dimension shown on the detail encompasses 10 courses rather than 14 if standard bricks were used and laid to a conventional rod. The difference in height resulting from the deletion of the two courses to the pier caps would be approx. 172 mm, and the reduction in plinth height, 110 mm.

Given the range and heights of fencing in Grosvenor Street as revealed in the Lamb report, I find the proposed amendments to be minor to the point of quibbling, and will render the detailing of the fence crude.

Conclusion

This office prepared the Statement of Heritage Impact that assessed the potential heritage impacts of the proposed new house to 20 Grosvenor Street under DA 1183/07, when the proposed setback was indicated at 9 metres to the south-eastern corner of the entry portico. The increase of this setback to 10.2 metres, and the comparative heights as analysed above lead me to the conclusion that the proposed emended position of the house will not give rise to adverse heritage impacts on the setting or significance of the adjoining item, nor be out of place in the streetscape of Grosvenor Street.

It is apparent that adverse amenity impacts will arise should the setback as stipulated by Council be implemented, as outlined in the Solar Assessment by Stephen King with no substantive benefits in terms of either reducing heritage impacts on the adjoining item, or compatibility from a streetscape perspective.

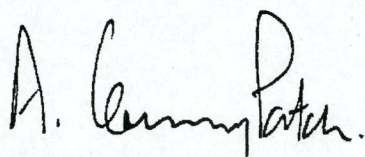
The Richard Lamb and Associates Streetscape and Character assessment reveals that the proposal will be in keeping with the character of the area:

I am of the opinion that the proposed development and the driveway would appropriately respond to the streetscape of Grosvenor Street between Burns Road and Junction Street. As described above on a site-by-site analysis, the streetscape of Grosvenor Street is characterised by a mix of various styles of one to two storey detached residential dwellings within garden settings and with a variety of street fences. There are many examples of properties that have garages located closer to the street and a paved driveway in front of the dwelling.

The bulk and scale of the proposed development is considered appropriate and there are no unreasonable visual and related amenity effects on the predominant character of the streetscape.

In light of the assessment and analysis undertaken in relation to the proposed amendment, I find the proposal supportable in terms of potential heritage and conservation impacts, with the increased setback having an ameliorating effect on a proposal that was considered appropriate in my previous assessment.

Yours sincerely



Greg Patch
Architect/ Heritage Consultant



abn 92 055 405 340

landscape architects
urban designers

staff@jca.net.au

www.jca.net.au

suite 16, 210 - 216 victoria road (p.o. box 287) * gladesville * sydney * nsw 2111

T (61 2) 9879 3233

F (61 2) 9879 3255

Peter & Christine Gabb
20 Grosvenor Street
WAROONGAH
NSW 2076

20th July 2007

Dear Peter & Christine Gabb

**RE: 20 Grosvenor Street, Landscape Treatment
Landscape Planting Along Southern Boundary**

I refer to our landscape plan prepared for your proposed new dwelling to be constructed by Charleston Homes, and your inquiry regarding your concern and objective of providing a dense screen of vegetation along your southern boundary line.

I confirm the following in regard to your concerns and objective to achieve an effective privacy screen along the boundary as follows: -

- The newly planted shrubs immediately within the neighbouring property to the south, No 18 Grosvenor Street, comprise 43# mixed Camellia cultivars, including, "*Early Pearly*", "*Yuletide*", "*Hiryu*", "*Jane Morgan Pure Silk*" and "*Star Above Star*". These Camellia cultivars are well adapted to shaded and semi shaded growing conditions and have the capacity to grow up to 2 and 3 metres. These shrubs extend from their driveway entrance off Grosvenor Street westwards for approximately 42 metres along their (No.18) northern boundary.
- Additionally there are 4# existing mature trees immediately within No.18 and these are identified on our Landscape Planting Plan No. NHD/01/A dated 03-07-07.
- Along the southern boundary of the subject site (20 Grosvenor Street) there is an informal mix of existing and established trees and large shrubs. This belt of planting varies in width from 2 to 4 metres. This is heavily augmented with recently planted shrubs all of which are identified on Landscape Planting Plan in the "Existing Tree & Shrub Inventory", numbers 6 to 30. The inventory also includes those plants along the northern boundary of No.18 Grosvenor Street. The existing plants within No 20 Grosvenor Street include mature Rhododendron, Saucer Magnolia, Gordonia (Poached Egg Tree) Lillypilly, NSW Christmas Bush, and mature Camellias
- The combination of the existing and proposed planting on both sides of the shared fence line of 18 and 20 Grosvenor Street ensures that there will be a continuous and dense vegetative buffer screen between the existing dwelling house at No. 18 and the proposed dwelling at No 20 Grosvenor Street.

It is considered that the combination of all the existing mature shrubs and trees, the recently established large shrubs and proposed plants, that a very dense, evergreen vegetative screen will be achieved within a growing season or two. The greatest visual density will be up to 3 to 4 metres and lighter but still effective screen between the houses will be provided by the canopies of the existing and growing trees.

The existing and newly established planting as shown in the Landscape Planting Plan will provide an effective screen along the southern boundary of your property and help ameliorate and obscure views between your proposed new dwelling and the residential property of No.18 Grosvenor Street.

Yours Faithfully,

John Chetham
NHD/01 A 011

DRAFT ASSET MANAGEMENT POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to adopt the draft Asset Management Policy.
BACKGROUND:	The draft Asset Management Policy was placed on public exhibition from 21 November 2008 to 19 December 2008, inviting submissions from the general public.
COMMENTS:	The draft Asset Management Policy outlines the strategic direction and framework for the management of Council's assets across all asset classes.
RECOMMENDATION:	That Council adopt the draft Asset Management Policy.

PURPOSE OF REPORT

For Council to adopt the draft Asset Management Policy.

BACKGROUND

On 11 November 2008, a report was submitted to Council (**Attachment 1**) to consider the draft Asset Management Policy. At that time Council resolved:

- A. The draft Asset Management Policy be placed on public exhibition.*
- B. That a further report be presented to Council following the public exhibition process.*

The draft Asset Management Policy was placed on public exhibition from 21 November 2008 to 19 December 2008, inviting submissions from the general public. Information regarding the public exhibition period and the method for which submissions were to be received by Council were included in Council's corporate advertisement in the North Shore Times on the 21 November 2008.

Throughout the public exhibition period an electronic version of the draft policy was accessible via Council's website and hard copies were available at:

- Customer Service Counter;
- Gordon Library;
- St Ives Library;
- Turramurra Library and;
- Lindfield Library.

At the conclusion of the public exhibition period no submissions had been received however minor typographical changes have been made to the policy.

COMMENTS

Asset management is an essential process of guiding the acquisition, use and disposal of assets to make the most of their service delivery and manage the related risks and costs over the life of an asset. Sound asset management planning practices will enable Council to meet its service delivery objectives efficiently and effectively.

The draft Asset Management Policy (**Attachment 2**) outlines the strategic direction and framework for the management of Council's assets across all asset classes. The purpose of this policy is to guide the strategic management of Council's assets, to ensure:

- clear direction and ownership of asset management;
- clear lines of responsibility for the management of each asset class;
- a guide to better and more informed decision-making by Council, staff and relevant stakeholders;

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- integration of resources and knowledge providing the ability to plan for the present and future generations;
- a framework to implement continuous improvement in asset management;
- community needs and expectations are considered;
- Council's risk is effectively managed;
- greater resource efficiency through the use of integrated systems;
- compliance with State legislation; and
- development of funding strategies for the managements of Council's assets.

CONSULTATION

A review of other Councils' asset management policies has been undertaken in the development of this draft policy.

Councillors were briefed on the draft Asset Management Policy on 28 October 2008.

The draft policy was placed on public exhibition for public comment.

FINANCIAL CONSIDERATIONS

There are no specific financial considerations relating to the adoption of this policy apart from advertising costs and staff time.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council has established an Asset Management Working Group (AMWG) to assist in the development of draft Asset Management Policy, strategy and plans. The AMWG comprises of senior staff across the organisation that are responsible for the management and delivery of Council's asset based programs and services.

Members of the AMWG have been required to consult with colleagues from within their respective departments and provide information and/ or feedback to the working group.

SUMMARY

In October 2008, a briefing session was conducted with Councillors presenting Councils proposed approach to asset management, including the draft Asset Management Policy.

On 11 November 2008, the draft policy was presented to Council for consideration, whereby Council resolved to publicly exhibit the draft policy.

From 21 November 2008 to 19 December 2008, the draft policy was placed on public exhibition. At the conclusion of the public exhibition period no submissions had been received.

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The draft Asset Management Policy outlines the strategic direction and framework for management of Council's assets across all asset classes.

RECOMMENDATION

That Council adopt the draft Asset Management Policy.

Simon Vines
**Asset Management Co-
ordinator**

Deborah Silva
**Manager Strategic Assets
& Services**

Andrew Watson
Director Strategy

Attachments:

- 1. Council Report - 11 November 2008 - 2008/031231**
- 2. Draft Asset Management Policy - 2008/028241**

KU-RING-GAI COUNCIL'S DRAFT ASSET MANAGEMENT POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the draft Asset Management Policy for public exhibition.

BACKGROUND:

The Department of Local Government (DLG) is proposing to mandate asset management practices and planning for all New South Wales Councils sometime in the near future as part of the framework for local government sustainability.

COMMENTS:

The purpose of the draft policy is to guide the strategic management of Council's assets. This will allow more informed decision-making by all stakeholders and provide, among other things, a framework to implement continuous improvement in asset management.

RECOMMENDATION:

That Council consider the draft Asset Management Policy for public exhibition.

PURPOSE OF REPORT

For Council to consider the draft Asset Management Policy for public exhibition.

BACKGROUND

In June 2007, a report submitted to Council discussed the proposal for the allocation of funding over Council's various asset classes, and to assess the criteria for the allocation of funds between these classes. At that time Council resolved:

- A. *That Council not adopt the methodology for allocating funds to Council's assets as indicated in the report until a review and defined strategy is adopted for each of the asset classes.*
- B. *That a report be brought back to Council on a review of Council's various property holdings and current leasing arrangements for Council's buildings to identify preferred strategies for asset improvements and ongoing maintenance obligations.*
- C. *That a report be brought back to Council to consider as part of the budget process the redistributing of funding for business centres beyond 2009/10.*
- D. *That a report be brought back to Council on preferred strategies for addressing drainage assets which considers the benefits of applying a stormwater levy under Section 496A of the Local Government Act.*
- E. *That a report be brought back to Council on the various options for funding Council's passenger fleet and operational plant.*
- F. *That following completion of the reviews of each of the asset classes listed above, a further report be prepared to consider the preferred overall strategy for distributing funds to all the asset classes.*

In February 2008, Councillors were presented (at the Councillors workshop) with an overview of Council's Strategic Asset Management unit and the Department of Local Government's (DLG) Asset Management Position Paper (**Attachment 1**).

The DLG is proposing to mandate asset management practise and planning for all New South Wales Councils sometime in the near future as part of the framework for local government sustainability.

COMMENTS

Council's 2008-2012 Management Plan has highlighted the need for improvements to Council's services and assets as priority in 2008/09. Also, identified is the need to develop asset management strategies that will be incorporated into Council's long term financial model (LTFM) to ensure that Council is financially sustainable enabling it to maintain, improve and deliver services to the community.

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To undertake these steps and Asset Management Working Group (AMWG) has been established. Members of the AMWG are represented by senior staff with asset management custodianship and programs as part of their roles and responsibilities from across the organisation.

The AMWG has developed a work program for the 2008/2009 financial year which includes key milestones and targets to improve Council's asset management practices and planning, with the long term view of delivering Council's first Asset Management Strategy. An initial step in this process has been to develop an Asset Management Policy to set the principles that will govern the provision of asset related services. The purpose of the draft policy is to guide the strategic management of Council's assets, to ensure:

- clear direction and ownership of asset management;
- clear lines of responsibility for the management of each asset class;
- a guide to better and more informed decision-making by Council, staff and relevant stakeholders;
- integration of resources and knowledge providing the ability to plan for the present and future generations;
- a framework to implement continuous improvement in asset management;
- community needs and expectations are considered;
- Council's risk is effectively managed;
- greater resource efficiency through the use of integrated systems;
- compliance with State legislation; and
- development of funding strategies for the management of Councils assets.

CONSULTATION

Councillors have been briefed on the proposed legislative changes for all NSW Councils at the Councillor workshops in February and October 2008.

The draft policy will be placed on public exhibition for public comment.

Ongoing consultation with Councillors, stakeholders and the community is an essential requirement in the development of asset plans and the asset strategy.

