



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 7 JULY 2009 AT 7.00PM  
LEVEL 3, COUNCIL CHAMBERS**

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

NOTE: For Full Details, See Council's Website –  
[www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) under the link to business papers

**APOLOGIES**

**DECLARATIONS OF INTEREST**

**CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

**ADDRESS THE COUNCIL**

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

**DOCUMENTS CIRCULATED TO COUNCILLORS**

**CONFIRMATION OF MINUTES**

**Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 9 June 2009

Minutes numbered 94 to 118

**MINUTES FROM THE MAYOR**

**PETITIONS**

## GENERAL BUSINESS

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

### GB.1 **Agenda - Exclusion of Business** **1**

.  
File: S02499

To report to Council the exclusion of business of which due notice has been given in accordance with Regulation 240(2) of the Local Government (General) Regulation 2005 ("the Regulation").

#### **Recommendation:**

That the contents of the report be received and noted.

### GB.2 **Code of Conduct Complaints** **4**

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File: S06948

To report on Code of Conduct complaints in the period July 2008 to June 2009.

#### **Recommendation:**

That the report be received and noted.

### GB.3 **Contractual Conditions of Senior Staff** **8**

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File: S03271

To report to Council on the contractual conditions of senior staff in accordance with Section 339 of the Local Government Act 1993.

#### **Recommendation:**

That Council receive and note the report.

**GB.4 Mayor & Councillor Fees 11**

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File: S03158

To determine the Mayor and Councillor fees payable from 1 July 2009.

**Recommendation:**

That, from 1 July 2009, the Councillor fee be set at \$15,500 and the Mayor's fee be set at \$33,840.

**GB.5 Rates & Charges (including Eligible Pensioner Reduction) & Sundry Debtors Recovery Policies 14**

.  
File: S07630

To seek Council approval for Rates and Charges (including eligible pensioner reduction) and Sundry Debtors Recovery Policies.

**Recommendation:**

That Council adopt the recommendations contained in the report.

**GB.6 Delegations of Authority - General Manager 39**

.  
File: S02017

Section 380 of the Act states that Council must review all its delegations during the first 12 months of each term of office.

**Recommendation:**

That the Delegations be re-adopted.

**GB.7 Sewer Mining Project - Gordon Golf Course - Determination of Water Recycling Treatment Technology 59**

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File: S04265

To advise Council of the selection of a water recycling treatment technology for the Gordon Golf Course Sewer mining project and to recommend reallocation of golf course reserve funding.

**Recommendation:**

That Council supports the recommendation by Henry and Hymas Consulting Engineers for the selection of GE Water and Process Technologies to provide the infrastructure and ongoing maintenance for the sewer mining project at Gordon Golf Course and that additional funding for the project be allocated from the Golf Course Reserve.

**GB.8 Draft Acquisition & Divestment of Land Policy 63**

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File: S05399

For Council to adopt the draft Acquisition & Divestment of Land Policy for public exhibition.

**Recommendation:**

That Council adopts the draft Acquisition & Divestment of Land Policy and place the draft policy on public exhibition.

**GB.9 Environmental Levy Small Grants Scheme - Round Eight 85**

.  
File: S04553

To seek Council's support to fund eleven (11) Environmental Levy Small Grant projects.

**Recommendation:**

That Council endorse the recommendation of the Small Grants Panel to fund eleven (11) projects as part of the Environmental Levy.

**GB.10 Council Chambers - Draft Plan of Management 91**

.  
File: S06604

To place the draft Plan of Management - Council Chambers on public exhibition accordance with the requirements of the Local Government Act 1993.

**Recommendation:**

That the draft Plan of Management - Council Chambers be exhibited for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.

**GB.11 Ku-ring-gai Art Centre - Draft Plan of Management** **113**

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File: S06604

To place the draft Plan of Management - Ku-ring-gai Art Centre on public exhibition in accordance with the requirements of the Local Government Act 1993.

**Recommendation:**

That the draft Plan of Management - Ku-ring-gai Art Centre be exhibited for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.

**GB.12 Miscellaneous Lands - Draft Generic Plan of Management** **136**

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File: S06604

To place the draft generic Plan of Management for Miscellaneous Land on public exhibition in accordance with the requirements of the Local Government Act 1993.

**Recommendation:**

That the draft Generic Plan of Management for Miscellaneous Land site be exhibited for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.

**GB.13 Disaster Recovery & Business Continuity Plan** **159**

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File: S04241

To seek Council's adoption of Council's Disaster Recovery and Business Continuity Plan.

**Recommendation:**

That Council adopts the attached Disaster Recovery and Business Continuity Plan as an interim plan until the 31 Bridge Street building and the new depot facility are fully functional.

**GB.14 Disposal of Household Clinical Waste** **210**

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File: S02294

To advise on the process of disposal of household clinical waste and to provide a draft policy for Council's consideration.

**Recommendation:**

That Council applies for grant assistance to implement a sharps disposal service.

**GB.15 Tender T07/2009 for Plumbing Services & T08/2009 for Electrical Services 218**

.  
File: S07274 / S07275

To seek approval to appoint a panel list of contractors for plumbing and electrical services to undertake reactive trade maintenance works on Council's building and open space assets.

**Recommendation:**

That Council approves the panel list for the plumbing and electrical services in accordance with the tendered rates received.

**EXTRA REPORTS CIRCULATED AT MEETING**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**NM.1 Council Nominations for Joint Regional Planning Panel 222**

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File: S04554

**Notice of Rescission from Councillors Tony Hall, Carolyne Hardwick & Jennifer Anderson dated 9 June 2009.**

We, the undersigned, move that the Council's resolution of 9 June 2009 (Minute No 109) nominating the Mayor & Councillor Cross to the Joint Regional Planning Panel be and is hereby rescinded.

**NM.2 St Ives Showground Precinct Draft Options Paper 223**

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File: S02673

**Notice of Motion from Councillor Tony Hall dated 29 June 2009.**

I move:

- "1. That the St Ives Showground Precinct Preliminary Draft Options paper considered at the Planning Committee on 1st July 2009 be discontinued in view of financial considerations and possible hardship on the existing community users of the

Showground creating uncertainty of their tenancies and also in view of Council's decision of 8 December 2008 (Minute No. 442/08) to adopt Cr Hall's motion to delete any consideration of the draft AFL/NSW/Act proposal of 1 November 2007.

2. That the General Manager refer all proposals involving the St Ives' Showground Reserve to the newly appointed St Ives Showground Consultative Committee for its consideration and recommendations.
3. That all options involving the remaining Crown Reserves identified in the draft Options Paper be discontinued.
4. A separate Plan of Management for the St Ives Wildflower Garden be prepared for Council's consideration within three months.
5. Council's records in respect of the description of the St Ives Showground Management Plan be amended to record that the Plan was adopted by the Minister for Lands on the 9 September 1999 and then concurred in by the Ku-ring-gai Council.

Note: In respect of Clause 5, the Council's adopted Plan of Management of 29 June 1999 was abandoned due to the adoption of the Ministers Plan of 9 September 1999."

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

## **QUESTIONS WITHOUT NOTICE**

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

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## MAYORAL MINUTE

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### EXCESSIVE USE OF STAFF RESOURCES

In recent weeks numerous email requests have been made to staff that:

- are excessive in terms of resources required;
- are unrealistic in terms of deadlines given to provide answers;
- are repetitious.

To demonstrate these concerns I refer to two examples. The first involves a request to the General Manager by a councillor on Sunday 14 June 2009 at 8.23pm in which the General Manager was given a deadline to respond by 10am the next working day, ie Monday, 15 June 2009.

The email contained 16 paragraphs and required input by the General Manager, a majority of Directors and the Corporate Lawyer. Having spent 1.5 hours myself on the matter, and realising the inordinate amount of time being spent by staff in addressing the requests, I formally asked relevant staff to indicate how many working hours they spent on these requests on a given day: Thursday 18 June 2009. The responses showed a minimum of 29.5 hours was spent by staff responding to one Councillor's emails on one working day. This is a disproportionate demand on staff time compared to other Councillors who do not require such an extensive use of staff resources to carry out their duties as elected officials.

The second example involves the General Manager's and Directors' delegation to make a submission seeking exemption from the Section 94 cap legislated by the Minister for Planning Kristina Keneally. The staff submission sought to defend Council's policy direction in this matter ie, the adopted Section 94 plans of Council. Not only was the staff submission comprehensive but it resulted in Council being granted an exemption thus protecting \$47 million of future Section 94 contributions which were under threat.

After the exemption was granted, there was a unanimous vote in favour of a Mayoral Minute congratulating the staff on this achievement.

Despite this, a councillor continued to question the General Manager regarding his delegation to make the subject submission. The General Manager has sent numerous responses, the latest of which identifies in chronological order many previous emails and responses sent between the Councillor and staff on this matter going back some four months.

This is not considered an optimal use of Council staff resources.

This Mayoral Minute does not seek to single out an individual Councillor or deny any Councillor the right to interact with staff to obtain information in good faith that enables them to make informed decisions on Council business.



Item 1

**S02355**  
**2 July 2009**

On the contrary this Minute is provided for the attention of Council to ensure that all Councillors have equal access to staff resources which, as we all know, are finite. At this point in time, it is even more critical given that staff are working diligently to ensure the upcoming Best Practice Review for the Department of Local Government is as comprehensive as it can possibly be.

I seek Council's support on this matter.

## **RECOMMENDATION**

That the Mayor and General Manager be requested to disregard requests for information which are viewed as:

- excessive or unreasonable in terms of resources required to respond;
- unrealistic or unreasonable in terms of deadlines provided to respond;
- repetitive.

Cr Elaine Malicki  
**Mayor**

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## PETITION

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### **SUPPORT THE DEVELOPMENT OF FUTSAL COURTS AT THE WEST LINDFIELD SPORTS & RECREATION CLUB - TWO HUNDRED & NINETY-EIGHT [298] SIGNATURES)**

The following petition was extracted from  
<http://www.gopetition.com.au/online/25921/signatures.html>  
at the request of the General Manager upon receiving an e-mail from ex-Councillor  
Maureen Shelley on 6 July 2009.

#### **Background** (Preamble):

West Lindfield Sport and Recreation Club is dedicated to supporting the community through the provision of sporting and recreation facilities. Currently, there are 1800 playing members of the Lindfield Football Club and no all-weather practice courts in Ku-ring-gai.

By providing futsal courts, Lindfield FC will be able to hold futsal competitions and offer the all-weather facilities to local schools and groups. There are 5000 children attending schools within a 5km radius of the Club in Highfield Road, Lindfield. WLS&RC supports the fitness of children and their families by providing local facilities through a not-for-profit community organisation.

#### **Petition**

"We, the undersigned, call on Ku-ring-gai Council to support the development of futsal courts at West Lindfield Sport and Recreation Club.

We understand that there may be an increase in usage of the facilities following the development of the futsal courts, however, we believe that the better use of these community facilities and the provision of all-weather sports facilities provides a greater benefit to the local community than to keep the currently unused bowling greens."

## **RECOMMENDATION**

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

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## AGENDA - EXCLUSION OF BUSINESS

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To report to Council the exclusion of business of which due notice has been given in accordance with Regulation 240(2) of the Local Government (General) Regulation 2005 ("the Regulation").

**BACKGROUND:**

A Notice of Motion was submitted to the General Manager by Councillor Hall on 29 June 2009. Clause 240(2) of the Regulation provides that the General Manager must not include in the agenda for a meeting of Council any business which, in the opinion of the General Manager, is unlawful. The General Manager must report any such exclusion to the next meeting of the Council.

**COMMENTS:**

Legal advice in relation to the Notice of Motion was obtained, and having considered that advice, the General Manager formed the opinion that the Notice of Motion was unlawful. The business was therefore excluded from the agenda of the Meeting of Council on 7 July 2009 in accordance with Clause 240 of the Regulation.

**RECOMMENDATION:**

That the contents of the report be received and noted.

## PURPOSE OF REPORT

To report to Council the exclusion of business of which due notice has been given in accordance with Regulation 240(2) of the Local Government (General) Regulation 2005 ("the Regulation").

## BACKGROUND

A Notice of Motion was submitted to the General Manager by Councillor Hall on 29 June 2009.

Clause 240(2) of the Regulation provides:

*(2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.*

## COMMENTS

Legal advice in relation to the Notice of Motion was obtained from Deacons. Attachment 1 (confidential) contains a copy of an email from Jacinta Studdert, partner, dated 29 June 2009 and confirming the nature of the advice provided to Council.

Having considered the legal advice received, the General Manager formed the opinion that the Notice of Motion was unlawful.

The business was therefore excluded from the agenda of the Meeting of Council on 7 July 2009 in accordance with Clause 240 of the Regulation.

## CONSULTATION

Legal advice was obtained from Deacons.

## FINANCIAL CONSIDERATIONS

At the time of preparation of this report, the amount of costs incurred in obtaining the legal advice referred to above was unknown.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

A Notice of Motion was submitted to the General Manager by Councillor Hall on 29 June 2009.

Clause 240(2) of the Regulation provides:

*(2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.*

Legal advice in relation to the Notice of Motion was obtained from Deacons. Having considered that advice, the General Manager formed the opinion that the Notice of Motion was unlawful.

The business was therefore excluded from the agenda of the Meeting of Council on 7 July 2009 in accordance with Clause 240 of the Regulation.

## RECOMMENDATION

That the contents of the report be received and noted.

John McKee  
**General Manager**

**Attachments:**      **Email dated 29 June 2009 from Deacons to Corporate Lawyer - Confidential**

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## CODE OF CONDUCT COMPLAINTS

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To report on Code of Conduct complaints in the period July 2008 to June 2009.
<b>BACKGROUND:</b>	Clause 12.33 of Council's Code of Conduct requires the General Manager to report annually to Council on Code of Conduct complaints. The requirement was introduced upon the publication of the Model Code of Conduct on 27 June 2008, which was subsequently adopted by Council as its Code of Conduct on 22 July 2008.
<b>COMMENTS:</b>	During the period 1 July 2008 to 30 June 2009, fifteen (15) complaints made under the Code of Conduct were received. Four complaints related to staff conduct and eleven complaints related to councillor conduct. Issues raised in the complaints included harassment overbearing or threatening behaviour, treating others with respect, behaviour that is detrimental to the pursuit of the charter of the Council, and honesty. Six complaints were finalised during the period. Three complaints were found to be substantiated and three were not found to be substantiated.
<b>RECOMMENDATION:</b>	That the report be received and noted.

## PURPOSE OF REPORT

To report on Code of Conduct complaints in the period July 2008 to June 2009.

## BACKGROUND

Clause 12.33 of Council's Code of Conduct requires the General Manager to report annually to Council on Code of Conduct complaints. The requirement was introduced upon the publication of the Model Code of Conduct on 27 June 2008, which was subsequently adopted by Council as its Code of Conduct on 22 July 2008.

Clause 12.33 provides:

- 12.33      *The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:*
- a.    number of complaints received,*
  - b.    nature of this issues raised by complainants, and*
  - c.    outcomes of complaints.*

## COMMENTS

### Number of Complaints Received

During the period 1 July 2008 to 30 June 2009, fifteen (15) complaints made under the Code of Conduct were received. Four complaints related to staff conduct and eleven complaints related to councillor conduct.

### Nature of the Issues Raised by the Complaints

Of the fifteen complaints:

- 7 related primarily to general conduct obligations under clause 6 of the Code.
- 8 related primarily to the relationship between council officials under clause 9 of the Code.

Issues raised in the complaints included:

- harassment
- overbearing or threatening behaviour
- treating others with respect
- behaviour that is detrimental to the pursuit of the charter of the Council
- honesty.

### Outcomes of Complaints

Six complaints were finalised during the period, two of which had been raised prior to July 2008. Three complaints were found to be substantiated and three were not found to be substantiated.

Item 2

S06948  
29 June 2009

Of the complaints found to be substantiated, two related to councillor conduct and the recommendations of the Code of Conduct Committee were reported to Council on 29 July 2008. Council's resolutions in relation to the reports were subsequently rescinded by Council on 11 November 2009.

As at 30 June 2009, 11 complaints are currently subject to complaint handling procedures in accordance with the Part 3 of the Code of Conduct.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

Not applicable.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

Clause 12.33 of Council's Code of Conduct requires the General Manager to report annually to Council on Code of Conduct complaints. The requirement was introduced upon the publication of the Model Code of Conduct on 27 June 2008, which was subsequently adopted by Council as its Code of Conduct on 22 July 2008.

During the period 1 July 2008 to 30 June 2009, fifteen (15) complaints made under the Code of Conduct were received. Four complaints related to staff conduct and eleven complaints related to councillor conduct.

Of the fifteen complaints:

- 7 related primarily to general conduct obligations under clause 6 of the Code.
- 8 related primarily to the relationship between council officials under clause 9 of the Code.

Issues raised in the complaints included:

- harassment
- overbearing or threatening behaviour
- treating others with respect
- behaviour that is detrimental to the pursuit of the charter of the Council
- honesty

Six complaints were finalised during the period, two of which had been raised prior to July 2008. Three complaints were found to be substantiated and three were not found to be substantiated.



Item 2

**S06948**  
**29 June 2009**

Of the complaints found to be substantiated, two related to councillor conduct and the recommendations of the Code of Conduct Committee were reported to Council on 29 July 2008. Council's resolutions in relation to the reports were subsequently rescinded by Council on 11 November 2009.

As at 30 June 2009, 11 complaints are currently subject to complain handling procedures in accordance with the Part 3 of the Code of Conduct.

## **RECOMMENDATION**

That the report be received and noted.

John McKee  
**General Manager**

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## CONTRACTUAL CONDITIONS OF SENIOR STAFF

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To report to Council on the contractual conditions of senior staff in accordance with Section 339 of the Local Government Act 1993.

**BACKGROUND:**

*Section 339 of the Local Government Act 1993* states:

“The General Manager must, at least once annually, report to Council on the contractual conditions of senior staff”.

**COMMENTS:**

This report provides Council with details regarding the contractual conditions of senior staff, namely, the five (5) Directors and the position of General Manager.

**RECOMMENDATION:**

That Council receive and note the report.

## PURPOSE OF REPORT

To report to Council on the contractual conditions of senior staff in accordance with Section 339 of the Local Government Act 1993.

## BACKGROUND

*Section 339 of the Local Government Act 1993* states:

“The General Manager must, at least once annually, report to Council on the contractual conditions of senior staff”.

## COMMENTS

*Section 339 of the Local Government Act 1993* requires the General Manager to report to Council annually on the contractual conditions of senior staff. In relation to Ku-ring-gai Council this requirement relates to six (6) positions namely the five (5) Directors and the position of General Manager.

Whilst many Council's attempt to comply with this requirement via earnings disclosed in the Annual Report, discussions have been held with the Department of Local Government and it is considered prudent to report this information to Council under separate cover.

The under mentioned table outlines applicable information as it relates to the six (6) positions;

Position	Present Incumbent	Contract start date	Contract expiry date	Total package amount *
General Manager	John McKee	12/05/2009	12/05/2014	*
Director Community	Janice Bevan	30/04/2007	30/04/2012	*
Director Development & Regulation	Michael Miocic	15/06/2007	15/06/2012	*
Director Strategy & Environment	Andrew Watson	29/01/2008	29/01/2013	*
Director Corporate	John Clark	1/03/2007	1/03/2012	*
Director Operations	Greg Piconi	16/04/2007	16/04/2012	*

\* Total package amounts are contained in **Confidential Attachment A**.

This report also confirms that the five (5) Directors have had their performance assessments undertaken in a timely manner and all Directors are to have considered at a satisfactory level or above. Additionally it is noted that the next round of performance assessments for the Directors are due to be completed between 1 July 2009 and 30 September 2009.

Item 3

S03271  
29 June 2009

In relation to the General Manager's performance, Council has recently undertaken a comprehensive assessment and this was reported to Council in May 2009.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

The contract packages for the Directors and General Manager are contained in Council's operating budget.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

*Section 339 of the Local Government Act 1993* states:

"The General Manager must, at least once annually, report to Council on the contractual conditions of senior staff".

This report is submitted to Council in accordance with the above requirement of the *Local Government Act 1993*.

## RECOMMENDATION

That Council receive and note the report.

John McKee  
**General Manager**

**Attachments:**      **A. Total package amounts - Confidential**

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## MAYOR AND COUNCILLOR FEES

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To determine the Mayor and Councillor fees payable from 1 July 2009.
<b>BACKGROUND:</b>	The Local Government Remuneration Tribunal has made its determination for 2009.
<b>COMMENTS:</b>	The Tribunal has determined that Mayor and Councillor fees be increased by 2.5%.
<b>RECOMMENDATION:</b>	That, from 1 July 2009, the Councillor fee be set at \$15,500 and the Mayor's fee be set at \$33,840.

## Item 4

S03158  
5 June 2009**PURPOSE OF REPORT**

To determine the Mayor and Councillor fees payable from 1 July 2009.

**BACKGROUND**

The Local Government Remuneration Tribunal has made its determination for 2009.

**COMMENTS**

The Tribunal has determined that Mayor and Councillor fees be increased by 2.5%.

The Tribunal has reviewed the classification of Councils. The Tribunal has found that "there is no strong case to significantly alter the current categories of Councillor and Mayoral offices". It has, however, applied new descriptive titles to the categories. Ku-ring-gai is now classified as a "Metropolitan" Council by the Tribunal. This is the replacement category for what was previously known as Category 2.

The proposed fees from 1 July 2009 are:

Councillor		Mayor	
Minimum	Maximum	Minimum	Maximum
\$7,040	\$15,500	\$14,980	\$33,840

The Councillor fee is paid to the Mayor in addition to the Mayoral fee.

It is recommended that the maximum fees be paid.

**CONSULTATION**

None required or undertaken.

**FINANCIAL CONSIDERATIONS**

There will be a 2.5% increase in expenditure on Mayor and Councillor fees. This has been provided for in the 2009/10 budget.

**CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

None required or undertaken.

## SUMMARY

The Local Government Remuneration Tribunal has determined that Mayor and Councillor fees be increased by 2.5% from 1 July 2009.

## RECOMMENDATION

That, from 1 July 2009, the Councillor fee be set at \$15,500 and the Mayor's fee be set at \$33,840.

John Clark  
**Director Corporate**

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## **RATES & CHARGES (INCLUDING ELIGIBLE PENSIONER REDUCTION) & SUNDRY DEBTORS RECOVERY POLICIES**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To seek Council approval for Rates and Charges (including eligible pensioner reduction) and Sundry Debtors Recovery Policies.

**BACKGROUND:**

Council policies have been prepared to ensure the efficient and effective recovery of rates and charges (including eligible pensioner reduction) and sundry debtors, while maintaining quality customer services.

**COMMENTS:**

This report aims to ratify existing practices and propose new practices relating to rates and charges (including eligible pensioner reduction) and sundry debtors recovery, in accordance with the *Local Government Act 1993*.

**RECOMMENDATION:**

That Council adopt the recommendations contained in the report.



## PURPOSE OF REPORT

To seek Council approval for Rates and Charges (including eligible pensioner reduction) and Sundry Debtors Recovery Policies.

## BACKGROUND

Council policies have been prepared to ensure the efficient and effective recovery of rates and charges (including eligible pensioner reduction) and sundry debtors, while maintaining quality customer services.

## COMMENTS

This report aims to ratify existing practices and propose new practices relating to rates and charges (including eligible pensioner reduction) and sundry debtors recovery, in accordance with the *Local Government Act 1993*. New proposed practices which require Council consideration include:

### 1. Eligible pensioners reduction

The current practice for eligible pensioner reduction is *Option B* below. *Option C* below is being proposed as the new practice for new eligible pensioners. Council currently has seventeen (17) deferred eligible pensioner ratepayers with a combined total balance outstanding of approximately \$200K, including approximately \$40K of interest, relating to past financial years.

#### *Option A*

Where an owner (eligible pensioner) has rates and charges that are overdue, Rates staff will issue a Reminder Notice requesting payment and if the owner (eligible pensioner) has financial hardship, Council enter into an arrangement with the owner (eligible pensioner) and any interest charges raised be written off annually.

Eligible pensioners wishing to make an arrangement on their rates and charges on grounds of financial hardship can do so by completing an "Application for Hardship (Including Eligible Pensioner) Rate Relief Statutory Declaration" (**Attachment A**, Appendix B) which will be kept on file. An "Application for Hardship (Including Eligible Pensioner) Rate Relief Statutory Declaration" form will be required every two years. Each application will be assessed by Council's Revenue Accountant on a case by case basis.

#### *Option B*

Where an owner (eligible pensioner) has rates and charges that are overdue, Rates staff will issue a Reminder Notice requesting payment. No further action will commence to recover monies outstanding. It should be noted that Section 712 of the *Local Government Act 1993*, requires Council to commence proceedings for the recovery of a rate within 20 years of it being levied.

## Item 5

S07630  
29 June 2009

Eligible pensioners wishing to defer their rates and charges on grounds of financial hardship can do so by completing an "Eligible Pensioner Application for Deferment of Rates & Charges" form (see **Attachment A**, Appendix A) which will be kept on file. An "Eligible Pensioner Application for Deferment of Rates & Charges" form will be required every two years. Each application will be assessed by Council's Revenue Accountant on a case by case basis. Deferment of rates and charges will continue to attract interest charges until transfer of property or settlement of account in full.

*Option C*

Grandfather *Option B* for existing approved eligible pensioners in financial hardship and approve *Option A* for new eligible pensioners in financial hardship.

**2. Write-off irrecoverable bad debts**

The current delegation, which has been in place for at least ten (10) years, for the General Manager to approve the writing off of irrecoverable bad debts (not including rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances) is \$1,000. It is proposed to increase this delegation to the limit of \$10,000, and this is recommended in a separate report to Council tonight titled "Delegations of Authority – General Manager".

Regulation 213 of the *Local Government (General) Regulation 2005* states that *a Council must from time to time, by resolution, fix an amount above which debts to the Council may be written off only by resolution of the council. A debt of or below that amount can be written off either by resolution of the council or by order in writing of the council's general manager. A debt can be written off under Regulation 213 only:*

- a) if the debt is not lawfully recoverable, or*
- b) as a result of a decision of a court, or*
- c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.*

It is proposed that this amount be increased to a limit of \$10,000:

- a) due to increased cost movements over the years, individual amounts of debts raised have increased over the years, eg road restorations and removal of whitegoods from streets;
- b) administrative efficiencies will be gained in managing bad debts.

Over the last two (2) financial years, amounts totalling \$67,956.63 have been written off by the General Manager under the current delegation, comprising \$51,018.09 in 2009 to the date of writing this report and \$16,938.54 in 2008.

Under Regulation 131 of the *Local Government (General) Regulation 2005* the same procedures as Regulation 213 apply, for writing off rates and charges, with the only exception being that, under Regulation 131 the General Manager must advise the council of rates and charges written off by written order of the General Manager. A delegation to the General Manager to the limit of \$10,000, to approve the writing off of irrecoverable bad debts relating to rates and charges is being proposed, and is also recommended in a separate report to Council tonight titled "Delegations of Authority – General Manager".

## CONSULTATION

No consultation was required.

## FINANCIAL CONSIDERATIONS

Under the accrual method of accounting, Council has already accounted for the income in *Option B*, but potentially \$160K cash can be collected under *Option A*, which increases funds available for investments now and into the future. The budget impact for *Option A* would be the approximate \$40K interest charges, which need to be written off. There is no impact on the budget for *Options B or C*.

The Sundry Debtors Recovery Policy provides an impact on Council budget upon write-off, only if a provision for doubtful debts does not exist. The total provision for doubtful debts at 30 June 2008 was \$318K. Debts are written off to the cost centre that raised the income. Write-offs for 2009 to the date of writing this report totalled \$51,018.09 in 2009 and for 2008 were \$16,938.54.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

No consultation with other departments was required.

## SUMMARY

The Rates and Charges (Including Eligible Pensioner Reduction) and Sundry Debtors Recovery Policies endeavour to provide a framework for the recovery of outstanding debts owned to Council.

*Option C* is proposed for new eligible pensioners experiencing financial hardship, whereby Council grandfatheres *Option B* for existing approved eligible pensioners in financial hardship and approves *Option A* for new eligible pensioners in financial hardship.

The current delegation, which has been in place for at least ten (10) years, for the General Manager to approve the writing off of irrecoverable bad debts (not including rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances) is \$1,000. It is proposed to increase this delegation to the limit of \$10,000. It is also proposed that the delegation to the General Manager under Section 377 of the Local Government Act 1993 to approve the writing off of irrecoverable bad debts relating to rates and charges be to the limit of \$10,000.

## RECOMMENDATION

- A. That Council adopts the Rates and Charges Policy (Including Eligible Pensioner Reduction) with *Option C* for eligible pensioners and the Sundry Debtors Recovery Policies attached to the report.

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**29 June 2009**

- B. That the current delegation for the General Manager to approve the writing off of irrecoverable bad debts (not including rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances) under Section 377 of the *Local Government Act 1993* be increased from \$1,000 to the limit of \$10,000.
- C. If *Option C* is adopted, that the delegation to the General Manager under Section 377 of the Local Government Act 1993 to approve the writing off of irrecoverable bad debts relating to rates and charges be to the limit of \$10,000.
- D. If *Option C* is adopted, that in accordance with Regulation 131 of the Local Government (General) Regulation 2005, the General Manager must advise the Council of rates and charges written off by written order of the General Manager.

Tino Caltabiano

**Acting Director Corporate & Manager Finance**

**Attachments: A. Rates & Charges (including eligible pensioner reduction) Recovery Policy - 2009/094479**  
**B. Sundry Debtors Recovery Policy - 2009/094685**

Ku-ring-gai Council – Rates and Charges (including eligible pensioner reduction)  
Recovery Policy – July 2009

**Rates and Charges (including eligible pensioner reduction)**  
**Recovery Policy**

## **1. Purpose**

To ensure the efficient and effective recovery of outstanding rates and charges whilst maintaining quality customer service.

## **2. Objectives**

- To ensure a fair, consistent and accountable approach to Council's debt management and collection decisions and practices;
- To be sympathetic and helpful to those ratepayers suffering genuine financial hardship;
- To fulfil the statutory requirements of the Local Government Act and associated Local Government Regulations with respect to the recovery of rates and charges;
- To assist in the efficient management of Council assets through the timely collection of outstanding monies.

## **3. Legislative Framework**

- Council's statutory requirements:
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Social Security Act 1991 of the Commonwealth
- Council's delegation from the General Manager to staff, bodies and other individuals.

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<b>History of approved versions</b>					
<b>Version</b>	<b>Effective date</b>	<b>Summary of changes</b>			
1.0		Draft for Council resolution			

#### 4. Principles

Council's staff will take the appropriate steps to recover rates and charges against all owners in the Ku-ring-gai Council area according to the following principles:

- All owners are to be issued with a Rates and Charges Notice in accordance with Section 546 of the Local Government Act 1993 and, where required, Rate Instalment Notices in accordance with Section 562 of the Local Government Act 1993.
- Under Section 582 of the Local Government Act 1993 Council is allowed to waive or reduce rates, charges and interest by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Commonwealth Social Security Act 1991.
- The Rate Instalment Notice is to include any amount that is overdue. This amount is to be shown separately and identified as being overdue and subject to interest charges.
- Interest charges are to accrue on overdue rates and charges on a daily basis in accordance with Section 566 of the Local Government Act 1993.
- Where an owner has rates and charges that are overdue (excluding eligible pensioners - see below), Rates staff will issue a letter (Reminder Notice) requiring payment or a mutually agreeable payment arrangement of the overdue amounts within 14 days from issue of the letter.
- If rates and charges remain unpaid after the expiry of the Reminder Notice, Rates staff (or Council's agent) will forward a letter of demand allowing for seven days payment prior to instigation of legal action. Generally the legal action starts with a Statement of Liquidated Claim, and where necessary, is followed by a Writ of Execution or Garnishee Order. Council may in specific circumstances issue Section 569 notices.
- Ratepayers who because of hardship wish to enter into a mutual payment agreement with Council/debt recovery agent to pay off the rates and charges accounts, need to submit a written request and complete an "Application for Hardship (Including Eligible Pensioner) Rate Relief Statutory Declaration" (Appendix B). If in some circumstances whereby the ratepayer wishes to defer payment for a short period of time, a verbal request will be

Ku-ring-gai Council – Rates and Charges (including eligible pensioner reduction)  
Recovery Policy – July 2009

accepted and a note recorded against the property. Interest will continue to accrue until full payment.