FINANCIAL CONSIDERATIONS

There are no specific financial considerations relation to the adoption of this policy as part from advertising costs and staff time.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

An Asset Management Working Group (AMWG) has been established to assist with the development and implementation of Council's asset management plans, policy and strategy. This group comprises of senior staff across the organisation who are responsible for the management and delivery of Council's asset based programs and services.

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SUMMARY

Council currently owns and maintains over \$1.8 billion worth of assets including infrastructure (e.g roads, drainage), land, buildings, furniture and fittings and equipment. These assets make up the economic and social infrastructure that enables the provision of services to the community and businesses, playing a vital role in the local economy and on quality of life. Asset management is a tool that facilitates corporate accountability and impacts on all areas of service planning and delivery.

The focus of the draft *Asset Management Policy* (Attachment 2) is on how Council's assets are to be managed and what service levels are to be provided. Whilst Council is the custodian of a large and diverse asset portfolio that has been accumulated over a long period of time, the purpose of strategic asset management is to determine the optimum method for maintaining Council's assets and providing the desired service levels for current for future generations.

The draft policy sets the principles that will govern the provision of asset related services to our community.

RECOMMENDATION

- A. That Council consider the draft *Asset Management Policy* for public exhibition.
- B. That a further report be presented to Council following the public exhibition process.

Deborah Silva
Manager Strategic Assets & Services

Andrew Watson
Director Strategy

Attachments: 1. Asset Management Position Paper - 784588
 2. Draft Asset Management Policy - 2008/028241

ASSET MANAGEMENT POLICY

1. Introduction

The focus of this policy is on how council's assets are to be managed and what service levels are to be provided. Whilst council is the custodian of a large and diverse asset portfolio that has accumulated over a long period, the purpose of strategic asset management is to determine the optimum method for maintaining council's assets and providing the desired service levels for current and future generations.

Ku-ring-gai Council currently owns and maintains over \$1.8 billion worth of assets including infrastructure (e.g. roads, drainage), land, buildings, furniture and fittings, and equipment. These assets make up the economic and social infrastructure that enables the provision of services to the community and businesses, playing a vital role in the local economy and quality of life. Asset management is a tool that facilitates corporate accountability and impacts on all areas of service planning and delivery.

This policy sets the principles that will govern the provision of asset related services. The asset management framework and strategy sets out the process to determine the life cycle cost of each asset and a funding model to achieve and sustain the target service levels. The framework will define accountabilities for service planning and delivery.

2. Purpose

The purpose of this policy is to guide the strategic management of council's assets, to ensure:

- clear direction and ownership of asset management;
- clear lines of responsibility for the management of each asset class;
- a guide to better and more informed decision-making by council, staff and relevant stakeholders;
- integration of resources and knowledge providing the ability to plan for the present and future generations;
- a framework to implement continuous improvement in asset management;
- community needs and expectations are considered;
- council's risk is effectively managed;
- greater resource efficiency through the use of integrated systems;
- compliance with state legislation; and
- development of funding strategies for the managements of council's assets.

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The asset management policy will be complemented by:

- a) an asset management strategy;
- b) individual asset management plans for specific asset classes;
- c) operational/service plans for specific asset classes; and
- d) an asset management information system.

Together, these documents, processes, software and data will deliver a comprehensive asset management framework.

3. Objectives

Asset management should be included as a key objective in Council's Management Plan and be incorporated into the corporate planning cycle, annual operational plans, financial and risk management plans.

3.1 To provide and promote a constructive environment for undertaking asset management to ensure that:

- assets are managed in accordance with relevant legislation;
- assets are managed in accordance with recognised best practice;
- future funding needs are identified and allocated so that assets can function to their defined levels of service;
- asset performance is measured against defined levels of service;
- a life cycle approach is taken in the development of operational, maintenance, renewal/refurbishment, augmentation and investment strategies;
- full financial considerations are developed in regard to acquisition, construction and divestment of council's assets; and
- risk is considered in the development of asset strategies.

3.2 The asset management policy and strategy should complement council's strategic financial planning goals and aim to ensure that:

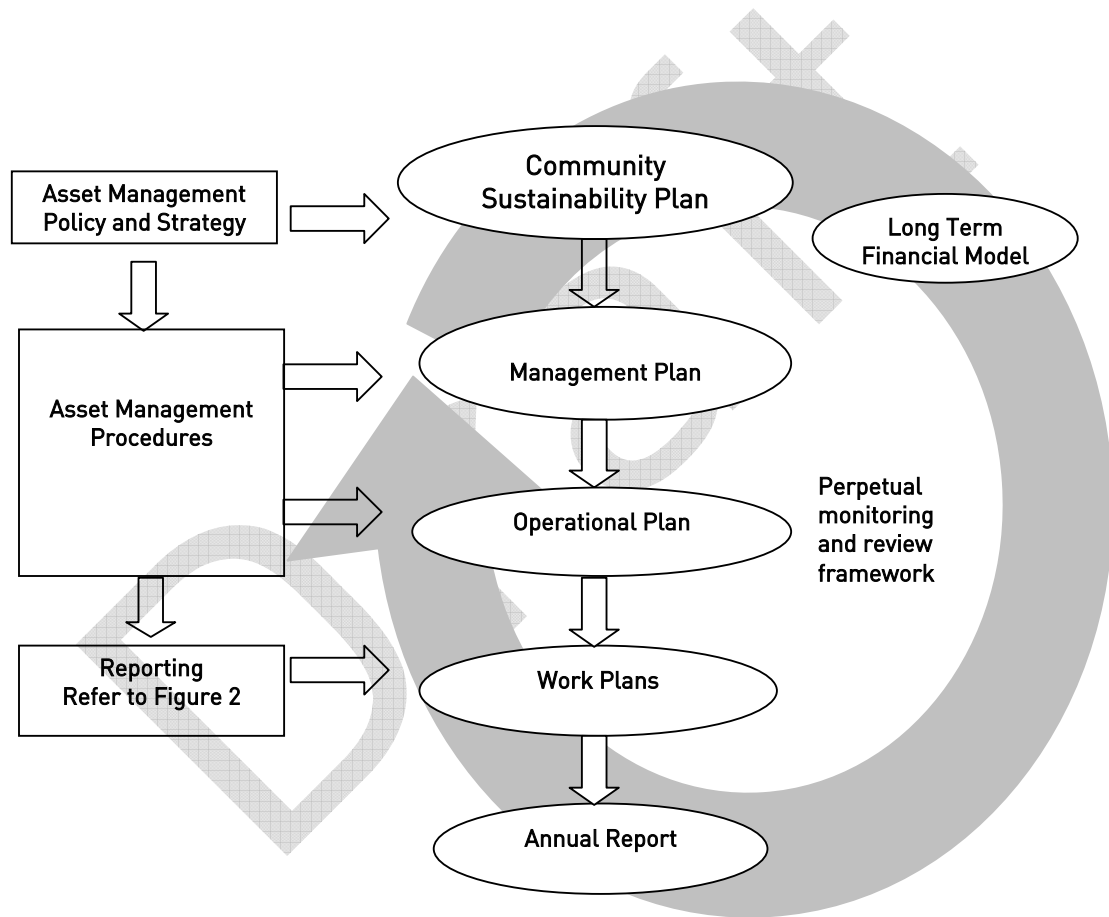
- sufficient funds are allocated as a priority each year for operating, maintenance and refurbishment costs of existing assets;
- investments in new asset creation should consider whole-of-life costs rather than just the capital cost component and accordingly reflected in the long term financial model;
- where appropriate this should involve assessing the economic benefits including benefit/cost ratios & net present values, the environmental & social benefits of investments, revenue generation opportunities and future strategic benefits; and

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- asset utilisation/service levels should be regularly reviewed as part of the asset management process. These service levels should be considered when prioritising investments in infrastructure. The community and key stakeholders should be consulted when determining service levels.

3.3 The Department of Local Government has recommended an integrated planning and asset management framework as identified in Figure 1 below.

Figure 1: The Asset Management Overarching Objectives



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4. Definitions

4.1 Asset

A physical item owned by council which has economic value and enables services to be provided.

4.2 Asset life cycle

The life of an asset; from it's acquisition to its disposal.

4.3 Asset management

Asset management (AM) is a systematic process to guide the planning, acquisition, operation and maintenance, renewal and disposal of assets.

4.4 Asset Management Information System

An asset management information system is the foundation of all asset management practices. It is a combination of processes, data and software applied to provide the essential outputs for effective asset management such as reduced risk and optimum infrastructure investment. The asset management information system links to other information systems within council such as the Property System, Geographic Information System [GIS], Finance System and Document Management System.

4.5 Asset Management Plan

A plan developed for the management of an infrastructure asset or asset class that combines multi-disciplinary management techniques (including technical and financial) over the life cycle of the asset, in the most cost effective manner to provide a specified level of service.

4.6 Asset Management Strategy

Includes development and implementation of plans and programs for asset creation, operation, maintenance, refurbishment/replacement, disposal and performance monitoring to ensure desired level of service and other operational objectives are achieved at optimum cost. The asset management strategic plan typically has a 10-20 year horizon and aligns asset management with Council's Management Plan and long term financial model [LTFM].

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4.7 Asset register

A record of asset information including inventory, historical, financial, condition, construction, technical, and financial details.

4.8 Infrastructure asset

Infrastructure assets are typically large, interconnected networks or portfolios of composite assets, comprising components and sub-components that are usually renewed or replaced individually to continue to provide the required level of service from the network. Infrastructure assets include roads (including bridges and pathways), drainage, parks and nature reserves and buildings.

4.9 Level of service

Defining and considering community expectations within funding constraints in relation to the quality and quantity of services delivered by council.

4.10 Life cycle cost

The total cost of an asset throughout its useful life.

4.11 Operational Plan

Operational plans generally comprise detailed implementation plans and information with a 1-3 year outlook (short-term). The plans typically cover operational control to ensure delivery of asset management policy, strategies and plans. The plans also detail structure, authority, responsibilities, defined levels of service and emergency responses.

4.12 Predictive modelling

Use of asset deterioration models and condition monitoring to predict failure and the timing of asset refurbishment and renewal.

4.13 Useful life of an asset

The period over which a depreciable asset is expected to be used.

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5. Asset Management Principles

Asset management is a systematic process to guide the planning, acquisition, construction, operation, maintenance, renewal and disposal of assets. Its objective is to maximise asset service delivery potential and manage related risks and funding requirements over the assets useful life.

Council recognises that infrastructure assets are critical to the local community and are fundamental to council's overall service delivery. Effective planning and management requires strong and informed decision making.

6. Scope

This policy applies to all asset classes owned by council. Council's asset classes are:

- buildings;
- plant and equipment;
- roads;
- stormwater drainage; and
- parks and recreation.

7. Policy implementation

Council's assets will be developed and maintained in the most cost effective manner, driven by defined service levels and performance standards. This will require assessment of the following key issues:

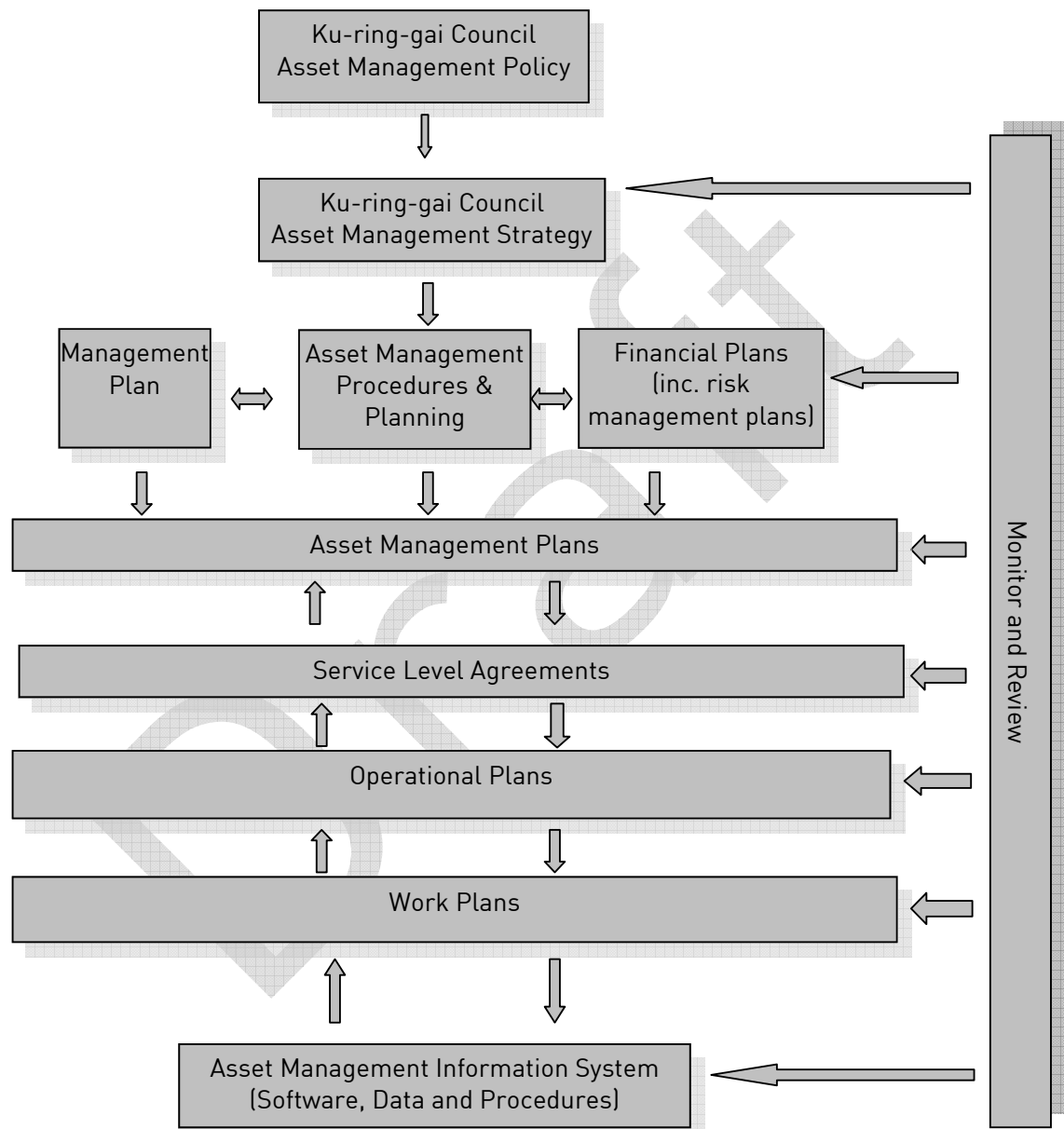
- a) customer and community expectations;
- b) strategic and corporate goals;
- c) long term financial model; and
- c) legislative requirements.