- Where a ratepayer who has made arrangements to pay rates and charges by mutual agreement fails to meet their full obligations under the agreement, the agreement will be terminated and legal action shall be immediately instituted for the recovery of any outstanding rates and charges.
- Any payment agreement entered into with the ratepayer for the outstanding rates and charges other than pursuant to Section 562 of the Local Government Act 1993, shall endeavour to ensure that all rates and charges outstanding are fully paid by 30 June of the rating year in which the agreement is entered into, and an agreement for payment of outstanding rates shall not extend beyond two years.
- Legal action shall only be commenced for amounts greater than \$500. Council will not proceed to Statement of Liquidated Claim in the debt recovery process but will pursue all other avenues of recovery of outstanding accounts.
- Where legal action is unsuccessful and rates and charges are overdue for 5 years or more, the property can be sold by public auction in accordance with Section 713 of the Local Government Act, subject to a resolution of Council.

## 5. Eligible Pensioners in Financial Hardship

### *Option A*

Where an owner (eligible pensioner) has rates and charges that are overdue, Rates staff will issue a Reminder Notice requesting payment and if the owner (eligible pensioner) has financial hardship, Council enter into an arrangement with the owner (eligible pensioner) and any interest charges raised be written off annually.

Eligible pensioners wishing to make an arrangement on their rates and charges on the grounds of financial hardship can do so by completing an "Application for Hardship (Including Eligible Pensioner) Rate Relief Statutory Declaration (Attachment A, Appendix B) which will be kept on file. An "Application for Hardship (Including Eligible Pensioner) Rate Relief Statutory Declaration" form will be required every two years. Each application will be assessed by Council's Revenue Accountant on a case by case basis.

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or

*Option B*

Where an owner (eligible pensioner) has rates and charges that are overdue, Rates staff will issue a Reminder Notice requesting payment. No further action will commence to recover monies outstanding. It should be noted that Section 712 of the Local Government Act 1993, requires Council to commence proceedings for the recovery of a rate within 20 years of it being levied.

Eligible pensioners wishing to defer their rates and charges on grounds of financial hardship can do so by completing an “Eligible Pensioner Application for Deferment of Rates & Charges” form (see Appendix A) which will be kept on file. An “Eligible Pensioner Application for Deferment of Rates & Charges” form will be required every two years. Each application will be assessed by Council’s Revenue Accountant on a case by case basis. Deferment of rates and charges will continue to attract interest charges until transfer of property or settlement of account in full.

or

*Option C*

Grandfather *Option B* for existing approved eligible pensioners in financial hardship and approve *Option A* for new eligible pensioners in financial hardship.

## **6. Write Off – Interest**

- Section 567 of the Local Government Act 1993 empowers Council to write off accrued interest on rates and charges payable by a person if in Council’s opinion:
  - a) The person is unable to pay the accrued interest “for reasons beyond the person’s control”, or
  - b) Payment of the accrued interest would cause the person “hardship”.
- Under Regulation 131 of the Local Government (General) Regulation 2005 *a resolution or order writing off a debt to a council must:*
  - a) *Specify the name of the person whose debt is being written off,*  
*and*
  - b) *Identify the account concerned, and*



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- c) Specify the amount of the debt, or must refer to a record kept by the Council in which those particulars are recorded.*
- Under Regulation 131 of the Local Government (General) Regulation 2005, a debt can be written off only:
  - a) If the debt is not lawfully recoverable, or*
  - b) As a result of a decision of a court, or*
  - c) If the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.*
- Under Regulation 131 of the Local Government (General) Regulation 2005, the fact that a debt is written off under this clause does not prevent the council concerned from taking legal proceedings to recover the debt.
- Under Regulation 131 of the Local Government (General) Regulation 2005, the general manager must advise the council of rates and charges written off by written order of the general manager.
- Under Regulation 132 of the Local Government (General) Regulation 2005, the council's annual report must include the amount of rates and charges written off during the year.

## **7. Delegations**

In accordance with Section 377 of the Local Government Act 1993 the following delegated authority applies:

- The General Manager has delegated authority to waive or reduce rates, charges and interest for eligible pensioners in accordance with Council's Policy and Section 575 of the Act.
- The General Manager has delegated authority to write off eligible pensioner rates, charges and interest reduced in accordance with Section 583 of the Act.
- The General Manager has delegated authority to reduce rates to eligible pensioners in accordance with Council's policy and Section 582 of the Act.
- The General Manager has delegated authority to write off or reduce accrued interest on rates and charges under Section 564 (periodic payments); write off accrued interest on rates and charges under Section 567 (hardship); write off rates, charges and accrued

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interest under Section 595 (postponed rates); write off rates, charges and accrued interest under Section 607 (additional circumstances if prescribed by regulation) and write off or reduce rates, charges and accrued interest in respect of any error in levying rates or charges against an assessment, if the amount is not lawfully recoverable or as a result of a decision of a court.

- The General Manager has delegated authority to commence legal proceedings for the recovery of any rate and charge under the provisions of the Local Government Act 1993.
- If Option C is adopted, that the delegation to the General Manager under Section 377 of the Local Government Act 1993 to approve the writing off of irrecoverable bad debts relating to rates and charges be to the limit of \$10,000.

## 8. Sale of Property/Land for Non-Payment of Rates and Charges

In accordance with Section 713 of the Local Government Act 1993 Council may sell land for the non-payment of rates and charges after 5 years. The Manager Finance will report to Council any rate debtors that remained unpaid following implementation of recovery action as detailed above. Following Council's resolution, the parcel of land will be sold by public auction for unpaid rates and charges.

## 9. Definitions

- **Notice of Demand:** Demand letter from Council's debt recovery agent.
- **Statement of Liquidated Claim:** Is a legal document which outlines to the ratepayer:
  - That a claim has been made to the Court for the recovery of monies;
  - Who has initiated the claim and whom the claim is against;
  - The monetary value of the claim; and
  - Time period available to relinquish the debt
- **Judgement:** In cases where the debtor does not respond to a Statement of Liquidated Claim issued to them, the Court may make a default judgement whereby it will award a decision without having the matter heard.

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- **Writ of Execution:** Documentation served by a Court Sheriff on a ratepayer. This document allows a court to seize goods and sell the goods. The proceeds are then distributed to the ratepayers less part or full payment of the debt to Council.
- **Sale of Land:** In accordance with Section 713 of the Local Government Act, Council has the authority to sell land which has unpaid rates and charges for 5 years or greater.
- **Rent for Rates:** Section 569 of the Local Government Act allows councils to order tenants of properties with overdue rates to pay rent to Council in lieu of unpaid rates, under specific circumstances.

## 10. Performance Indicator

LGMA Financial Health Check: Collection Performance 5.2

rates, annual charges, interest and extra charges outstanding = <4%  
rates, annual charges, interest and extra charges collectible

This indicator assesses only the impact of rates, annual charges, interest and extra charges on liquidity and the adequacy of recovery efforts.

**Attachment A/Appendix A**

**ELIGIBLE PENSIONER APPLICATION FOR DEFERMENT OF RATES & CHARGES**

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No. \_\_\_\_\_

Pension Type:      Centrelink/Veterans' Affairs      Pension No. \_\_\_\_\_

I/We request that Ku-ring-gai Council give consideration to allowing the  
deferment of rates, charges and interest on the above property due to  
financial hardship commencing from this day                      of                      20                      .

I/We understand that the above outstanding total will accrue along with future  
years' rates and charges levied along with the appropriate interest charges  
until:

1.      There is a change in the ownership of the property through sale or  
Estate, or
2.      I/We or both should leave the house but retain ownership (eg move to  
a hostel, nursing home or other residence), or
3.      If, I/We or both become ineligible for a pension concession on our  
rates.

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If any of the above does occur, Council will require the full amount of deferred rates, charges and interest to be paid in full immediately. Failure to do so will result in immediate action being taken to recover outstanding rates.

Note: Section 712 of the Local Government Act 1993, requires Council to commence proceedings for the recovery of a rate within 20 years of it being levied.

Applicant's Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

If the property is occupied by a rate paying life tenant, the remainderman or men (owner/s) being:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

---

Office Use Only

Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

Attachment A/Appendix B

APPLICATION FOR HARDSHIP (INCLUDING ELIGIBLE PENSIONER) RATE  
RELIEF

STATUTORY DECLARATION

Property Number: .....

**Note:** Non disclosure or the giving of false or misleading information will invalidate this application. The information divulged in this application is strictly confidential and will not be used for any other purpose than to assess your eligibility for rate hardship relief.

Please use block letters and tick appropriate answers.

I/We, .....  
(Given Names) (Surname)

Of .....  
(Residential Address)

Apply for hardship rate relief in respect of the following property:

Lot No: ..... DP: .....

Property Address: .....

OWNERSHIP OR RESIDENCY DETAILS

1. Is the property:

- ☐ Your residential home
- ☐ Industrial or commercial premises
- ☐ Vacant Land
- ☐ Rural Land
- ☐ Other, e.g. Holiday home

If other please state: .....

2. Do you own the property:

- ☐ By yourself
- ☐ With a spouse
- ☐ With other people

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If with other people please state the relations with these people:

.....

3. Is the property rented to other persons ☐ Yes ☐ No  
If Yes ☐ Part Time ☐ Full Time  
Rental income received per week \$ .....

4. Do you own or have an interest in any other property ☐ Yes ☐ No  
If Yes, please state details: .....

.....

- Are any of these properties rented to others ☐ Yes ☐ No  
If Yes ☐ Part Time ☐ Full Time  
Rental income received per week \$ .....

**EMPLOYMENT DETAILS**

1. Are you currently employed ☐ Yes ☐ No  
If Yes ☐ Part Time ☐ Full Time
2. Do you receive a pension or benefit ☐ Yes ☐ No  
Please state what pension or benefit you receive: .....  
.....
3. Do you have a current Pension Health Benefits Card ☐ Yes ☐ No

**INCOME DETAILS**

**Income**

Net (wage or equivalent)	\$	per week
Social Security	\$	per week
Child Endowment	\$	per week

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Income of Spouse/Partner	\$	per week
Other	\$	per week
<b>TOTAL</b>	<b>\$</b>	<b>per week</b>

**Regular Expenses**

Mortgage Repayments	\$	per week
Rent or board	\$	per week
Council/Water Rates	\$	per week
Food	\$	per week
Gas/Electricity	\$	per week
Home/Mobile telephone	\$	per week
Fares	\$	per week
Petrol	\$	per week
School Expenses	\$	per week
Insurance/Superannuation	\$	per week
Hospital/Medical Fund	\$	per week
Other .....	\$	per week
Other .....	\$	per week
Other .....	\$	per week
<b>TOTAL</b>	<b>\$</b>	<b>per week</b>

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Acts, 1900.



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Declared at .....

This ..... day of ....., 20.....

Before me .....

[Justice of the Peace]

.....  
(Applicant's Signature)

.....  
(Applicant's Signature)

## Sundry Debtors Recovery Policy

### 1. Purpose

To ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.

### 2. Objectives

To provide a framework within which procedures for the recovery of outstanding sundry debts can be developed for Ku-ring-gai Council.

- To ensure all sundry debts owed to Council are paid by the due date and followed up within specified timeframes.
- To ensure a strategic, equitable, accountable and transparent approach to Council's sundry debt management, collection decisions and practices.

### 3. Legislative Framework and References

Council's statutory requirements:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Council's delegation from the General Manager to staff, bodies and other individuals.
- Sundry Debtors Recovery Policy

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<b>Effective date</b>		<b>Review period</b>	3 years	<b>Review date</b>	July 2012
<b>History of approved versions</b>					
<b>Version</b>	<b>Effective date</b>	<b>Summary of changes</b>			
1.0		Draft for Council resolution			

## **4. Principles**

Council has a responsibility to recover monies owing to it in a timely and efficient manner to finance its operations. Council's staff will take the appropriate steps to recover these outstanding sundry debtors in the Ku-ring-gai Council area according to the following principles:

### **4.1 Invoice Creation**

The area within Council that wishes to raise an invoice shall either perform the raising of the debt themselves or where appropriate, complete an Invoice Request Form (Appendix A) immediately an amount becomes due and payable to Council. Based on this request, Council's Revenue Section will raise invoices in accordance with the Goods and Services Tax provisions.

### **4.2 Debt Management**

Council's Revenue Section will apply prudent debt management practices. This includes:

- Raising invoices - ensuring debt is raised in accordance with services provided, account details are correct and GST provisions are applied,
- Ensure the issuing of monthly statements to overdue debtors are sent out at end of each month,
- Reviewing Aged Debtor reports monthly,
- Liaising with sections which requested the invoice to be raised that all information is correct,
- Keeping regular contact with Debtors,
- In consultation with the section initiating the debt, negotiated exemptions may be provided depending on the nature of the debt and debtor eg community groups or welfare recipients.
- Systematic debt recovery approach based on 30 day, 60 day and 90 day timeframes. Issuing follow up letters to Debtors, referring aged Debtors to Council's Collection Agency who may issue letters of demand allowing for seven days payment prior to instigation of legal action. Generally the legal action starts with a Statement of Liquidated Claim, and where necessary, is followed by a Writ of

Execution or Garnishee Order. Council may in specific circumstances issue Section 569 notices.

- Report Bad Debts and/or Doubtful Debts to relevant Manager or Supervisor on a regular basis.
- Recommend Write Off of Sundry Debtors when all avenues of recovery have failed or is uneconomical to proceed recovery process.

#### **4.3 Provision for Doubtful Debts**

Aged debts greater than 150 days shall be reviewed and provided for as a doubtful debt, following advice from the initiating section, according to an assessment which has regard for:

- The size and nature of the debt.
- The debtor in question.

Aged debts less than 150 days may be provided for as a doubtful debt if the recovery of the debt is known to be unlikely. Any adjustments to the Provision for Doubtful Debts shall be made annually and will be charged to a Bad Debt Expense corporate account.

#### **4.4 Write Offs**

- Under Regulation 213 of the Local Government (General) Regulation 2005 a resolution or order writing off a debt to a council must:
  - a) specify the name of the person whose debt is being written off, and
  - b) identify the account concerned, and
  - c) specify the amount of the debt,or must refer to a record kept by the council in which those particulars are recorded.
- Under Regulation 213 of the Local Government (General) Regulation 2005. a debt can be written off only:
  - a) if the debt is not lawfully recoverable, or
  - b) as a result of a decision of a court, or
  - c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.
- Debts shall be written off only when all reasonable attempts at recovery have been taken.

- Recommendations for write off shall be made by Council's Revenue Accountant to the Manager Finance following discussion with the area responsible for the raising of the debt.
- Debts that are considered irrecoverable, or where the cost of recovery is uneconomic, shall be written off as a bad debt against the Debtors account and the Provision for Doubtful Debts according to the appropriate delegated authority.
- Under Regulation 213 of the Local Government (General) Regulation 2005, the fact that a debt is written off under this clause does not prevent the council concerned from taking legal proceedings to recover the debt.

## 5. Delegated Authorities

In accordance with Sections 377 of the Local Government Act 1993 the following delegated authority applies:

- The General Manager has delegated authority to write off any bad debts (not including rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances) considered irrecoverable to the limit of \$10,000.
- Any amount in excess of \$10,000 to be written off will require the authorisation of Council or General Committee of Council. All debts which require Council's approval to be written off, will be reported to Council.

## 6. Definitions

- **Notice of Demand:** Demand letter from Council's debt recovery agent.
- **Statement of Liquidated Claim:** Is a legal document which outlines to the ratepayer:
  - That a claim has been made to the Court for the recovery of monies;
  - Who has initiated the claim and whom the claim is against;
  - The monetary value of the claim; and
  - Time period available to relinquish the debt.

- **Judgement:** In cases where the debtor does not respond to a Statement of Liquidated Claim issued to them, the Court may make a default judgement whereby it will award a decision without having the matter heard.
- **Writ of Execution:** Documentation served by a Court Sheriff on a ratepayer. This document allows a court to seize goods and sell the goods. The proceeds are then distributed to the ratepayers less part or full payment of the debt to council.
- **Rent for Rates:** Section 569 of the Local Government Act allows councils to order tenants of properties with overdue rates to pay rent to Council in lieu of unpaid rates, under specific circumstances.

## 7. Performance Indicators

- LGMA Financial Health Check: Collection Performance Part of 5.1. Fees Outstanding divided by Invoices raised plus Arrears Brought Forward less than (<) 4%. This indicator assesses only the impact of Fees on liquidity and measures the effectiveness/adequacy of Council in recovering fees legally owed to it.
- That all outstanding sundry debtors have had recovery action taken against them, as set out in Council's policy.

<u>REQUEST FOR INVOICE</u>	
<p>Company Name: _____</p> <p>Address: _____ Phone No _____</p> <p>_____ Fax No _____</p> <p>_____ Email: _____</p> <p>Post code _____ ABN: _____</p> <p>Attention _____</p>	
<p><b>COPIES OF SUPPORT DOCUMENTS (eg CONTRACTS/LETTERS/PURCHASE ORDER/OFFICIAL FILE)</b></p> <p><b>MUST BE ATTACHED</b></p>	
<p>Amount AUD\$ _____ GST \$ _____ Total (incl GST) \$ _____</p> <p><b>GST of 10% must be added unless the supply is GST free, export or out of scope . Does GST apply Y/N</b></p> <p><b>If NO, give reasons</b> _____</p> <p>Account No: _____</p> <p>Invoice Details: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Requested by _____ ( Print Name)</p> <p>Authorised by: (Name) _____ Signature _____</p> <p>Department: _____</p> <p>Date ____/____/____ Phone _____</p> <p><b>Special Instruction</b> : Do      Do not      forward invoice to debtor.</p>	
<p><b>REVENUE USE ONLY</b></p>	
<p>Invoice no. _____ Date of invoice ____/____/____</p> <p style="text-align: center;">Prepared by _____</p>	





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## DELEGATIONS OF AUTHORITY - GENERAL MANAGER

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

Section 380 of the Act states that Council must review all its delegations during the first 12 months of each term of office.

**BACKGROUND:**

Section 380 of the Act states that Council must review all its delegations during the first 12 months of each term of office.

**COMMENTS:**

Existing delegations have been reviewed and should now be re-delegated.

**RECOMMENDATION:**

That the Delegations be re-adopted.

## PURPOSE OF REPORT

Section 380 of the Act states that Council must review all its delegations during the first 12 months of each term of office.

## BACKGROUND

Section 380 of the Act states that Council must review all its delegations during the first 12 months of each term of office.

Delegations to the Mayor and Deputy Mayor were made at the Council meeting held on 21 October 2008. Delegations to the General Committee were made at the Council meeting held on 24 February 2009.

Delegations to the General Manager now need to be considered.

Section 335 of the Act sets out the functions of the General Manager as follows:

- (1) The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.*
- (2) The general manager has the following particular functions:*
  - *the day-to-day management of the council*
  - *to exercise such of the functions of the council as are delegated by the council to the general manager*
  - *to appoint staff in accordance with an organisation structure and resources approved by the council*
  - *to direct and dismiss staff*
  - *to implement the council's equal employment opportunity management plan.*
- (3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.*

Section 377 of the Act provides a general power to delegate as follows:

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*
  - (a) the appointment of a general manager,*
  - (b) the making of a rate,*
  - (c) a determination under section 549 as to the levying of a rate,*
  - (d) the making of a charge,*
  - (e) the fixing of a fee,*
  - (f) the borrowing of money,*

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- (g) the voting of money for expenditure on its works, services or operations,*
  - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
  - (i) the acceptance of tenders which are required under this Act to be invited by the council,*
  - (j) the adoption of a management plan under section 406,*
  - (k) the adoption of a financial statement included in an annual financial report,*
  - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
  - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
  - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
  - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),*
  - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
  - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
  - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
  - (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
  - (t) this power of delegation,*
  - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.*

## COMMENTS

Existing delegations have been reviewed and should now be re-delegated.

In conducting this review the opportunity has been taken to update references to legislation, delete unnecessary delegations and to improve some wordings so as to provide for greater consistency throughout the document.

The delegations list is attached as **Attachment A**.

There has been no increase in the level of delegation granted to the General Manager, with the exception of no. A21 Bad Debts. It is recommended that the limit on the delegation to approve the writing off of irrecoverable bad debts be increased from \$1,000 to \$10,000.

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In conducting the review it became apparent that the list could be improved with the addition of certain specific delegations that were not previously stated. It is stressed these additions do not actually change what has been occurring in practice as the matters deal with routine administrative functions addressed in the general management powers granted to the General Manager under the Act. However, it has been decided to include them for completeness and to better facilitate the granting of sub-delegations to staff. These additions are set out in delegations A23, A36, A54 and A58-A66.

## CONSULTATION

None required or undertaken.

## FINANCIAL CONSIDERATIONS

None.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The existing delegations have been reviewed in conjunction with all Directors.

## SUMMARY

Council is required to review delegations within the first 12 months of each term of office. The General Manager's delegations are submitted for re-adoption.

## RECOMMENDATION

- A. That pursuant to section 377 of the *Local Government Act 1993* (the Act) and any other Acts and every power thereunto enabling, subject to the direction of the Mayor and the Council and any resolution made from time to time by the Council in relation thereto, John McKee, General Manager, be hereby authorised to exercise the following powers, authorities, duties and functions:
  - 1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council;
  - 2. To give effect to the provisions made by or under the Act and any other Act conferring powers, functions or duties on the Council and to any resolution or policy that has been adopted by the Council;

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3. To take such actions and do such acts (not inconsistent with the Act or any other Act conferring powers, functions or duties on the Council or with any resolution or policy that has been adopted by the Council) as deemed necessary to generally manage, control and administer the affairs of the Council.
  4. To undertake the specific delegations set out in Attachment A.
- B. That subject to the *Local Government Act 1993* the powers, authorities, duties and functions conferred by this resolution be unlimited as to the period during which they may be exercised.

Tino Caltabiano  
**Acting Director Corporate**

**Attachments:        A. Delegations of Authority - Council to General Manager - 2009/095088**

***DELEGATIONS OF AUTHORITY***  
***COUNCIL TO GENERAL MANAGER***  
Section 377 of Local Government Act 1993

***A1 Legal Proceedings***

1. To institute, conduct and defend legal proceedings including the matter of consent orders where appropriate with respect to Council's activities in all Courts and instruct and engage Council's solicitors and counsel where necessary except where they are called to Council prior to the execution of appropriate delegations.
2.
  - a. To authorise the laying of any information or complaint for the recovery of any penalty or the making of any order for or in respect of any offence, nuisance or other matter or thing whatsoever under the *Local Government Act 1993* and the *Environmental and Planning Assessment Act 1979* and Regulations, or any Regulation thereunder or any other Act, or Regulation and to lay any such information.
  - b. To order the institution of proceedings by way of any penalty and/or the making of any order for or in respect of any offence, nuisance or other matter or thing whatsoever under the *Local Government Act 1993*, or any Regulation made thereunder or any other Act or Regulation.
3. To issue and serve all orders, lay Information and complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing any offence under the relevant Acts, Regulations including and without limiting of the foregoing:
  - a. for the recovery of any rate charge fee or money under the provisions of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* and Regulations or of any other Act;
  - b. for the recovery of any penalty or in respect of any offence under the provisions of the *Local Government Act 1993* or any other Act or of any Regulation;
  - c. for any purpose that the Delegate deems proper and to take all such steps as may be necessary for the conduct of such proceedings;
  - d. *Environmental Planning and Assessment Act 1979* and Regulations thereunder in respect to any matter associated with the erection or demolition of buildings;
  - e. Any other Act which enables the Council to authorise a staff member to enter upon any land or building and in and upon any such land or building to make inspections.
4. To represent the Council in all respects in any proceedings at the Land and Environment Court, any Local Court or before any Justice.

5. To authorise the withdrawal of legal proceedings commenced on behalf of Council where the circumstances are of compelling justification.

## ***A2 Fees Generally***

1. To exercise discretion and interpret application of fee based on existing scales provided that any such common usage of a multiple of existing fees be included in future additions of Council's annual list of Fees and Charges.
2. To waive or reduce various general fees chargeable by Council in those circumstances where the use is a charitable organisation or where the fee charged by Council is not consistent with the degree of use envisaged by a hirer.
3. To waive or reduce fees in individual cases of pressing financial or social need.

## ***A3 Approve the Consumption of Alcoholic Liquor***

To approve the consumption of alcoholic liquor at public reserves pursuant to the provisions of Section 632 of the *Local Government Act 1993*.

## ***A4 Tenders & Quotations***

1. To invite, evaluate and report on public tenders in accordance with Council's *Procurement Policy* and related procedures.
2. To invite, evaluate and accept oral and/or written quotations in accordance with Council's *Procurement Policy* and related procedures.
3. To determine the method of calling of tenders in accordance with Clause 166 of the *Local Government (General) Regulation 2005*.

## ***A5 Tenders - Opening***

To act as the appropriate person in accordance with Clause 175 of the *Local Government (General) Regulation 2005* for the opening of tenders received in Council's Tender Box.

## ***A6 General Authorities - Power of Entry to any premises***

Subject to compliance with the requirements of the *Local Government Act 1993*, [Chapter 8, Part 2] and Regulations and the *Environmental & Planning and Assessment Act* (Part 6, Division 1A), and any expressed policy of the Council, or regulation of any public authority concerned other than the Council, to exercise or perform on behalf of the Council the following powers, duties and functions:

1. At any reasonable hour to enter and examine any premises, vehicles, vessels or articles situated within the Council area of Ku-ring-gai for any purpose relating to the administration of the *Local Government Act 1993*, the *Environmental Planning and Assessment Act 1979*, ,

the *Food Act 2003* and all other Acts which the Ku-ring-gai Council is required by law to administer.

2. To issue or serve all orders, lay informations and complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing any offences under relevant Acts and Regulations lawfully given and which may be dealt with by Ku-ring-gai Council.

#### ***A7 Urgent Works***

To approve work which is considered urgent and in the public interest, and for which there is no budget provision but where funds are available within the Department voted funds as set out in the adopted Management Plan. Where such expenditure occurs, it be reported to the next Council Meeting.

#### ***A8 Protection of the Environment Operations Act 1997***

To exercise the functions of an authorised officer under Chapter 7 of the *Protection of the Environment Operations Act 1997*.

#### ***A9 Appeals - Discretion to Negotiate***

When Council is the respondent to any appeal or application before the Land and Environment Court, after obtaining the advice of the Solicitors for the Council, to negotiate settlement of such appeal or application on terms which in the opinion of the General Manager are likely to be more advantageous to the Council than a decision or award by the Land and Environment Court PROVIDED THAT the General Manager shall report any such settlement of any such appeal or application to the next meeting of Council.

#### ***A10 Abandoned Articles***

To act as "impounding officer" to exercise the powers conferred by the *Impounding Act 1993* in respect of any article (including a motor vehicle) abandoned or left unattended in a public place and to deal with that article in accordance with that Act.

#### ***A11 Disposal of Old Stock, Plant, Tools etc***

1. To authorise the disposal or destruction of stores and materials that have deteriorated, or become damaged or are surplus to requirements and are therefore unusable.
2. To authorise the destruction of old stock and small items of plant that have worn out, or become damaged, and therefore are unusable.
3. To authorise the disposal of old stock, tools, plant, other assets etc, by the calling and acceptance of quotations, tenders or by other approved means of disposal in accordance with Council's Asset Disposal Policy.

A certified list of all such items disposed of or destroyed shall be submitted to the Director Corporate for the adjustment of records.



## ***A12 Care, Control & Management of all Public Parks, Reserves, Recreation Areas & Free Parking Areas.***

Pursuant to Part 2 of Chapter 16 of the *Local Government Act 1993* and Section 650 of the *Local Government Act 1993* to:

1. Act on behalf of Council in determining the nature and extent of appropriate activities in a public place and the placement of appropriate notices in accordance with Section 632 of the *Local Government Act 1993*.
2. Act on behalf of Council in the removal of offenders breaching Section 632 in accordance with Section 681 of the *Local Government Act 1993*.
3. Act on behalf of Council with respect to the confiscation of recreational equipment being used in contravention of a notice executed in accordance with Section 632 and in accordance with Section 681A of the *Local Government Act 1993*.
4. Act on behalf of Council as Manager of Crown Reserve Trusts where Council has been appointed by the Minister for Land and Water Conservation under the provisions of the *Crown Lands Act 1989*.
5. Act on Council's behalf to regulate the use and management of Community Land in accordance with the provisions of Section 35 of the *Local Government Act 1993*.
6. Act on Council's behalf to approve, approve subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.
7. Act on Council's behalf to approve, subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.

## ***A13 Emergency Management***

1. To act on Council's behalf in fulfilling the duties and obligations for emergency management at a district level as prescribed in Part 2 Division 2 of the *State Emergency and Rescue Management Act 1989*; including to act as Council's representative on the Sydney North District Emergency Management Committee.
2. To act on Council's behalf in fulfilling the duties and obligations for emergency management at a local level as prescribed in Part 2 Division 3 of the *State Emergency and Rescue Management Act 1989*; including to act as the Chairperson of that Local Emergency Management Committee or as the Local Emergency Management Officer, as appropriate, in accordance with the agreement with Hornsby Council.

## ***A14 Roads & Traffic***

1. To act on Council's behalf to administer and implement the traffic management arrangements delegated by the Roads & Traffic Authority to Council under the *Transport Administration Act 1988*; including:
  - to issue works instructions to the Roads and Traffic Authority of New South Wales or other service provider for constructing, erecting, affixing or removing a traffic control facility authorised by Council.
2. To act on behalf of Council as the Roads Authority in accordance with the provisions of Section 7 of the *Roads Act 1993* for all public roads for which Council is the owner, including carrying out works, regulating traffic, controlling the carrying out of activities and other operational functions as conferred by this Act or any other Act.
3. To act on Council's behalf to administer and implement the financial arrangements agreed between the Roads & Traffic Authority and Council for road management under Part 13 Division 1 Sections 207 and 208 of the *Roads Act 1993*.
4. To act on Council's behalf to issue, or serve, notices pursuant to the provisions of Section 103 of the *Roads Act 1993*, requiring the fencing of any entrance, area, garden or other open space adjoining the footway or roadway, where such entrance, area, garden or open space is beneath the level of the footway or roadway.