This should be achieved through strategic planning, service level review, output review, and development/implementation of an asset management framework.

An asset management working group (AMWG) has been formed to progress and co-ordinate asset management issues. The asset management working group will oversee the implementation of the asset management process as identified in Figure 2. This illustrates the means by which the asset management policy, strategy, plans, operational plans and asset management information system interacts with each other.

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Figure 2: Asset Management Reporting



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7.1 Asset Management Strategy

Council's asset management strategy will:

- link and integrate council's plan and resources, illustrating the means by which assets will deliver services;
- develop criteria for determining satisfactory standards;
- forecast future service delivery needs and the capacity of assets to meet those, on a short, medium and long-term basis;
- provide a full overview of expenditure on new assets and the existing asset base;
- specify asset management procedures, systems, resources and training; and
- establish systems for asset performance measurement and to ensure that effective implementation is realised in practice.

7.2 Asset Management Plan

The asset management plan establishes, for each asset class:

- levels of service (performance, construction, maintenance, and operational standards);
- future demand (rational basis for demand forecasting and analysis of options for providing new assets);
- life cycle management plan (including acquisition and construction, operations and maintenance, renewals and replacements, expansion and refurbishment);
- financial projections;
- asset management practices; and
- performance monitoring and improvement.

8. Accountabilities

8.1 Council

This policy is enacted through council, as the custodians of community assets, demonstrating the organisation's commitment, vision and strategic objectives via an integrated and resourced asset management framework. Council will:

- act as stewards for infrastructure assets;
- adopt a corporate asset management policy and vision which links to the Sustainability Plan;
- set levels of service, risk and cost standards;
- approve and review asset management plans;
- ensure appropriate resources and funding for asset management activities are made available which demonstrate optimum efficiency having considered the limited resources available to Council.

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8.2. Senior Management Team

The objectives of the senior management team are:

- to continue to refine the asset management policy and the initial asset management strategy with linkage to the Sustainability Plan for consideration by council;
- to foster and support the multi-discipline cross-functional asset management working group;
- to implement and continuously review the corporate asset management policy and strategy;
- to monitor the performance of the staff in implementing asset management.
- to ensure the community and key stakeholders inputs are integrated into the asset management plans; and
- to ensure that timely, accurate and reliable information is presented to council for decision making.

8.3 The Asset Management Working Group (AMWG)

A multi-disciplinary and cross-functional asset management working group will be established to assist with the strategic asset management planning.

The development of Council's asset management strategy is overseen by the asset management working group. The group consists of the General Manager, Directors and Managers from each department, who are responsible for the development and implementation of asset management plans and policies. This group will be supported by council officers, providing specialist/technical information and assistance with system implementation.

The function of the group is to overview the implementation of this policy and to provide the strategic direction for asset management by developing council's asset management strategy and asset management plans. The core function of the group is to ensure the needs and obligations of council outlined above, are being fulfilled on behalf of the community and to:

- draft an asset management policy and procedures to implement policy;
- develop an implementation strategy for asset management that reflects a corporate approach;
- develop an asset usage policy;
- monitor the implementation of asset management policy and strategy;
- ensure continued enhancement and co-ordination of the implementation of council's policy and strategy;
- ensure effective communication between the community, key stakeholders and council's asset managers;
- encourage continuous improvement, innovation and cost effective methods to enhance asset management practices;

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- facilitate the development of asset management plans and capital works programs with a reporting mechanism to council and the senior management team; and
- operate within the agreed Terms of Reference.

8.4 Staff responsibilities for asset management activities

8.4.1 An asset management working group shall be established which will be responsible for developing and reviewing the asset management policy, strategy and asset management plans for adoption by council and the senior management team.

8.4.2 The Director Strategy and Manager Strategic Assets & Services shall be responsible for coordinating the development and implementation of an asset management strategy and asset management plans.

8.4.3 Individual staff with asset management responsibilities will have this included in their workplans and position descriptions.

9. Review

This policy shall be reviewed not less than every three (3) years, or considered within the first year of each newly elected council

10. Legislation

10.1 Section 8 of the Local Government Act 1993 (NSW) outlines council's responsibilities for accounting and managing public assets.

10.2 Section 428 2(d) of the Local Government Act 1993 (NSW) requires council report on the condition of its public works each financial year. This includes estimates of costs to bring works up to a satisfactory standard and maintaining them at that standard.

Whilst there is no current legislative requirement for local government to establish long term asset management plans, a position paper on asset management planning prepared by the Department of Local Government has recommended that amendments be made to the Local Government Act 1993 (NSW) to address long-term strategic asset management planning. It is envisioned that these amendments will be made in the near future.

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11. Reference Documents

- Sustainability Vision Report Ku-ring-gai to Global 2008-2033
- Management Plan 2008-2012
- Asset Management Service Plans – [developed and to be developed]
- N.S.R.O.C – Asset Management Guidelines June 2007
- DLG: Asset Management Planning for NSW Local Government 2006
- Local Government & Planning Ministers Council – Framework 2: Asset Planning & Management May 2007
- DLG: Capital Expenditure Project Guidelines May 2008
- International Infrastructure Management Manual – Version 3.0 2006
- National Asset Management Steering [NAMS] Group - Developing Levels of Service and Performance Measures – Version 2.0 2007
- Australian Accounting Standards - AAS116B

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ENVIRONMENTAL LEVY SMALL GRANT PROJECTS - ROUND SEVEN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's support to fund ten (10) Environmental Levy Small Grant projects.

BACKGROUND:

The community small grants scheme is designed to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. As part of a review process an independent Small Grants Panel has been established, as resolved by Council.

COMMENTS:

Seventeen (17) applications were received under round seven of the program. Of these, the Small Grants Panel recommended funding ten (10) applications with a combined contribution of \$33,102.

RECOMMENDATION:

That Council endorse the recommendation of the Small Grants Panel to fund ten (10) projects as part of the Environmental Levy.

PURPOSE OF REPORT

To seek Council's support to fund ten (10) Environmental Levy Small Grant projects.

BACKGROUND

The Environmental Levy Small Grants Scheme is designed to assist funding small community based environmental projects in Ku-ring-gai. The scheme was identified in the development of the levy with strong support by the residents and Councillors as an opportunity to invest, at the local level, into projects of direct community benefit.

As part of the scheme, an independent panel was established to provide community and peer review of the grant applications. This review in conjunction with the recommendations is presented Council. The panel is also to set and review the funding guidelines and protocols. Membership on this panel was determined by Council on 26 September 2005.

Table 1 below outlines the number of projects and amount of money funded in each round by the Environmental Levy to date.

Table 1: Summary of grants funded by the Environmental Levy to date

	Number of successful applications	Funding allocation
Round 1	2	\$12,500
Round 2	12	\$52,249
Round 3	9	\$36,982
Round 4	9	\$40,000
Round 5	10	\$39,576
Round 6	11	\$39,720

COMMENTS

Due to previous commitments, a meeting to discuss the applications was not able to be convened. However, the Small Grants Panel communicated through electronic emails and telephone conversations to discuss the seventeen (17) applications which were received in round seven. The panel was guided by the Grant Guidelines and previous comments by Council that suggested stormwater harvesting tanks for schools and other public buildings should be funded from alternate Government Grant programs.

The Panel makes the recommendations to Council as outlined in Table 2 for successful funding. Detailed comments about each of the (17) recommended projects are provided in **Attachment 1**.

Of the seven (7) applications that were not recommended by the panel, it is suggested that the Natural Areas and Environmental Levy Program Leader provide the applicants with details as to

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why their application was not recommended and to assist with suggestions for any future applications and projects.

Table 2: Summary of applications received and recommended:

Organisation	Project summary	Funding sought	Recommended Funding
Wahroonga Public School	Enhancement of the existing environmental education area including removal of weeds. The education program would involve how the school impacts on the local environment and will include an evaluation and an extension into 2010.	\$2,000	\$2,000
Piggibilla Bushcare group	Regeneration of stormwater outlet.	\$2,230	\$2,230
Lachlan Hunter Associates	Audit of natural history sites for geoheritage and geodiversity values. <ul style="list-style-type: none"> - identify natural history of the sites; - develop relationships with local expertise; - review of written reports; and - offer report to libraries and others. 	\$75	\$75
NSW Wires	Grey Headed Flying Fox rehabilitation including augmentation and purchase of new materials for: <ul style="list-style-type: none"> - external crèche; - net and medical costs; and - purchase two (2) aviaries to provide temporary cave for the bats. 	\$4,500	\$4,500
Kissing Point Bushcare Group	Regeneration will compliment the previous work done by the Special Needs Team (ASPECT) and Council's Bush Regeneration team.	\$5,000	\$5,000
Australian Native Plant Society	Additional signage to sustain, educate and promote Australian plants within the Ku-ring-gai Wildflower Garden.	\$10,000	\$5,000 ##
1st Gordon Scouts	Restoration of the trail at the rear of the Scout Hall. This program will improve safety aspects to the bushland access walking track.	\$3,907	\$3,907
Wahroonga Public School	Protection of Blue Gum High Forest by ongoing control of noxious weeds and invasive vines.	\$4,400	\$4,400
Marshall Avenue Streetcare Group	Marshall Avenue gateway project stage two of pedestrian access through Blue Gum High Forest Streetcare site.	\$9,300	\$5,000 ##
Turramurra Public School	Protection of Aboriginal grinding grooves site through landscaping and signage. Planned for Harmony Day in March 2009.	\$990	\$990
TOTAL		\$42,402	\$33,102

- By the nature each project and in conjunction with associated Council funding, it was recommended there be a reduction in funds for two (2) of the ten (10) applications. Recipients will be notified of these proposed reductions. With the applicant's approval for the proposed reductions, it is determined that the recipients would achieve their outcomes with these variations.

CONSULTATION

The seventh round of funding was promoted through advertisements in the Mayor's column in the North Shore Times, Advocate Courier and Chinese News. It was included in the Mayor's column, as posters at bus shelters and shopping centres, included on Council's website and printed in the "Spring/Summer 2008 Bushcare News". Applications closed on Monday 8th December 2008.

Review and selection of the grant projects was undertaken by the Small Grants Panel. This panel comprises of 3 local residents who have experience in:

- government policy and guidelines;
- writing skills;
- community projects;
- local issues;
- reviewing projects; and
- environmental issues.

Communication between the community and Council representatives was conducted via email and telephone conversations. This communication was prior to the closing date of Monday 8 December 2008 and Friday 9 January 2009.

FINANCIAL CONSIDERATIONS

As part of the Environmental Levy, \$80,000 per year has been allocated for the community small grants scheme. A total of \$33,102 has been recommended for the seventh round. This would enable a similar amount for the eighth round which is scheduled for allocation during May 2009.

Applications for round eight will close Friday 29 May 2009, with decisions made by 22 June 2009.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with the Community and Operations Departments of Council was undertaken in the assessment of the grants.