## ***A15 Fire Management***

1. To act on behalf of Council to perform the duty with respect to preventing bushfires as prescribed in Part 4 Division 1 of the *Rural Fires Act 1997*.
2. To act on behalf of Council to require bushfire hazard reduction according to Part 4 Division 2 of the *Rural Fires Act 1997*.
3. To act on behalf of Council to deal with bushfire hazard complaints according to Part 4 Division 2A of the *Rural Fires Act 1997*.
4. To act on behalf of Council to vary the bushfire danger period under Part 4 Division 4 of the *Rural Fires Act 1997*.
5. To act on behalf of Council to refuse, approve, or approve with conditions the lighting, use or maintenance of a fire under Part 4 Division 5 of the *Rural Fires Act 1997*.
6. To act on behalf of Council to perform the duties with respect to total fire bans as prescribed in Part 4 Division 6 of the *Rural Fires Act 1997*.
7. To act on behalf of Council to perform the duties with respect to lighting fires without authority (offences) as prescribed in Part 4 Division 7 of the *Rural Fires Act 1997*.
8. To act on behalf of Council to perform the duties with respect to preventing bushfires as prescribed in Part 7 of the *Rural Fires Act 1997*.
9. To act on behalf of Council to perform the duties with respect to preventing bushfires as prescribed in *Rural Fires Regulation 2002*, Part 4, Divisions 1, 2 and Part 6.

### ***A16 Notices in Parks***

To authorise erection and display of notices and signs in parks and reserves, etc.

### ***A17 Parking on Footways***

To initiate prosecutions against persons responsible for the parking of motor vehicles on footways, where such parking contravenes the *NSW Road Rules 2008*.

### ***A18 Fencing - Private Land below level of road - Service of Notices***

To issue, or serve, notices pursuant to the provisions of Section 103 of the *Roads Act 1993*, requiring the fencing of any entrance, area, garden or other open space adjoining the footway or roadway, where such entrance, area, garden or open space is beneath the level of the footway or roadway.

### ***A19 Use of Public Parks, Reserves & Playing Fields***

To act on Council's behalf to approve, approve subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.

### ***A20 Load Limits - Legal Proceedings***

1. To stop vehicles on public roads, check the gross weight of such vehicles and determine whether such vehicles comply with any load limit imposed upon the road.
2. To institute legal proceedings and to conduct prosecutions under the provisions of the *Roads Act 1993*.

### ***A21 Bad Debts***

To approve the writing off of any debts considered irrecoverable to the limit of \$10,000.

### ***A22 State Environmental Planning Policy No 1***

To approve, with or without conditions, or refuse, objections made under *State Environmental Planning Policy No 1 (Development Standards)* in respect of variations to development standards not exceeding 10% of any numeric standard.

### ***A23 Grants***

*To apply for and accept grants in accordance with any Council plans or policies.*

### ***A24 Renewal of Consents***

To approve or refuse, with or without conditions, applications submitted under Section 95A of the *Environmental Planning and Assessment Act 1979* for extensions of the term of Development consents in accordance with the requirements of that Act; but notwithstanding the foregoing, no approval shall be granted where changes in any newly proclaimed Environmental Planning Instrument have occurred and where the Council by resolution has adopted a strategy plan which would conflict with the application in respect of which an extension or renewal of development consent is being sought.

### ***A25 Strata Title***

To approve or refuse applications submitted for Strata Plan, Strata Plan of Subdivision of properties or Community Title of properties and to approve or refuse applications made for alterations to by-laws under the *Strata Schemes Management Act 1996* or *Community Land Management Act 1989*, provided however, that in the event of approval it is of the opinion the proposed Strata Plan or Community Titles Plan accords with the requirements of the various acts, relating to the circumstances of the case and the public interest, and subject further to signing and issuing of Strata Plan or Strata Plan of Subdivision or Community Title Plan by the General Manager being contingent upon.

### ***A26 Cash Contributions***

To enter into a time payment arrangement with a contributor as a result of a condition of a Development Consent or Order of the Land and Environment Court in exceptional circumstances on the following conditions:

1. That the contributor provides a Bank Guarantee of any amount, the payment of which is deferred.
2. That interest at the rate of 2% per annum above ruling bank overdrafts be charged upon reducing balance outstanding.
3. That the Director Corporate be immediately advised of such decision.

### ***A27 Re-draft Conditions for Approvals/Consents***

To re-draft conditions for approvals/consents so as to re-word phrases, etc that might be capable of a different interpretation and to make clear the intention of the Committee or Council and to review standard conditions of consent to respond to legislative changes.

### ***A28 Development Applications Lacking Sufficient Information***

To refuse all development and related applications in respect of which insufficient information has been submitted to allow a full and proper assessment pursuant to Section 79C of the *Environmental Planning & Assessment Act 1979*.

### ***A29 Merit-based Refusal of Certain Applications***

To refuse development applications (except applications called to Council by a Councillor) that on merit would warrant refusal.

### ***A30 Local Development - Section 76A Environmental Planning & Assessment Act 1979***

To approve with or without conditions or to refuse applications for development which are classified as Local Development in any Environmental Planning Instrument, provided that the delegate shall not approve any application:

- a. which is an application for multi unit housing in the Residential 2(d3), R3 Medium Density Residential or R4 High Density Residential zones
- b. which is an application for development under SEPP Seniors Living
- c. which is an application for Torrens Title subdivision upon land:
  - that is within a "hatched area" on Council's Bushfire Prone Land Map
  - that contains a heritage item
  - that contains remnant bushland vegetation or endangered ecological species
- d. which is an application for any other Torrens Title subdivision, which creates four or more additional allotments
- e. which is an application for a gunshop/fire arms retailing or a business that requires licensing under the *Firearms Act 1996*
- f. which is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council
- g. which conflicts with the aims and objectives of Council's policies, codes and guidelines.

### ***A31 Review of Determination - Section 82A Environmental Planning & Assessment Act 1979***

1. To review a determination of an application other than a determination to issue or refuse to issue a complying development certificate, a designated or integrated development in all instances other than where the decisions which the review relates, was made by full Council or a Committee of Council or is the subject of a written request by the Director Development and Regulation, General Manager or by any Councillor, for the application to be referred to Council.
2. To waive the fee for a request for a review of minor significance.

***A32 Complying Development - Sections 85 & 85A Environmental Planning & Assessment Act 1979***

Subject to Section 76A (5) & (6) of the Act, to determine applications for complying development and issue or refuse complying development certificates on developments that are identified in environmental planning instruments as complying development and to apply conditions.

The delegate shall not approve applications:

Which do not comply with the prescribed standards or the aims and objectives of Council's policies, codes and guidelines.

***A33 Integrated Development - Division 5 Environmental Planning & Assessment Act 1979***

To consider all applications for integrated development and discharge the functions and duties under Division 5 of the Act. The delegate shall not approve any application:

Which is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

***A34 Modification of Consents - Section 96 Environmental Planning & Assessment Act 1979***

1. Section 96(1)

To modify (on application) a development consent to correct a minor error, misdescription or miscalculation.

2. Section 96(1A) and (2) and Section 96AA

To otherwise determine applications for modification for consents subject to the restrictions of the Act. The delegate shall not approve any application which is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

***A35 Part 4A Certificates - Section 109C Environmental Planning & Assessment Act 1979***

a. To issue Compliance Certificates - to the effect that:

- i. specified building work or subdivision work has been completed as specified in the certificate and complies with specified plans and specifications, or
- ii. a condition with respect to specified building work or subdivision work (being a condition attached to a development consent or complying development certificate) has been duly complied with, or
- iii. a specified building or proposed building has a specified classification identified in accordance with the *Building Code of Australia*, or
- iv. any specified aspect of development complies with the requirements of any other provisions prescribed by the regulations.

- b. To issue Construction Certificates - being a certificate to the effect that work completed in accordance with specified plans and specifications will comply with the requirements of the regulations referred to in Section 81A.
- c. To issue Occupation Certificates (if Council is appointed as Principle Certifying Authority) - being a certificate that authorises for Class 2 to 9 buildings only:
  - i. the occupation of a new building, or
  - ii. a change of building use for an existing building.
- d. To issue Subdivision Certificates\* (interim or final, if Council is appointed as Principle Certifying Authority) - being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919*.

### ***A36 Certificates***

To issue certificates under the *Local Government Act 1993*, the *Environmental Planning and Assessment Act 1979* and any other act.

### ***A37 Giving of Orders - Part 6, Division 2A Environmental Planning & Assessment Act 1979***

To issue orders pursuant to the Table in Section 121B of the Act subject to the restrictions and procedures specified in the Part except orders that are likely to make persons homeless.

### ***A38 Giving of Orders which are likely to make persons homeless - Part 6, Division 2A Environmental Planning & Assessment Act 1979***

To issue orders which are likely to make persons homeless.

### ***A39 Certificates as to Orders - Section 121ZP Environmental Planning & Assessment Act 1979***

To issue certificates regarding any outstanding orders or notices of intention to issue orders.

### ***A40 Issue of Building Certificates - Section 149A Environmental Planning & Assessment Act 1979***

To issue building certificates pursuant to the requirements of the Act.

#### ***A41 Applications for Approval - Alterations to Existing Buildings***

To exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to Clause 41 of the *Environmental Planning and Assessment Regulation 2000* including, and without limiting the generality of the foregoing, the power to form any opinions as the certifying authority required to be formed by the said clause to permit alterations to existing buildings where the certifying authority is satisfied that completion of the building work:

1. Will not unduly reduce the existing level of fire protection afforded to persons accommodated in or resorting to the building;
2. Will not unduly reduce the existing level of resistance to fire of the building structure; and
3. Will not unduly reduce the existing safeguards against spread of fire to adjoining buildings.

#### ***A42 Applications for Approval – Activities and Structures***

To exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to Section 68 of the *Local Government Act 1993*.

#### ***A43 Development Applications - Notification to Persons other than Adjoining Owners***

To form an opinion as to which persons other than adjoining and adjacent owners need to be notified of the receipt of a Development Application pursuant to the provisions of and in accordance with Council's Development Control Plan 56 - Notification.

#### ***A44 Fire Protection in Existing Buildings - Orders & Notices***

To make and serve orders pursuant to Clause 121B of the *Environmental Planning and Assessment Act 1979*, as amended, and to specify periods for the purposes of that Section.

#### ***A45 Septic Tanks - Installation of***

To approve, refuse or approve with conditions applications for septic tanks, septic closets, chemical closets pursuant to *Local Government Act (General) Regulation 2005* and the Approvals Table of Chapter 7 of the *Local Government Act 1993*.

#### ***A46 Swimming Pools - Fencing of***

To exercise and perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to the *Swimming Pools Act 1992*, including and without limiting the generality of the foregoing the power to form any opinions required to be formed by the said Act order that the powers granted by the said Act may be exercised with discretion in the administration of Council's Pool Safety requirements consistent with the maintenance of reasonable public safety, having regard for individual circumstances, and so that unreasonable situations do not arise, and to issue and serve any notices authorised by the said Act and to make any specifications authorised by the said Act and to revoke any directions given by the Delegate under the said Act.



#### ***A47 Tree Preservation Order - Development Applications***

1. To administer the Tree Preservation Order in respect of any development application.
2. In dealing with development applications, to impose conditions of consent and to exercise discretion pursuant to the requirements of the Tree Preservation Order for the protection of buildings, essential services and associated works in respect to the removal of trees, replacement plantings, screen planting, protection of trees not affected by building works.

#### ***A48 Environmental Restoration & Rehabilitation Trust***

To act as Council's Delegate to enable the authorisation of expenditure in compliance with the procedures and conditions of the approved release of funds by the Trust for the purpose of receiving the prevention, control and removal of serious pollution occurrences.

#### ***A49 Grant/Fee Relief***

To authorise on-going grant and fee relief returns to government funding programs.

#### ***A50 Council-operated Child Care Services***

To act as licence holder for child care services operated by Council.

#### ***A51 Determination of Development Applications for Dual Occupancy Subdivision***

To approve or refuse development applications for the subdivision of existing and/or approved dual occupancies unless the application is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

#### ***A52 Determination of Development Applications for Dual Occupancies***

To approve or refuse development applications for the subdivision of existing and/or approved dual occupancies unless the application is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

#### ***A53 Breach of Water Restrictions***

To grant approval for regulatory officers of Council to issue infringement notices for breach of water restrictions.

## ***A54 Rating***

In respect of the *Local Government Act 1993*:

1. to certify and issue certificates as to rates and charges in accordance with Section 603 of the Act.
2. to determine in accordance with Sections 555 & 556 of the Act, whether land is exempt from all rates.
3. to determine applications for rating categorisation under Sections 523 and 525.
4. to waive or reduce rates, charges and interest for eligible pensioners in accordance with Council's Policy and Section 575 of the Act.
5. to write off pensioner rates, charges and interest reduced in accordance with Section 583 of the Act.
6. to reduce rates to eligible pensioners in accordance with Council's policy and Section 582 of the Act.
7. to postpone rates for assessments that qualify in accordance with Section 591 of the Act.
8. to write off or reduce accrued interest on rates and charges under Section 564 (periodic payments); write off accrued interest on rates and charges under Section 567 (hardship); write off rates, charges and accrued interest under Section 595 (postponed rates); write off rates, charges and accrued interest under Section 607 (additional circumstances if prescribed by regulation) and write off or reduce rates, charges and accrued interest in respect of any error in levying rates or charges against an assessment, if the amount is not lawfully recoverable or as a result of a decision of a court.

## ***A55 Council Owned, Leased, Licenced & Managed Land***

To take all appropriate actions to protect Council's interests in relation to any land (or interest in land) owned, vested in, leased or licenced by the Council and to exercise on Council's behalf any rights available to the Council under any lease, licence or right of occupancy of land whether the land is owned or managed by the Council as Reserve Trust Manager or the land is leased, licenced or occupied by the Council.

The exercise of such rights shall include the right to lease or licence any such land in accordance with any limitations imposed under the *Local Government Act 1993*, the *Roads Act 1993* and the *Crown Lands Act 1989*, to terminate any such lease or licence, to re-enter and take possession of any such land and to exercise any rights available to the Council in respect of such land whether arising under legislation, the instrument creating such right or by law.

## ***A56 Functions under the Noxious Weeds Act 1993***

To undertake all requirements of the *Noxious Weeds Act 1993* including conducting inspections and investigations, issuing weed control notices and issuing penalty notices in accordance with the provisions of the Act.

### ***A57 Public Notices Policy***

To determine an approved form of public notice in accordance with the *Public Notices Policy* where no approved form is otherwise prescribed or determined by Council.

### ***A58 Execution of documents***

To execute all contracts, agreements, leases, licences and all other legal documents not otherwise authorised for execution by a specific resolution of Council under the Local *Government Act 1993*

### ***A59 Council Seal***

To have custody of the Seal of Council and to affix and attest to the affixing of the Seal of Council in conjunction with the Mayor, or in the absence of the Mayor, with any Councillor, to all deeds, agreements, contracts, leases, licences, transfers, instruments, certificates, easements, plans, ceremonial correspondence and any other document required by law to have the seal affixed.

### ***A60 Disclosures***

To determine "designated persons" under Section 441 of the Act in relation to disclosures of interests.

### ***A61 Claims made against Council***

To negotiate and settle claims made against Council that are less than Council's insurance excess under fair and reasonable terms.

### ***A62 Access to documents***

To determine requests, applications and internal appeals and to grant access to documents under the *Freedom of Information Act 1989*, the *Local Government Act 1993* and any other act.

### ***A63 Amendment to records***

To determine applications to amend records under the *Freedom of Information Act 1989* and any other act.

### ***A64 Records management***

To dispose of records in accordance with the provisions of the *State Records Act 1998*

### ***A65 Investments***

To make investments on behalf of Council in accordance with any Ministerial Order and Council's *Investment Policy*

### ***A66 Street names and house numbers***

To approve street names and allocate and change house numbers.

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## **SEWER MINING PROJECT - GORDON GOLF COURSE - DETERMINATION OF WATER RECYCLING TREATMENT TECHNOLOGY**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To advise Council of the selection of a water recycling treatment technology for the Gordon Golf Course Sewer mining project and to recommend reallocation of golf course reserve funding.

**BACKGROUND:**

On 3 February 2009, Council considered a report on the re-assigning of the contract for the sewer mining project to the guarantor, Henry and Hymas Consulting Engineers, as a result of the tenderer declaring bankruptcy. In response, Henry and Hymas Consulting Engineers have reviewed the status of the project and have undertaken an investigation into alternative water recycling technologies for the project.

**COMMENTS:**

Henry and Hymas Consulting Engineers have undertaken a review of potential providers for the provision of the wastewater treatment facility and associated maintenance support. From this process, GE Water and Process Technologies have been recommended as the preferred supplier.

**RECOMMENDATION:**

That Council supports the recommendation by Henry and Hymas Consulting Engineers for the selection of GE Water and Process Technologies to provide the infrastructure and ongoing maintenance for the sewer mining project at Gordon Golf Course and that additional funding for the project be allocated from the Golf Course Reserve.

## PURPOSE OF REPORT

To advise Council of the selection of a water recycling treatment technology for the Gordon Golf Course Sewer mining project and to recommend reallocation of golf course reserve funding.

## BACKGROUND

On 3 February 2009, Council considered a report on the re-assigning of the contract for the sewer mining project to the guarantor, as a result of the tenderer declaring bankruptcy. At this meeting Council resolved:

- A. *That Council endorses the re-assigning of the contract for the sewer mining project to Henry and Hymas Consulting Engineers Pty Ltd in accordance with the General Conditions of Contract and Deed of Guarantee, subject to further clarification about Henry & Hymas' financial statements for 2008, being satisfactory.*
- B. *That the Mayor and General Manager be authorised to execute all necessary documents.*
- C. *That the Common Seal of Council be affixed to any necessary documents.*

Following Council's resolution, independent clarification was received on Henry & Hymas' financial statements and their financial position was assessed at a good rating.

Henry and Hymas has undertaken a review of the status of the work to date following Econova being declared bankrupt and has sought to investigate alternative suppliers for the water treatment facility, irrigation system and associated works. This report deals with the substantial element of the project, the water recycling facility and maintenance contract.

## COMMENTS

**Attachment 1** provides a report by Henry and Hymas Consulting Engineers Pty Ltd as to the selection of the recycling water treatment facility. As noted, this process investigated four companies and has recommended GE Water and Process Technologies. As part of this review, Council undertook a financial analysis of the two short listed suppliers and a financial assessment of the companies is provided as **Attachments 2 and 3**. In summary both companies have very strong financial ratings.

The information included in the attachments is confidential in accordance with *section 10A (2) (d)(iii)* of the *Local Government Act 1993*, as they are considered to contain commercial in-confidence information.

The price tendered by GE Water and Process Technologies for the provision of capital and operational expenditure is above that initially accepted by Council as part of the tender submitted by Econova Operations Pty Ltd. However, based on the improved technology, as submitted by both of the short listed companies and the stronger financial capability, it is recommended that this price be accepted and that funding for the project be sourced from the Golf Course Reserve.

Item 7

S04265  
26 June 2009

In terms of delivery of this project, it is anticipated that the capital works associated with the project will be completed within nine months. In terms of the quote from GE Water and Process Technology and also the conditions of the grant (that have already been subject to revision as a result of the delays in appointing the tenderer and subsequent liquidation) this will mean the delivery of the project in the 2009/10 financial year.

## CONSULTATION

Information in this report was provided by Henry and Hymas Consulting Engineers Pty Ltd as part of their obligation in respect to fulfilling the requirements of the contract as considered by Council on 3 February 2009. As part of the review of proposals, Council staff were provided with a presentation by the two short listed companies. It is the view of staff, that GE Water and Process Technologies have the technical and financial capability to complete the project as required under the direction of Henry and Hymas for the construction and their requirements for the 15 year maintenance period.

## FINANCIAL CONSIDERATIONS

Previously, Council allocated \$2,053,100 for this project in 2008/09 but with Econova going into liquidation, only \$124,460 has been expended to date mainly for the preparation of development application plans. The re-assignment of the contract does not affect the DA and work can commence should Council adopt the recommendation in the report.

Henry and Hymas Consulting Engineers have advised that the total cost of the project to install the sewer mining operations, all the associated civil works and installation of irrigation for fairway watering is expected to cost approximately \$2.7 million. Given that Council has a carry forward amount of funding which includes a grant of \$830,000, the shortfall in funding to complete the project is estimated to be approximately \$750,000.

The funding for the 2009/10 financial year was previously identified for the North Turrumurra Golf Course as part of the implementation of the recreation area for the site. However with the receipt of the \$2million grant from the Federal Government's Community Infrastructure Program, part of the allocation can be transferred to the Gordon Golf Course without compromising either project or site.

Therefore, it is recommended that \$750,000 be transferred from the golf course reserve allocated for North Turrumurra golf course improvements to the Gordon Golf course sewer mining project.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been prepared by the Operations and Strategy and Environment Departments of Council, with regard to a review of the technology and contractual matters. The Corporate Department has been consulted with regard to the budget implications for the 2009/10 financial year and the possible source of funding for the shortfall.

## **SUMMARY**

As a result of the reassigning of the contract for the sewer mining project at Gordon Golf Course, Henry and Hymas Consulting Engineers Pty Ltd have undertaken a review of the project and as their first task, identified possible providers for the recycling water treatment plant and its ongoing maintenance. From this review, they have recommend GE Water and Process Technology to provide the treatment system and carry out the 15 year maintenance contract. This will increase the budget for the project and it is recommended that this be funded from the Golf Course Reserve by a reallocation of funding from the North Turramurra Recreation Area project for works associated with golf course improvements. This has been made possible through the receipt of another grant from the Federal Government to fund the water management at North Turramurra Golf Course and associated leachate control.

## **RECOMMENDATION**

- A. That Council supports the recommendation by Henry and Hymas Consulting Engineers for the selection of GE Water and Process Technologies to provide the infrastructure and ongoing maintenance for the sewer mining project at Gordon Golf Course.
- B. That any unspent funds from 2008/09 be carried forward to 2009/10.
- C. That additional funding of \$750,000 to enable completion of the project be allocated from the Golf Course Reserve which was originally allocated to the North Turramurra Recreation Area project.

Peter Davies  
**Manager Corporate Planning &  
Sustainability**

Greg Piconi  
**Director - Operations**

**Attachments:**

- 1. Letter from Henry & Hymas - Confidential**
- 2. Financial Report from GE Water & Process Technologies - Confidential**
- 3. Financial Report from Veolia Water Solutions & Technologies (Aust) Pty Ltd - Confidential**



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## DRAFT ACQUISITION & DIVESTMENT OF LAND POLICY

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

For Council to adopt the draft Acquisition & Divestment of Land Policy for public exhibition.

**BACKGROUND:**

On 11 November 2008, a report providing an integrated draft Acquisition and Divestment Policy was submitted to Council for adoption, at which time Council resolved to defer the matter for further discussion.

**COMMENTS:**

This policy sets out the principles, framework, responsibilities and processes for Council and officers to account for, and manage the acquisition and divestment of Council land assets.

**RECOMMENDATION:**

That Council adopts the draft Acquisition & Divestment of Land Policy and place the draft policy on public exhibition.

## PURPOSE OF REPORT

For Council to adopt the draft Acquisition & Divestment of Land Policy for public exhibition.

## BACKGROUND

In March 2008, a briefing session was conducted with Councillors presenting potential sites for acquisition of future open space and outlining acquisition methods. It was during this presentation and subsequent report in April 2008 that identified the need for a formal process to enable and pursue land acquisition opportunities based on assessment against the Open Space Acquisition Strategy, merit and proactively presenting these opportunities to Council.

On 8 July 2008, the draft Acquisition of Land Policy was presented to the Policy Forum. The forum identified some matters of the draft policy which were unclear:

- reference to the *Conveyancing Act 1919*; and
- amplification that compulsory acquisition is not a preferred method of acquiring land, albeit potentially required in extenuating circumstances.

These matters were clarified in the revised draft policy which was submitted to Council on 22 July 2008, at which time Council unanimously resolved;

- A. *That the matter be deferred and the draft Acquisition of Land Policy be brought to Council in conjunction with the Disposal of Land Policy.*
- B. *That the report include an analysis of the requirement or otherwise to publicly advertise the Policy.*

On 11 November 2008, a further report (**Attachment A**) providing an integrated draft Acquisition and Divestment Policy was submitted to Council for adoption, at which time Council resolved to defer the matter for further discussion.

On the 5 November 2008, the Ku-ring-gai Planning Panel resolved to place draft Ku-ring-gai Local Environment Plan (Town Centres) 2008 on public exhibition which identified approximately 47 privately owned properties for land acquisition for RE1 local open space and SP2 infrastructure. This draft environmental planning instrument was adopted by the Panel on 27 May 2009.

## COMMENTS

Although the current number of land acquisitions and disposals are relatively low they are crucial to the strategic provision of open space, community benefits and achievement of planning outcomes. This has now been confirmed through the draft Ku-ring-gai Local Environment Plan (Town Centres) 2008, which nominates Council as the acquisition authority for RE1 lands and some SP2 lands.

Item 8

S05399  
26 June 2009

Due to the community protest regarding the identification of private lands for a public purpose and level of confusion over compulsory acquisition the need for a policy to clarify the acquisition process of these affected lands is now imperative.

This revised draft policy (**Attachment B**) applies to the acquisition and divestment of all land as defined within the policy, and acknowledges Council's charter as the custodian and trustee of public assets required to effectively account for and manage the assets for which it is responsible for (*Section 8 of the Local Government Act 1993*).

This policy sets out the principles, framework, responsibilities and processes for Council and officers to account for, and manage the acquisition and divestment of Council land assets. The purpose of this draft policy is to describe the manner in which Council will undertake the acquisition and divestment of land assets and to provide Council with:

- a documented reference to guide its decision making process;
- a reference that will survive successive Councils;
- an endorsed framework to enable and pursue land acquisition and divestment opportunities of merit and pro-actively present such opportunities to Council; and
- establish delegations necessary to allow implementation functions to be addressed to meet market drivers.

Additionally, further amplification of the legislative requirements and procedures under the *Land Acquisition (Just Terms Compensation) Act 1991*, has now been included to address acquisitions of land affected by RE1 and SP2 zonings.

Furthermore, the contentious nature of proposals to dispose of, or otherwise to utilise Council owned land, was highlighted by Chairman Winnacott in the recent public hearing into the reclassification of public land. In his report, Chairman Winnacott recommended to Council that, in order:

2. *To address concerns raised in submissions to the public hearing in relation to Council's dealings with public land in the town centres Council prepare, place on public exhibition and adopt a policy for sale, long term lease or other transactions relating to public land, not covered by the Ku ring gai Planning Agreement Policy (2008).*

It should also be noted that Council's Community Consultation Guidelines 2008 require quite detailed consultation processes in respect of decisions about any particular site.

## CONSULTATION

A review of other Councils' existing policies of a similar nature has been undertaken in the development of this draft policy.

Councillors have been briefed on the draft Acquisition and Divestment of Land Policy on 28 October 2008, with a previous report submitted on 11 November 2008.

Item 8

S05399  
26 June 2009

Council's solicitor has provided input into the development of the revised draft Acquisition and Divestment of Land Policy.

The draft policy will be 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's Corporate and Strategy and Environment Departments have provided input into the development of the draft Acquisition and Divestment of Land Policy.

## SUMMARY

Throughout 2008, a series of briefing sessions and presentations were conducted with Councillors presenting potential sites for acquisition and outlining acquisition methods. As a result a need for a formal process to enable and pursue land acquisition opportunities was identified.

The first draft policy was presented to the Policy Forum on 8 July 2008, and suggested amendments to the draft policy were incorporated. A report was submitted to Council in July 2008, at which time Council resolved that the matter be deferred and the draft Acquisition of Land Policy be brought to Council in conjunction with the Disposal of Land Policy. On 11 November 2008, the integrated draft Acquisition and Divestment Policy was submitted to Council for adoption, at which time Council again resolved to defer the matter for further discussion.

Although the current number of land acquisitions and disposals are relatively low they are crucial to the strategic provision of open space, other community benefits and achievement of planning outcomes. This has now been confirmed through the draft Ku-ring-gai Local Environment Plan (Town Centres) 2008, which nominates Council as the acquisition authority for RE1 lands and certain SP2 lands.

This policy sets out the principles, framework, responsibilities and processes for Council and officers to account for, and manage the acquisition and divestment of Council land assets. To ensure impartiality, transparency, accountability and the delivery of best value in the acquisition and divestment of land.

## RECOMMENDATION

- A. That Council adopt the draft Acquisition and Divestment of Land Policy and place the draft policy on public exhibition for a period of 28 days for public comment with an additional 14 days to receive submissions in accordance with the requirements of the *Local Government Act 1993*.
- B. That a further report be presented to Council following the public exhibition process.

Deborah Silva  
**Manager Strategic Assets & Services**

Andrew Watson  
**Director Strategy & Environment**

**Attachments:**      **A - Report to Council 11 November 2008 - 2008/031234**  
                             **B - Draft Acquisition and Divestment of Land Policy - 2009/093592**

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## DRAFT ACQUISITION & DIVESTMENT OF LAND POLICY

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### EXECUTIVE SUMMARY

#### PURPOSE OF REPORT:

For Council to adopt the draft Acquisition & Divestment of Land Policy for public exhibition.

#### BACKGROUND:

On 22 July 2008, the draft *Acquisition of Land Policy* was submitted to Council for adoption, at which time Council unanimously resolved that the matter be deferred and the draft *Acquisition of Land Policy* be brought to Council in conjunction with the *Disposal of Land Policy*.

#### COMMENTS:

This policy sets out the principles, framework, responsibilities and processes for Council and officers to account for, and manage the acquisition and divestment of Council land assets.

#### RECOMMENDATION:

That Council adopts the draft Acquisition & Divestment of Land Policy and place the draft policy on public exhibition.

## PURPOSE OF REPORT

For Council to adopt the draft Acquisition & Divestment of Land Policy for public exhibition.

## BACKGROUND

On 30 October 2007, Council adopted the *Open Space Acquisition Strategy* (the strategy). The strategy provides a framework that is aligned to a set of principles and objectives for acquiring land to provide new open space throughout the local government area (LGA). Council consequently sought further advice on identifying key strategic sites within Priority 1 and 2 areas and information on methods of acquiring these lands.

In March 2008, a briefing session was conducted with Councillors presenting potential sites for acquisition of future open space and outlining acquisition methods. It was during this presentation and subsequent report in April 2008 that identified the need for a formal process to enable and pursue land acquisition opportunities based on assessment against the strategy, merit and proactively presenting these opportunities to Council.

On 8 July 2008, the draft *Acquisition of Land Policy* was presented to the Policy Forum. The forum identified some matters of the draft policy which were unclear:

- reference to the *Conveyancing Act 1919*; and
- amplification that compulsory acquisition is not a preferred method of acquiring land, albeit potentially required in extenuating circumstances.

These matters have been clarified in the draft policy.

On 22 July 2008, the draft *Acquisition of Land Policy* was submitted to Council for adoption, at which time Council unanimously resolved;

- A. *That the matter be deferred and the Draft Acquisition of Land Policy be brought to Council in conjunction with the Disposal of Land Policy.*
- B. *That the report include an analysis of the requirement or otherwise to publicly advertise the Policy.*

## COMMENTS

Although the current number of land acquisitions and disposals are relatively low they are crucial to the strategic provision of open space, other community benefits and achievement of planning outcomes.

This draft policy (**Attachment 1**) applies to the acquisition and divestment of all land as defined in this policy, and to acknowledge Council's charter that it is the custodian and trustee of public assets and is required to effectively account for and manage the assets for which it is responsible (Section 8 *Local Government Act 1993*).

Item 15

S05399  
3 November 2008

This policy sets out the principles, framework, responsibilities and processes for Council and officers to account for, and manage the acquisition and divestment of Council land assets. Given that Council is about to embark on a process of systematically acquiring property for the provision of new open space, there exists the need for an adopted policy to ensure impartiality, transparency, accountability and the delivery of best value in the acquisition and divestment of land.

The purpose of this draft policy is to describe the manner in which Council will undertake the acquisition and divestment of land assets and to provide Council with:

- a documented reference to guide its decision making process;
- a reference that will survive successive Councils;
- an endorsed framework to enable and pursue land acquisition and divestment opportunities of merit and pro-actively present such opportunities to Council; and
- establish delegations necessary to allow implementation functions to be addressed to meet market drivers.

The contentious nature of proposals to dispose of, or otherwise utilise Council owned land, was highlighted by Chairman Winnacott in the recent public hearing into the reclassification of public land. In his report, Chairman Winnacott recommended to Council that, in order:

2. *To address concerns raised in submissions to the public hearing in relation to Council's dealings with public land in the town centres Council prepare, place on public exhibition and adopt a policy for sale, long term lease or other transactions relating to public land, not covered by the Ku ring gai Planning Agreement Policy (2008).*

It should also be noted that Council's *Community Consultation Guidelines 2008* require quite detailed consultation processes in respect of decisions about any particular site.

## CONSULTATION

A review of other Councils' existing policies of a similar nature has been undertaken in the development of this draft policy.

Councillors were briefed on the draft *Acquisition & Divestment of Land Policy* on 28 October 2008.

The draft policy will be 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's Corporate and Strategy Departments have provided input into the development of the draft *Acquisition & Divestment of Land Policy*.

### SUMMARY

In March 2008, a briefing session was conducted with Councillors presenting potential sites for acquisition of future open space and outlining acquisition methods. It was during this presentation and subsequent report in April 2008 that identified the need for a formal process to enable and pursue land acquisition opportunities based on assessment against the strategy, merit and proactively present these opportunities to Council.

On 8 July 2008, the draft policy was presented to the Policy Forum. The forum suggested certain amendments to the draft policy, which have been included.

On 22 July 2008, the draft *Acquisition of Land Policy* was submitted to Council for adoption, at which time Council resolved that the matter be deferred and the draft *Acquisition of Land Policy* be brought to Council in conjunction with the *Disposal of Land Policy*.

Although the current number of land acquisitions and disposals are relatively low, they are crucial to the strategic provision of open space, other community benefits and planning outcomes. Given that Council is about to embark on a process of systematically acquiring property for the provision of new open space, there exists the need for an adopted policy.

This policy sets out the principles, framework, responsibilities and processes for Council and officers to account for, and manage the acquisition and divestment of Council land assets. To ensure impartiality, transparency, accountability and the delivery of best value in the acquisition and divestment of land.

### RECOMMENDATION

- A. That Council adopt the draft *Acquisition & Divestment of Land Policy* and place the draft policy on public exhibition for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the *Local Government Act 1993*.
- B. That a further report be presented to Council following the public exhibition process.

Deborah Silva  
Manager Strategy Assets & Services

Andrew Watson  
Director Strategy

Attachments: Draft Acquisition & Divestment of Land Policy - 2008/028114

## Ku-ring-gai Council

### Draft Acquisition & Divestment of Land Policy

#### Introduction

The acquisition and divestment of Land by Council requires a formal process that is underpinned by probity, due diligence, analysis of risk and other key issues. In acknowledging this, the number of Land acquisitions and/or divestments undertaken by Council in any given year although relatively low, are crucial to the strategic provision of open space, operational and community benefits, and achieving planning outcomes.

#### 1. Purpose

This Policy applies to the acquisition and divestment of all Land as defined in this Policy. To acknowledge Council's charter that it is the custodian and trustee of public assets and is required to effectively account for and manage the assets for which it is responsible (*Section 8 of the Local Government Act 1993*).

To set out the principles, framework, responsibilities and processes for Council and officers to account for, and manage the acquisition and divestment of Council Land assets.

To identify, manage and mitigate the risks associated with the acquisition and divestment of Land.

To ensure impartiality, transparency, accountability and the delivery of best value in the divestment of Land ("fundamental principles").

The purpose of this Policy is to describe the manner in which Ku-ring-gai Council will undertake the acquisition and divestment of Land assets and to provide Council with:

- a documented reference to guide its decision making process;
- a reference that will survive successive Councils;
- an endorsed framework to enable and pursue Land acquisition and divestment opportunities of merit and pro-actively present such opportunities to Council; and
- establish delegations necessary to allow implementation functions to be addressed to meet market drivers.

Doc distribution	Internal/external	Doc status	Draft	File No S05399	
Document owner	Director Strategy	Contact officer/s	Manager Strategic Assets & Services		
Approval date		Approved by			
Effective date		Review period	3 years	Review date	
History of approved versions					
Version	Effective date	Summary of changes			
Draft 3					

## **2. Objectives**

To define the criteria which must be considered prior to the acquisition and/or divestment of Council owned Land and to define the process and procedures, including public consultation and notification, required to be undertaken prior to the divestment of any Council owned Land. The objectives of this Policy aim to provide Council with a framework which adopts the following principles:

- probity;
- statutory compliance;
- commercial maximisation, flexibility and confidentiality;
- transparency of process; and
- achievement of specific strategic outcomes of Council and the community.

## **3. Definitions**

For the purposes of this Policy:

***Acquisition Authority*** means the responsible agency to acquire affected properties identified in yet to be gazetted Ku-ring-gai Local Environment Plan (Town Centres) 2008 and as amended from time to time or the Ku-ring-gai Planning Scheme Ordinance.

***Act*** means the *Local Government Act 1993*.

***Contract*** means any form of contract which legally binds the Council [or potentially binds Council] and includes formal contracts and other forms of contractual arrangements including heads of agreement, in principle agreement, options to purchase etc.

***Land*** is as defined in *Section 21* of the *Interpretation Act 1987*.

As a more specific reference for the purpose of this Policy, ***Land*** is defined as;

1. Land as a physical entity including:
  - (i) any building or structure on or improvement to Land; or
  - (ii) any stratum of land whether below or above ground; or
  - (iii) a strata lot pursuant to relevant strata subdivision legislation.

***Open Space Acquisition Strategy*** means strategy adopted by Council in October 2007.

***Owner Initiated Acquisition*** means the principle considerations defined in *Section 23* of the *Land Acquisition (Just Terms Compensation) Act 1991* to acquire affected properties.

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Draft 3					

***Programed Acquisition*** means when the acquiring authority requires the affected property and initiates the acquisition process.

***Regulation*** means the *Local Government (General) Regulation 2005* and any replacement Regulation.

#### **4. Legislation**

- 4.1 The *Local Government Act 1993* vests authority in Council to sell or exchange Real Property. In respect of this Policy, “exchange” includes property acquisition and other related activities including Land swaps etc.
- 4.2 In accordance with Section 377 of the Act any decision to dispose of Land must be made by resolution of Council as the power to sell, exchange or surrender Land cannot be delegated.
- 4.3 Section 45 of the Act prevents Council from selling, exchanging or otherwise disposing of community Land other than to become or be added to a Crown Reserve or National Park.
- 4.4 Section 55 of the Act requires tenders to be called in certain circumstances. However, it is not necessary to call tenders for the sale of Land.
- 4.5 In accordance with Council’s Purchasing Policy, Land acquisition activities are excluded from the provisions of the Purchasing Policy.

Council’s property activities will be managed within the legislative parameters of the:

- Local Government Act, 1993;
- Valuation of Land Act, 1916;
- Conveyancing Act 1919;
- Environmental Planning and Assessment Act, 1979;
- Residential Tenancies Act, 1987;
- Land Acquisition (Just Terms Compensation) Act, 1991;
- Roads Act, 1993;
- Retail Lease Act, 1994;
- Crown Lands Act, 1989;
- Environment Protection and Biodiversity Conservation Act, 2000;
- National Parks and Wildlife Conservation Act, 1975;
- Real Property Act 1919;
- Regulations under each of the above Acts;
- Relevant Codes, Plans and Policies referred to in Section 13 of this policy; and
- any other legislation applicable to the Policy.

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Effective date		Review period	3 years	Review date	
History of approved versions					
Version	Effective date	Summary of changes			
Draft 3					

## **5. Fundamental Principles**

All decisions and actions in relation to the acquisition and/or divestment of Land will have due regard to the following fundamental principles:

- **Best Value for Money** – Achieving “best value” may include financial, social and environmental benefits.
- **Transparency** – processes must be open to scrutiny and provide full information and record the reasons behind decisions.
- **Accountability** – demonstrate the best use of public resources and the highest level of performance through appropriate record keeping and audit trails.
- **Impartiality** – address perceived or actual conflicts of interests.

## **6. Land Acquisition Procedure**

### **6.1 Fundamental Principles**

Council will acquire Land for the purpose of carrying out its functions under the Act. Any Land to be acquired by Council is subject to a formal resolution of Council.

### **6.2 Independent Valuation Benchmark and Special Value. Any Land acquisition is to be benchmarked to an independent valuation of Land.**

In some cases there will be justified basis for Council acquiring property at a price above the valuation benchmark in order to guarantee the successful securing of the property to achieve defined goals and objectives of Council or to acquire the property with a view to adding value [or reducing risk] to a larger scheme or development [future or current].

Any special value should be determined and quantified within the initial decision of Council and referenced to the achievement of specific goals and objectives of Council.

### **6.3 Acquisition Process**

While the General Manager and/or their delegate may make preliminary enquiries regarding a possible purchase, no negotiations will commence without there first being a resolution of Council authorising the negotiations. The General Manager shall:

<b>Doc distribution</b>	Internal/external	<b>Doc status</b>	Draft	<b>File No S05399</b>	
<b>Document owner</b>	Director Strategy	<b>Contact officer/s</b>	Manager Strategic Assets & Services		
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<b>Effective date</b>		<b>Review period</b>	3 years	<b>Review date</b>	
<b>History of approved versions</b>					
<b>Version</b>	<b>Effective date</b>	<b>Summary of changes</b>			
Draft 3					

- be responsible for the conduct of all negotiations;
- have regard to an independent valuation obtained from a registered valuer;
- seek such other professional advice as is considered necessary in the circumstances;
- have regard to the Independent Commission Against Corruption publication *Direct Negotiations* so far as is appropriate in the circumstances; and
- report the outcome of all negotiations to the Council for determination.

6.4 Prior to finalisation of an acquisition Council shall determine the classification of the Land as either operational or community.

6.5 Council's process of Land acquisition must include the following steps:

- identification of the Land acquisition opportunity by Council and/or the Responsible Officer;
- in principle decision by the General Manager to commence the pre-acquisition process;
- preparation of a comprehensive assessment of the Land acquisition including:
  - (I) required due diligence;
  - (II) independent valuation, maximum price [purchase, lease or other];
  - (III) assessment against the principles and objectives of Council's *Open Space Acquisition Strategy*;
  - (IV) identification of funding source and assessment against Council's Long Term Financial Model; and
  - (V) a statement of goals and objectives for the proposed Land to be acquired including a statement of any "Special Value" deemed appropriate by Council.
- formal consideration by Council of dealing with the matter and if required in accordance with Section 10A of the Act be dealt with in a closed meeting;
- formal report to Council including the Land acquisition assessment and documented reasons for Council's acquisition of the Land, and if supported delegation to the General Manager to negotiate an outcome subject to the financial and risk parameters as determined by Council;
- negotiation, and if successful, implementation of all matters necessary for the preparation, signing and sealing of contract documentation required; and
- once completed the General Manager to advise Council of the outcome [successful or otherwise].

The process is designed to ensure fairness and equity.

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Draft 3					

## **7. Methods of Acquisition**

Wherever possible Council's *preferred* method of acquisition is to acquire Land through mutual agreement with the owner of the Land. The key principles in the acquisition of Land are:

- 7.1 opportunistically by responding when the desired Land is offered to the market; and
- 7.2 pro-actively by initiating negotiations for the desired Land.
- 7.3 Council's preferred position is *not to* acquire Land through compulsory acquisition. However, Council has an obligation to provide services to the community and if required Council will consider utilising its powers under the *Local Government Act 1993* in respect of "compulsory acquisition".

***At the time of adopting this policy there are currently no proposals to compulsory acquire private property. Compulsory acquisition for a public purpose can only be initiated with a resolution of Council.***

- 7.4 However, Council is the nominated acquisition authority for land reserved for public purposes as RE1 and SP2 within its draft Ku-ring-gai Local Environment Plan (Town Centres) 2008 and these acquisitions will be dealt with in accordance with *Land Acquisition (Just Terms Compensation) Act 1991* for the acquisition of Land and the payment of compensation.

## **8. Compensation**

Compensation will apply to affected property owners under the following provisions;

- 8.1 owner initiated acquisitions
- 8.2 programed acquisitions

In determining the amount of compensation to which a person is entitled, Part 3 Division 4 of the *Land Acquisition (Just Terms Compensation) Act 1991*, requires that regard must be given to the following matters only:

- (a) the market value of the land on the date of its acquisition;*
- (b) any special value of the land to the person on the date of its acquisition;*
- (c) any loss attributable to severance;*
- (d) any loss attributable to disturbance;*
- (e) solatium ( i.e. that is compensation for non-financial disadvantage arising the need to relocate as a result of the acquisition); and*

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*(f) any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.*

8.3 Property owners claiming *hardship* in accordance with Section 24 of the *Land Acquisition (Just Terms Compensation) Act 1991* provisions should note that:

8.3.1 Council is not required to acquire land unless it is of the opinion that the owner will suffer hardship (within the meaning of the Land Acquisition (Just Terms Compensation) Act 1991. An owner of land must demonstrate they suffer hardship if:

*(a) the owner is unable to sell the land, or is unable to sell the land at its market value, because of the designation of the land for acquisition for a public purpose, and*

*(b) it has become necessary for the owner to sell all or any part of the land without delay:*

*(i) for pressing personal, domestic or social reasons, or*

*(ii) in order to avoid the loss of (or a substantial reduction in) the owner's income.*

8.3.2 However, if the owner of the land is a corporation the corporation does not suffer hardship unless it has become necessary for the corporation to sell all or any part of the land without delay for pressing personal, domestic or social reasons of an individual who holds at least 20 per cent of the shares in the corporation, or in order to avoid the loss of (or a substantial reduction in) the income of such an individual.

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## 9. Land Divestment Procedures

### 9.1 Fundamental Principles

All decisions and actions in relation to the divestment of Land will have due regard to the following fundamental principles:

- **Best Value for Money** – Achieving “best value” may include financial, social and environmental benefits.
- **Transparency** – processes must be open to scrutiny and provide full information and record the reasons behind decisions.
- **Accountability** – demonstrate the best use of public resources and the highest level of performance through appropriate record keeping and audit trails.
- **Impartiality** – address perceived or actual conflicts of interests, ensuring fairness and equity.

### 9.2 Land Deemed to be Surplus

“**Land**” includes all real property whether vacant or improved. Land may not be sold by Council unless it is classified as “operational land” under section 25 of the *Local Government Act 1993*.

In order to establish whether or not Land is deemed to be surplus, a process of consultation is required to be completed across relevant divisions of Council prior to reclassification in accordance with the *Local Government Act 1993*.

### 9.3 Delegated Authority

Section 377 (1) (h) of the *Local Government Act 1993* requires a specific resolution of Council to dispose of Land. The decision cannot be delegated.

The report to Council is to include reference to the manner of divestment (often contained within a confidential report) in regards to the terms of the sale and the agreed price, or range for negotiations. The sale can not proceed outside of such parameters (without a further resolution).

The resolution should also provide for the General Manager to be provided with delegated authority to negotiate any outstanding, usually minor conditions, and to be authorised to execute any documents in relation to the matter deemed appropriate by Council’s legal advisors.

A copy of the report and resolution is to be provided to Council’s legal advisors upon instruction, as authority to act and to ensure compliance with the resolution.

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No formal actions may be commenced in the divestment of Land until a report has been considered by Council and an appropriate resolution adopted.

Informal pre-sale discussions/negotiations must always be qualified “subject to resolution of Council” if there is no current resolution of Council to dispose of the Land.

#### 9.4 Valuation Processes

At least one formal market valuation undertaken by a valuer registered to value such property is required to be commissioned prior to all property divestments.

Two valuations may be required when the value of the property is likely to exceed \$1,000,000.00 and/or the process of divestment is not competitive (as defined below).

An internal review of the valuation(s) is to be carried out and reported, with specific attention to the valuation rationale, method of valuation, calculations and sales evidence used. After such review, the valuation is to be considered in the setting of an asking price for sale, reserve price for auction or benchmark for negotiations, tender or expression of interest.

When two valuations have been provided, averaging is the preferred method for considering the price, when any difference in the valuation is 10% or less. Differences in valuations of more than 10% require an assessment of the reasons why they are different, and more detailed justification of the price.

An update valuation, or valuation advice is required after 12 months of the date of the original valuation if the Land is not sold, or at any time there is considered to be a material movement in the value.

The valuation instructions must clearly state the following:

- the purpose of the valuation being “divestment”;
- the basis of valuation being “market value highest and best use”, unless an alternative basis is considered more appropriate in the circumstances;
- that the valuation is to be marked confidential; and
- that the valuation includes market commentary, details of sales evidence and adjustments, valuation rationale and methodology, a valuation range (for negotiations) and comments on marketability, most appropriate method of divestment and opportunities to add value.

In addition, the valuer must make a statement that there is no actual or perceived conflict of interest in undertaking the valuation.

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## 10 Methods of Divestment

An open competitive process of divestment is required choosing one of the following methods:

- **Expression of interest** – usually used for unusual properties capable of a variety of development, difficult to determine a market value.
- **Tender** – least common and used predominantly in high value, limited market situations.
- **Auction** – the most open and public method, favoured by government, but reliant on high levels of competition. Often achieves a quick sale. Can fail in poor market.
- **Private Treaty** – most common, where an asking price is set and negotiated with individuals, usually through a real estate agent (who can be an independent third party to the negotiation process) and can arise after an unsuccessful Auction.

Council may approve a non-competitive process of divestment such as direct negotiations, subject to clearly documented reasons and the employment of risk mitigation measures.

Risk mitigation measures for direct negotiations may include:

- obtaining two valuations where the Land may be valued at more than \$1,000,000.00;
- pre-establishing a range for negotiation, having regard to the two valuations;
- managing conflicts of interest with declarations of no personal or financial associations;
- establishing a Negotiation Protocol, describing the manner in which meetings, negotiations, decisions and progress reporting is to be managed and documented; and
- Limitation on marketing budget and exclusive agency periods.

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## 10.1 Contract for the Sale of Land

Contracts for the sale of Land will usually contain standard conditions of sale. Any unusual or special conditions of sale require the delegated approval of Council or the General Manager as set out in 3 above.

Council's solicitor is responsible to ensure Contracts for the sale of Land satisfy statutory disclosure and warranty obligations (*Conveyancing (Sale of Land) Regulation 2005*).

## 10.2 Divestment below Market Value

In rare circumstances Land may be disposed of to achieve strategic outcomes. In such situations, "best value" may comprise financial, environmental or social elements, with the price falling below the "market value" range.

The report seeking resolution of Council should clearly state the reasons for such sale and quantify the amount below market value attributable to each element. The obligation to obtain a market valuation exists in accordance with the above, in order to provide a measure of the non-financial elements of the sale.

## 10.3 Sale to Adjoining Owners

In circumstances where Land is not able to be sold in isolation on the open market (such as small parcels, undersized lots, former road widenings, closed laneways, boundary adjustmentsetc) and the only potential purchasers are adjoining owners; the Land must be offered in equal proportions to each adjoining owner on identical sale terms and conditions.

Where an adjoining owner does not wish to purchase their proportion of the Land, the rejected Land will be equally offered to the remaining adjoining owner.

The recommended method of determining the sale price is the "before and after" method as related to the purchaser's Land. For small portions of Land, the "piecemeal" (\$ rate per square metre) method may be more appropriate.

An essential condition of sale is that the purchaser is required to consolidate the subject Land with their existing holding at no cost to Council.

The costs associated with the sale process will be borne by the prospective purchaser.

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#### 10.4 Sale of Roads – *Roads Act 1993*

No road can be sold until it is formally closed in accordance with the provisions of the *Roads Act 1993*.

For purchaser initiated closures and sales, the costs associated with the road closure will be borne up front by the prospective purchaser.

When Council initiates the road closure (in order to realise the value of surplus Land), the costs will be borne by Council as development costs.

The agreed purchase price and estimated costs will be reported to Council seeking resolution agreeing to make application to close the road and dispose of the Land upon closure in accordance with the terms of sale.

In accordance with Section 43 of the *Roads Act 1993*, funds from the sale of roads are required to be set aside for acquiring Land for public roads or for carrying out work on public roads.

### 11. Confidentiality

In the majority of divestments of Land, the information contained in reports to Council to sell Land may confer an advantage upon a person with whom Council is, or proposes, to be conducting business. On balance, it would be contrary to the public interest for Council to deal with such matter in an open session because release of the information could prejudice Council's ability to obtain the maximum return on the property.

Therefore, it is acknowledged that reports to Council on the divestment of Land will be generally deemed confidential under *Section 10A(2)(c)* of the *Local Government Act 1993*. This confidentiality may be lifted by Council resolution upon settlement, if considered to be in the public interest.

### 12. Departure from change this Policy

Any provision of this policy may be varied to meet the needs of a particular matter, by resolution of Council. The reasons for change will be clearly articulated within the report submitted for consideration by Council in adopting such resolution and will only apply to such matter.

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### **13. Associated documents**

#### **Codes, plans and policies**

*Ku-ring-gai Council Sustainability Vision Report – Ku-ring-gai to Global (2008-2033).*

*Ku-ring-gai Council Open Space Acquisition Strategy – Adopted October 2007.*

*Ku-ring-gai Council Management Plan 2009-2012 – Adopted June 2009.*

*Ku-ring-gai Council s.94 Contributions Plan 2000-2003 – Residential Development.*

*Ku-ring-gai Council Section 94 Contributions Plan 2004-2009 (Amendment Two) - Residential Development.*

*Council's Town Centre Development Control Plan [DCP] – Adopted May 2007, and as amended.*

*Ku-ring-gai Town Centres Development Contributions Plan 2008.*

*Ku-ring-gai draft Local Environment Plan [Town Centres] 2008 – Adopted May 2009.*

#### **External references**

*Independent Commission Against Corruption [ICAC], Direct Negotiations, May 2006*

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## ENVIRONMENTAL LEVY SMALL GRANTS SCHEME - ROUND EIGHT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To seek Council's support to fund eleven (11) 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:**

Nineteen (19) applications were received under Round Eight of the program. Of these, the Small Grants Panel recommended funding eleven (11) applications with a combined contribution of \$40,636.

**RECOMMENDATION:**

That Council endorse the recommendation of the Small Grants Panel to fund eleven (11) projects as part of the Environmental Levy.

## PURPOSE OF REPORT

To seek Council's support to fund eleven (11) 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 grant applications, make recommendations to Council, and 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
Round 7	10	\$33,102

## 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 nineteen (19) applications which were received in round eight. 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 nineteen (19) recommended projects are provided in **Attachment A**.



## Item 9

S04553  
4 June 2009

Of the eight (8) 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 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
Mr J Curtin & Ms M Reidy	Riparian canopy protection along Lane Cove River through exotic vine control.	\$10,000	\$10,000
Ms Liz Mackay	Bushcare site 399, Lower Blackbutt Creek, Gordon. Primary/secondary weeding of creekside.	\$3,650	\$3,650
Mr Charles Dunn	Site regeneration, silt and water management.	\$10,000	\$5,000
Mrs P J Sainty	Clissold Road - Azalea Gardens neighbourhood weed control.	\$2,486	\$2,486
Ms Noela Jones & Ms Margaret Reidy	Riparian bush regeneration along Quarry Creek.	\$5,000	\$2,500
Mrs Michelle Leishman	Continuing restoration Blue Gum High Forest, Burkes Bush, Warrawee Public School.	\$5,000	\$5,000
Mr Ken Burchell	Robinson Street East Lindfield. Sustaining regeneration after previous hazard reduction burn.	\$5,000	\$2,000
Ms Diana Watson	Permaculture on your balcony - Community Education demonstration.	\$5,000	\$2,000
Mr Cameron Carmody	Killara High Year 7 Outdoor Learning: Reclaiming our scarce land.	\$5,000	\$2,000
Mr Eric Tse or Ms Donna Sheppard	Maintain school grounds and increase environmental awareness.	\$5,000	\$2,000
Mr John Dailey	Establishment of a community garden in Ku-ring-gai.	\$5,000	\$4,000
<b>Total</b>			<b>\$40,636</b>

## CONSULTATION

The eighth round of funding was promoted through advertisements in the Mayor's column in the North Shore Times and the Advocate Courier. 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 "Summer/Autumn 2009 Bushcare News". Applications closed on Friday 29 May 2009.

Item 9

**S04553**  
**4 June 2009**

Review and selection of the grant projects was undertaken by the Small Grants Panel and Council's Bushcare and Natural Areas operation staff. The panel comprises of four (4) 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 and onsite meetings for some cases. This communication was prior to the closing date of Friday 29 May 2009 and Monday 22 June 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 \$40,636 has been recommended for the eighth round. This would enable a similar amount for the ninth round which is scheduled for allocation during December 2009.

Applications for round nine will close on Friday 4 December 2009, with decisions made by mid January 2010.

## **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 from round eight of the Environmental Levy, Community Small Grants Scheme. A total of nineteen (19) applications were received. The Small Grants Panel has recommended eleven (11) projects be funded. Unsuccessful applicants will be contacted and be given advice as to why their application was not funded and how to better target applications in future rounds.

**RECOMMENDATION**

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

	<b>Organisation</b>	<b>Project</b>	<b>\$ Value</b>
1	Mr J Curtin & Ms M Reidy	Riparian canopy protection along Lane Cove River through exotic vine control.	\$10,000
2	Ms Liz Mackay	Bushcare site 399, Lower Blackbutt Creek, Gordon. Primary/secondary weeding of creekside.	\$3,650
3	Mr Charles Dunn	Site regeneration, silt and water management.	\$5,000
4	Mrs P J Sainty	Clissold Road - Azalea Gardens neighbourhood weed control.	\$2,486
5	Ms Noela Jones & Ms Margaret Reidy	Riparian bush regeneration along Quarry Creek.	\$2,500
6	Mrs Michelle Leishman	Continuing restoration Blue Gum High Forest, Burkes Bush, Warrawee Public School.	\$5,000
7	Mr Ken Burchell	Robinson Street East Lindfield. Sustaining regeneration after previous hazard reduction burn.	\$2,000
8	Ms Diana Watson	Permaculture on your balcony - Community Education demonstration.	\$2,000
9	Mr Cameron Carmody	Killara High Year 7 Outdoor Learning: Reclaiming our scarce land.	\$2,000
10	Mr Eric Tse or Ms Donna Sheppard	Maintain school grounds and increase environmental awareness.	\$2,000
11	Mr John Dailey	Establishment of a community garden in Ku-ring-gai.	\$4,000
		<b>TOTAL</b>	<b>\$40,636</b>

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

Peter Davies  
**Manager Corporate  
Planning & Sustainability**

Andrew Watson  
**Director Strategy &  
Environment**

**Attachments:        A. Detailed Summary of Applications - 2009/093986**

**ENVIRONMENTAL LEVY SMALL GRANTS  
ROUND 8, SUMMARY OF SUBMISSIONS**

Application	Contact	Project	Amount requested	Amount recommended	Summary of comments by Advisory Committee and Council staff
1	Mr Bill Jones	Increasing biodiversity and sustainability by protection of Wallalong Crescent Streetcare site.	\$4,500	Nil	This project was considered important and relevant. It was reviewed by the operational staff and considered to sit within the street care program. A customer request will be made to the appropriate staff to do the required work.
2	Mr J Curtin & Ms M Reidy	Riparian canopy protection along Lane Cove River through exotic vine control.	\$10,000	\$10,000	This project is very worthwhile. It is recommended that Council request National Parks to match the funds requested.
3	Mr Tony Carter	Swimming pool conversion to stormwater storage.	\$3,500	Nil	This project shall be directed to the Pool to Pond program. It is considered not suitable to fund from this source.
4	Ms Liz Mackay	Bushcare site 399, Lower Blackbutt Creek, Gordon. Primary/secondary weeding of creekside.	\$3,650	\$3,650	This is a very active bushcare group. The merits of the projects are considered valuable. However, the application was lacking a time line and clear aims which will be requested prior to receiving funds.
5	Ms Tanya Jackson	Gordon West Public School - Rubbish recycling separation.	\$5,000	Nil	This is a worthwhile project, however, Council's Waste Services staff suggested it appears expensive. Council staff visited the site recently offering advice. It is possible for Council to assist to purchase the materials for the process from a different source.
6	Ms Valerie Close	Ku-ring-gai Wildflower Garden - upgrade map signage.	\$10,000	Nil	Considered not within Small Grant scope, should be part of Council's maintenance program.
7	Mr Charles Dunn	Site regeneration, silt and water management.	\$10,000	\$5,000	This project was reviewed by Operational staff and Strategy staff. Work is required by the club to mediate impacts, small grant will part fund project to protect neighbouring bushland.
8	Mrs P J Sainty	Clissold Road - Azalea Gardens neighbourhood weed control.	\$2,486	\$2,486	This project was needy. However, may set a precedent for private properties. Suggested to work with Rotary and Easy Care Gardening.
9	Ms Noela Jones & Ms Margaret Reidy	Riparian bush regeneration along Quarry Creek.	\$5,000	\$2,500	A worthy project. On receiving funds applicant must ensure that a commitment to maintenance is considered..
10	Mrs Nancy Pallin	Paddy Pallin Reserve remove three tree-sized weeds.	\$3,045	Nil	This project can be covered via Council's Tree Maintenance Budget and the education side of environmental weeds covered through the Environmental Levy & Community Education Officers.
11	Mrs Michelle Leishman	Continuing restoration Blue Gum High Forest, Burkes Bush, Warrawee Public School.	\$5,000	\$5,000	This project compliments a previous grant and is considered worthy. A letter of support is requested from the School principle.

Application	Contact	Project	Amount requested	Amount recommended	Summary of comments by Advisory Committee and Council staff
12	Ms Glenda Clark	Retreating the Trad in Browns Forest.	\$4,814	Nil	This project was reviewed by Operational staff and contractor. It was considered will be covered by the contractor on site. Working in the good area first, prior to the requested work by the application.
13	Mr Ken Burchell	Robinson Street East Lindfield. Sustaining regeneration after previous hazard reduction burn.	\$5,000	\$2,000	This project was reviewed by Council's bushcare staff and considered worthy. Council support part funding with bushcare covering cost of materials.
14	Ms Diana Watson	Permaculture on your balcony - Community Education demonstration.	\$5,000	\$2,000	It is recommended that Council part fund this application with security of speakers and Council's involvement.
15	Mr Cameron Carmody	Killara High Year 7 Outdoor Learning: Reclaiming our scarce land.	\$5,000	\$2,000	A good project with multiple beneficiaries. Part fund due to lack of funds.
16	Mr Eric Tse or Ms Donna Sheppard	Maintain school grounds and increase environmental awareness.	\$5,000	\$2,000	A good project with multiple beneficiaries. Part fund due to lack of funds. Bushcare will work with the school to develop a secure plan for the site. Suggest to use Council website for weed information.
17	Ms Narelle Callender	Buller Street Bush Regenerator - Stage Two.	\$10,000	Nil	A great concept. However, resident needs to commit to bushcare first and show commitment. Not supported this round.
18	Mr John Dailey	Establishment of a community garden in Ku-ring-gai.	\$5,000	\$4,000	Considered a great project to be supported. Sustainable materials should be sourced for this project.
19	Mr Laurie Hislop	Nature walk- small bird habitat,	\$2,860	Nil	This project can be supported by other means. Not to be funded by this round. However, Council's Wild Things program can provide a barrel (which does not dry out) for water for birds. Plants from the nursery can be financially assisted through the levy.
<b>TOTAL</b>			<b>\$104,855</b>	<b>\$40,636</b>	

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## COUNCIL CHAMBERS - DRAFT PLAN OF MANAGEMENT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To place the draft Plan of Management - Council Chambers on public exhibition accordance with the requirements of the Local Government Act 1993.