SUMMARY

This report seeks Council's endorsement for the projects to be funded for round seven of the Community Small Grants Scheme. A total of seventeen (17) applications were received. The Small Grants Panel has recommended ten (10) projects to be funded. Unsuccessful applicants will be contacted and information will be provided for the reason of refusal at this time. This will be supported with suggestions of how to better target any applications and projects in future rounds.

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20 January 2009**RECOMMENDATION**

That Council support the following applications for funding under round seven of the Community Small Grants Scheme:

Organisation	Project	\$ Value
Wahroonga Public School	Enhancement of existing environmental education area including removal of weeds	\$2,000
Piggibilla Bushcare Group	Regeneration of stormwater outlet	\$2,230
Lachlan Hunter Associates	Audit of natural history sites	\$75
NSW Wires	Rehabilitation costs of Grey Headed Flying Fox	\$4,500
Kissing Point Bushcare Group	Regeneration a to compliment previous work	\$5,000
Australian Native Plant Society	Additional signage to sustain, educate and promote Australian plants	\$5,000
1 st Gordon Scouts	Restoration of trail rear of scout hall	\$3,907
Wahroonga Public School	Protection of Blue Gum High Forest from vines and weeds	\$4,400
Marshall Avenue Streetcare Group	Marshall Avenue gateway project stage two	\$5,000
Turramurra Public School	Protection of Aboriginal grinding grooves site	\$990
TOTAL		\$33,102

Mary-Lou Lewis
**Natural Areas &
 Environmental Levy Program
 Leader**

Peter Davies
**Manager Corporate
 Planning & Sustainability**

Andrew Watson
Director Strategy

Attachments: Detailed Summary of Applications received - 2009/010275

Detailed Summary of Applications Received

Application	Contact	Project Name	Amount requested	Recommended Funding	Suburb	Summary of comments by Advisory Committee & Council Staff
1	Tracy Coster	Gordon East Public School - Outdoor classroom	\$6,000	\$0	East Gordon	The project would have learning outcomes and would have a long term benefit to the school and community. Project has merit but unsure it fully meets the grant ideals. Some concerns were expressed of possible danger of sitting under gum trees which could have the potential of limbs being dropped
2	Graham Hill	Wahroonga Public School - clear weeds from the "classroom in the bush" with a focus towards the critically endangered Blue Gum High Forest	\$2,000	\$2,000	Wahroonga	Generally good project. However, does need clarity as to how it will be maintained in the long term. Doesn't appear to have a broad community value
3	Jill Bilger	Piggibilla Bushcare Group - Regeneration of stormwater outlet at McIntosh Park, St Ives	\$2,230	\$2,230	St Ives	Possible extension by Council to establish stormwater outlet protection. If possible, long-term outcome would be significantly improved
4	Jenna Bloom	Youth Services at Ku-ring-gai Council - Aerosol art mural to be designed and painted by local young people	\$5,000	\$0	St Ives	Project has merit. Site needs to be determined
5	Guan Zhong Li	Cleaning public car park at Wade Lane and Council car park in Dumaresq Street	\$5,000	\$0	Gordon	Interesting. Commercial benefit only and not in accordance with the grant's guidelines

Application	Contact	Project Name	Amount requested	Recommended Funding	Suburb	Summary of comments by Advisory Committee & Council Staff
6	John Graham Byrnes	Audit of natural history sites for geoheritage and geodiversity values	\$75	\$75	KMC - LGA	It would provide an interesting resource. However, the project will be a contribution to the background information and should be available for public access via the web
7	Kerry Edards	NSW Wires North Shore Branch - rehabilitation costs for Grey-headed Flying Fox	\$4,500	\$4,500	KMC - LGA	Project seems good however site location unclear. Clarity is required as to how the outcomes and benefits will be reported
8	Diane & Bruce Dawbin, and local residents	Enhancement of the Kissing Point Reserve with a bush path, footbridge, created car spaces, bollard to prevents cars entering the reserve and planting of natural vegetation	\$5,000	\$5,000	Turramurra	This project compliments the special needs team work completed in 2008. Council's Open Space staff will assist with landscaping
9	Tony Evans	North Shore Group Australian Plants Society- to establish signage to educate the community of the benefits of promoting and sustaining Australian plants	\$10,000	\$5,000	St Ives	Project of use of signage good. Original cost considered too high. Further discussions required for extent of proposed size of works and site location
10	Stephen Dwyer	1st Gordon Scout Group - repair and improve rear trail leading to Blackbutt Creek	\$3,907	\$3,907	Gordon	Good project - need to ensure local Bushcare is aware of project
11	Felicity McDonnell	Killara Public School P&C to establish a litter elimination and refinement of waste reduction program	\$3,732	\$0	Killara	Project seems to be funding new bins with minimal reference to worm farming and education program of elimination
12	Wahroonga Public School	Blue Gum High Forest restoration by continual control of noxious weeds and vines	\$4,400	\$4,400	Wahroonga	Same project as proposed by Lindfield Montessori Preschool and Gordon East Public School

Application	Contact	Project Name	Amount requested	Recommended Funding	Suburb	Summary of comments by Advisory Committee & Council Staff
13	Ben Hall	Marshall Avenue Streetcare Group- stage 2 - complete remaining asphalt pathway and rehabilitation of adjoining street verges	\$9,300	\$5,000	Warrawee	Stage one was successful. This project will need to be guided by Council's footpath staff
14	Turramurra Public School	Protection of Aboriginal griding grooves site	\$990	\$990	Turramurra	Excellent project. Would benefit from Aboriginal office to conduct supplementary education with the school
15	Eleanor Gardiner	Lindfield Montessori Preschool - create a nature outdoor Aust. Environment Eco garden - protecting our produce	\$1,048	\$0	Lindfield	Questions as to if a similar program to Gordon East Public School. Would prefer small bird thickets to be planted
16	St Ives Park Primary School	Eco-Garden - protecting our produce	\$5,000	\$0	St Ives	Same project as proposed by Lindfield Montessori Preschool and Gordon East Public School
17	Craig Brian Longfield	Ku-ring-gai enviro/economic sustainability encouragement	\$1,667	\$0	Lindfield	Unclear of what the project is offering
TOTALS			\$69,848	\$33,102		

Interpreting the Advisory Committee Priority Rating column, 20 and above is considered a good application due to funding limitations, 25 and above is considered a successful application.

RURAL FIRE SERVICE BID ESTIMATES FOR THE RURAL FIRE FIGHTING FUND 2009/2010

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval in principle to the bid amount of \$400,000 from the NSW RFS RFFF 2009/2010.

BACKGROUND:

The total estimated project cost for a new Hornsby Ku-ring-gai Fire Control Facility at Berowra was initially \$2.9million.

Ku-ring-gai Council's contribution ceiling was \$800,000, comprising an allocation of \$400,000 for each two financial years 2007/2008 and 2008/2009 from the NSW Rural Fire Fighting Fund (RFFF). Hornsby Council has contributed \$2.1 mil from the RFFF.

COMMENTS:

Tendered amounts to construct the new facility were all above the budget.

Options to reduce the cost of construction without significantly compromising the design functionality of the centre have been identified, and an overall shortfall of at least \$400,000 is required to be funded.

RECOMMENDATION:

That Council endorses the proposal for a bid of \$400,000 from the NSW RFS RFFF for 2009/2010 as a contribution towards the new Hornsby Ku-ring-gai Fire Control Facility at Berowra.

PURPOSE OF REPORT

To seek Council's approval in principle to the bid amount of \$400,000 from the NSW RFS RFFF 2009/2010.

BACKGROUND

The Hornsby / Ku-Ring-Gai Rural Fire District have identified the need for an updated Fire Control Centre (FCC), that will be situated at the former Berowra Toll Gates site, 1049 Pacific Highway, Berowra, known as Lot 100 in DP 1104687. The land comprises three old unused buildings and a Fire Spotting Tower (in service). The second most northern building has been demolished to make way for a new Fire Control District Office.

The new building has a 667 sqm ground floor area comprising an emergency Control Centre, communications server room, planning logistics room, amenities rooms, meeting rooms and associated facilities. The first floor contains lecture/training rooms, offices, radio room and amenities rooms. The two storey structure is serviced by air-conditioning and lift facilities. Energy efficiency, sustainable development and water conservation are pre-requisites of the over-all design.

Tender administration and building construction of the Berowra Fire Control Centre and Emergency Control Facility is being project managed by Hornsby Council.

Project Estimate

Hornsby Council engaged Kinsley Associates who prepared an initial estimate in the amount of \$2.9 million to complete the project. This amount was allocated by Rural Fire Service from the Rural Fire Fighting Fund (RFFF) with contributions from:

- Ku-ring-gai Council of \$800,000 as the initial ceiling for the capital component, with two amounts of \$400,000 included within the RFFF estimate bid for 2007/2008 and 2008/2009.
- Hornsby Council of \$2.1million.

COMMENTS

Tender Cost

In 2008, Hornsby Council called tenders for the construction the new FCC, and three submissions were received. A Tender Evaluation Panel comprising Hornsby and Ku-ring-gai Council staff and RFS staff was established to review tenderers.

All submissions exceeded the allocated budget. The panel investigated options to reduce the cost of construction without significantly compromising the design functionality of the centre, and accepted that additional unforeseeable costs including contingencies will be incurred resulting in the completed structure costing in the order of \$3.3 million. As a consequence, this has resulted in a shortfall of \$400,000.

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To save costs, items considered for reduction in scope or deletion included:

- Furniture, fitments and workstations;
- delete a number of showers, urinals and hand basins;
- delete the Radio Room, the Plant Room and lift;
- Contingency items deleted from the works with the exception of the air-conditioning (AC) with provision of tender price for a less expensive AC system or for a partial AC system based on Council's revised scope of works. All ducting work to be done in the Contract.
- possible savings by replacing glass walls with plaster board; and
- cost savings in the provision of all electrical services including lighting and the possibility of relocating the generator and distribution board.

Elements such as the lift, air conditioning and structural elements of the building were however considered essential for the functionality of the centre.

At its meeting of 13 August 2008, Hornsby Council resolved not to accept any tender and negotiate with the AMFM Constructions Pty Ltd in the first instance regarding the scope of works to arrive at a tender price within the revised nominal budget.

Negotiations were held with AMFM Constructions Pty Ltd on 20 August and a revised tender price was subsequently submitted and although marginally above the available budget, was accepted by Hornsby Council.

Rural Fire Fighting Fund 2009/10

The NSW RFS has requested funding the shortfall by Ku-ring-gai Council using the RFFF 2009/10 given the current difference in contribution amounts between Hornsby and Ku-ring-gai.

As the bid estimate for the RFFF for 2009/10 was required to be submitted in October 2008, and other factors, a provisional bid item of \$400,000 was submitted to cover the shortfall and margin. Allocation is however notified in June 2009, and Council may elect to withdraw any bid items prior.

Non Operational Building Use

The RFS agrees to allow Hornsby and Ku-ring-gai Councils and associated constituents to utilise the facility as required when and if the facility is not being utilised for training or operational events. This could include the use of the training rooms for internal Council programs.

CONSULTATION

The Tender Review panel has met with all conforming Tenderers, in conjunction with Kinsley Associates to review the scope of works to reduce costs that meets the budget limit.

FINANCIAL CONSIDERATIONS

The proposed bid of \$400,000 from the 2009/10 RFFF represents an actual Council funded contribution of \$46,800 (being 11.7% of the \$400,000) in the 2009/10 financial year.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Operations Department has consulted with Finance regarding the funding and the provision for the increase in the allocation for 2009/10 will be included in the draft budget.

SUMMARY

The Hornsby/Ku-Ring-Gai Rural Fire District identified the need for an updated Fire Control Centre (FCC) comprising an Emergency Control Facility.

Initial estimates prepared by Kinsley Associates anticipated costs of \$2.9 million that was funded by the RFS from the Rural Fire Fighting Fund with allocations of \$0.8million from Ku-ring-gai and \$2.1 million from Hornsby.

All three Tender submissions received for the construction exceeded the allocated budget. Cost saving options were investigated, resulting in a revised estimate to \$3.3 million and shortfall of about \$0.4 million.

Following a Hornsby Council resolution on 13 August 2008, no tenders were accepted, and negotiations were held with AMFM Constructions Pty Ltd, who subsequently submitted a revised Tender sum that was accepted by the Panel.

Ku-ring-gai Council was requested to further contribute to the cost of construction given the difference in contribution amounts between Hornsby and Ku-ring-gai. A provisional bid item of \$400,000 was submitted for the 2009/10 RFFF to cover the shortfall resulting in an actual Council funding of \$46,800 (11.7%).

The bid is considered essential to maintain satisfactory levels of equipment fitout for the new building, without significantly compromising the design functionality of the centre.