**BACKGROUND:**

The Council Chambers is classed as Community Land. The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. No plan of management has been adopted for this site. On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management.

**COMMENTS:**

The draft *Plan of Management - Council Chambers* seeks to provide measurable strategies flowing from management objectives providing for long term focussed management of the Council Chambers site.

**RECOMMENDATION:**

That the draft Plan of Management - Council Chambers be exhibited for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.

## PURPOSE OF REPORT

To place the draft Plan of Management - Council Chambers on public exhibition accordance with the requirements of the Local Government Act 1993.

## BACKGROUND

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. Not only are plans required under the Act, but are also essential management tools. Plans of Management:

- are written by Council in consultation with the community;
- identify the important features of the land;
- clarify how Council will manage the land; and
- indicate how the land may be used or developed such as leasing.

Until a Plan of Management for community land is adopted, the nature and use of the land must not be changed. This means that Council cannot carry out new development on the land. It also means that Council cannot grant a lease, licence or other estate over the land until a Plan of Management is in place.

A draft *Plan of Management – Council Chambers* was prepared in 2002. At the Ordinary Meeting of Council on 19 November 2002, it was resolved:

- A. *That the Draft Plan of Management - Council Chambers be exhibited for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.*
- B. *That during the exhibition period, copies of the Draft Plan of Management be placed at the Council Chambers, Ku-ring-gai Library and branch libraries at St Ives, Lindfield and Turramurra.*
- C. *That Council gives notice of its intention to determine a purchase price in accordance with Council's Fees and Charges for the Plan of Management of the Council Chambers via advertisements in the North Shore Times.*
- D. *That a further report be presented to Council following the public consultation process.*
- E. *That a Public Hearing be held during exhibition and public comment period in accordance with the requirements of the Local Government Act 1993.*

The draft *Plan of Management – Council Chambers* was exhibited from 20 January 2003 to 13 March 2003 with the Public Hearing being held on 29 January 2003. It appears that the draft *Plan of Management – Council Chambers* was not referred back to Council for adoption.

## COMMENTS

The draft *Plan of Management – Council Chambers* (**Attachment A**) follows the same format as for other plans prepared for various areas of community land in Ku-ring-gai. There have been no significant changes from the draft *Plan of Management – Council Chambers* which was exhibited in 2002.

Key elements of the draft *Plan of Management – Council Chambers* include measurable strategies. From these strategies, management objectives are included which provide for the short, medium and long term management of the Council Chambers site.

As with other plans of management, this *draft Plan of Management – Council Chambers* provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to the Council Chamber's site. This does not necessarily mean Council will enter into any such agreement, however, Council is legally able to do so should the need arise. Presently, Council has a lease with respect to the DX facility located on Level 1 of the building. The eventual adoption of the plan would need to take this into consideration as an existing activity occurring on the site.

Under *Section 612* and *705* of the *Local Government Act 1993*, Council is required to give public notice of the proposal fee (purchase price). The purchase price for the draft *Plan of Management – Council Chambers* is set at \$0.60 per page in accordance with Council's Fees and Charges 2009/10.

*Section 612* requires that Council must give the public notice for at least 28 days with a further 14 days for public comment and consider any submissions before it can determine the fee.

*Section 705* requires that Council must determine the manner with which it proposed to bring the matter notified, to the attention of as many people in its area as possible.

## CONSULTATION

The draft *Plan of Management – Council Chambers* will be advertised in a local paper which is circulated within the Ku-ring-gai local government area, placed on Council's website and available at all the libraries and Customer Service – Level 4, Council Chambers. These are the most appropriate means of bringing the current proposed draft *Plan of Management – Council Chambers* to the attention of the community. A public meeting will be held within the exhibition period.

## FINANCIAL CONSIDERATIONS

Financial considerations include the cost of advertising the exhibition of the draft *Plan of Management – Council Chambers*. This is incorporated within the operation budget of the Strategy and Environment Department.

Once adopted, implementation of the *Plan of Management – Council Chambers*, would largely be achievable within the annual operational budget; capital works program or other mechanisms. Major proposals affecting the site and consideration by Council as part of its rolling four years



capital works program.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken as part of developing the draft plan of management with the Operations directorate.

## SUMMARY

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. A draft *Plan of Management – Council Chambers* for the Council Chamber's site was prepared and exhibited in 2003, though was not returned to Council for its consideration or adoption.

## RECOMMENDATION

- A. That the draft *Plan of Management- Council Chambers* be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the *Local Government Act 1993*.
- B. That during the public exhibition period copies of the draft *Plan of Management – Council Chambers* be placed at Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries, and on Council's website.
- C. That Council gives notice of its intention to determine a purchase price of \$0.60 per page for the *Plan of Management - Council Chambers* via advertisements in the North Shore Times.
- D. That during the public exhibition and comment period, copies of the draft *Plan of Management – Council Chambers* be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.
- E. That a public hearing be held during the exhibition and public comment period in accordance with the requirements of the *Local Government Act 1993*.
- F. That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.

Louise Hayward  
Sustainability Officer

Peter Davies  
Manager Corporate Planning  
& Sustainability

Andrew Watson  
Director Strategy &  
Environment

**Attachments:**      **A. Draft Plan of Management Council Chambers - 2009/094416**

Ku-ring-gai Council

**Council Chambers Site**  
DRAFT PLAN OF MANAGEMENT

**Ku-ring-gai  
Council**

SERVIENDO GUBERNO

July 2009

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# INTRODUCTION

## Document structure

This Plan of Management comprises four major sections including:

- Introduction;
- Management objectives;
- Strategy plan; and
- Monitoring

The Plan of Management will guide management of the Council Chambers site for the next 15 years. The basis for management incorporates the core values of the community and regular users which are reflected in the vision and role for the land.

The management objectives have been developed in response to key issues identified within the consultation process that affects the management of the Council Chambers site.

The strategy plan and monitoring program define the strategies that will be implemented in which to achieve the management objectives of the Plan of Management.

Performance indicators are included at the end of this section and provide a basis for measurement upon which to evaluate the implementation strategies.

## Background

This Plan of Management covers the land known as the Ku-ring-gai Council Chambers which is located at 818 Pacific Highway, Gordon (Lot 2 DP 786550). The land is zoned Business 3(a) – (a1) Retail Services and is classified as Community Land. See figure 1 for the site plan.

The Chambers site area is proposed to be zoned in the Town Centre Plan as “B2 – Local Centre” with a maximum building height of 8 storeys and a FSR of 2.5:1. The site is identified as a Key Site within the draft LEP and a floor space bonus of 0.5:1 and height bonus of 1 storey is available to the development through a design excellence provision/net public benefits.

The Council Chambers, 818 Pacific Highway, Gordon, is listed a local Heritage item under the Ku-ring-gai Planning Scheme Ordinance and under the Ku-ring-gai Draft local Environmental Plan (Town Centres) 2008.

This Plan of Management is strategic in its focus and intentionally does not provide specific details in regard to how works or actions are to be performed or achieved. This approach has been taken to allow for innovation and flexibility in the implementation of the Plan of Management, to take full advantage of opportunities and to recognise annual fluctuations in regard to funding.

## Objectives

This Plan of Management has been developed to fulfil the following objectives:

- to meet Council’s obligations in respect to Public Land Management under the requirements of the *Local Government Act 1993* (as amended);
- to enable Council to re-negotiate or enter into contracts, leases, licenses and hire agreements for the Council Chambers and ancillary facilities, in relation to the provision of services and utilities;
- to minimise the impacts from activities associated with the Council Chambers upon residents and the environment;
- to maximise the passive and active recreational and commercial opportunities of the Council Chambers;
- to provide a framework and maximise opportunities for the sustainable management of the Council Chambers; and
- to meet the objectives of Councils Corporate Strategic Plan.

## Vision

**To maximise the use and opportunities of the Council Chambers through sustainable management practices.**

## Community land

The introduction of the *Local Government Act 1993* represented a significant policy reform in respect to public land management.

One of the requirements is the preparation of Plans of Management for all Community Land. Community Land must be managed in accordance with an adopted Plan of Management and until such a plan is prepared and adopted, the nature of the land and use cannot be altered.

Leasing and licensing of Community Land must be authorised by a Plan of Management.

This Plan of Management is prepared in accordance with the requirements of the *Local Government Act 1993*. It provides a strategic framework for future management of the Council Chambers site located at Gordon.

Specific details about how works or actions are to be performed or achieved are not included. This approach allows innovation and flexibility in the implementation of the Plan of Management.

## Categorisation

Under Division 2, Section 36, Clause 4 of the *Local Government Act 1993*, Plans of Management must categorise the land covered by the Plan. The Act provides the following choices for categorisation:

- Natural area;
- Sports ground;
- Park; and
- General community use.

For the purposes of Section 36, Clause 4 this Plan of Management categorizes the land covered by this Plan of Management, as General Community Use and an area of Cultural Significance. **(See figure 3).**

The following core objectives apply to the land in accordance with the categorization in **figure 2**.

### ***36H Core objectives for management of community land categorised as an area of cultural significance***

- (1) The core objectives for management of Community Land, categorised as an area of cultural significance, are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical, research, social significance) for past, present or future generations by the active use of conservation methods.*
- (2) Those conservation methods may include any or all of the following methods:*
  - (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance;*
  - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material;*
  - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state;*
  - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact); and*
  - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.*
- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.*

### ***361 Core objectives for management of community land categorised as general community use***

*The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:*

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and*
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

## Site Description

Council Chambers was originally built on its current site in 1928, to the design of Neave and Berry, with other information stating that Hardy Wilson was the architect.

The building is heritage listed as having significance for historic, cultural, social, architectural, aesthetic reasons. The listing includes the former garage that has now been demolished.

Council Chambers has undergone two extensions since it opened in 1928. These occurred 1960 and 1983.

The later extensions were not sympathetic to the original heritage building. The walls are generally constructed of rendered and painted masonry. Roof coverings to the original building are of clay roof tiles and the roofs to the extensions are flat metal-deck, typical of the 1970s.

There is provision of 68 car parking spaces in the three car parks on the southern side of the building. The car park contains designated spaces for Councillors and Mayor, visitor parking, Council vehicle parking, disabled parking, private staff vehicles and a loading bay.

There is a courtyard on the western side of the building with barbecue facilities and tables.

There is formal landscaping surrounding the building, including large canopy trees.

The site was listed on the State Heritage Register in 1989 with the register covering the area shown in **figure 2. Appendix A** contains details of the heritage register.

The interior of the building consists of five levels with each level being divided into various sections and departments of the Council organisational structure.

Level four, at the Pacific Highway level, contains the customer service area.

Level three contains the Council Chambers. These two areas are the main public areas within the building.

Other areas within the Council Chambers site have limited access for the public and require a security pass to enter.

Level one contains a DX (Document Exchange) room, with limited keyed access for DX members.

The building contains many artworks, memorabilia and photographs which have been collected over the years of operation as a Council Chambers.

An uncoordinated approach has been undertaken when doing interior renovations. This has led to a lack of uniformity in the internal layout of the building

## Leases and licences

This Plan of Management expressly authorises Council, by resolution, to enter into lease or licence agreements with relevant authorities, organisations or individuals in relation to the provision of services or utilities for a public purpose.

In accordance with the requirements of the *Local Government Act 1993*, this Plan of Management expressly authorises Council to grant easements for authorities, organisations or individuals in favour of private lands over lands identified in the Plan of Management, providing Council is satisfied there is no reasonable alternative and that appropriate benefits are obtained for the community land.

## Current and permitted uses

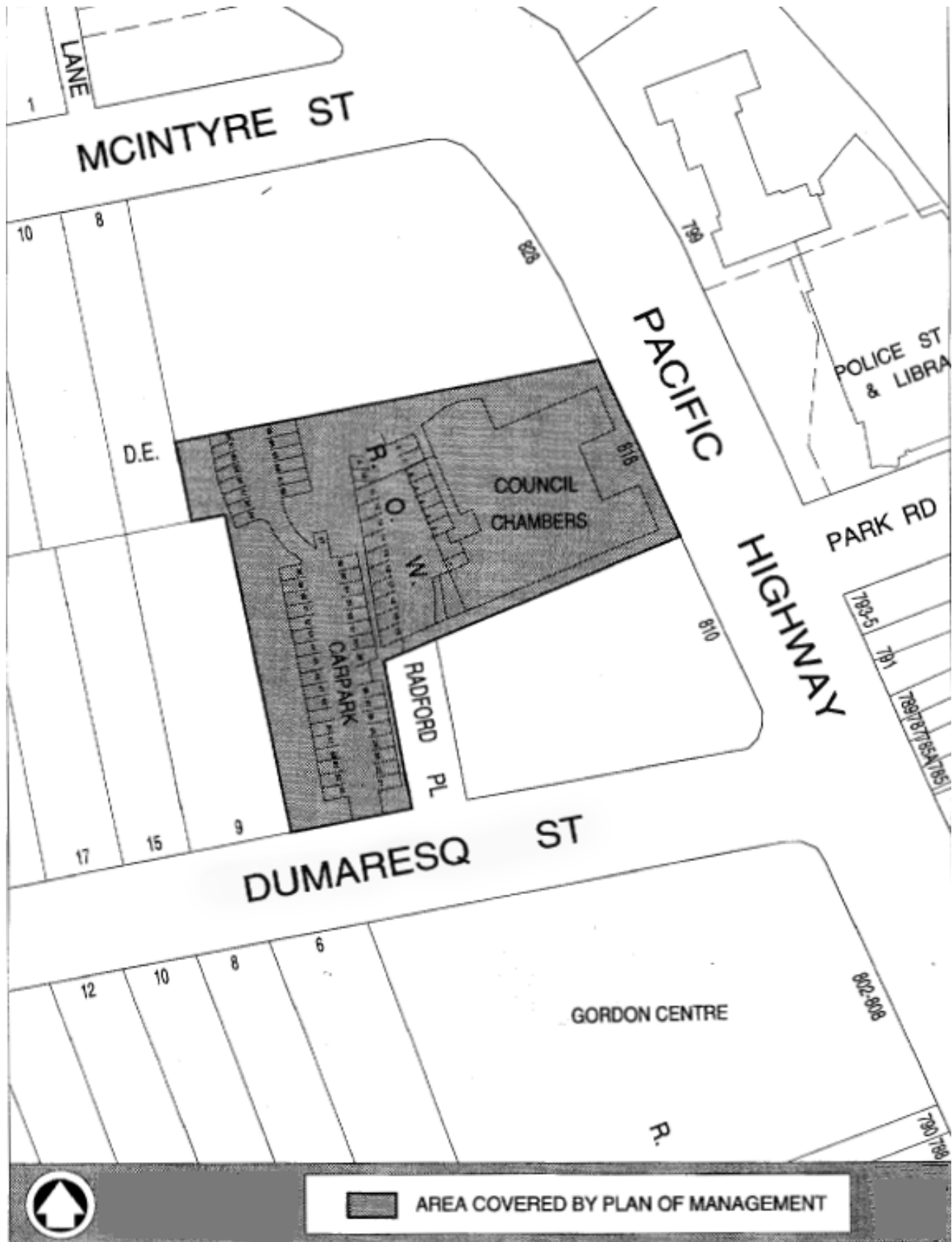
The Plan of Management provides for and authorises the following current and permitted uses:

- advertising banners;
- car parking;
- commercial uses;
- Community activities;
- Council administration;
- electoral activities;
- emergency operations centre;
- immunisation clinics;
- landscaping;
- meetings;
- passive and active recreation;
- record and information storage; and
- training and education.

## Scale and intensity of permitted uses

Use	Scale	Intensity
Car parking	Limited to physical capacity of existing facility (68 spaces).	24 hours 7 days a week. Some spaces may have time limits which must be adhered.
Commercial Uses	Limited to physical capacity of existing facilities.	24 hours 7 days a week.
Council Administration	Limited to physical constraints of existing facilities.	24 hours 7 days a week.
Electoral Activities	Limited to physical constraints of existing facilities.	24 hours 7 days a week.
Emergency Operation Centre	Limited to physical constraints of existing facilities.	24 hours 7 days a week.
Immunisation clinics	Limited to physical constraints of existing facilities.	7am – 8pm Monday to Friday.
Landscaping	Within existing areas set aside for landscaping.	24 hours 7 days a week.
Meetings	Limited to physical constraints of existing facilities.	7am – 3am Monday to Friday. 8am – 6pm Saturday and Sunday.
Passive and active recreation	Limited to physical constraints of existing facilities.	7am – 1am Monday to Friday. 10am – 1am Saturday. 10am – 10pm Sunday.
Record and information storage	Limited to physical constraints of existing facilities.	24 hours 7 days a week.

Figure 1: Area covered by the Plan





## Role

To maximise opportunities for the provision of facilities for Council administration and associated activities.

## Values and issues

Consultation, with those staff members responsible for managing various components of the land, has identified the following values of the site and issues relating to management.

The following values and issues were identified for the Council Chambers site:

### Values:

- provision of administrative facilities;
- provision of community based activity;
- commercial uses;
- landscaping;
- car parking;
- heritage;
- visual impact on the streetscape;
- War Memorial Site; and
- Civic space.

### Assets:

- asset management and maintenance;
- commercial opportunities;
- impacts on adjoining land uses;
- security and vandalism;
- flexibility to ensure facilities meet demand;
- access;
- safety and risk management;
- car parking;
- historical and cultural value;
- internal environment; and
- sustainability.

## Future development of the Land

This Plan of Management authorises, within the requirements of relevant legislation and Council policy, the future development of the Council Chambers site for the following purposes and uses:

- foyer / box office;
- retail (such as restaurant / café; kitchen; gallery shop and lounge);
- gallery and exhibition space;
- performance/lecture/seminar;
- council chambers;
- studios and workshops;
- administration;
- storage areas;
- customer service centre;
- office accommodation;
- community uses (such as Lifeline);
- park; and
- courtyard for outdoor displays / outdoor eating.

# MANAGEMENT OBJECTIVES

## Introduction

The management objectives have been developed in response to those issues identified as important in managing the Council Chambers site and bearing in mind the values of the land.

## Asset Management and Maintenance

### Issue

It is important that all assets are appropriately managed and maintained to ensure that appropriate levels of service can be provided.

Asset management and maintenance includes, but is not limited to:

- the review of assets;
- the provision of condition reports on the site; and
- building inspections.

The method of management for the Council Chambers is an essential issue for the Council. The site is not only a venue for the local community, but it provides facilities for administrative staff, contains specialised equipment for specific purposes and stores a variety of data and information.

The management functions for the facilities include:

- to manage the building on a day to day basis;
- to developing and implementing an asset management program;
- to manage general maintenance and upgrades on specific items such as computers and furniture;
- to address building maintenance such as plumbing, electrical, glass breakage, air conditioning, artworks and memorabilia, etc;
- to operate and maintain the building and it's facilities;
- manage bookings for various activities;
- to comply with the *Local Government Act 1993* for any lease/licence agreements;

- to ensure a wide range of uses is achieved; and
- to maintain the pavement, furniture and garden including the large canopy trees surrounding around the building.

-

### Objective

- to provide effective asset management and develop a defined core level of maintenance for the Council Chambers and an adopted building maintenance program.

## Commercial Opportunities

### Issue

In addition to providing a range of administrative functions and community based health and leisure activities at the site, it also presents commercial opportunities for Council.

The Council Chambers is already used for existing commercial uses including the DX room on Level 1 and vending machines on level 5.

Council should promote compatible commercial opportunities, especially where the building can be used after core business hours.

Commercial uses which are compatible with the existing uses of the Chambers site should be identified and investigated. These other uses could be such as dancing, function-hire and conference use of Level 5.

Regard should be given to any security issues any new commercial opportunities may create.

### Objective

- to accommodate commercial uses within the existing uses of the Council Chambers site.

## Impacts on Adjoining Land Uses

### Issue

The Council Chambers has office buildings located on the northern and southern sides of the property, the Pacific Highway on the eastern side and residential properties on the western side of the property.

Impacts on any of these properties must be taken into consideration.

Council and any leases / licencees must consider all potential impacts on these adjoining properties.

### Objective

- to minimise adverse impacts from the Council Chambers on adjoining land uses.

## Access

### Issue

Access to the Council Chambers and associated amenities is an issue in the following respect:

- pedestrian access;
- vehicular access;
- disabled access;
- access for ethnic and minority groups;
- emergency and service access; and
- signage.

The Council Chambers Site is bounded by the Pacific Highway and Radford Place, Gordon.

Vehicular access is provided in Radford Place, Gordon, where loading bays, visitor, staff and Councilor parking is allocated. No vehicular access is provided on the Pacific Highway, Gordon.

Vehicular access and parking signage is provided throughout Radford Place, Gordon and the Council car park.

Pedestrian signage which provides directions to the areas of public domain such as Council Chambers and Customer Service are not well

provided and can cause some confusion for visitors to the site.

Signage for each department, within the building, is not well provided.

Public pedestrian access into the building is available from Level 1 at Radford Place, Gordon and Level 4 from Pacific Highway, Gordon which is the principal entry to Customer Service.

Access between the various levels of the building is facilitated by a public stairwell, a fire escape linking Levels 1 through to Level 5, and a passenger lift which links Levels 1 to Level 4 only.

The lift does not provide access to the Level 5 with the only access to this level being a stairwell from Level 4.

Access within the various administration areas on each floor is provided to staff only with limited access for the public.

The *Disability Discrimination Act 1992* and *Anti Discrimination Act 1997* states that public places, such as parks, be accessible to persons with disabilities.

*Council's Access Policy and Disability Discrimination Act Action Plan* provides the following relevant objectives and strategies:

*Objective 3 – Council owned services and facilities are accessible to people with a disability including:*

*c) Access to Council's open space and facilities where it is possible and achievable within landform.*

*Objective 8 -Council takes a leading role to ensure that all levels of government, local business and community organisation provide accessible services.*

### *DDA Action Plan Strategies*

*1.2 Building and facilities will meet access standards including AS1428.2 Design for access and ability.*

*7.2 Council will put in place practices to encourage hirers and other users of council's facilities to be inclusive of people with a disability.*

Disabled access, into the building, is located on Level 1 leading from the Radford Place, Gordon. A disabled access ramp is provided from the disabled parking spaces. This ramp provides access to the passenger lift.

There is no disabled access into the building at Level 4 from the Pacific Highway, Gordon or to Level 5 of the building.

There is no provision of tactile indicators, in any areas of the site, for the visually impaired.

For the ethnic and minority groups, who may use or visit the building, a translation service has been provided to assist communications between minority groups and staff of Chambers.

### Objective

- to provide appropriate levels of access to the Council Chambers.

## Car Parking

### Issue

The Council Chambers provides limited car parking facilities for visitors, Council fleet vehicles, private staff vehicles and Councilors.

Issues have been raised in the past relating to the adequacy of the parking provisions. No progress has been made in alleviating the issue of a shortfall of adequate number of car parking spaces.

### Objective

- to investigate options for providing adequate car parking facilities to meet Council's requirements.

## Historical and Cultural Values

### Issue

The Council Chambers site is graded State significance in the NSW Heritage Inventory.

This implies that management of the item is a high priority for the owner.

As Council is the owner, there is a high priority to set an example in proper management and the local community expects that Council remains responsive to contemporary values.

Improvements or alterations, to the site shall be completed in a manner which respects the cultural and historical values of the site.

### Objective

- to retain and promote the heritage value of the Council Chambers.

## Internal Environment

### Issue

The Council Chambers site has many regular visitors and staff who spend many hours within the internal environment of the site.

The building's unstructured internal layout, uncoordinated internal layout changes and lack of a maintenance plan, have created an environment of cubicles and offices with limited natural light and ventilation.

Further changes to the internal environment should take into consideration the existing air conditioning systems, ventilation and lighting layouts in which to provide the maximum achievable amount of natural air and light possible within any resource constraints.

### Objective

- to provide appropriate levels of natural light and ventilation for all areas of the council chambers internal environment.

## Safety and Risk Management

### Issue

Safety and risk management are interrelated. To effectively deal with the objectives and strategies would be complementary.

Essentially, management of safety and risk relates to:

- user feedback on safety performance;
- identification of potential risks, and procedures to minimise exposure;
- an appropriate documentation system, incorporating safety performance, which can be used as a data source in identifying risks and
- relevant site inspection and maintenance programs.

The Council Chambers provide a safe working environment for staff and the general public in which to undertake various activities.

Staff is trained for various emergencies, with first aid and fire reduction materials located throughout the premises.

Council has an Occupational Health and Safety Committee which manages any safety and risk management issues within and surrounding the building.

### Objective

- to provide a safe environment for all staff, Councillors and visitors to the Council Chambers

## Connection of Civic Space

### Issue

Council Chambers site is a part of a group of Council public domains.

This group includes the library site, the old school building, a Council owned Childcare Centre and the Council Chambers site.

These areas are separated by the Pacific Highway, Gordon and the North Shore State Rail line.

Keeping these public areas, as a whole unit increases their value as civic spaces. Due to these areas being separated by arterial transport links, the Council Chambers site remains isolated from the rest of the civic buildings within the vicinity.

### Objective

- to create stronger links between Council properties in the area.

## Flexibility to Ensure Facilities Meet Demand

### Issue

The building known as Council Chambers has the potential to be used for a wide range of purposes by both staff and the wider community.

The site is currently used for Council administration, meetings, record keeping, archiving and recreation. These uses may expand which would increase in user numbers.

Management of the site requires flexibility in which to allow for a multiple of uses to be undertaken at the site concurrently.

### Objective

- to identify and cater for a reasonable level of demand for the facilities available at the Council Chambers; and
- to encourage multiple and compatible usage of facilities at the Council Chambers.

## Sustainable Management

### Issue

The *Local Government Act 1993* includes a Charter for Councils (Section 8).

This Charter includes the following:

*“to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development”*

Sustainable management in the context of this site includes issues such as:

- energy management;
- resource use;
- waste management; and
- landscape treatments.

### Objective

- to incorporate sustainable practices in management and the use of the Council Chambers site.

# Vandalism

## Issue

Vandalism is a widespread issue which affects all components of Council facilities which includes the Council Chambers site.

There is a significant financial cost reduction when damage or wear and tear occurs. It has been noted that the visual impact of the damage is an issue contributing to financial loss

Prompt repairs to vandalised facilities have been identified as a satisfactory deterrent.

It is considered appropriate to include the following elements in coordinated strategies to reduce vandalism:

- maximising user satisfaction;
- good design and facilities;
- prompt response to repair damage when vandalism occurs;
- when necessary target enforcement to known problem areas;
- appropriate education and interpretation;
- increased community involvement in identifying problem areas;
- increased lighting; and
- appropriate landscaping to improve visibility.

## Objective

- to minimise occurrences of vandalism and inappropriate use at the Council Chambers site through prompt response to damage, education and enforcement activities.

# Public Art

## Issue

In 1998, Council adopted a *Public Art Policy* aimed at

*"guiding and encouraging the exhibition and inclusion of art within public places, ensuring the valued characteristics of Ku-ring-gai are enhanced".*

The *Public Art Policy* has the following objectives:

- to encourage art in the Ku-ring-gai Council area;
- to contribute to raising the profile and recognition of art and arts development;
- to ensure public art complements and enhances the valued characteristics of the Council area;
- to ensure a coordinated and planned approach to the development and management of public art;
- to provide clear guidelines for Council and the community regarding public art development and responsibility; and
- to, where relevant, ensure the *Public Arts Policy* is reflected within Council's strategic directions, policies and planning controls and vice versa.

## Objective

- to provide opportunities for public art at the Council Chambers site.

# STRATEGY PLAN

## Introduction

This section outlines the strategies that will be implemented to achieve Council's objectives in terms of the issues relating to management of the Council Chambers site.

<b>Issue</b>	<b>Objective</b>	<b>Performance Indicators</b>	<b>Responsibility</b>	<b>Priority</b>
Asset management and maintenance.	To provide an agreed level of asset management and maintenance for the Council Chambers based on an adopted building maintenance program.	Identify agreed standards of maintenance and asset management. Prepare and implement maintenance programs. Review maintenance and asset management programs and service delivery standards on an annual basis.	Directors Operations and Strategy and Environment	High  High and ongoing  High and ongoing
Commercial opportunities.	To accommodate commercial uses within the existing uses of the Council Chambers site.	Prepare a Business Plan for the Council Chambers.	Director Community	Low
Impacts on adjoining land uses.	To minimise adverse impacts from the Council Chambers on adjoining land uses.	Identify the potential negative impact on adjoining land uses and implement appropriate responses to reduce these impacts.	Director Operations	Medium and ongoing
Access.	To provide appropriate levels of access to the Council Chambers.	Undertake an accessibility audit of the Council Chambers and take appropriate action. Identify constraints and opportunities to maximise access Develop and implement an Action Plan in accordance with Council's Access Policy to maximise access to and within the Council Chambers.	Director Operations	Medium  Medium  Medium
Car parking.	To investigate options for providing adequate car parking facilities to meet Council's requirements.	Identify opportunities to increase car parking capacity on the Council Chambers site Implement any identified measures.	Director Operations	High  Medium



Historical and cultural values.	To retain and promote the heritage value of the Council Chambers.	Activities and uses must consider the heritage values of the site.	Director Strategy and Environment	High and Ongoing
Internal environment	To provide appropriate levels of natural light and ventilation for all areas of the Council Chamber's internal environment.	Take into consideration the existing air conditioning, ventilation and natural light access, within the building, prior to changing the internal environment of the Council Chambers site.	Directors Operations and Strategy and Environment	Medium
Safety and risk management	To provide a safe environment for all staff, councillors and visitors to the Council Chambers.	Identify and assess potential hazards on the site. Formulate and implement a Risk Management Plan. Biannual safety plans to be undertaken by Council to minimise risk to users of the Council Chambers	Director Operations	High High Ongoing
Connection of civic space	To create stronger links between Council properties in the area.	Investigate links between Council properties in the area.	Director Strategy and Environment	Low
Flexibility to ensure facilities meet demand	To identify and cater for a reasonable level of demand for facilities at the Council Chambers. To encourage multiple and compatible usage of facilities at the Council Chambers.	Research needs to identify demand which can be accommodated at the Council Chambers.	Director Community	Medium
Sustainable management	To incorporate sustainable practices in management and use of the Council Chambers site.	Sustainable practices are a consideration in all aspects of management and use of the site. In conjunction with users, investigate measures that can be employed to reduce the environmental impacts of the site.	Director Strategy and Environment	Ongoing

Vandalism	To minimise occurrences of vandalism and inappropriate use at the Council Chambers site through prompt response to damage, education and enforcement activities.	Develop and implement a reporting system to provide for immediate response to damage or vandalism. Ensure facilities are of appropriate design and construction and are well maintained to minimise vandalism and security breaches.	Director Operations	Low  Ongoing
Public art	To provide opportunities for public art at the Council Chambers site.	To provide opportunities for public art at the Council Chambers site.	Director Community	Ongoing

## Monitoring Program

The strategy plan will be reviewed every two (2) years.