RECOMMENDATION

- A. That Council approves the provisional bid item of \$400,000 submitted in the 2009/10 RFFF requiring funding by Council of \$46,800 as the 11.7% contribution for this item to meet the shortfall for construction of the new Berowra Fire Control Centre and Emergency Control Facility, Berowra.
- B. That the Hornsby / Ku-Ring-Gai Rural Fire District Manger be notified of the outcome.

Ian Taylor
Manager Engineering Services

Greg Piconi
Director Operations

Attachments: NSW RFS RFFF Bid Estimate 2009/2010 - 2008/029418

2009/2010 Rural Fire Fighting Fund Estimates

Summary Page

KU-RING-GAI MUNICIPAL COUNCIL

DRAFT

Annual Maintenance and Repairs	\$44,000.00
Appliances	\$0.00
Second Hand Appliances	\$0.00
Other Vehicles	\$0.00
Equipment	\$13,326.00
Brigade Stations	\$400,000.00
Reimbursable Items	\$9,000.00
Hazard Reduction	\$0.00
District Staff Estimate	\$58,500.00
Total	\$524,826.00

I hereby certify that above figures are true and fair estimate of the anticipated expenditure from the Rural Fire fighting Fund in respect of this council for this financial year. The council will comply with Sections 109 and 110 of the Rural Fires Act, when meeting its statutory contribution.

General Manager

Date:

2009/2010 Rural Fire Fighting Fund Estimates

1st July 2009 to 30th June 2010

Annual Repairs and Maintenance KU-RING-GAI MUNICIPAL COUNCIL

DRAFT

Maintenance Stations Sheds	\$10,000.00
Maintenance Vehicles	\$12,000.00
Maintenance Pumps	\$2,000.00
Maintenance Radio	\$3,000.00
Maintenance Petrol Oil	\$6,000.00
Maintenance Other	
Freight Cartage	\$0.00
Telephone Rental	\$2,000.00
Telephone Calls	\$1,500.00
Electricity	\$1,500.00
Insurance Vehicles	\$3,000.00
Insurance Sheds	\$3,000.00
Insurance Other	\$0.00
First Aid Training	\$0.00
Training Subsidy Brigade	\$0.00
ERS Paging Subsidy	\$0.00
Other Total	\$0.00

Total Section B	<hr/> \$44,000.00 <hr/>
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2009/2010 Rural Fire Fighting Fund Estimates

Equipment

KU-RING-GAI MUNICIPAL COUNCIL

DRAFT

Pumps	\$0.00
PPE	\$5,000.00
Enhancements	
Fire Blankets	\$0.00
Tanker Lagging	\$0.00
Community Safety	\$2,000.00
Volunteer Intranet	\$649.00
Firezone Replacement	\$677.00
Other Enhancements	\$0.00
 Other Equipment	 \$5,000.00
 Total	 \$13,326.00

2009/2010 Rural Fire Fighting Fund Estimates

Brigade stations

KU-RING-GAI MUNICIPAL COUNCIL

DRAFT

Brigade Name	Category of Brigade Station	Amount
Ku-ring-gai FCC	Fire Control Centres	\$400,000.00
Total		\$400,000.00

2009/2010 Rural Fire Fighting Fund Estimates

Reimbursable Items

KU-RING-GAI MUNICIPAL COUNCIL

Description	Quantity	Cost	Amount
PMR Radio rentals	1	\$6,000.00	\$6,000.00
GRN Rentals	1	\$3,000.00	\$3,000.00
Program Charges Reimburse	0	\$0.00	\$0.00
PMR Upgrade	1	\$25,000.00	\$25,000.00
Total			\$34,000.00

DRAFT

2009/2010 Rural Fire Fighting Fund Estimates

District Estimates

KU-RING-GAI MUNICIPAL COUNCIL

Approved Staff No. 16

Current Staffing Level..... 21

Travel	\$2,000.00
Equipment General	\$2,000.00
Equipment Computers	\$4,000.00
Network Provision	\$0.00
IS Services	\$0.00

Approved No Of Vehicles	8
Est. No.Of Changeovers	3
Changeover Cost	\$40,500.00
Vehicle Maintenance	\$10,000.00

Other District Staff Items	\$0.00
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Total	\$58,500.00
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DRAFT

RESCISSION MOTION

COUNCIL COMMITTEES

Rescission Motion from Mayor Councillor E Malicki, Councillor I Cross and Councillor S Holland dated 23 January 2009.

We the undersigned Councillors seek to rescind the following resolution of Council that was resolved by Council at its meeting of 16 December 2008 under Minute No. 467:

"That Council's Resolution Min 467, Council Meeting 16 December 2008 reading:

That Council establish the following Committees:

1. ***Finance and General Purposes Committee.*** *This would consist of a Councillor from each Ward and be chaired by the Mayor. The committee would be granted certain delegations as determined by Council.*
2. ***Policy and Planning Committee.*** *This would consist of a Councillor from each Ward, not being a member of the Finance and General Purposes Committee and chaired by the Deputy Mayor with delegations to be determined by Council.*
3. ***Open Space Committee.*** *This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.*
4. ***Community Development Committee.*** *This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.*
5. *That any two Councillors can withdraw a motion and call it to Council.*
6. *Details of the charters of the committees be developed and reported to Council in February 2009.*
7. *That Council seek community representatives for the Open Space and Community Development Committees".*

RECOMMENDATION

Subject to the rescission being adopted by Council, we wish to recommend the following committee structure of Council:

- A. That the existing Councillor Forums cease to operate.

Item 1

S06952
23 January 2009

- B. That Council agree in principle to the establishment of a Committee of the Whole to cover Finance, Policy and Planning, Open Space and Community Development matters supported by four Reference Committees; Sustainability, Community, Planning and Heritage.
- C. 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.

Cr Elaine Malicki
Mayor

Cr Ian Cross
Wahroonga Ward

Cr Steven Holland
Comenarra Ward

RESCISSION MOTION

COUNCIL COMMITTEE STRUCTURE

Rescission Motion from Councillors Tony Hall, Jennifer Anderson and Carolyne Hardwick dated 23 January 2009.

We the undersigned move:

"To rescind the following parts of Resolution Minute No. 467 of 16 December 2008, namely Clauses A.1, A.2 and A.5 and are hereby rescinded".

We further move that:

"As a result of legal advice provided to Council on 12 January 2009, the following clauses be inserted to replace those rescinded in Minute No 467/08:

- A. That Council move to establish, in principle, two formal principal Committees pursuant to clauses 260, 261 and 267 of the Local Government (General) Regulation 2005:
 1. **Finance and General Purposes Committee.** This committee would consist of all Councillors who wish to nominate to serve thereon and be chaired by the Mayor.
 2. **Policy and Planning Committee.** This committee would also consist of all Councillors who wish to nominate to serve thereon and be chaired by the Mayor.

Membership in both committees shall not be less than six councillors. (The remaining clauses of Minute no. 467/08 to remain as resolved on 16 December 2008).
- B. That the **Finance and General Purposes Committee** and the **Policy and Planning Committee** shall include:
 1. The Mayor as chairperson of both principal committees but if she so chooses may step down as chairperson of either or both committees and Council would elect a chairperson or persons in her place.
 2. All matters listed on each principal committee's formal and advertised agenda (Business Paper) shall be dealt with as recommendations only.
 3. Each principal committee shall meet alternately immediately prior to fortnightly Council meeting so that each committee shall meet at least monthly with the starting time to be determined by the General Manager.

Item 2

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23 January 2009

4. All recommendations from each of these principal committees shall be reported to the following Council meeting held on the same day for determination, thereby avoiding the need to readvertise the matters listed in the committee's agendas (Business Papers) for that following Council meeting. The relevant committee agenda would be published with that of the following Council meeting of that day. It may be that a committee might decide to defer a matter for further information and this action would be so minuted.
 5. The quorum of each principal committee shall be the same as for the formal Council meeting, a minimum of six councillors including the Mayor in attendance, but there shall be no casting vote for the chairperson.
- C. That a **Heritage Advisory Committee** shall be established with community representation, its charter shall be the same as the former committee and be responsible to the Policy and Planning committee.

RECOMMENDATION

That the above Rescission Motion as printed be adopted.

Cr Tony Hall
St Ives Ward

Cr Jennifer Anderson
Roseville Ward

Cr Carlyne Hardwick
St Ives Ward

Attachments: Background Information under separate cover:

1. Legal Opinion of 22 January 2009 (4 pages) - 2009/009641
2. Resolution - Council Minute No 467 of 16 December 2008 - 2008/053293
3. Staff Report dated 28 November 2008 for Council Meeting held 16 December 2008 – Establishment of Council Committee Structure (12pp) - 2008/048342
- 4a. Page 1 of Department of Local Government's letter dated 14 August 2008 – 984853
- 4b. Page 2 of Department of Local Government's letter of 1 October 2008 - 2008/017005

Legal Opinion of 12 January 2009

I refer to your email of 5 January 2009 advising of Council's resolution of 16 December 2008 concerning the above topic and including a copy of that resolution.

Your email requested advice as to whether the resolution was within power and otherwise lawful. You also raised some issues which you considered may be relevant.

Advice

We are of the opinion that the resolution appointing the Finance and General Purposes Committee and the Policy and Planning Committee was invalid as it breached the provisions of clause 261 of the Local Government (General) Regulation 2005. That Regulation mirrors clause 11.4 of your Council's current Code of Practice.

Clauses 261 and 11.4 are in identical terms and state:

"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."

It is more likely than not that the so called doctrine of severance will operate to save the validity of the Open Space and Community Development Committees. As clauses 5, 6 and 7 of the resolution apply to these two valid committees they too will be valid.

Reasons for advice

1. The first line of the resolution states "That Council establish the following Committees:". Clearly the intent of the resolution is to establish the committees and accordingly it is at the time of the making of the resolution that the functions of the committee should have been specified so as to comply with the Regulation.
2. Paragraphs 1 and 2 of the resolution purporting to establish the Finance and General Purposes Committee and Policy and Planning Committee each indicate that the committee "would be granted certain delegations as determined by Council". Clearly that does not specify the functions of those two committees and the reference in paragraph 6 of the resolution to the development of the charters of the committees does not solve the problem.
3. The Open Space Committee and the Community Development Committee are not committees of which all of the members must be councillors. It is clear that clauses 261 of the Regulation and 11.4 of your Code will not apply to those committees as their members include persons other than councillors. Whilst this is not entirely clear from the wording of the particular clauses it is abundantly clear given that Division 5 of Part 10 of the Regulation refers in many of its clauses to things which make it clear that the Division refers to committees of which all the members are councillors. See for example clause 260(2), 262(1) and in clauses 265 and 266 where there are references to "each committee of a council". Further clause 271(1) provides for the expulsion of a non-councillor from a committee meeting of a council which is closed pursuant to section 10A of the LGA.
4. It follows therefore that the Open Space Committee and the Community Development Committee are in the nature of what is sometimes called a Section 355 committee although Section 355(b) uses the term "committee of the Council". However section 355(a) permits a function of the council to be exercised by councillors, council employees and council agents and (sub-section (c)) by a delegate of the council.
5. It should be noted however that the power of delegation contained in Section 355 is "subject to this Chapter" in the preamble to the section and so is subject to Section 377 which lists those matters which may not be delegated by the Council. Accordingly any delegations to any committee is restricted by Section 377(1) and in practice if Council is delegating functions to a

committee it should give consideration to whether the particular function has previously been delegated to the general manager or some other entity. Whilst a delegation of a function of the Council may be made to more than one person or entity it would be wise for Council, if doing that, to specify some order of precedence.

6. It follows that whilst the establishment of the Open Space and Community Development Committees was probably validly achieved by the resolution on 16 December 2008 those Committees have no charters for members and Council may consider that given our advice as to the invalidity of the establishment of the other two committees that it may be prudent to rescind the resolution in its entirety although we do note that there were some lost amendments before the existing resolution was passed.

It may be that work on the establishment of the charters for the four committees could continue with a view to a report in February as required in the 16/12/08 resolution which may assist resolving whatever the issues were which caused dissension.

7. In our opinion s.374 of the LG Act does not operate to avoid the invalidity of the Finance and General Purposes Committees. Relevantly that section provides:

“s.374 Proceedings at a meeting of a council or a council committee are not invalidated because of:

.....

(e) a failure to comply with the Code of Meeting Practice.”

While clause 11.4 of Council's Code of Meeting Practice is identical to clause 261 of the Regulation, the Regulation operates independently of the Code and the breach of the Regulation inherent in paragraphs 1 and 2 of the resolution invalidates the establishment of these two committees.

Other matters

8. *Displacement of the mayor as chairperson*

Regulation 267 mirrored by clause 11.9 of your Code requires the chairperson of each committee of the Council to be the mayor or, if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council or if Council does not wish to so elect, then a member of a committee elected by the committee. By reason of Regulation 260 mirrored by clause 11.3 of your Code a committee of councillors must include the mayor.

It follows therefore that the mayor by virtue of her position is entitled to be a member of any committee comprising only councillors and is entitled to chair any such committee.

9. *Displacement of certain councillors for eligibility for membership of the Policy and Planning Committee*

As intended to be established in the resolution of 16/12/08 the Mayor by reason of being a member of the Finance and General Purposes Committee could not be a member of the Policy and Planning Committee. However, as indicated above, clause 260 of the Regulation obliges the Council to include the Mayor as a member of any committee of the Council to which the Regulation applies. Accordingly it is not possible to exclude the Mayor from being a member of the Policy and Planning Committee.

Clause 260(2) of the Regulation is in the following words:

“A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.”

It follows that whilst the Mayor cannot be excluded from such a committee she would automatically be chairperson of any committee of which she was a member unless she declined in accordance with clause 267(1) of the Regulation. However unless included in the resolution establishing the committee, there could be no certainty that the Deputy Mayor would be a member of the committee and thus able to chair it.

Accordingly it would seem appropriate for the initial members of the committee to be appointed in the same resolution establishing the committees and for the chairmanship of the Policy and Planning Committee to be dealt with in the charter of that committee. It would seem to the writer that clause 267(1) of the Regulation mirrored by clause 11.9 of your code would result in the Deputy Mayor not automatically being chairperson of the committee having regard to the wording of the clauses which is:

“The chairperson of each committee of the Council must be:

- (a) the Mayor, or*
- (b) if the Mayor does not wish to be 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.”*

Accordingly if council wished the Deputy Mayor to be chairman of the committee then it should:

- (i) ensure that the initial committee includes the Deputy Mayor; and
- (ii) elect the Deputy Mayor as chairperson of the committee if the Mayor does not wish to be chairperson of the committee.

In our opinion it would be ultra vires for the Charter to attempt to permanently appoint the Deputy Mayor as chairperson of the committee if the Mayor declines the position as clause 267(1) of the Regulation clearly refers to an order of precedence:

- (a) the Mayor;
- (b) if he/she declines then a member of the committee elected by the Council; and
- (c) if no such member is elected then a member of the committee elected by the committee.

There is no way the Deputy Mayor can be guaranteed chairmanship but that is not to say that a clause in the Charter could not state that if the Deputy Mayor is a member of the committee and the Mayor declines appointment as chair that appointment of the Deputy Mayor as chairman of the committee would be prudent (or some like words bearing in mind that such a clause would not be binding on either Council or the committee in exercising their vote). Clause 267(1)(b) and (c) require elections, not appointments.

10. *Can Councillors legally revoke Council's delegation to a committee?*

As indicated above it will be necessary for the delegation to be included in the resolution establishing the particular committee. However the committee must operate within its charter and the scope of the delegation can be “narrowed” by that charter. Council's policy in relation to such matters appears to be set out in clause 11.7A of the Code which acknowledges that committees may resolve matters only in accordance with specific delegations pursuant to section 377. Accordingly Council's delegation in its new resolution establishing the committees could delegate relevant powers subject to any two councillor members of the committee referring a decision of the committee to the Council within x days of the decision with the referral having the effect of negating the decision. The issue would then be determined by the Council as a whole.

The nature of such a referral is somewhat similar to the operation of a deferred commencement condition in a development consent. The consent in those circumstances does not operate until such time as the deferred commencement condition is satisfied. In the context of a committee decision the decision would cease to operate if the referral was made within the required period

and could not be acted upon until the referral period had expired without a referral occurring. We see no reason why the charter of the committee could not include carefully drawn provisions to achieve that end.

Conclusion and way forward

I have not in my research relating to the above come across other matters which I consider need addressing in this advice. Accordingly it would seem to me that the way forward would be:

2. The initiation of a rescission motion in relation to the resolution of 16/12/08 or at least paragraphs 1 and 2 of it. Strictly a rescission of an invalid/void resolution is unnecessary, but text books suggest it is good practice as there is a written record of the state of the Council's valid resolutions.
3. The lodgement of a Notice of Motion by those Councillors willing to move the rescission motion of a more detailed motion addressing the defects of the original motion identified above and including appointment of the particular councillors to the particular committees. The fundamental issues are:
 - (a) specifying the particular delegations to each committee;
 - (b) excluding displacement of the Mayor as chair of either committee; and
 - (c) the appointment of the members of each committee (if it is intended to achieve that councillors – except the Mayor – serve on not more than one of the Finance and General Purposes and Policy and Planning Committees).

If you have any questions, comments or concerns about the above please do not hesitate to contact us. It is not the first time where we have provided advice to a council, including yours, made difficult by the failure of the legislation to more carefully distinguish between committees comprising councillors only and other committees.

Regards

John Boland

Director

MatthewsFolbigg ::

Level 7, The Barrington, 10-14 Smith Street

Parramatta NSW 2150

www.matthewsfolbigg.com.au

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RESOLUTION OF ORDINARY MEETING OF COUNCIL

16 DECEMBER 2008

467

Establishment of a Council Committee Structure

File: S06952

To outline options and make a recommendation on a committee structure for Ku-ring-gai Council.

Resolved:

(Moved: Councillors Ebbeck/Hall)

- A. That Council establish the following Committees:
1. **Finance and General Purposes Committee.** This would consist of a Councillor from each Ward and be chaired by the Mayor. The committee would be granted certain delegations as determined by Council.
 2. **Policy and Planning Committee.** This would consist of a Councillor from each Ward, not being a member of the Finance and General Purposes Committee and chaired by the Deputy Mayor with delegations to be determined by Council.
 3. **Open Space Committee.** This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.
 4. **Community Development Committee.** This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.
 5. That any two Councillors can withdraw a motion and call it to Council.
 6. Details of the charters of the committees be developed and reported to Council in February 2009.
 7. That Council seek community representatives for the Open Space and Community Development Committees.

For the Resolution: *Councillors Anderson, Duncombe, Hall, Hardwick & Ebbeck*

Against the Resolution: *The Mayor, Councillor E Malicki, Councillors Holland, Keys & Szatow*

The above Resolution was subject to two LOST Amendments.

The first LOST Amendment was:

(Moved: Mayor, Councillor Malicki/Councillor Keays)

- A. That Council establish a Committee of the Whole supported by five Reference committees - Sustainability, Community, Policy & Planning, Heritage and, Open Space.*
- B. Details of the charters of the reference committees be developed and reported to Council in February 2009.*
- C. Council determines the representatives and Chairpersons for the respective Committees when the charters are adopted by Council.*

The 2nd LOST Amendment was:

(Moved: Mayor, Councillor Malicki/Councillor Keays)

- A. That Council establish a Committee of the Whole supported by four Reference committees - Sustainability, Community, Planning & Heritage and Open Space.*
- B. Details of the charters of the reference committees be developed and reported to Council in February 2009.*
- C. Council determines the representatives and Chairpersons for the respective Committees when the charters are adopted by Council.*

ESTABLISHMENT OF A COUNCIL COMMITTEE STRUCTURE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To outline options and make a recommendation on a committee structure for Ku-ring-gai Council.

BACKGROUND:

Council, at its meeting of 11 November 2008, considered a Notice of Motion dealing with a committee structure to assist in Council decision making. This matter was deferred and a briefing was held on 19 November 2008 at which various options were presented.

COMMENTS:

This report outlines five committee models for the consideration of Council. These include a range of formal and informal committees with varying levels of community and councillor involvement, decision making, participation and administration.

RECOMMENDATION:

That Council establish a Committee of the Whole supported by four Reference Committees incorporating Sustainability, Community, Planning and Heritage and Open Space.

PURPOSE OF REPORT

To outline options and make a recommendation on a committee structure for Ku-ring-gai Council.

BACKGROUND

Council, at its meeting of 11 November 2008, considered a Notice of Motion dealing with a committee structure to assist in Council decision making. From this Notice of Motion Council resolved:

*That this matter be deferred until a workshop to be held on 19 November 2008.
Further, that Council consider the establishment of section 355 Committees and the briefing paper for the workshop on 19 November 2008 be to canvass the operation of these committees.*

At the workshop an overview of the reasons why and statutory obligations and limitations for various committee structures were presented. In brief the *Local Government Act 1993* (the Act) enables a Council to establish committees. Such committees must have clearly articulated functions, can involve the community and should they be given any delegation that these be specified and that they are consistent with the Act and the *Local Government General Regulation, 2005* (the Regulations).

In terms of a committee involving Councillors and/ or the public there is a need to differentiate and define membership. Committees involving the public can be established under section 355 of the Act. Such committees can make recommendations (e.g. advisory committees), but are not able to make binding decisions. However Council can grant delegations to specific committees in order to exercise certain functions (section 377), though these can not be regulatory (pursuant to section 379). All committee members must be subject to Council's Code of Conduct and meeting procedures can be either determined by Council or be subject to the Act and Regulations.

Where a committee consists entirely of Councillors, the committee is established under clause 260 of the Local Government Regulations by resolution of council. It must open its meetings to the public, except for confidential items (section 10/10A Act) and must be conducted in accordance with Act, Regulation and Council's Code of Meeting Practice (section 360 Act). As a committee, the Council can exercise discretion to regulate its own procedures (clause 265 of the Regulations).

Under clause 260(2) and 268(1) of the Regulations, the Mayor is automatically a member of each committee and retains discretion as to whether to attend a meeting. The Mayor would automatically be the Chairperson unless he or she declines (clause 267(1) of the Regulations). Should this occur the Chairperson is then appointed by Council or if not, elected by committee.

Every Councillor may attend and speak at a committee meeting, though only members can vote (clause 263 of the Regulations). Structure, responsibilities, charters, meeting times, need to be determined by Council.

Item 10

S06952
28 November 2008**COMMENTS**

As part of the deliberation to determine what role, if any, a committee(s) would have there, are a number of questions that need to be considered as part of any model. These are relevant to both past and future structures, and include:

- How will a committee contribute to, or improve the decision making functions of council?
- What is the role of the community and others in this type of participatory process? This in part should consider the adopted Community Consultation Policy and Guideline (22 July 2008).
- How would committee meetings function? (for example addresses by the public and staff)
- What would be the relationship with Council, other committees and sub-ordinate working groups?

Five models have been developed. These cover a range of options incorporating the involvement of some and all councillors, formal and informal structures and various levels of community representation. Accepting that there are many variations, it is anticipated that the approach taken, points towards a preferred outcome for Council at the current time. The models include:

- 1) committee structure of the previous Council;
- 2) Notice of Motion as considered by Council on 11 November 2008;
- 3) no committees with all decisions made by Council;
- 4) Council supported by a single Committee of the Whole; and
- 5) Council supported by a single Committee of the Whole and four Reference Committees.

In addition to these options it is also necessary to consider the role of existing committees and decision making bodies as well as other administrative functions that would impact on future operations and potential decision making functions. In particular, reference is given to the Traffic Committee, Ku-ring-gai Planning Panel and other site specific committees.

Traffic Committee

The Traffic Committee is established under the *Transport Administration Act 1998*. Under each option it is assumed that this would operate in accordance with the meeting procedures as adopted by Council on the 8 June 2004 (**Attachment 1**) that includes a monthly meeting. Minutes and recommendations from this committee are reported to Council for its consideration.

This is not a committee of council within the meaning of the *Local Government Act 1993*. Rather it is formed under delegation by the Roads and Traffic Authority.

Ku-ring-gai Planning Panel

It is assumed the Ku-ring-gai Planning Panel will remain under the direction of the NSW Minister for Planning.

Item 10

S06952
28 November 2008**Site Specific Committee**

A number of location or specific assets have an established committee to assist in the planning for, maintenance of or review of their services. Three notable examples include the St Ives Showground Consultative Committee, 102 Rosedale Road Advisory Committee and the Tulkiyan Sub-Committee. Representation on these committees by Councillors is varied as are their charters. It would be proposed that these committees continue to function and any actions arising be referred to either Council, the Committee of the Whole (Options 4 or 5) or the relevant Reference Committee (as per Option 5) as and when relevant.

Other matters*Briefings*

It would be proposed under all models that Council would utilise briefing sessions as a mechanism through which staff and others are able to explain complex, controversial or other projects as required. Briefings would not form the basis of any decision making process nor would they represent any formal Council or committee meetings.

Induction

It is suggested that members appointed to all committees would be required to participate in an induction process. This would be developed to reflect the function of the committees, procedures, decision making functions, responsibilities and code of conduct. Importantly it would also clarify how their contribution informs Council decision making. It would be intended that a single induction would be held to bring together all appointed community members, Councillors and key staff.