The review will include the following:

- a report on the progress plan;
- recommendations for alterations to the existing strategy plan for the coming year; and
- any other necessary changes due to new usage trends or issues arising from management of each site.
- 

The objectives will be reviewed every two (2) years in the Council's Management Plan cycle. However, if significant changes take place in the intermittent period then this section would need to be revised in accordance with those changes as soon as possible.

The core values held by the community are unlikely to change over the 15 year timeframe. However, the relative importance of each value may increase or decrease. These changes, in importance of core values, need to be reflected in changes in the Strategy Plan. Significant changes in relation to the importance of core values will necessitate the need for a completely new plan to be prepared.

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## KU-RING-GAI ART CENTRE - DRAFT PLAN OF MANAGEMENT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To place the draft Plan of Management - Ku-ring-gai Art Centre on public exhibition in accordance with the requirements of the Local Government Act 1993.

**BACKGROUND:**

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management.

**COMMENTS:**

The draft *Plan of Management for the Ku-ring-gai Art Centre* seeks to provide measurable strategies flowing from management objectives providing for long term focussed management of the Ku-ring-gai Art Centre.

**RECOMMENDATION:**

That the draft Plan of Management - Ku-ring-gai Art Centre be exhibited for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.

## PURPOSE OF REPORT

To place the draft Plan of Management - Ku-ring-gai Art Centre on public exhibition in accordance with the requirements of the Local Government Act 1993.

## BACKGROUND

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. Not only are plans required under the Act, but are essential management tools. Plans of management:

- are written by Council in consultation with the community;
- identify the important features of the land;
- clarify how Council will manage the land, and in particular; and
- indicate how the land may be used or developed such as leasing.

Until a plan of management for community land is adopted the nature and use of the land must not be changed. This means that Council cannot carry out new development on the land. It also means that Council cannot grant a lease, licence or other estate over the land until a plan of management is in place.

A draft *Plan of Management - Ku-ring-gai Art Centre* was prepared 2003. At the Ordinary Meeting of Council on 16 December 2003, it was resolved:

- A. *That the draft Plan of Management for the Ku-ring-gai Art Centre be exhibited for a period of 42 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.*
- B. *That during the exhibition period, copies of the draft Plan of Management for the Ku-ring-gai Art Centre be placed at the Council Chambers, Ku-ring-gai Library and branch libraries at St Ives, Lindfield and Turramurra and the Ku-ring-gai Art Centre.*
- C. *That Council give notice of its intention to determine a purchase price in accordance with Council's Fees and Charges for the Plan of Management for the Ku-ring-gai Art Centre of the Ku-ring-gai Art Centre via advertisements in the North Shore Times.*
- D. *That a further report be presented to Council following the public consultation process.*
- E. *That a Public Hearing be held during exhibition and public comment period in accordance with the requirements of the Local Government Act 1993.*

The draft *Plan of Management - Ku-ring-gai Art Centre* was exhibited from 28 January 2004 to 23 March 2004 with the Public Hearing being held on 25 February 2004.

At the Ordinary Meeting of Council on 22 March 2005, a revised draft *Plan of Management - Ku-ring-gai Art Centre* was presented to Council.

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Council resolved:

*That consideration of the matter be deferred to a later date.*

While no date was specified for reconsideration, Council on 29 April 2008, resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management. It is through this process that this plan has been identified for revision.

## COMMENTS

The draft *Plan of Management - Ku-ring-gai Art Centre* (**Attachment A**) follows the same format as for other plans prepared for various areas of community land in Ku-ring-gai. There have been no significant changes from the draft *Plan of Management - Ku-ring-gai Art Centre* which was exhibited in 2004.

The draft *Plan of Management - Ku-ring-gai Art Centre* seeks to provide measurable strategies. From these, management objectives are included that provide for the short, medium and long term management of the Ku-ring-gai Art Centre.

The *draft Plan of Management - Ku-ring-gai Art Centre* focuses more on the strategic direction of the site as a community asset. Limited details are included as to the day to day operation to enable flexibility, innovation and adaptive management. This greater detail such as programming is contained within annual operating plans and programs. The operation plan for the services provided at this site will be developed along with the Council's Plan of Management and will be available on Council's website.

As with other plans of management, this *draft Plan of Management - Ku-ring-gai Art Centre* provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to the Ku-ring-gai Art Centre. This does not necessarily mean Council will enter into any such agreement, however, Council is legally able to do so should the need arise.

Under *Section 612* and *705* of the *Local Government Act 1993*, Council is required to give public notice of the proposal fee (purchase price). The purchase price for the *Plan of Management - Ku-ring-gai Art Centre* is set at \$0.60 per page in accordance with Council's Fees and Charges 2009/10.

*Section 612* requires that Council must give the public notice for at least 28 days with a further 14 days for public comment and consider any submissions before it can determine the fee.

*Section 705* requires that Council must determine the manner with which it proposed to bring the matter notified, to the attention of as many people in its area as possible.

## CONSULTATION

The draft *Plan of Management - Ku-ring-gai Art Centre* will be advertisements in a local paper which is circulated within the Ku-ring-gai local government area, place on Council's website and available at the Art Centre, all libraries and Customer Service – Level 4, Council chambers These

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are the most appropriate means of bringing the current proposed draft *Plan of Management - Ku-ring-gai Art Centre* to the attention of the community. A public meeting will be held within the exhibition period.

## FINANCIAL CONSIDERATIONS

Financial considerations include the cost of advertising the exhibition of the draft *Plan of Management - Ku-ring-gai Art Centre*. This is incorporated within the operation budget of the Strategy department.

Once adopted, implementation of the *Plan of Management - Ku-ring-gai Art Centre* would largely be achievable within the annual operational budget. However, specific proposals would be the subject of a separate submission as part of the usual capital works program.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken as part of developing the draft *Plan of Management - Ku-ring-gai Art Centre* with the Community and Operations directorates.

## SUMMARY

There is no current *Plan of Management - Ku-ring-gai Art Centre*. A draft *Plan of Management - Ku-ring-gai Art Centre* was considered by Council in 2004 after a public exhibition period. The revised draft was not adopted at the Ordinary Meeting of Council on 22 March 2005.

There are no significant changes to the previous draft *Plan of Management - Ku-ring-gai Art Centre* that was exhibited in 2004. It is recommended that the revised draft *Plan of Management - Ku-ring-gai Art Centre*, as attached, be placed on exhibition for public comment in line with the requirements of the *Local Government Act 1993*. This will enable the community and council provide new comment on the draft plan.

## RECOMMENDATION

- A. That the draft *Plan of Management - Ku-ring-gai Art Centre* be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the *Local Government Act 1993*.
- B. That during the public exhibition period copies of the draft *Plan of Management - Ku-ring-gai Art Centre* be placed at Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries, Ku-ring-gai Art Centre and on Council's website.
- C. That Council gives notice of its intention to determine a purchase price of \$0.60 per page for the *Plan of Management - Ku-ring-gai Art Centre* via advertisements in the North Shore Times.

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- D. That during the public exhibition and comment period, copies of the draft *Plan of Management - Ku-ring-gai Art Centre* be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.
- E That a public hearing be held during the exhibition and public comment period in accordance with the requirements of *the Local Government Act 1993*.
- F. That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.

Louise Hayward  
**Sustainability Officer**

Peter Davies  
**Manager Corporate Planning  
& Sustainability**

Andrew Watson  
**Director Strategy &  
Environment**

**Attachments:        A. Draft Plan of Management - Ku-ring-gai Art Centre - 2009/092926**



Ku-ring-gai Council

# Ku-ring-gai Art Centre

## DRAFT PLAN OF MANAGEMENT

Ku-ring-gai  
Council

SERVIENDO GUBERNO

July 2009

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# Introduction

## Document structure

This Plan of Management comprises of four major sections including:

- Introduction;
- Management objectives;
- Strategy Plan; and
- Monitoring.

This Plan is the driving force of the plan that will guide management of Council's Art Centre over the next 15 years, incorporating the core values of the community and regular users being reflected in the vision and role for the land.

The management objectives have been developed in response to key issues identified within the consultation process that affect management of the Ku-ring-gai Art Centre.

The Strategy Plan and Monitoring Program define the strategies that will be implemented to achieve the management objectives of the plan.

Performance indicators are included at the end of this section and provide a basis for measurement upon which to evaluate the implementation strategies.

## Background

Council owns and manages the Ku-ring-gai Art Centre where many of the people, who visit the centre, are residents from the local community. From a regional perspective, the centre is one of the largest art facilities in Australia provided by local government and attracts people from the wider region of northern Sydney. The centre attracts students and visitors from the wider Sydney regions.

This Plan of Management is strategic in its focus and intentionally does not provide specific details in regards to how works or actions are to be performed or achieved.

This approach has been taken to allow for innovation and flexibility in the implementation of the Plan of Management to take full advantage of opportunities and to recognise annual fluctuations in regards to use, income and potential funding.

## Objectives

This Plan has been developed to fulfil the following objectives:

- to meet Council's obligations under Chapter 6 of the *Local Government Act 1993* in respect to Public Land management;
- to enable Council to renegotiate or enter into contracts, leases, licences and hire agreements for the Art Centre in relation to the provision of services and utilities; and
- to provide for an effective program of asset management, maintenance and improvements to the Ku-ring-gai Art Centre.

In accordance with the requirements of the *Local Government Act 1993*, the Plan of Management includes the following core objectives for lands categorised as General Community use.

The core objectives for management of community land categorised as General Community use are to promote, encourage and provide for the use of the land and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to:

- public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public uses).

## Vision

Based on community and staff consultation, the following vision is provided for the Ku-ring-gai Art Centre:

**To provide a multi-disciplined cultural and arts resource for all members of the community, that inspires and fosters creativity, personal development and community interaction, and provides educational opportunities, ensuring that the arts and culture are promoted and encouraged at local and regional levels.**

This is consistent with the adopted vision for the Ku-ring-gai Local Government Area. Ku-ring-gai will be a creative, healthy and liveable place where people respect each other, conserve the magnificent environment and society for the children and grandchildren of the future

## Relationship with other Plans

The car park adjoining the Ku-ring-gai Art Centre and used by visitors and staff of the centre, is covered by the Generic Plan of Management for Car Parks

Bancroft Park, which includes the sculpture park adjacent to the Ku-ring-gai Art Centre, is covered by the Generic Plan of Management for Ku-ring-gai Parks.

- Park;
- General Community Use;
- Area of Cultural Significance;
- Bushland;
- Wetland;
- Escarpment;
- Water course; and
- Foreshore.

For the purposes of Section 36 Clause 4 this Plan of Management categorises the Ku-ring-gai Art Centre as general community use.

## Community land

The introduction of the *Local Government Act 1993* represented a significant policy reform in respect to Public Land management. One of these requirements is the preparation of Plans of Management for all community land.

Community land must be managed in accordance with an adopted Plan of Management and until such a plan is prepared and adopted, the nature of the land and use cannot be altered.

Leasing and licensing of community land must be authorised by a Plan of Management.

## Local and regional context

The Ku-ring-gai Art Centre was previously the Roseville Bowling Club. In 1980 the Ku-ring-gai Community Arts Centre was established when funding was not approved for alterations and furniture for the bowling club. The creation of the Ku-ring-gai Community Arts Centre stemmed from a need expressed by the community for Council to provide a wider range of arts and crafts activities than what was available at the time.

In 1993, the Ku-ring-gai Community Arts Centre changed its name to the Ku-ring-gai Art Centre. The site itself remains a community centre in the commonly accepted sense. The name change has not lessened the perceived importance of Council's role in providing this facility for the public.

## Land covered by the plan

This Plan of Management covers the Ku-ring-gai Art Centre which is situated in Bancroft Park, Recreation Avenue, Roseville, Lot 1 DP 132840 and Lot Z DP 404666 and is shown in **Figure 1**.

Today, a talented range of artists, musicians, authors and artisans teach at the Ku-ring-gai Art Centre. Residents from the Ku-ring-gai community and beyond are attracted to the Centre to enjoy the facilities and the learning experience.

## Categorisation

Under Division 2, Section 36, Clause 4 of the *Local Government Act 1993*, Plans of Management must categorise the land covered by the Plan. The Act provides the following choices for categorisation:

- Natural area;
- Sportsground;

## Description of Land

The Ku-ring-gai Art Centre occupies 746m<sup>2</sup> of land situated in Bancroft Park off Recreation Avenue, Roseville (**Figure 1**).

The main building of the centre is a one (1) and part two (2) storey weatherboard and brick building. Inside there are three (3) studios, gallery space and two (2) office areas. Presently the photography

facilities have been discontinued and this area is now used for storage. There is a courtyard in between the main building and a separate single storey brick studio.

There is a ramp leading to Studio One and a set of stairs leading to the main entrance of the Centre. There are steps adjoining Studio Two and the courtyard.

There is an outdoor pottery area that is bounded by fencing with two (2) gates and a set of stairs leading to the courtyard.

## Leases and licences

This Plan of Management expressly authorises Council, by resolution, to enter into lease or licence agreements with relevant authorities, organisations or individuals in relation to the provision of services or utilities for a public purpose.

In accordance with the requirements of *the Local Government Act 1993*, this plan also expressly authorises Council to grant easements for authorities, organisations or individuals in favour of private lands over lands identified in the plan providing Council is satisfied there is no reasonable alternative and the appropriate benefits are obtained for the community land and any adverse impacts on the surface or drainage is remediated at the cost of the holder of the easement.

## Future development of the land

This Plan of Management authorises, within the requirements of relevant legislation and Council policy, the future development of the Ku-ring-gai Art Centre for the following purposes and uses:

- alterations and additions to the existing land and buildings to provide improved facilities for the uses permitted by this Plan of Management;
- construction of new facilities; and
- improvements to the landscape and aesthetic elements of the land.

Any future development of the land will need to comply with relevant laws, governing use and development of the land.

## Values and issues

The following values of the Ku-ring-gai Art Centre and issues relating to its management have been identified through consultation with the stakeholders of the Centre.

### Values:

- accessibility;
- existing facilities;
- value added opportunities;
- well utilised facility;
- recreation;
- inspiration and personal growth;
- creative interaction;
- educational opportunities;
- community ownership; and
- cultural opportunities.

### Issues:

- access;
- asset management;
- storage;
- purpose built facilities;
- future demands and uses;
- alternate sources of funding;
- safety and risk management;
- vandalism and inappropriate use;
- waste management;
- impacts on adjoining land uses; and
- sustainable management.

## Current and permitted uses

This land provides for and authorises the following current and permitted uses:

### Current uses:

- multi-disciplinary art classes eg. sketching, painting, sculpture, pottery, glass and mosaic art, music, creative writing, drama, silver and beaded jewellery;
- art exhibitions;
- functions and special events eg. fashion parades, demonstrations, exhibition launches, artist talks, cultural events;
- school vacation activities;
- administrative and office duties;
- curation of artworks;
- ceramic, glass and pottery firing;
- sale of artwork and crafts; and
- art market.

### Permitted uses:

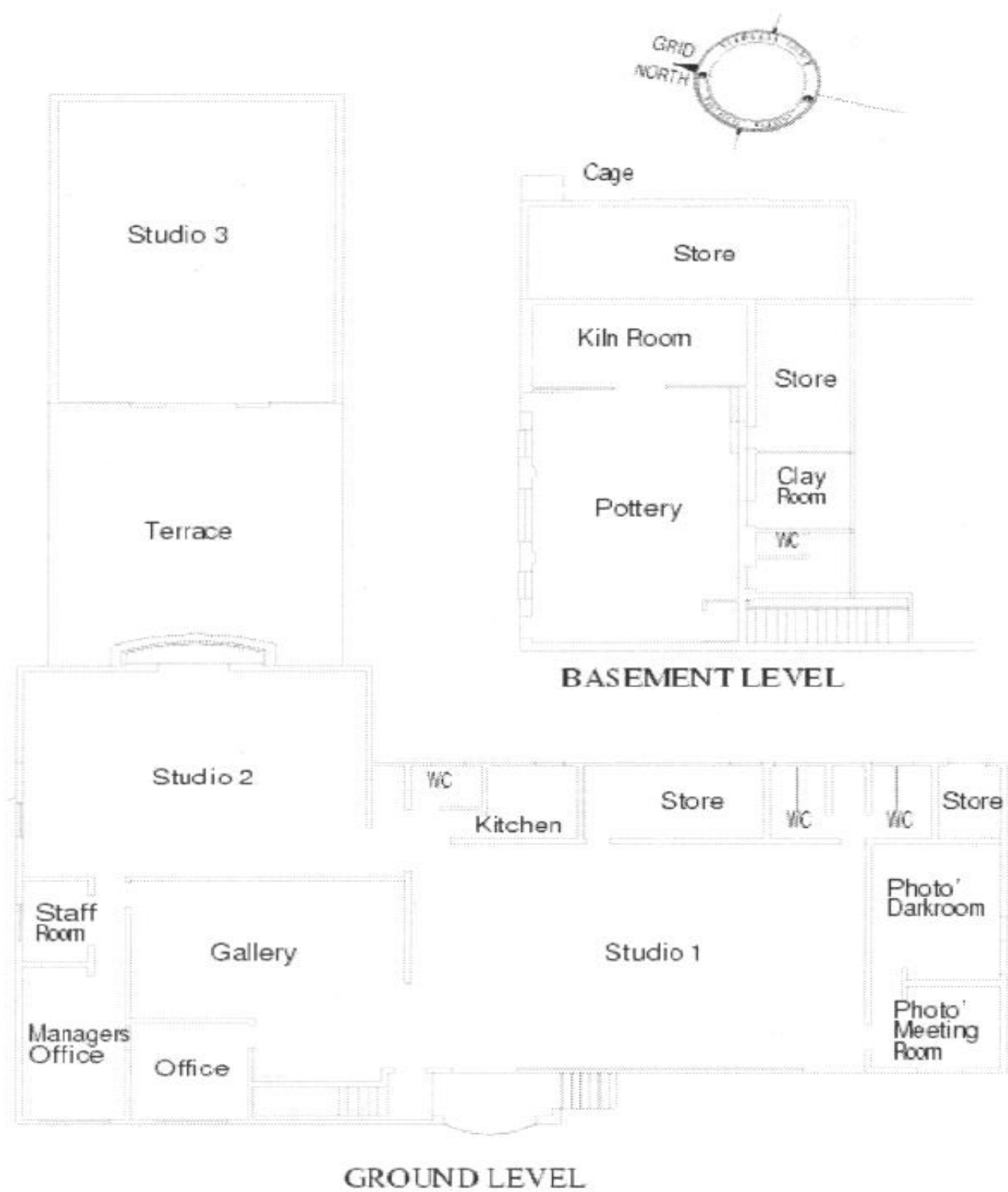
- multi-disciplinary art classes eg. sketching, painting, photography, sculpture, pottery, glass and mosaic art, silver and beaded jewellery, creative writing, music, drama;
- art exhibitions;
- functions and special events eg. fashion parades, demonstrations, exhibition launches, artist talks;
- school vacation activities;
- administrative and office duties;
- curation of artworks;
- ceramic, glass and pottery firing;
- sale of artwork and crafts;
- art market;
- performance arts; and
- community events.

## Scale and Intensity of Permitted Uses

Use	Scale	Intensity
Multi-disciplinary arts classes	<ul style="list-style-type: none"> <li>- Limited to the number of places available in each class</li> <li>- Limited to the physical constraints of the facilities</li> </ul>	0900 – 2130 daily
Art exhibition	<ul style="list-style-type: none"> <li>- Limited to the physical constraints of the facilities</li> </ul>	1800 – 2000 (launch) Gallery hours: 1100 – 1630 Mon to Fri 1100 – 1600 Sat
Functions and special events	<ul style="list-style-type: none"> <li>- Limited to the physical constraints of the facilities</li> </ul>	0800 – 2100 Mon to Thurs 0800 – 2300 Fri to Sat 0900 – 2100 Sun and public holidays
School vacation activities	<ul style="list-style-type: none"> <li>- Limited to number of places available in each class</li> <li>- Limited to the number of tutors available</li> <li>- Limited to the space of the classroom and available facilities</li> </ul>	School holidays 0900 – 1800 depending on classes available
Administration and office duties	<ul style="list-style-type: none"> <li>- Limited to the number of staff</li> <li>- Limited to the physical constraints of the facilities</li> </ul>	0800 – 1800 Mon to Fri
Curation of artworks	<ul style="list-style-type: none"> <li>- Limited to size of art works</li> <li>- Limited to the physical constraints of the facilities</li> </ul>	0830 – 2130 Mon to Sat
Ceramic, glass and pottery firing	<ul style="list-style-type: none"> <li>- Limited to kiln capacity</li> <li>- Limited to the maximum temperature available in kiln</li> </ul>	0830 – 2130 Mon to Sat
Sale of Artwork	<ul style="list-style-type: none"> <li>- Limited to amount of artwork on sale</li> <li>- Limited to feasible constraints of exhibition space</li> </ul>	Launch nights Art Market 0900 – 2130 daily
Art market	<ul style="list-style-type: none"> <li>- Limited to availability of staff</li> <li>- Limited to physical studio space and resources</li> </ul>	Maximum four times per year Weekends only
Performance Art	<ul style="list-style-type: none"> <li>- Limited to the number of places available in each class</li> <li>- Limited to the availability of tutors and facilities</li> </ul>	0900 – 2130 daily
Community Events	<ul style="list-style-type: none"> <li>- Limited to the physical constraints of the facilities and resources</li> <li>- Limited to availability of staff</li> </ul>	0800 – 2100 Mon to Thursday 0800 – 2300 Fri to Sat 0900 – 2100 Sun and public holidays



Figure 1: Layout of centre (not to scale)



# Management objectives

## Introduction

The management objectives have been developed in response to those issues identified as important in managing the Ku-ring-gai Art Centre and in consideration of the values of the land.

## Asset Management

### Issue

Under the requirements of the *Australian Accounting Standard 27 (AAS27)*, Council must identify assets under their control and establish a framework for the management of these assets. The assets of the Ku-ring-gai Art Centre must be maintained and / or repaired as required. Assets that have heavy usage need regular maintenance.

Currently maintenance is carried out by Council and this will continue into the future and shall be in accordance with this Plan.

### Objective

- to effectively manage the assets of the Ku-ring-gai Art Centre

## Storage

### Issue

The Ku-ring-gai Art Centre stores art equipment, supplies and art works. Storage space is currently of limited capacity. Equipment, supplies and artworks need to be stored in appropriate storage facilities that do not obstruct passageways, to prevent or minimise safety hazards from occurring.

Proper storage of all dangerous materials such as paints, thinners and photography chemicals should be provided through the use of purpose built dangerous goods cabinets which provide adequate ventilation and containment of any spills. Up to date Material Safety Data Sheets (MSDS) must also be kept with these chemicals in case of emergency situations. Chemicals and other hazardous materials should be stored away from drains.

There should be secure storage space available, where required, for security reasons which would aim to prevent theft and damage of equipment and art work.

### Objective

- to provide safe, sufficient and appropriate storage space for art, supplies and art work; and
- to prepare and implement a longer term strategy in which to manage hazardous and dangerous materials.

## Access

### Issue

Access at the Ku-ring-gai Art Centre is an issue in the following respects:

- pedestrian access;
- vehicular access;
- disabled access;
- signage; and
- emergency access.

### Pedestrian access

A number of users do not travel to the centre by car and therefore require pedestrian access. The centre is a short walk from Roseville station. Adequate footpaths are therefore important to enable all members of the community to have equal access to the centre.

### Vehicular access

There are currently 28 parking spaces for the staff and visitors of the centre. However, this area can become rather crowded especially on weekends when the tennis courts are most heavily used.

### Disabled Access

The *Disability Discrimination Act 1992* and *Anti Discrimination Act 1997* makes it law for public places, such as parks, to be accessible to persons with disabilities. In response, Council's Access Policy and Disability Discrimination Act Action Plan provide the following relevant objectives and strategies:

- Objective 3 – Council owned services and facilities are accessible to people with a disability including:
  - c) Access to Council’s open space and facilities where it is possible and achievable within landform.
- Objective 8. - Council takes a leading role to ensure that all levels of government, local business and community organisation provide accessible services.
- DDA Action Plan Strategies
  - 1.2 Buildings and facilities will meet access standards including AS1428.2 Design for access and ability.
  - 7.2 Council will put in place practices to encourage hirers and other users of council’s facilities to be inclusive of people with a disability.

#### **Directional signage**

The Ku-ring-gai Art Centre may be difficult to find as it is located off Recreation Avenue. This is not a main road and is within Bancroft Park and surrounded by tennis courts and a school. It is necessary to have clear and visible signage on the building of the centre and appropriate street signage. The creation of a logo for the centre is also desirable.

#### **Emergency Access**

In the case of an emergency, visitors and staff of the centre should be aware of the procedures during an evacuation and be able to locate and access the exits of the building.

### **Objectives**

- to provide adequate disabled access to and within the centre;
- to provide sufficient access in the case of an emergency;
- to provide adequate directional signage;
- to provide sufficient vehicular and pedestrian access; and
- to have 20% of visitors access the centre via forms of transport alternate to private vehicles by 2015.

## **Vandalism**

### **Issue**

Vandalism is a widespread issue which affects all components of Council facilities, including the Ku-ring-gai Art Centre.

In addition to the financial cost is the significant reduced or lost value of usage of the facilities until the damage is repaired as well as the visual impact of the damage. Prompt repairs to vandalised facilities have been identified as a satisfactory deterrent for continued vandalism. It is considered appropriate to include the following elements in coordinated strategies to reduce vandalism:

- maximising user satisfaction;
- good design and facilities;
- prompt response to repair damage when vandalism occurs;
- when necessary, target enforcement to known problem areas;
- appropriate education and interpretation;
- increased community involvement in identifying problem areas;
- increased lighting; and
- appropriate landscaping to improve visibility.

### **Objective**

- to minimise occurrences of vandalism and inappropriate use at the Ku-ring-gai Art Centre through prompt response to repair damage, education and enforcement activities.

## **Facility Limitations**

### **Issue**

Originally, the Ku-ring-gai Art Centre was a bowling club and was, accordingly, not designed to the requirements of an art centre. The facilities and internal layout of the centre would be significantly improved if it had been purpose built for an art centre.

Due to this reason some internal improvements maybe necessary for the Ku-ring-gai Art Centre to function at its full capacity and potential. This is a long term issue. However, in the interim, it is identified that some short term issues such as track lighting would improve the functioning of the building.

## Objective

- to improve the facilities and internal layout of the Ku-ring-gai Art Centre.

## Technology

### Issue

The current equipment and technology at the Ku-ring-gai Art Centre are of a high quality and very diverse. However, it is important to be aware of and to provide new technology for the users of the centre.

New technology will enable the staff and students to explore the current and latest techniques for their art work. Technology, such as digital photography and graphics programs would be of benefit to staff and students of the centre.

## Objective

- to provide current technology for the students and staff of the Ku-ring-gai Art Centre.

## Future Demands and Uses

### Issue

The Ku-ring-gai Art Centre has identified that the development of a more diverse range of classes would be desirable for the centre. Flexibility is necessary to meet new demands and to create new opportunities. Appropriate facilities and tutors will be required for this to occur.

The creation of more performing arts classes such as music is one example of a potential new use. In this case, better acoustics would be required to improve sound quality and to reduce the impacts of noise on adjoining properties and other students using the centre. In this case, the possibility of sound proofing one of the studios should be investigated.

## Objective

- to monitor and provide for future demands at the Ku-ring-gai Art Centre and to investigate potential new uses.

## Funding

### Issue

The main source of funding for the centre is from income generated from course fees. Limited fees are also derived from commissions for exhibitions, materials and miscellaneous fees such as special events.

These fees do not currently cover the annual operating costs of the centre. These costs include casual wages and salaries, rates and services such as electricity, water, waste disposal as well as equipment, materials and fittings.

Additional funding may be required if the centre is to diversify its classes and expand its facilities. It may be advantageous if alternative sources of funding are explored.

However, although funding could be sought from touring external exhibitions at the centre, security issues would need to be addressed before the gallery could be offered for this use.

## Objective

- to investigate and seek alternate sources of funding for the Ku-ring-gai Art Centre.

## Safety and Risk Management

### Issue

It is important to ensure a safe environment is maintained for students, visitors and staff to the centre. This can include factors such as adequate lighting, clearly marked exits, safe storage of hazardous materials and elimination of trip hazards.

In short, positive management of safety and risk relates to:

- identification of potential risks and subsequent rectification;
- simplification of design so as to place adverse complexity onto areas that may pose future safety risks;
- an appropriate documentation system incorporating past safety performance which is then calibrated together with future potential risks;

- relevant site inspections and maintenance programs; and
- community feedback on safety performance.

### Objective

- to provide a safe environment for staff, students and visitors of the Ku-ring-gai Art Centre.

## Waste Management

### Issue

The Ku-ring-gai Art Centre generates waste such as clay sediment, clay pots, kitchen waste and general waste.

General waste is disposed of to landfill. Paper and cardboard is recycled through a separate collection as are various plastics and metals, consistent with Council's domestic waste management service.

Hazardous chemical wastes are produced from painting. Currently hazardous materials from painting classes are the responsibility of the students. They are required to bring a screw top jar and take any cleaning solvents home with them.

It is clear the Centre needs a more strategic and systematic approach to the disposal of hazardous wastes for centre activities.

### Objective

- to ensure that waste is disposed of appropriately.

## Impacts on Adjoining Land Uses

### Issue

The Ku-ring-gai Art Centre adjoins Bancroft Park, tennis courts and residential areas. Several major issues arise in relation to impacts on adjoining land uses. These are as follows:

- Noise generated from people arriving or leaving the centre and the use of certain equipment, such as the extractor fan, can affect neighbouring residents. Measures should be taken to keep noise levels to a minimum.

- If waste is not disposed of correctly and it accumulates, odours and an increase in vermin can affect adjoining properties.
- There are currently 28 parking spaces for the staff and visitors of the centre. However, this area can become rather crowded especially on weekends when the tennis courts are more heavily used. Therefore competing interests for the car park may arise during these times.

### Objective

- to minimise adverse impacts on adjoining land users.

## Sustainable Management

### Issue

The *Local Government Act 1993* includes a Charter of Councils (Section 8). This charter includes the following:

*"to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecological sustainable development."*

Sustainable management, in the context of this site and includes issues such as:

- energy management;
- resource use;
- waste management; and
- water conservation.

### Objective

- to incorporate sustainable practices in the management and use of the Ku-ring-gai Art Centre site.

# Strategy Plan

## Introduction

This section outlines the strategies that will be implemented to achieve Council's objectives in terms of the issues relating to management of the Ku-ring-gai Art Centre.

Issue	Objective	Strategy	Responsibility	Priority
Asset Management	To effectively manage the assets of the Ku-ring-gai Art Centre.	Consult, Condition, Audit and identify assets that require maintenance, repair and or replacement. Prepare and implement maintenance and asset management programs that are consistent with Condition Audit. Monitor condition of facilities and maintenance and asset programs as required.	Trades Services/ Art Centre Coordinator.	High  High  Ongoing
Storage	To provide safe, sufficient and appropriate storage space for art equipment, supplies and art work.  To prepare and implement longer term strategy to manage hazardous materials.	Identify materials which require extra or more appropriate storage. Complete Material Safety Data Sheets for all hazardous materials at the centre. Audit hazardous materials. Determine appropriate storage requirements for hazardous materials. Determine appropriate storage location and facilities required and to seek funding. Install storage required for hazardous materials.	Trades / Health& Safety Coordinator/ Art Centre Coordinator.	High/Ongoing High/Ongoing High High High High
Access	To provide adequate disabled access to and within the centre. To provide sufficient access in the case of an emergency.       To provide adequate directional signage.  To provide sufficient vehicular and pedestrian	Continue to monitor and make improvements where required.  Consult, Condition, Audit. Audit the exits of the Centre and any emergency procedures that are in place. Develop an evacuation plan. Implement the evacuation plan, provide training for the students and notify new students of the plan. Audit access for emergency vehicles. Produce a strategy to improve access in and out of the building. Consult, Condition, Audit. Audit the directional signage. Provide adequate signage and develop and implement a plan to make the art centre visible from surrounding areas. Audit access for vehicles and pedestrians.	Health& Safety Coordinator/ Art Centre Coordinator/Community Development Coordinator/Strategy/Operations	Ongoing High High High Ongoing High High High High High

	access.  To have 20% of visitors access the centre via forms of transport alternate to private vehicles by 2015.	Conduct a survey to investigate visitors' needs and behaviour related to accessing the centre. Investigate options to achieve this target. Eg. Install bicycle storage facilities, include public transport information on centre literature		High  Medium  Medium
Vandalism	To minimise occurrences of vandalism and inappropriate use at the Ku-ring-gai Art Centre through prompt response to damage, education and enforcement activities.	Develop and implement a reporting system of vandalism incidents to provide an immediate response such as sensor lighting.	Operations/ Art Centre Coordinator.	Medium
Facility Limitations	To improve the facilities and internal layout of the Ku-ring-gai Art Centre.	Identify facilities that need improving. Consult, Condition, Audit. Identify short term issues that can improve functioning of the centre. Identify issues with the internal layout. Produce a long term plan for the internal layout that will improve the functioning of the centre.	Operations/ Art Centre Coordinator.	Low Medium Medium  Low Low
Technology	To provide current technology for the students and staff of the Ku-ring-gai Art Centre.	Investigate new technology which may be beneficial to the users of the centre. Develop a budget plan to purchase potentially beneficial technology.	Information Technology/ Art Centre Coordinator.	Medium  Medium
Future Demands and Uses	To monitor and provide for future demands at the Ku-ring-gai Art Centre and to investigate potential new uses.	Identify the demand of the community for courses and activities of the centre. Identify facilities required for demand to be met and to be feasible. Produce a strategy to cater for new demands. Monitor future and changing demands.	Manager Leisure Cultural development / Art Centre Coordinator.	High  High  Medium  Ongoing
Funding	To investigate and seek alternate sources of funding for the Ku-ring-gai Art Centre.	Identify potential alternate sources of funding. Develop a strategy to seek funding from alternate sources.	Manager Leisure & Cultural Development & Art Centre Coordinator.	High  High



Safety and Risk Management	To provide a safe environment for staff, students and visitors of the Ku-ring-gai Art Centre.	Identify and assess potential hazards on the site. Develop and implement a risk management plan. Ensure lease and licence agreements include requirements for OH&S and Risk Management. Bi-annual safety audits to be undertaken by Council to minimise risk to users and staff.	Health& Safety Coordinator/Art Centre /Manager Halls & Bookings.	High High/Ongoing High/Ongoing Ongoing
Waste Management	To ensure that waste is disposed of appropriately.	Encourage students to segregate waste streams and to use recycling bins appropriately. Manage and maintain the clay trap appropriately. Dispose of waste according to the Trade Waste Service Agreement. Identify amount and type of hazardous waste. Develop a Waste Management Plan for hazardous waste generated at the centre.	Trades Waste/ Art Centre Coordinator.	High/Ongoing Ongoing Ongoing High High
Impacts on Adjoining Land Uses	To minimise adverse impacts on adjoining land users.	Consider the potential impacts on adjoining properties when assessing uses. Provide mechanisms to receive feedback from the adjoining properties on ways of minimising impacts. Investigate the possibility of sound proofing one of the studios.	Development & Regulations/ Art Centre Coordinator.	Medium/Ongoing Ongoing Medium
Sustainable Management	To incorporate sustainable practices in the management and use of the Ku-ring-gai Art Centre site.	Sustainable practices are to be considered in all aspects of management and use of the centre. In conjunction with users, investigate measures that can be employed to reduce the environmental impacts of the site.	Strategy/Art Centre Coordinator.	Ongoing Ongoing

## Monitoring Program

The strategy plan will be reviewed every two (2) years.

The review will include the following:

- a report on the progress plan;
- recommendations for alterations to the existing strategy plan for the coming year; and
- any other necessary changes due to new usage trends or issues arising from management of each site.

The objectives will be reviewed every two (2) years in the Council's Management Plan cycle. However, if significant changes take place in the intermittent period then this section would need to be revised in accordance with those changes as soon as possible.

The core values held by the community are unlikely to change over the 15 year timeframe. However, the relative importance of each value may increase or decrease. These changes, in importance of core values, need to be reflected in changes in the Strategy Plan. Significant changes in relation to the importance of core values will necessitate the need for a completely new plan to be prepared.

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## MISCELLANEOUS LANDS - DRAFT GENERIC PLAN OF MANAGEMENT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To place the draft generic Plan of Management for Miscellaneous Land on public exhibition in accordance with the requirements of the Local Government Act 1993.

**BACKGROUND:**

Council's miscellaneous lands are classified as community land. The *Local Government Act 1993* requires that all land classified as community land must have a plan of management. No plan of management has been adopted for these sites. On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management.

**COMMENTS:**

The draft *Generic Plan of Management for Miscellaneous Land* seeks to provide measurable strategies flowing from management objectives providing for long term focussed management of miscellaneous lands.

**RECOMMENDATION:**

That the draft Generic Plan of Management for Miscellaneous Land site be exhibited for a period of 28 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.

## PURPOSE OF REPORT

To place the draft generic Plan of Management for Miscellaneous Land on public exhibition in accordance with the requirements of the Local Government Act 1993.

## BACKGROUND

Council owns and manages approximately 284 parcels of miscellaneous Community Land. Many are small parcels which include pathways and drainage reserves.

The *Local Government Act 1993* requires that all land classified as Community Land must have a plan of management. Not only are plans required under the Act, but are essential management tools. Plans of management:

- are written by Council in consultation with the community;
- identify the important features of the land;
- clarify how Council will manage the land, and in particular; and
- indicate how the land may be used or developed such as leasing.

Until a plan of management for Community Land is adopted, the nature and use of the land must not be changed. This means that Council cannot carry out new development on the land. It also means that Council cannot grant a lease, licence or other estate over the land until a plan of management is in place.

In accordance with the *Local Government Act 1993* and *Practice Note number One Public Land Management* issued by the Department of Local Government, a Council can amend a plan of management at anytime. However, as an amendment, it is regarded as another plan and must be exhibited in accordance with s40 of the Act. This is the case for the attached draft *Generic Plan of Management for Miscellaneous Land*.

No plan of management has been adopted for Council's miscellaneous lands.

## COMMENTS

The draft *Generic Plan of Management for Miscellaneous Land* (**Attachment A**) follows the same format as for other plans prepared for various areas of community land in Ku-ring-gai.

The draft *Generic Plan of Management for Miscellaneous Land* seeks to provide measurable strategies flowing from management objectives providing for long term focussed management of miscellaneous land.

The draft *Generic Plan of Management for Miscellaneous Land* is deliberately strategic in nature, with limited operational detail, to allow for flexibility and innovation in the implementation of strategies. This detail will be reflected in annual operating plans which will vary according to funding levels and the options available to provide agreed services. The operation plans will also

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be developed along with the Council's Management Plan and will be available on Council's website.

As with other plans of management this draft *Generic Plan of Management for Miscellaneous Land* provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to miscellaneous land. This does not necessarily mean Council will enter into any such agreement however Council is legally able to do so should the need arise.

Under *Section 612* and *705* of the *Local Government Act 1993*, Council is required to give public notice of the proposal fee (purchase price). The purchase price for the *draft Generic Plan of Management for Miscellaneous Land* is set at \$0.60 per page in accordance with Council's Fees and Charges 2009/10.

*Section 612* requires that Council must give the public notice for at least 28 days with a further 14 days for public comment and consider any submissions before it can determine the fee.

*Section 705* requires that Council must determine the manner with which it proposed to bring the matter notified, to the attention of as many people in its area as possible.

## CONSULTATION

The draft *Generic Plan of Management for Miscellaneous Land* will be advertised in a local paper which is circulated within the Ku-ring-gai local government area, placed on Council's website and available at the libraries and Customer Service – Level 4, Council Chambers. These are the most appropriate means of bringing the current proposed draft *Generic Plan of Management for Miscellaneous Land* to the attention of local community. A public meeting will be held within the exhibition period.

## FINANCIAL CONSIDERATIONS

Financial considerations include the cost of advertising the exhibition of the draft *Generic Plan of Management for Miscellaneous Land*. This is incorporated within the operation budget of the Strategy and Environment Department.

Once adopted, implementation of the draft *Generic Plan of Management for Miscellaneous Land* would largely be achieved within annual operational budget. However, specific proposals would be the subject of a separate submission as part of the capital works program.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken as part of developing the *draft Generic Plan of Management for Miscellaneous Land* with the Operations directorate.

## SUMMARY

The *Local Government Act 1993* requires that all land classified as community land must have a plan of management.

No plan of management has been adopted for Council's miscellaneous lands.

On 29 April 2008, Council resolved to prepare and revise existing plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management. By adopting a *Generic Plan of Management for Miscellaneous Land*, Council will achieve its legislative responsibilities in accordance with the *Local Government Act 1993* and *Practice Note Number One Public Land Management* issued by the Department of Local Government.

## RECOMMENDATION

- A. That the draft *Generic Plan of Management for Miscellaneous Land* site be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the *Local Government Act 1993*.
- B. That during the public exhibition period copies of the draft *Generic Plan of Management for Miscellaneous Land* be placed at Council Chambers, Gordon, St Ives, Lindfield and Turrumurra libraries, and on Council's website.
- C. That Council gives notice of its intention to determine a purchase price of \$0.60 per page for the *Generic Plan of Management for Miscellaneous Land* in the North Shore Times.
- D. That during the public exhibition and comment period, copies of the draft *Generic Plan of Management for Miscellaneous Land* be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.
- E. That a public hearing be held during the exhibition and public comment period in accordance with the requirements of the *Local Government Act 1993*.
- F. That a further report be presented to Council following the public consultation following the public consultation process and incorporating comments received during the public exhibition process.

Louise Hayward  
Sustainability Officer

Peter Davies  
Manager Corporate Planning  
& Sustainability

Andrew Watson  
Director Strategy &  
Environment

**Attachments: A. Draft Generic Plan of Management for Miscellaneous Lands - 2009/094814**

Ku-ring-gai Council

# Miscellaneous Land

DRAFT PLAN OF MANAGEMENT

Ku-ring-gai  
Council

SERVIENDO GUBERNO

July 2009

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# INTRODUCTION

## Document structure

This Plan of Management comprises four major sections including:

- Introduction;
- Management objectives;
- Strategy plan; and
- Monitoring.

The plan will guide management of Council's miscellaneous lands over the next 15 years. The basis for management incorporates the core values of the community and regular users which are reflected in the vision and role for the land.

The management objectives have been developed in response to key issues identified in past correspondence with the community as part of other consultation process that affect management of Council's miscellaneous land.

The strategy plan and monitoring program define the strategies that will be implemented to achieve the management objectives of the plan.

Performance indicators are included at the end of this section and provide a basis for measurement upon which to evaluate the implementation strategies.

## Background

Council owns and manages a significant number of parcels of community land. Many are large or easy to categorise such as parkland or sportsgrounds and have been captured with a specific or generic plan of management. For the many other smaller parcels of land such as pathways and drainage reserves, their use and management is needed to be incorporated within a statutory plan. For this reason, the Miscellaneous Plan of Management has been created.

This Plan of Management covers the 284 miscellaneous lands as listed in **Appendix A**.

This Plan of Management is strategic in its focus and intentionally does not provide specific details in regard to how works or actions are to be performed or achieved. This approach has been taken to allow for innovation and flexibility in implementation of the Plan to take full advantage of opportunities and to recognise annual fluctuations in regard to funding.

## Objectives

This Plan has been developed to fulfil the following objectives:

- to meet Council's obligations in respect to Public Land Management under the requirements of the *Local Government Act 1993* (as amended);
- to enable Council to re-negotiate or enter into contracts, leases, licences and hire agreements;
- to minimise the impacts from activities associated with Council's miscellaneous lands upon residents and the environment;
- to maximise the passive and active recreational and commercial opportunities of Council's miscellaneous lands;
- to provide a framework and maximise opportunities for the sustainable management of Council's miscellaneous lands; and
- to meet the objectives of Councils Corporate Strategic Plan.

## Vision

- **to maximise the use and opportunities of Council's miscellaneous lands through sustainable management practices.**

## Community Land

The introduction of the *Local Government Act 1993* represented a significant policy reform in respect to public land management.

One of the requirements is the preparation of plans of management for all community land. Community land must be managed in accordance with an adopted plan of management and until such plan is prepared and adopted, the nature of the land and use cannot be altered.

Leasing and licensing of community land must be authorised by a Plan of Management.

This Plan of Management is prepared in accordance with the requirements of the *Local Government Act 1993*. It provides a strategic framework for future management of Council's miscellaneous lands.

Specific details about how works or actions are to be performed or achieved are not included. This approach allows innovation and flexibility in the implementation of the Plan of Management.

## Categorisation

Under Division 2, Section 36, Clause 4 of the *Local Government Act 1993*, Plans of Management must categorise the land covered by the Plan. The Act provides the following choices for categorisation:

- Natural area;
- Sports ground;
- Park; and
- General community use.

For the purposes of Section 36, Clause 4 this Plan of Management categorises the land covered by this Plan as General Community Use.

The following core objectives apply to the land in accordance with the categorisation in **figure 2**.

### ***36I Core objectives for management of community land categorised as general community use***

*The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and*

*future needs of the local community and of the wider public:*

*(a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*

*(b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

## Leases and Licences

This Plan of Management expressly authorises Council, by resolution, to enter into lease or licence agreements with relevant authorities, organisations or individuals in relation to the provision of services or utilities for a public purpose.

In accordance with the requirements of the *Local Government Act 1993*, this plan expressly authorises Council to grant easements for authorities, organisations or individuals in favour of private lands over lands identified in the plan, providing Council is satisfied there is no reasonable alternative and that appropriate benefits are obtained for the community land.

## Current and permitted uses

The Plan provides for and authorises the following current and permitted uses:

- access;
- advertising banners;
- car parking;
- commercial uses ;
- community activities;
- drainage;
- emergency operations ;
- landscaping;
- passive and active recreation;
- pathways.

## Scale and intensity of permitted uses

Use	Scale	Intensity
Access	Limited to physical constraints of existing facilities.	24 hours 7 days a week
Advertising	Limited to physical constraints of existing facilities.	24 hours 7 days a week.
Car parking	Limited to physical capacity of existing facility.	24 hours 7 days a week.
Commercial uses	Limited to physical capacity of existing facilities.	24 hours 7 days a week
Community activities	Limited to physical capacity of existing facility.	
Drainage	Limited to physical constraints of existing facilities.	24 hours 7 days a week
Emergency operations	Limited to physical constraints of existing facilities.	24 hours 7 days a week
Landscaping	Within existing areas set aside for landscaping.	24 hours 7 days a week
Passive and active recreation	Limited to physical constraints of existing facilities.	7am – 1am Monday to Friday 10am – 1am Saturday 10am – 10pm Sunday
Pathways	Limited to physical constraints of existing facilities.	24 hours 7 days a week

## Values and issues

Consultation with those staff members responsible for managing various components of the land has identified the following values of the site and issues relating to management. The following values and issues were identified for miscellaneous lands:

### Values:

- provision of community based activity;
- commercial uses;
- landscaping;
- car parking;
- access;
- visual impact on the streetscape;
- drainage;
- civic space;
- recreational opportunities;
- multiple use/multi-purpose;
- community benefit;
- visual amenity;
- property value;
- social benefits;
- habitat;
- environmental; and
- public spaces.

### Issues:

- asset management and maintenance;
- impacts on adjoining land uses;
- vandalism;
- access;
- safety and risk management;
- sustainable management;
- public art;
- catchment management; and
- fauna and flora.

## Future development of the land

This Plan of Management authorises within the requirements of relevant legislation and Council policy, the future development of Council's miscellaneous lands for the following purposes and uses:

- drainage;
- access
- public art space;
- community uses ;
- park; and
- outdoor displays/outdoor eating.

# MANAGEMENT OBJECTIVES

## Introduction

The management objectives have been developed in response to those issues identified as important in managing miscellaneous lands and bearing in mind the values of the land.

## Asset management and maintenance

### Issue

It is important that all assets are appropriately managed and maintained to ensure that appropriate levels of service can be provided.

Asset management and maintenance includes, but is not limited to, the review of assets, the provision of condition reports on the site as well as building inspections.

The management functions for the lands include:

- to manage the sites on a day to day basis;
- to develop and implementing an asset management program;
- to manage general maintenance and upgrades on specific items such as drainage;
- to address asset maintenance such as plumbing, electrical, artworks;
- to comply with the *Local Government Act 1993* and any lease/licence agreements;
- to ensure a wide range of uses is achieved; and
- to maintain the pavement, furniture and garden including the including the large canopy trees.

### Objective

- to apply Asset Management principles to Council's miscellaneous land; and
- to provide an agreed level of asset management and maintenance for miscellaneous land based on an adopted maintenance program.

## Impacts on adjoining land uses

### Issue

Council's miscellaneous land are spread throughout the local government area impacting on a significant number of adjoining land uses. Impacts on any of these properties must be taken into consideration. Council and any leases, licences or other agreements must consider any potential impacts on these adjoining properties.

### Objective

- to minimise adverse impacts from miscellaneous land on adjoining land uses.

## Access

### Issue

Access to Council's miscellaneous lands is an issue in the following respect:

- pedestrian access;
- vehicular access;
- disabled access;
- access for ethnic and minority groups;
- emergency and service access; and
- signage.

The *Disability Discrimination Act 1992* and *Anti Discrimination Act 1997* makes it law for public places such as parks to be accessible to persons with disabilities. In response, Council's *Access Policy and Disability Discrimination Act Action Plan* provides the following relevant objectives and strategies:

*Objective 3 – Council owned services and facilities are accessible to people with a disability including: c) Access to Council's open space and facilities where it is possible and achievable within landform.*

*Objective 8. Council takes a leading role to ensure that all levels of government, local business and community organisation provide accessible services.*

### DDA Action Plan Strategies

- 1.2 Building and facilities will meet access standards including AS1428.2 Design for access and ability.*
- 7.2 Council will put in place practices to encourage hirers and other users of council's facilities to be inclusive of people with a disability.*

However it must be noted, that for safety and security reasons, some parcels of land would benefit from limited access such as some drainage reserves.

### **Objective**

- to provide appropriate levels of access to miscellaneous land.

## Flora and fauna

### **Issue**

Council's miscellaneous lands may contain wildlife habitat, or provide wildlife corridors from one area to another.

Bushland areas that may also include Community Land outside that identified in the Bushland Plan of Management are protected under *State Environmental Planning Policy (SEPP) 19 – Bushland in Urban Areas*.

These areas can provide habitat for number of threatened species and other wildlife Council has the potential to use these areas where appropriate to expand existing vegetated areas and provide further habitat within Ku-ring-gai.

Where miscellaneous land may contain weeds that may be a threat to bushland their management objectives should be to control or prevent the further spread of weeds.

### **Objective**

- to protect and manage the flora and fauna located on Council's miscellaneous land.

## Safety and risk management

### **Issue**

Safety and risk management are interrelated as the objectives and strategies to effectively deal with both are complementary.

Essentially, management of safety and risk relates to:

- user feedback on safety performance;
- identification of potential risks, and procedures to minimise exposure;
- an appropriate documentation system, incorporating safety performance, which can be used as a data source in identifying risks; and
- a site inspection and maintenance program.

### **Objective**

- to provide a safe environment for all staff, councillors and visitors to Council's miscellaneous land.

## Catchment impacts

### **Issue**

Nutrient enriched run off from Council's miscellaneous land can contribute to the degradation of urban bushland areas and water quality.

Untreated site run off may pose a threat to surrounding bushland and the water catchment and may increase the incidence of weed infestation. Council has the opportunity to use some miscellaneous land as a buffer between the urban interface and bushland.

The use of the catchment modelling data and previous data provides Council with better information on the drainage network and how to effectively prioritise the works. This data has been used to develop the *Policy for Drainage Works and Maintenance Procedures* which shall be used to manage all drainage reserves.

### **Objective**

- to minimise the impact of miscellaneous land on the catchments.

## Sustainable management

### Issue

The *Local Government Act 1993* includes a Charter for Councils (Section 8).

This Charter includes the following:

*“to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development”*

Sustainable management in the context of this site includes issues such as:

- energy management;
- resource use;
- waste management; and
- landscape treatments.

### Objective

- to incorporate sustainable practices in the management and use of miscellaneous land.

## Vandalism

### Issue

Vandalism is a widespread issue which affects all components of council facilities, including miscellaneous land.

In addition to the financial cost is a significant reduced or lost value of facilities until the damage is repaired as well as the visual impact of the damage. Prompt repairs to vandalised facilities have been identified as a good deterrent.

It is considered appropriate to include the following elements in coordinated strategies to reduce vandalism:

- maximising user satisfaction;
- good design and facilities;
- prompt response to repair damage when vandalism occurs;
- when necessary target enforcement to known problem areas;

- appropriate education and interpretation;
- increased community involvement in identifying problem areas;
- increased lighting; and
- appropriate landscaping to improve visibility.

### Objective

- to minimise occurrences of vandalism and inappropriate use at Council’s miscellaneous land through prompt response to damage, education and enforcement activities.

## Public art

### Issue

In 1998 Council adopted a Public Art Policy aimed at

*“guiding and encouraging the exhibition and inclusion of art within public places, ensuring the valued characteristics of Ku-ring-gai are enhanced”.*

The *Public Art Policy* has the following objectives:

- encourage art in the Ku-ring-gai Council area;
- contribute to raising the profile and recognition of art and arts development;
- ensure public art complements and enhances the valued characteristics of the Council area;
- ensure a coordinated and planned approach to the development and management of public art;
- provide clear guidelines for Council and the community regarding public art development and responsibility; and
- where relevant ensure the *Public Arts Policy* is reflected within Council’s strategic directions, policies and planning controls and vice versa.

### Objective

- to provide opportunities for public art on Council’s miscellaneous land.

# STRATEGY PLAN

## Introduction

This section outlines the strategies that will be implemented to achieve Council's objectives in terms of the issues relating to management of miscellaneous land.



Issue	Objective	Strategy	Responsibility	Priority
Asset management and maintenance	To apply asset management principles to Council's miscellaneous land. To provide an agreed level of asset management and maintenance for miscellaneous land based on an adopted maintenance program.	Develop an operational asset management plan incorporating miscellaneous land. Identify agreed standards of maintenance and asset management Prepare and implement building maintenance program inline with budgets Review maintenance program and service delivery standards on an annual basis	Strategic Assets and Services  Engineering Services – Building Trades  Engineering Services – Building Trades  Engineering Services – Building Trades	Medium  High  High and ongoing  High and ongoing
Impacts on adjoining land uses	To minimise adverse impacts from miscellaneous land on adjoining land uses.	Identify the potential negative impact on adjoining land uses and implement appropriate responses to reduce these impacts	Strategic Assets and Services	Medium and ongoing
Access	To provide appropriate levels of access to miscellaneous land	Identify constraints and opportunities to maximise access Develop and implement an Action Plan in accordance with Council's Access Policy to maximise access to and within miscellaneous land	Strategic Assets and Services	Medium  Medium
Safety and risk management	To provide a safe environment for all staff, councillors and visitors to Council's miscellaneous land	Identify and assess potential hazards on the site Formulate and implement a risk management plan Biannual safety plans to be undertaken by Council to minimise risk to users of miscellaneous land	Strategic Assets and Services	High  High Ongoing
Flora and fauna	Protect and manage the flora and fauna located on Council's miscellaneous land.	Preserve remnant bushland on miscellaneous land Minimise the use of exotic plant species Minimise edge effects of miscellaneous land on adjacent bushland areas	Manager Community and Recreation Property Manager Open Space Services	Ongoing

Catchment impacts	To minimise the impact of miscellaneous land on the catchments	Ensure miscellaneous land has a minimal impact on the environment All works undertaken in drainage reserves adhere to Council's Policy for Drainage Works and Maintenance Procedures	Manager Open Space Services Engineering Services – Building Trades	Ongoing
Sustainable management	To incorporate sustainable practices in the management and use of miscellaneous land.	Sustainable practices are a consideration in all aspects of management and use of the site. In conjunction with users investigate measures that can be employed to reduce the environmental impacts of the site.	Engineering Services – Building Trades	Ongoing
Vandalism	To minimise occurrences of vandalism and inappropriate use at Council's miscellaneous land through prompt response to damage, education and enforcement activities.	Develop and implement a reporting system to provide for immediate response to damage or vandalism Ensure facilities are of appropriate design and construction and are well maintained to minimise vandalism and security breaches	Engineering Services – Building Trades  Engineering Services – Building Trades	Low  Ongoing
Public art	To provide opportunities for public art on Council's miscellaneous land.	Investigate opportunities for public art on miscellaneous land.	Strategic Assets and Services	Low

## Monitoring Program

The strategy plan will be reviewed every two years.

The review will include the following:

- a works program for footpaths and drainage reserves ;
- recommendations for alterations to the existing strategy plan for the coming year; and
- any other necessary changes due to new usage trends or issues arising from management of the site.

The objectives will be reviewed every two (2) years in the Council's Management Plan cycle. However, if significant changes take place in the intermittent period then this section would need to be revised in accordance with those changes as soon as possible.

The core values held by the community are unlikely to change over the 15 year timeframe. However, the relative importance of each value may increase or decrease. These changes, in importance of core values, need to be reflected in changes in the Strategy Plan. Significant changes in the relation to the importance of core values will necessitate the need for a completely new plan to be prepared.

## Appendix A – Miscellaneous Land

LMU	Description	Location
625	Community Development	2A Burraneer Avenue St Ives
609	Community Development	27 Philip Mall West Pymble
707	Council Land	136A Junction Lane Wahroonga
258	Council Land	no.25 and 25A Barwon Avenue South Turramurra
714	Council Land	4 Babbage Road Roseville
964	Council Land	9-17 Dumaresq Street Gordon
712	Council Land	St Andrews Drive Pymble
715	Council Land	Lot 18 DP714035 Warwilla Avenue Wahroonga
713	Council Land	rear of 103 and 105 Grandview Street Pymble
709	Council Land	2A Holt Avenue North Wahroonga
708	Council Land	9 Eric Street Wahroonga
955	Council Land	part Kylie Avenue adjoining 25 Northcote Avenue and Kylie Avenue Killara
956	Council Land	part Crana Avenue adjoining 11 Crana Avenue Lindfield
789	Council Land	fronting 3 Waugoola Street
791	Drainage Easement	32A Eastern Arterial Road Killara
371	Drainage Reserve	between no.61 and no.84 Findlay Avenue through to Glen Road
409	Drainage Reserve	between no.23 and no.25 Griffith Avenue through to Calga Street
410	Drainage Reserve	between no.27 and no.29A Calga Street
437	Drainage Reserve	between no.10 and no.12 Addison Avenue through to rear of 9 Park Avenue
438	Drainage Reserve	between no.26 and no.28 Addison Avenue through to Park Avenue
465	Drainage Reserve	between no.5 and no.7 Loorana Street through to Griffith Avenue
470	Drainage Reserve	between no.12 and no.14 Cudgee Street through to The Chase Road
488	Drainage Reserve	adjoining 22 Laurence Avenue
490	Drainage Reserve	between no.110 and 112 Pentecost Avenue
557	Drainage Reserve	between no.37 and no.39 Cecil Street through to Browns Road
559	Drainage Reserve	between 6 and 6A Riddles Lane through to 18 Woodlands Avenue
565	Drainage Reserve	between no.9 and no.11 Cecil Street through to Yarabah Avenue
583	Drainage Reserve	between no.14 and no.16 Links Road through to Bowes Avenue
585	Drainage Reserve	between no.16 and no.18 Lady Game Drive through to pathway
586	Drainage Reserve	between no.2 and no.4 Norfolk Street through to rear no.3 Calvert Avenue
590	Drainage Reserve	between no.4 and no.6 Duntroon Avenue through to Addison Avenue
593	Drainage Reserve	adjoining no.15 Milray Street through to no.18 Nelson Road
763	Drainage Reserve	between no.9 and no.11 Fitzroy Street through to no.7A Fitzroy Street
767	Drainage Reserve	rear of no.s 12 to 20 Westbourne Road
768	Drainage Reserve	between no.149 and no.151 Boundary Street through to Babbage Road
770	Drainage Reserve	7A Hesperus Street West Pymble
771	Drainage Reserve	between no.26 and no.28 Calvert Avenue through to Killara Public School
773	Drainage Reserve	adjoining no.32 Terrace Road through to Lane Cove National Park
774	Drainage Reserve	8A Hesperus Street West Pymble
959	Drainage Reserve	lot 8 Sutherland Avenue
960	Drainage Reserve	15 Walpole Place
961	Drainage Reserve	7A Eastern Arterial Road Killara
962	Drainage Reserve	Park Grove Lane
	Drainage Reserves	Adams Avenue, Turramurra
	Drainage Reserves	Addison Avenue (4A Duntroon Avenue), Roseville
	Drainage Reserves	Lots 12, 13, 14 DP 17166 Ashley Grove, Gordon
	Drainage Reserves	Lot 10 DP 16489 Bareena Avenue, Wahroonga
	Drainage Reserves	Bell Street, Gordon ( 2C Kalang Avenue, Killara)
	Drainage Reserves	Lot 40 DP 228699 Blackburn Road, St Ives
	Drainage Reserves	Lot 15 DP 26429 Boolarong Road, Pymble