Insurance

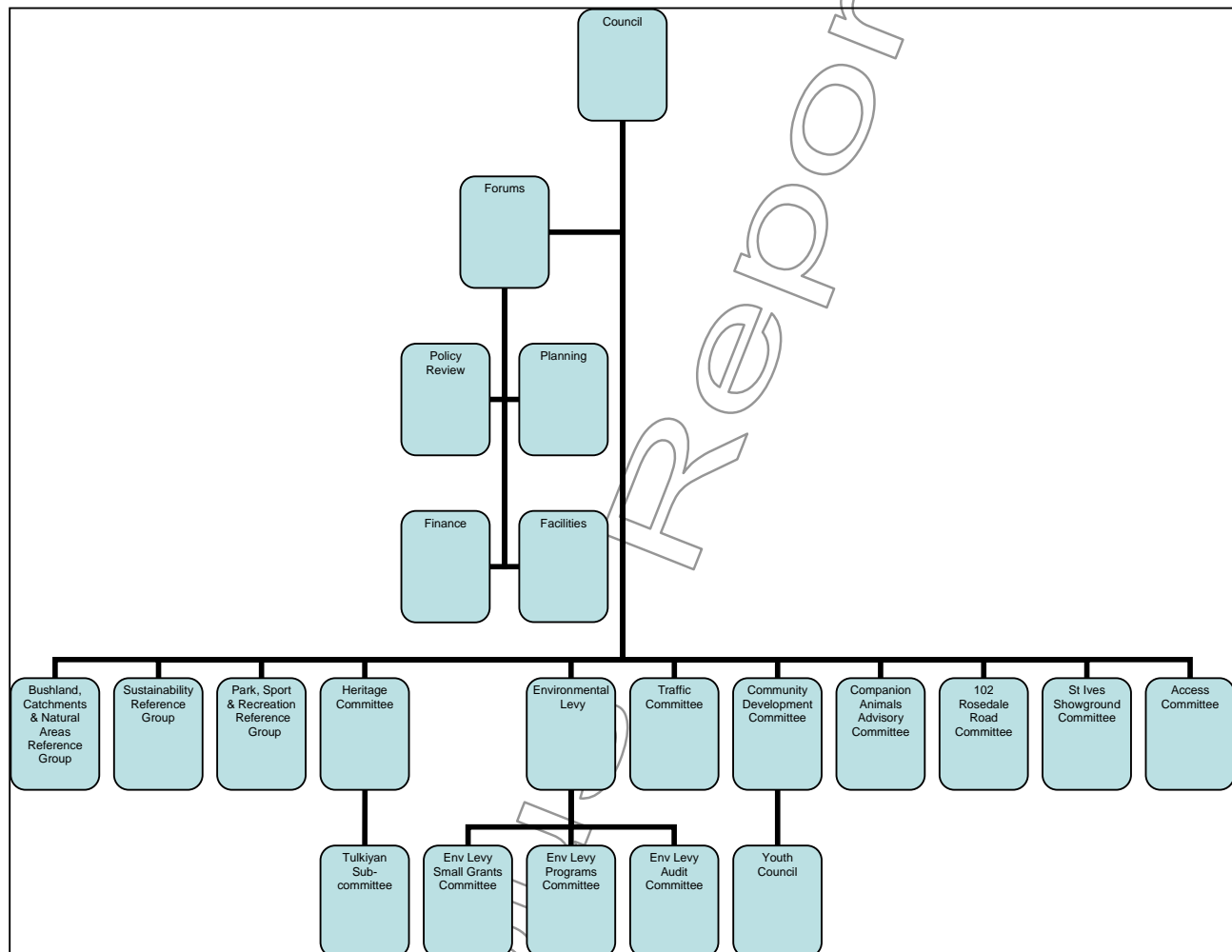
It is proposed that all community representatives nominated to existing and future committees be considered as volunteers and would be incorporated within the existing insurance policy covering Bushcare workers and others. In the past this has not occurred and represents an insurance risk to Council in terms of accidents or injury. Accompanying this would necessitate various training and induction processes.

Options**Option 1 - Structure of the previous Council**

Under this option there are 15 subcommittees consisting of three Reference Groups, five specific purpose committees, two subordinate committees and three committees related to the environmental levy. Many of these committees reported minutes to Council for their consideration and involved numerous meeting commitments over and above normal Council meetings as well as various other administrative responsibilities and costs. An advantage of numerous committees was that many residents, experts and others were able to be called on to assist with decision making.

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Four forums also operate under this structure. These were the subject of a review by the Department of Local Government. In its letter dated 14 October 2008, it stated that

"[it] appreciates that informal gatherings such as workshops and information sessions can be beneficial in conveying background information and clarifying issues for councillors. However, such gatherings ... should not be a place where the discussion is so detailed and advanced that a consensus is reached or a de facto decision is made."

On this basis, it can be concluded that the operation of the Council's forums with the use of agendas, and in some cases minutes, can give the impression that they are operating as de-facto committees. In this respect, it is not recommended that this aspect of the committee model be pursued. Rather the use of briefings would occur as identified earlier. This is consistent with the "Councillor Guide" publication released by the DLG on 27 October 2008 and distributed to all Councillors. Specifically the guide states:

Councils may hold workshops for the purpose of conducting in-depth discussions on certain topics. Formal decisions are not made at workshops but these sessions provide the

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time needed to explore more important or complex issues in detail. A workshop may involve councillors, council staff and invited participants.

Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a de-facto decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting.

The Department recognises the value of workshops or information sessions in developing councillor knowledge and expertise, and in assisting their role as public officials.

Under this model it would be suggested that Council meet the second and fourth Tuesdays each month, with extraordinary meetings as required. Reference group and other committees would be occurring approximately two other times per week (these could be consecutively or concurrently as necessary).

Option 2 - Notice of Motion as considered by Council on 11 November 2008

Under this model would be four committees as follows:

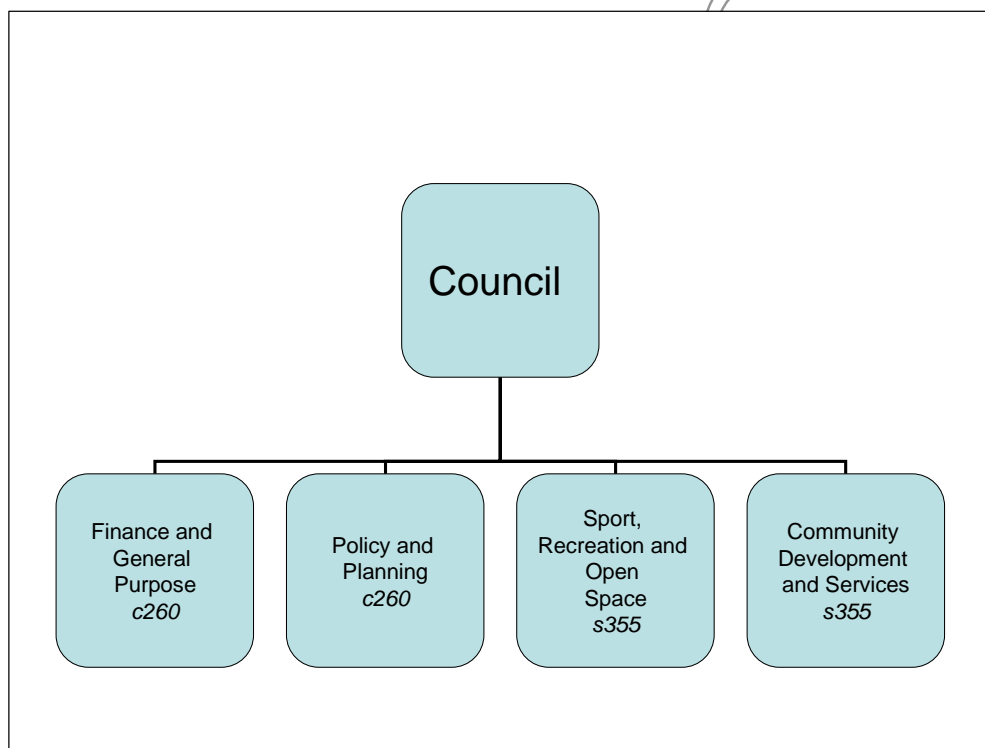
1. Finance and General Purposes Committee. This would consist of a Councillor from each Ward and be chaired by the Mayor. The committee would be granted certain delegations as determined by Council.
2. Policy and Planning Committee. This would consist of a Councillor from each Ward, not being a member of the Finance and General Purposes Committee and chaired by the Deputy Mayor with delegations to be determined by Council.
3. Sports, Recreation, Parks and Open Space Committee. This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.
4. Community Development and Services Committee. This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.

The first two committees would be established pursuant to Clause 260 of the Regulations while the other two would be established under section 255 of the *Local Government Act 1993*.

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A notable feature of this model is the representation of only five councillors on each of the committees established by clause 260 of the Regulations. While this would allow the committees to meet concurrently, the Mayor would retain the right (unless otherwise determined) to chair both meetings. In effect this could result in one committee having six members and the other five, or lesser numbers on one Committee if the Mayor was not in attendance. A disadvantage of this option may arise when councillors not members of one committee may wish to be involved in the decision making functions of the other. This could result in duplication in debate (at a subsequent Council meeting) defeating any efficiency for such a model.

The formation of the section 355 committees to enable community representation in; sport, recreation, open space and community development and services would require the creation of a specific charter and possible consideration to enable some delegation in decision making. The scope and charter of these committees would be similar to that described in Option 5, with the main point that these would be formal committee and as such would be bound by the legislative requirements of the LGA.

Under this model it would be suggested that Council meet the second and fourth Tuesdays each month, with extraordinary meetings as required. Committees under clause 260 would meet every two months or as otherwise determined, while the section 355 committees would meet quarterly.

Further, the restructure of informal committees as detailed in option 5 below could be applied in conjunction with this model if preferred by Council.

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Option 3 - No committees with all decisions made by Council

This option essentially leaves all matters to be determined by Council without the benefit of formal or informal committees or structured and regular community input, outside addresses to Council as permitted under the Code of Meeting Practice. In many ways this option does not necessarily reflect the intent and direction of the adopted Community Consultation Policy. The policy sets out Council's commitment to participatory processes and indicates Council's willingness to increase the level of community involvement in decision making processes. The success of Council's consultation processes has and will continue to rely on utilising a diverse range of consultation techniques both traditional and emerging to ensure that consultation with our community remains equitable and accessible.

There are a number of clear advantages for Council to involving community representatives in committees for the purpose of decision making; these include increased transparency and accountability of decisions and an increased body of expert knowledge with which to draw information from to order to make decisions. Further benefits can include; participants developing a more sound knowledge of Council's functions and operations and committee membership can build trust and stronger relationships between the community and Council.

Under this model it would be suggested that Council meet the second and fourth Tuesdays each month, with extraordinary meetings as required. Briefings to councillors would be more important under this model, given the absence of other opportunities to raise ideas and present proposals.

Further, the restructure of informal committees as detailed in option 5 below could be applied in conjunction with this model if preferred by Council.

Option 4 - Council supported by a single Committee of the Whole

This option builds on Option 3 with the advantage of setting up a Committee of the Whole under clause 260 of the Regulations. Under this option, the committee would be represented by all Councillors and be chaired by the Mayor. The advantage of such a committee is that it could enable a more relaxed meeting format permitting discussion, presentations and input from Councillors, staff, experts and, on occasion, members of the community. Administratively this can be done under the existing code of meeting practice through suspension of standing orders, though does necessitate a strong direction from the Chairperson to ensure discussion is kept on track and is beneficial to the decision process. The Committee would be given delegation to make decisions that are binding and would eliminate the need to reconsider items at an Ordinary Meeting of Council.

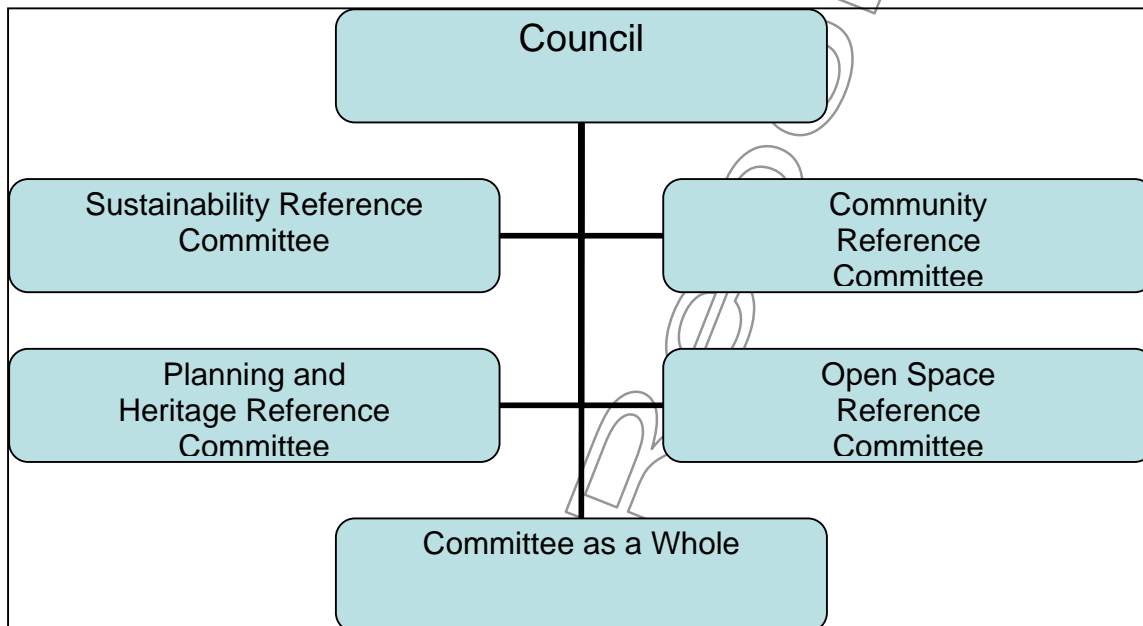
It would not be necessary to hold a Committee of the Whole on a regular basis, though under this model it would suggest the meeting cycle be: week 1 Committee of the Whole (where there is business), weeks 2 and 4 Ordinary Meeting of Council.

Option 5 - Council supported by a single Committee of the Whole and four Reference Committees

This option would build on Option 4 and be supported by the creation of four informal committees with specific terms of reference.

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Four reference Committees would cover the areas as below:

1. Sustainability;
2. Planning and Heritage;
3. Community; and
4. Open Space.

For each of these committees it is suggested that four (4) Councillors be elected with appointments considered by Council every 12 months in line with the Mayoral election. Twenty-one community representatives would be appointed by Council to the Committees. This would follow an open expression of interest process and report to Council with membership based upon professional skills, accrued local knowledge and relevant academic experience as specified by the charter. It would also be proposed that the Sustainability, Community, Planning and Heritage and Open Space committees have representation across relevant age cohorts (as existed within the Sustainability of the previous Council). Terms of appointment would be two years with at least 50 per cent turnover in membership over the term of Council and no community member being able to be represented on more than one committee at a time.

The terms of reference of each of the committees is listed in the table below with at least one director responsible for the administration of the meetings.

The advantage of this model is that Council can draw on the expertise of its residents and others willing to offer their time across a diversity of fields. While not formal committees (as the Act or Regulations), reporting of minutes would occur to the Committee of the Whole or Council as appropriate. This model of committee structure provides Council with an opportunity to obtain both a broad community viewpoint by recruiting members of the community of Ku-ring-gai who hold a wealth of knowledge on the area and local issues as well as a more specific expert opinion through the recruitment of professionals and academics. It is also acknowledged that due to the

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size and diversity of this type of committee model it would be necessary that agendas clearly identify the purpose of the meeting and also inform its members when their input would be most needed.

Sustainability	Community	Planning and Heritage	Open Space
Public policy	Community programs	Planning instruments (LEP, DCP)	Capital works planning
Long term – Sustainability / Community Strategic Plan	Children, Family, Aged, Youth, Disabled and Multicultural services	Heritage	Parks and recreation areas
Management Plan	Community events	Purchase and sale of land and properties	Sportsgrounds
Quadruple bottom line process and reporting	Cultural events	Town centres	Bushland
Social planning	Library services	Commercial and business	Street trees
Environmental planning	Access and disability	Economic development	Asset maintenance
Financial planning	Community grant	Urban design	Environmental grants
Transport planning and fleet	Tourism	Town centre development	Companion animals
Waste and recycling	Safety programs	Development assessment	Landscape master plans
Information technology	Film industry		
Research and monitoring	Graffiti		
Sustainability assurance	Community halls		
Fees and charges			

Teamwork, commitment and objectivity would be paramount to the success of this committee structure, as it will involve a high number of volunteer participants. One important element of the charter for this model would include an ethical and professional development module as part of the induction process. This would seek to charge committee members with a sense of impartiality and allow them to better truly represent the wider community. These elements would need to be articulated within an induction process (as discussed previously).

In order to recruit members to this type of committee model, Council would actively utilise existing relationships and networks to promote this opportunity for participation, for example, advertising in the local papers, libraries, schools and universities. The local business community and professional networks would also be included as recruitment options, as would social and sporting clubs. Whilst this style of recruitment may be intensive the outcomes from such a process will result in strong positive opportunities.

In regard to this model, Council would need to set out a list of transparent criteria for selection in each of the committees, based upon professional, academic or local knowledge. The criteria may be more generic or specific depending on Councils desire for a representative rather than an expert group – this will need to be outlined in the charter.

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Meeting frequency would follow that in Option 4 (Ordinary Meeting of Council week 2 and 4 and Committee of the Whole week 1), with the advisory committees meeting quarterly.

CONSULTATION

No consultation has occurred with the community on this particular matter though was the subject of a workshop with Councillors on 19 November 2008. Research into the challenges and opportunities presented by various committee structures and models gathered from other Councils has been considered as part of this report along with feedback from previous committees.

FINANCIAL CONSIDERATIONS

Should Council decide to have a formal and to a lesser extent a committee system there will be administration and resourcing requirements. Any likely additional costs cannot be assessed until a decision is made by Council, however it is clear that increased costs will be incurred through a formal committee structure. Some of these costs will automatically come about as a result of increased staff time required to administer and facilitate the committees.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The General Manager and Directors have been consulted on this report.

SUMMARY

Council needs to consider whether advisory committee's are beneficial and appropriate given the administrative requirements of managing any advisory committee model. Through this report the limited challenges and varied opportunities have been outlined with a caveat that certain models of committees are far more useful and appropriately resourced than others. Therefore Council needs to determine the most appropriate method of obtaining regular and expert community input into Council's decision making processes.

The advisory committee model (Option 1, 2 and 5) is consistent with Council's adopted consultation policy and seeks to meet the objectives of this policy to:

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

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It would be of great benefit for Council to avail itself of the wealth of local knowledge, expertise and willingness to participate in decision making through an advisory committee model. Option 5 as outlined with this report, is the recommended model for a range of reasons, most importantly this option will facilitate increasingly transparent decisions as committee members are selected based upon existing skills and knowledge as well as their demonstrated commitment to participating in Council decision-making processes. In addition this option also minimizes administrative costs and the time required to facilitate the committees whilst still delivering on the objectives of the model.

RECOMMENDATION

- A. That Council establish of a Committee of the Whole supported by four Reference committees, Sustainability, Community, Planning and Heritage and Open Space.
- B. Details of the charters of the reference committees be developed and reported to Council in February 2009.
- C. Depending on the Option chosen, Council determines the representatives and Chairperson for the respective Committees as outlined.

Peter Davies
**Manager Corporate Planning
& Sustainability**

Andrew Watson
Director Strategy

John Clark
Director Corporate

Attachments: Ku-ring-gai Traffic Committee Meeting Procedures - 402964

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE ID: A148681 &
YOUR REFERENCE A148895
CONTACT Doug Friend
4428 4201

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073



Dear Mr McKee

I am writing in relation to the adoption of charters for the Policy, Finance and Planning Forums at Council's meeting of 24 June 2008.

The Department has reviewed a report to Council in relation to the operation of the "Forums", their charters and the minutes of Council's meeting of 24 June 2008 relating to these "Forums".

Despite the use of the word "Forum" and the express statement in their Charters that they are not committees of Council, there are a number of factors that could lead to the conclusion these bodies are committees of Council.

In support of this view, I draw your attention to the following:

- the report to Council dated 11 June by Mr John Clark, Director Corporate, refers to *"the existing structure of Council's informal committees remains unchanged except ... That the term 'Committee' be changed to 'Forum'"*
- the existence of a quorum of 5 councillors
- the fact that the "Forum" appears to be the actual body of members holding these meetings and not the meetings themselves
- the fact that there is debate at these Forums and that only councillors have voting rights
- that the Forum appears to have power to make recommendations to Council and
- the fact that the Forums have the power to establish working groups for the purposes of making inquiries and reporting on issues under consideration.

I understand that there is a requirement for the agendas and minutes of the Finance and Policy Forums to be published on Council's website. However, this does not appear to be the case in relation to minutes for the Planning Forum.

In establishing these Forums, Council appears to have complied with the requirements of clauses 260 and 261 of the Local Government (General)

For example, at the Policy Forum meeting of 12 May 2008, the Policy for the Payment of Expenses and Provision of Facilities to Councillors was considered. The minutes of this meeting state:

Made a number of changes in relation to spouse and partner expenses, attendance at dinners and other non-Council functions, mobile phones and items not required to be returned.

Action: report to Council.

Subsequently the Director Corporate prepared a report dated 14 May 2008. This report summarises changes to this policy that directly correspond with the changes proposed in the minutes to the Policy Forum meeting of 12 May 2008.

Based on the above, it appears to me that these Forums are operating as considerably more than informal briefing sessions.

I have noted your comments that it is your intention to review Council's Committee and Forum structure following the local government elections. The Department supports this proposed action and recommends that it commence as soon as possible.

I believe that it is important for elected Councillors to be made aware of the Department's views on the operation of these Forums. Therefore, I request that you table this letter, together with my letter of 14 August 2008 and your response of 26 August 2008, at the next ordinary meeting of Council.

I seek your advice, within 28 days of the date of this letter, of the likely timeframe for completing the review of Council's committee and forum structure.

Yours sincerely



Garry Payne AM
Director General

NOTICE OF MOTION

SUSTAINABILITY POLICY

Notice of Motion from Councillor T Hall dated 23 January 2009

As Councillors are aware, Ku-ring-gai has placed considerable emphasis on ensuring ecological sustainability is part of its decision-making process. As a Council however, we have no policy to direct staff to assess sustainability of recommendations of developments made to Council.

I therefore move that:

- "1. Ku-ring-gai Council adopt a Sustainability Policy based on the models of other Councils and enclose for this purpose the Pittwater Council model.
2. The General Manager provide a formal policy based on (1) above for adoption by the next Council Meeting".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall
Councillor for St Ives Ward

Attachments: **Background Information under separate cover:**
 Pittwater Council Sustainability Policy No. 164 - 2009/009735

Council Policy – No. 164	Adopted:	OM: 19.06.06
	Amended:	

Sustainability Policy

1. Objective

To provide a clear statement of Pittwater Council's commitment to ensuring that progress towards sustainability is an ongoing objective, and to exercise community leadership on sustainable development¹ within the Pittwater local government area.

2. Definition

Sustainability or ESD in Pittwater is a process of change that is defined as *"development that improves the quality of life, both now and into the future, in a way that maintains the ecological processes on which life depends"*². In accordance with Council's obligations under the NSW Local Government Act 1993, sustainability will be promoted with regard to the principles of ecologically sustainable development.³, being:

- Inter-generational equity
- The precautionary principle
- Improved valuation, pricing and incentive mechanisms
- Conservation of biological diversity and ecological integrity

Policy Statement

Pittwater Council supports the principles of the report to the World Commission on Environment and Development *"Our Common Future"*, and believes that sustainable development is one of the most pressing issues of our time. Over the course of the 20th century the relationship between the human world and the planet that sustains us has undergone a profound change. The demands of human progress are now depleting our planet's resources at unsustainable levels, disrupting global climate systems, causing extinction of many species of life on earth and degrading natural environments, including the unique and precious natural heritage of the Pittwater area.

Council acknowledges that it has a vital role to play at the local level in promoting sustainable development and can make a contribution towards meeting the global challenges of creating a sustainable society on our shared planet. Council will advance and strengthen the three interdependent and mutually reinforcing pillars of sustainability⁴, – economic development, social development and environmental protection in the Pittwater Local Government Area.

Council will strengthen, adjust and build internal management frameworks that ensure sustainability performance improvement is integrated as a core part of Council's strategic and operational management via effective management plans, specific action plans, training, communication, monitoring and reporting. Council will systematically review its internal policies, ESD performance, processes and practices to further build the organisations capacity to deliver ongoing triple bottom line performance improvement within its own operations.

In support of the United Nations Decade of Education for Sustainable Development 2005-2014, Council will take the sustainability message out to the broader community through educating, mobilizing and responding to the public to promote sustainable development.

¹ The terms sustainable development, ecologically sustainable development (ESD), and sustainability are used as interchangeable terms. The Council of Australian Government (COAG) adopted ESD as a goal in 2002

² Goal of ESD as defined in Australia's National Strategy for Ecologically Sustainable Development 1992

³ As defined in the NSW Local Government Act 1993 – principles of ecologically sustainable development

⁴ As adopted at the World Summit on Sustainable Development in 2002, "Johannesburg Declaration"