	Drainage Reserves	Lot 2 DP 114081 Boundary Street, Roseville
	Drainage Reserves	Lot 14 DP 652081 Boundary Street, Roseville
	Drainage Reserves	Lot 35 DP 239198 Bowes Avenue, Killara
	Drainage Reserves	Lot 99 DP 15524 Calga Street, Roseville Chase
	Drainage Reserves	Lots 4, 5 DP 239649 Calga Street, Roseville Chase
	Drainage Reserves	Calvert Avenue ( Bet 26 & 28), Killara
	Drainage Reserves	Lot 583 DP 230814 Campbell Drive, Wahroonga
	Drainage Reserves	Lot 59 DP 222034 Campbell Drive, Wahroonga
	Drainage Reserves	Lot 42 DP 216409 Campbell Drive, Wahroonga
	Drainage Reserves	Charlton Avenue (108 Merrivale Lane), Pymble
	Drainage Reserves	Rear Lots 2, 3, 4 DP 17097 Crescent Close, Warrawee
	Drainage Reserves	Lot 27 DP 710498 Du Faur Street, North Turramurra
	Drainage Reserves	Lot 111 DP 230979 Eucalyptus Street, St Ives
	Drainage Reserves	Lot 57 DP 225260 Eucalyptus Street, St Ives
	Drainage Reserves	Lot 12 DP 26612 Fiddens Wharf Road, Killara
	Drainage Reserves	Lot 107 DP 6050 Fitzroy Street (Bet 9 & 11), Killara
	Drainage Reserves	Lot 19 and 20 DP 217659 Golf Links Road, Killara
	Drainage Reserves	Lot 98 DP 15524 Griffith Avenue, Roseville Chase
	Drainage Reserves	DP 132781 Grosvenor Road, Lindfield
	Drainage Reserves	Lot 21 DP 713207 Havilah Lane, Lindfield
	Drainage Reserves	Lot 1 DP 394718 Hesperus Street, Pymble
	Drainage Reserves	Lot 1 DP 390093 Hesperus Street, Pymble
	Drainage Reserves	Lot 4 Sec 4 DP 6297 Illoura Avenue, Wahroonga
	Drainage Reserves	Kiparra Street (Between 22 & 24), Pymble
	Drainage Reserves	Lot 5 DP 229108 Kokoda Avenue, Wahroonga
	Drainage Reserves	Lot 45 DP 209742 Kulgoa Road, Pymble
	Drainage Reserves	Lot 8 DP 16396 Livingstone Avenue, Pymble
	Drainage Reserves	Lot 15 DP 31076 McRae Place, North Turramurra
	Drainage Reserves	Morona Ave, behind 1A-32 Jordan St, Wahroonga
	Drainage Reserves	Lot 7 DP 455958 Mount William Street, Gordon
	Drainage Reserves	Lot 33 DP 7889 Mount William Street, Gordon
	Drainage Reserves	Part Lot 27 DP 10320 Pacific Highway & Bloomsbury Avenue, Pymble
	Drainage Reserves	Lot 3 DP 615420 Pacific Highway, Pymble
	Drainage Reserves	Lot A DP 327896 Park Avenue, Roseville
	Drainage Reserves	Lot 23 DP 14753 Raymond Avenue, Warrawee
	Drainage Reserves	Bet L 39/40 & 60/61 DP 26062 Rear Jugiong & Hillary Streets
	Drainage Reserves	Lot B DP 379595 Rowe Street, Roseville Chase
	Drainage Reserves	Lots 9 & 29 DP 807335 St Johns Avenue, Gordon
	Drainage Reserves	Lot 1, 2 and 3 DP 501076 Stanhope Road (Bet 98 - 100), Killara
	Drainage Reserves	Lot 180 DP 16187 Terrace Road, Killara
	Drainage Reserves	Lot DGE DP 30895 Walpole Place, Wahroonga
	Drainage Reserves	Lot 1 DP 499517 Werrona Avenue, Killara
	Drainage Reserves	DP 27450 Wyomee Avenue, West Pymble
957	Drainage Reserve	Millewa Lane
497	Local Road	between no.31 and no.33 Lawson Parade through to Catherine Street
498	Local Road	between no.57 and no.59 Lawson Parade through to Catherine Street
881	Pathway	between 67 and 55-63 Grandview Street Pymble
548	Pathway	between no.7 and no.12 Adair Place through to Garigal National Park
596	Pathway	between no.19 and no.21 Adelaide Avenue through to Perth Avenue
444	Pathway	between no.1 and no.2 Albert Drive through to no.80 Albert Drive
390	Pathway	between no.17 and no.19 Alice Street through to Tennyson Avenue
512	Pathway	between no.84 and no.86 Alvona Avenue through to Horace Street
389	Pathway	between no.8 and no.10 Ancona Road through to Glendale Road
393	Pathway	between no.27 and no.29 Apps Avenue through to Burns Road

552	Pathway	between no.14 and no.16 Arundel Street through to Jugiong Street
411	Pathway	adjoining South Turramurra Shopping Centre
413	Pathway	between nos.38 and 40 Bolwarra Avenue
560	Pathway	between no.15 and no.17 Bandalong Avenue through to Ryde Road
392	Pathway	between nos.330 and 332 Bobbin Head Road through to Banks Avenue
381	Pathway	between nos.36 and 38 Lochville Street
382	Pathway	between nos.12 and 14 Bareena Avenue
442	Pathway	between no.118 and no.120 Bent Street through to Larool Avenue
394	Pathway	between nos.172 and 174 Bobbin Head Road
384	Pathway	between no.14 and no.16 Cleveland Street through to Illoura Lane
473	Pathway	between no.211 and no.213 Bobbin Head Road through to Chathan Place
533	Pathway	between no.21 and no.23 Bowen Avenue through to Benning Avenue
349	Pathway	between no.14 and no.19 Brandon Place through to North St Ives Shopping Centre
595	Pathway	between no.15 and no.17 Brisbane Avenue through to Adelaide Avenue
530	Pathway	between no.21 and no.23 Burdekin Crescent through to Barcoo Place
383	Pathway	between nos.21 and 23 Burns Road
526	Pathway	between no.15 and no.17 Burraneer Avenue through to Eastern Arterial Road
589	Pathway	between no.6 and no.8 Caithness Street through to Pacific Highway
758	Pathway	between no.178 and no.180 Killeaton Street through to Carcoola Road
387	Pathway	opposite no.10 King Street
457	Pathway	between no.10 and no.12 Chifley Close through to Holt Avenue
566	Pathway	between no.36 and no.38 Churchill Road through to Eastgate Avenue
534	Pathway	between no.45 and no.47 Comenarra Parkway through to Ramsay Avenue
788	Pathway	between 6 and 8 Peace Avenue
790	Pathway	between 17 and 19 Waugoola Street
787	Pathway	Cornwall Avenue Turramurra
958	Pathway	753 Pacific Highway
477	Pathway	between no.16 and no.18 Cranford Avenue through to Kenthurst Road
772	Pathway	between no.3 and no.5 Crete Place through to Robinson Street
454	Pathway	between no.10 and no.12 Curtin Avenue through to Uralba Place
423	Pathway	between no.21 and no.23 Cynthia Street through to Greenway Drive
424	Pathway	between no.19 and no.21 Hesperus Street through to Cynthia Street
425	Pathway	adjoining no.16 Hesperus Street through to Yarrara Lane
571	Pathway	between no.24 and no.26 Damour Avenue through to Robinson Street
426	Pathway	between no.4 and no.6 Dawson Place through to Turramurra Public School
474	Pathway	between no.15 and no.18 Dryden Road
374	Pathway	between no.36 and no.38 Earl Street through to Golfers Lane
439	Pathway	between no.36 and no.38 Earl Street through to Roseville Avenue
567	Pathway	between no.16 and no.18 Eastgate Avenue through to Churchill Road
375	Pathway	adjoining no.15 Echo Street through to Babbage Road
418	Pathway	between no.19 and no.18 Fadden Place through to reserve
522	Pathway	between no.21 and no.23 Fern Street through to Mona Vale Road
757	Pathway	between no.25 and no.27 Flinders Avenue through to Tregenna Close
765	Pathway	between no.6 and no.6 Garnet Street through to Springdale Road
400	Pathway	between no.21 and no.23 Garrick Road through to Douglas
517	Pathway	between no.8 and no.10 Gibran Place through to Iluka Place
290	Pathway	between no.90 and no.92 Wallalong Crescent through to Gillian Parade
467	Pathway	between no.20 and no.21 The Glade through to Ada Avenue
487	Pathway	between no.9 and no.10 Gladstone Avenue through to Cherry Street
577	Pathway	between no.42 and no.44 Gloucester Avenue through to Hereford Place
578	Pathway	between no.56 and no.57 Gloucester Avenue through to reserve
483	Pathway	between no.8 and no.9 Gowrie Close through to Mona Vale Road
368	Pathway	adjacent no.31 Greengate Avenue to Powell Street railway bridge
750	Pathway	between no.51 and no.53 Griffith Avenue through to Babbage Road

455	Pathway	between no.152 and no.154 Grosvenor Street through to Scullin Place
456	Pathway	between no.151 and no.153 Grosvenor Street through to Holt Avenue
422	Pathway	between no.112 and no.114 Livingstone Avenue through to Hamilton Parade
395	Pathway	between nos.170 and 174 Bannockburn Road
396	Pathway	between no.14 and no.16 Handley Avenue through to Bobbin Head Road
546	Pathway	between no.7 and no.18 Heath Close through to reserve
529	Pathway	between no.1A and no.2A Highlands Avenue through to William Street
553	Pathway	between no.16 and no.18 Hillary Street through to Edenholme Street
598	Pathway	between no.19 and no.21 Hobart Avenue through to Woodlands Road
354	Pathway	between no.32 and no.34 Horace Street through to Lancaster Avenue
434	Pathway	between no.32 and no.34 Hunter Avenue through to Waterhouse Avenue
469	Pathway	between no.7 and no.9 Illoura Avenue through to Illoura Lane
505	Pathway	between no.15 and no.19 Jersey Street through to Wambool Street
484	Pathway	between no.16 and no.17 Jessica Gardens through to Garigal National Park
380	Pathway	between nos.17 and 19 Junction Road
514	Pathway	between no.12 and no.14 Kelvin Road through to Wirra Close
537	Pathway	between no.22 and no.24 Kiparra Street through to rear of.37 Minnamurra Avenue
448	Pathway	between no.50 and no.52 Kirkpatrick Street
377	Pathway	between no.5 and no.7 Lennox Street through to Glenview Street
592	Pathway	between no.18 and no.19 Lightcliff Avenue through to Dangar Street
398	Pathway	between no.22 and no.24 Florey Avenue through to Canisus Close
397	Pathway	between no.10 and no.12 Lindsay Close through to Florey Avenue
421	Pathway	between no.147 and no.149 Livingstone Avenue through to Annabelle Place
403	Pathway	between no.19 and no.21 Longford Street through to Valley View Close
412	Pathway	between no.9 and no.11 Lyle Avenue through to Winchester Avenue
521	Pathway	between no.6 and no.8 Macquarie Road through to Mona Vale Road
427	Pathway	between no.87 and no.89 Fox Valley Road through to Mahratta Avenue
376	Pathway	alongside no.27 Margaret Street to Boundary Street
478	Pathway	between no.14 and no.16 Mawson Street through to Leonora Avenue
599	Pathway	between no.44 and no.46 Melbourne Road through to Crana Avenue
518	Pathway	between no.16 and no.18 Merlin Street through to Archbold Road
491	Pathway	between no.106 and 108 Merrivale Lane through to Charlton Avenue
492	Pathway	adjoining no.2 Sandford Road
520	Pathway	between no.7 and no.9 Milford Place through to Pembroke Avenue
762	Pathway	Adjoining no.8A Minns Road through to Rosedale Road
503	Pathway	between Roland Lane and Rothwell Lane
760	Pathway	adjoining no.1 Monteith Street through to rear of 75 Kissing Point Road
756	Pathway	between no.64 and no.66 Murdoch Street through to Burns Road
495	Pathway	between no.14 and no.16 Myrtle Place through to Killeaton Street
449	Pathway	between no.7 and no.16 Nagle Place through to Bobbin Head Road
405	Pathway	between no.22 and no.24 Nicholson Avenue through to Easter Arterial Road
527	Pathway	between no.58 and no.60 Darnley Street through to Elgin Street
353	Pathway	between no.66 and no.68 Babbage Road through to no.88 Babbage Road
519	Pathway	between no.12 and no.14 Pembroke Avenue through to Mornia Place
597	Pathway	between no.17 and no.19 Perth Avenue through to Hobart Avenue
366	Pathway	between no.10 and no.12 Wattle Street Gordon through to Northcote Avenue
752	Pathway	between no.11 and no.15 Prior Close through to Craig Street
406	Pathway	between no.26 and no.28 Provincial Road through to Highfield Lane
524	Pathway	between no.57 and no.59 Pymble Avenue through to Pymble Ladies College
587	Pathway	between no.14 and no.16 Quebec Avenue through to Terrace Road
479	Pathway	between no.10 and no.12 Raleigh Crescent through to Tudor Place
388	Pathway	between nos.74 and 76 Billyard Avenue
540	Pathway	between no.60 and no.64 Ridge Street through to Holford Crescent
570	Pathway	between no.19 and no.21 Robinson Street through to Johore Place

485	Pathway	between no.36 and no.38 Roland Avenue through to Marshall Avenue
502	Pathway	Adjoining no.83 Rothwell Road through to Monteith Street
402	Pathway	between no.44 and no.46 Romney Road through to David Close
373	Pathway	between no.106 and no.108 Roseville Avenue through to Amarna Parade
493	Pathway	adjoining Pymble Public School - Rushall Street
547	Pathway	between no.3 and no.4 Savoy Avenue through to Koola Avenue
569	Pathway	between no.70 and no.72 Spencer Road through to Garnet Crescent
539	Pathway	between no.61 and no.63 St Johns Avenue through to Moree Street
367	Pathway	between no.84 and no.86 Stanhope Road through to Clarke Place
369	Pathway	between no.98 and no.100 Eastern Arterial Road
545	Pathway	between no.5 and no.7 Stella Close through to reserve
766	Pathway	between no.28 and no.30 Sylvan Avenue through to Carlyle Road
507	Pathway	between no.17 and no.19 Terrigal Avenue through to Wambool Street
401	Pathway	between no.10 and no.12 Tobruk Avenue through to Greenhill Crescent
574	Pathway	between no.162 and no.164 Tryon Road through to reserve
572	Pathway	between no.90 and no.110 Tryon Road through to Damour Avenue
573	Pathway	between no.146 and no.148 Tryon Road through to Badarene Place
594	Pathway	between no.127 and no.129 Tryon Road through to Brisbane Avenue
452	Pathway	between no.1 and no.3 Uralba Place through to reserve
453	Pathway	between no.21 and no.32 Uralba Place through to reserve
538	Pathway	adjoining no.28 Vale Street through to rear of 58 Moree Street
523	Pathway	between no.5 and no.6 Walton Close through to Mona Vale Road
506	Pathway	between no.25 and no.27 Warragal Road through to Terrigal Avenue
386	Pathway	between no.1 and no.5 Warrawee Avenue through to Pibrac Avenue
385	Pathway	between no.1 and no.4 Sutherland Parade through to Chilton Parade
379	Pathway	between nos.55 and 57 Randolph Street
528	Pathway	between no.14 and no.16 Waugoola Street through to Darnley Street
764	Pathway	between no.43 and no.45 Werrona Avenue through to rear of 32 Northcote Avenue
482	Pathway	between no.12 and no.14 Whitehaven Street through to Garigal National Park
468	Pathway	between no.5 and no.7 Wiltshire Place through to Larbert Avenue
555	Pathway	between no.15 and no.17 Andrew Avenue through to rear of no.18 Kamilaroy Road
875	Pathway	from Laurence Avenue to between 20-22 Katina Avenue
501	Pathway	between no.14 and no.16 Wongalee Avenue through to Morona Avenue
525	Pathway	adjoining No.2 Woodvale Close through to reserve
536	Pathway	between no.2 and no.4 Yarran Street through to Ryde Road
429	Pathway	between nos.33 and 35 Yarrara Road
942	SRA Agreement	between Greengate Road and Powell Street Killara
901	SRA Agreement	Pathway from Cherry Street to Rohini Street Turramurra
902	SRA Agreement	northern cnr Werrona Avenue and Powell Street Killara
903	SRA Agreement	cnr Hill and Boundary Streets Roseville
904	SRA Agreement	14 Overbridges from Roseville to Wahroonga
905	SRA Agreement	eastern approach to Greengate Road overbridge
906	SRA Agreement	roundings Pacific Highway and Lindfield Avenue railway underpass
907	SRA Agreement	approch to overbridge Warragal Road Turramurra
908	SRA Agreement	intersection Powell Street and Culworth Avenue Killara
909	SRA Agreement	railway embankment between Station and Stanhope Road, Killara
910	SRA Agreement	drain on railway boundary Lindfield Avenue & cnr Lindfield Havilah overbridge
911	SRA Agreement	footways either side overbridge Pacific Highway Turramurra
912	SRA Agreement	between Brentwood Avenue and Hastings Street Warrawee downside of railway line bet Roseville & Lindfield from subway adj Strickland Ave
913	SRA Agreement	Lindfield
915	SRA Agreement	corner Lindfield Avenue and Subway to Pacific Highway Lindfield
916	SRA Agreement	land between Railway Avenue and Coonanbarra Road Wahroonga
917	SRA Agreement	2 parcels of land - station approaches Warrawee
919	SRA Agreement	land western side station cnr St Johns Avenue and Henry Street Gordon



920	SRA Agreement	upside fronting Werona Avenue and downside adjacent to St Johns Avenue Gordon
921	SRA Agreement	downside of line at rear of railway station platform Pymble
922	SRA Agreement	upside and downside land opposite railway station platform Roseville - 2 Areas
923	SRA Agreement	upside and downside of railway line opposite station platform Lindfield - 2 Areas
924	SRA Agreement	upside and downside of line bet traffic overbridge & footbridge station Wahroonga - 2 Areas
925	SRA Agreement	upside & downside at rear of station platform Killara fronting St Johns Avenue & Henry Street – inc road & strip car park not garden
926	SRA Agreement	Gordon
927	SRA Agreement	Mt William Street Gordon - path connecting with subway land bounded by Pacific Hwy fronting William and Rohini Streets Turramurra - 3
928	SRA Agreement	Areas
929	SRA Agreement	drainage works on railway land near Winton Street Warrawee
930	SRA Agreement	overbridge Greengate Road and overbridge Powell Street Killara
931	SRA Agreement	overbridge Treatts Road, Lindfield
932	SRA Agreement	overbridge Clanville Road Roseville
933	SRA Agreement	Park Avenue overbridge Gordon
934	SRA Agreement	footpath adjacent to railway line on southern side of Hill Street Roseville
935	SRA Agreement	southern corner of overbridge Werona Avenue and Powell Street Killara
937	SRA Agreement	overbridge & approaches Stanhope Road Killara cnr Lindfield Ave and Havilah Rd and cnr Lindfield Ave and Treatts Rd Lindfield - 2
939	SRA Agreement	Areas
941	SRA Agreement	pipeline from near railway station to William Street Turramurra
943	SRA Agreement	supplementary Agreements to various station agreements Roseville to Wahroonga
944	SRA Agreement	named locality maps at all stations from Roseville to Wahroonga
945	SRA Agreement	between Werona Avenue and Railway line - strip of land 2 areas fronting Werona Avenue - opposite Robert Street & opposite Khartoum
946	SRA Agreement	Ave Gordon
948	SRA Agreement	land fronting Culworth Avenue Killara on downside
949	SRA Agreement	land fronting Millewa Avenue Wahroonga
950	SRA Agreement	Pacific Highway adjacent to railway station Roseville
954	SRA Agreement	footpath 1.83 wide between Greengate Road and Powell Street Killara
951	SRA Agreement	land adjacent to Eastern Road fronting Rohini Street Turramurra
952	SRA Agreement	footpaths between Powell Street – Greengate Road and Culworth Avenue Killara
953	SRA Agreement	land fronting Pacific Highway adjacent to station Lindfield
81	Unformed road	(Edith Street) between 74 and 76 Bannockburn Road

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## DISASTER RECOVERY & BUSINESS CONTINUITY PLAN

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To seek Council's adoption of Council's Disaster Recovery and Business Continuity Plan.

**BACKGROUND:**

The Department of Local Government has issued Councils with a number of circulars regarding the need for Councils to develop Business Continuity Plans and ensure business continuity in the event of a disaster.

**COMMENTS:**

Council staff have developed over the years a draft Disaster Recovery and Business Continuity Plan. The plan that has been developed is considered to be an interim plan until the property at 31 Bridge Street Pymble has been upgraded and the new depot at Suakin Street has been constructed.

**RECOMMENDATION:**

That Council adopts the attached Disaster Recovery and Business Continuity Plan as an interim plan until the 31 Bridge Street building and the new depot facility are fully functional.

## PURPOSE OF REPORT

To seek Council's adoption of Council's Disaster Recovery and Business Continuity Plan.

## BACKGROUND

Following the fire that destroyed the Council Chambers at Bankstown Council several years ago, the Department of Local Government and the insurance bodies have reminded councils of the need to prepare and establish Business Continuity Plans.

Over the years, staff have worked on a Draft Disaster Recovery and Business Continuity Plan in the event of an emergency that would significantly impact on the ongoing business of Council.

Whilst the plan has been developed and upgraded over time, a number of aspects need to be put in place so that the operations of Council can continue. One of the key aspects of the plan was the establishment of a new depot that could be used as a new Council headquarters in the event of a major disaster to the current Council Chambers.

## COMMENTS

**Attached** is a copy of the latest updated Disaster Recovery and Business Continuity Plan that can be used as a plan to re-establishing operations of Council in the event of an emergency, such as a major fire, that may result in the Council Chambers being inoperable.

Whilst staff have developed a plan on how business can continue and how the emergency can be managed, back up systems and procedures have also been developed and implemented to ensure valuable data and business systems can be retrieved. A temporary back up computer room has been installed in the Gordon Library which contains all back up data and systems. Consequently, while hardware might be destroyed, Council's records and systems can be recovered.

The plan also includes locations where key staff can be housed and how the disaster will be managed until business is fully restored. The current plan involves the use of parts of the Gordon Library and the Old School Building and this is covered in the plan.

The plan is considered to be an interim plan until Council relocates its Depot operations to 31 Bridge Street and the new Depot at Suakin Street Pymble.

In the new Council building at 31 Bridge Street, a computer room will be installed to not only provide for the operations of the Depot but also act as a back up to the Council Chambers in the event of a disaster. This is expected to be commissioned by the end of September 2009 as the air conditioning, electrical and data cabling is being replaced in the building due to the current equipment and cabling being obsolete and not to current standards. Fibre optic cables have already been installed to allow connection between the current Council Chambers building and 31 Bridge Street, Pymble. This will enable a high speed link and better reliability with communication

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between the two buildings rather than relying on a microwave link that currently exists between Council and the current Depot.

When the new computer room and back up systems have been installed at 31 Bridge Street, Pymble, the plan will be updated and referred back to Council.

## **CONSULTATION**

While the current plan may impact on various users of the Gordon Library and the Old School Building in the event of an emergency, it is not expected to impact on the regular users of the building such as the Historical Society as they will still be able to operate even in an emergency. The other user groups that use the meeting rooms and the youth groups can be easily accommodated in other facilities around the area.

## **FINANCIAL CONSIDERATIONS**

As the back up computer server has already been installed in the Gordon Library and will soon be transferred to the building at 31 Bridge Street, Pymble, the costs have been met by previous budgets and also with the current budget for 31 Bridge Street, Pymble upgrades.

Any costs associated with the recovery process and disasters associated with the Council Chambers is covered under Council's insurances.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Consultation has taken place with relevant staff across all departments in the preparation of the Disaster Recovery and Business Continuity Plan.

## **SUMMARY**

The Department of Local Government has been advising councils over the years to establish Business Continuity Plans. Staff from various sections have developed a draft plan that can be used in the event of an emergency where the current Council Chambers is destroyed or significant information systems have been destroyed such as records or the computer servers.

The current plan is considered to be an interim plan to cover any emergency that may eventuate prior to establishing new facilities at 31 Bridge Street and the new depot at Suakin Street. The plan will be updated again when these areas become operational and the updated plan will be referred back to Council.

## RECOMMENDATION

That Council adopts the attached Disaster Recovery and Business Continuity Plan as an interim plan until the 31 Bridge Street and the new depot are fully functional.

John Giovinazzo  
**Manager Information Technology**

Greg Piconi  
**Director Operations**

**Attachments:**      **Disaster Recovery & Business Continuity Plan - 771539**

## **ATTACHMENT**

### **DISASTER RECOVERY AND BUSINESS CONTINUITY PLAN**

To view a copy of this attachment – document 771539 - please contact the Manager of Records and Governance at Ku-ring-gai Council on 9424 0600.

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## DISPOSAL OF HOUSEHOLD CLINICAL WASTE

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To advise on the process of disposal of household clinical waste and to provide a draft policy for Council's consideration.

**BACKGROUND:**

Council considered a Notice of Motion from Councillor Hall at its meeting of 24 February 2009 relating to the safe disposal of household clinical waste.

**COMMENTS:**

A grant is available from the NSW Department of Health to assist Councils and residents with a service for safe disposal of clinical waste such as sharps.

**RECOMMENDATION:**

That Council applies for grant assistance to implement a sharps disposal service.

## PURPOSE OF REPORT

To advise on the process of disposal of household clinical waste and to provide a draft policy for Council's consideration.

## BACKGROUND

Council resolved a Notice of Motion dated 24 February 2009 as follows;

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

## COMMENTS

Following adoption of the above notice of motion, Council's waste staff have sought information on the formation and implementation of a policy for the disposal service for clinical waste (mainly sharps) with reference to the NSW Department of Health and the Local Government and Shires Association.

Clinical waste such as sharps include needles, syringes and lancets used by people with diabetes and other medical conditions requiring self injection in the home.

NSW Health, in conjunction with the LGSA, has produced a document 'Community Sharps Management Guidelines for NSW Councils' and this is referred to in the Draft Policy under Associated Documents.

NSW Health has grant funding to the value of \$10,000 for an individual Council to assist with this service. However funding associated with the 2009/2010 year has not been announced at the time of writing this report. Notwithstanding the lack of confirmation of grant funding for the 2009/2010 year, it is expected that this will be available for application from July 2009.

It is proposed that, subject to grant funding being made available, Council adopts the attached draft policy and implements a service that provides an alternative disposal opportunity for sharps generated from domestic premises.

Under the Protection of Environment and Operations Act 1997, sharps generated from domestic premises are classified as solid waste and are permitted to be disposed of through the domestic waste collection service. The sharps are contained in a dedicated sharps container and placed in the domestic waste bin with the other waste.



**Item 14**

**S02294  
26 June 2009**

Under this scenario no change or additional cost would be borne by Council with sharps being disposed of in this manner. It is important for residents to use a sharps container before placing the waste in the general waste bin.

Commercial premises that generate sharps waste, such as medical clinics and hospitals, are treated differently, with the waste classified as hazardous and requiring a licensed collection contractor to collect, transport and dispose of.

The waste also requires tracking to verify disposal at a facility licensed to accept this category of waste.

The resultant impact of turning this domestic waste into hazardous waste has the impact of increasing the cost of disposal. This has not been included in the 2009/2010 waste disposal budget.

The alternative disposal of sharps as hazardous waste however addresses some of the OH&S risks associated with handling waste materials both in the collection and disposal phases of the disposal process.

The model proposed with implementing a sharps disposal service would involve the co-operation of pharmacies in the area allowing advertising and providing a location within their store to accommodate a sharps collection bin.

A Memorandum of Understanding would be created between Council and the pharmacy outlining the conditions, obligations and costs that would be borne by each party.

Subject to Council being provided with a grant from the NSW Department of Health, it is envisaged that Council would fund the provision of bins, collection and disposal of sharps and the pharmacies would provide the space within their store for a bin and allow for promotional material to be displayed. A number of other Councils have negotiated this service with pharmacies in their areas.

Costs associated with the collection and disposal would be borne directly by Council under a separate agreement between the respective collection and disposal companies.

A promotional campaign would be required to inform the community of the service and the location of participating pharmacies.

## **CONSULTATION**

Not required at this stage but community consultation and education will be required should Council wish to undertake this service.

## **FINANCIAL CONSIDERATIONS**

Funding for this service would be from grant monies allocated by the NSW Department of Health.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable

### SUMMARY

The majority of disposal of sharps generated from domestic premises is currently done using the existing domestic waste collection service. The advice to residents who use this service is that all sharps requiring disposal are to be housed in an approved sharps container before placing the material in the waste bin.

This method of disposal relies on residents complying with the request to use sharps containers before placing them in the domestic waste bin.

To minimise the OH&S issues affecting people operating in the waste collection and disposal industry, NSW Health in conjunction with the LGSA has produced a guide for the safe disposal of sharps and other related waste.

Grant funding will likely be available to assist in providing an alternative collection of sharps to be treated as hazardous waste.

To allow convenient access to disposal locations it is intended to seek voluntary participation from local pharmacies in the area to allow bins and advertising to be located in their stores.

An agreement would be made between the Council and pharmacies to identify respective obligations on both parties. In the event that Council enters into an agreement for this service, **attached** is a copy of the Draft Policy for the Management of Household Clinical Waste.

Costs of collection and disposal would be directly funded by Council using the grant funding.

It is not intended at this stage to widen the service to public place or public amenity locations. The service is being directed at home users of sharps not drug users.

### RECOMMENDATION

- A. That Council seeks funding from the NSW Department of Health to assist in providing a sharps disposal service for residents using sharps at home.
- B. That subject to funding being made available, Council seeks voluntary participation from local pharmacies to allow advertising and bins to be placed in their stores.

Colin Wright  
**Manager Waste, Drainage & Cleansing Services**

Greg Piconi  
**Director Operations**

**Attachments: Proposed Draft Policy for the Management of Household Clinical Waste - 2009/093512**

## Draft Policy for the Management of Household Clinical Waste

### 1. Purpose

The purpose of this policy is to provide guidance on the safe disposal of non commercial clinical waste such as sharps, syringes and related items generated from residential and non commercial home care centres.

### 2. Objectives

To provide procedures to ensure the safe handling, storage and disposal of contaminated and related wastes to:

- reduce the risk of contamination and infection to the community.
- minimise pollution of the environment by such waste.

### 3. Definitions

#### **3.1 Household Medical Waste**

Household medical waste includes contaminated syringes and other sharps such as needles, lancets, cannulas, scalpels or blades.

<b>Doc distribution</b>	Internal only	<b>Doc status</b>	Approved	<b>File No</b>	S03613
<b>Document owner</b>	Dir Operations	<b>Contact officer/s</b>	Manager Waste and Cleansing		
<b>Approval date</b>		<b>Approved by</b>			
<b>Effective date</b>		<b>Review period</b>	3 years	<b>Review date</b>	June 2012
<b>History of approved versions</b>					
<b>Version</b>	<b>Effective date</b>	<b>Summary of changes</b>			
1.0		Original			

### **3.2 Sharps Containers**

Approved plastic containers specifically designed for the storage of sharps and needles which are puncture resistant, waterproof and leak proof.

### **3.3 Collection Centres**

Council approved centres that are equipped and experienced in the handling and storage of sharps containers for the purpose of controlled disposal.

## **4. Policy Statement**

### **4.1 Authority**

Council has the responsibility for the maintenance of public health and safety in public places and provide domestic waste management services. Council also has regulatory powers and responsibility related to household medical waste under Sections 124, 626 and 630 of the Local Government Act 1993.

Section 124 – an order may be given to control medical waste and other waste.

Section 626 – It is an offence to place waste in a public place without prior approval of the council or in compliance with council arrangements.

Section 630 – It is offence to break, throw, place or leave a syringe in a public place or public bathing place.

### **4.2 Handling and Disposal Requirements**

Sharps and other medical contaminated waste should be presented for disposal in puncture resistant containers.

Deposit stations for containers are at the following locations:

(Subject to an agreement with local pharmacies).

This service is free to the public but not available to health professionals or other commercial generators of clinical and related wastes.

Ku-ring-gai Council – Draft Policy on the Management of Household Clinical  
Waste – 26 June 2009

Bulk collection bins are to be emptied as required by Council's appointed and approved contractor.

Council reserves the right to levy appropriate charges to users of this service should they become necessary.

Special care must be taken to prevent injuries and infection during disposal of used sharps.

Disposal stations have a responsibility to ensure adequate and accessible resources are provided for the disposal of sharps and the facility is monitored regularly to ensure the site is safe.

Sharps must not be directly handled by staff. Containers are to be placed into a secure clinical waste bin provided.

All staff involved in the disposal facility shall be familiar with this policy and be suitably trained in its implementation.

Needles must not be removed from the container, or be purposely broken or otherwise manipulated by hand.

Deposit containers should be placed directly into the specifically marked yellow contaminated waste bin provided. Under NO circumstances should the container be opened, contents of the container be emptied or removed other than by an approved waste collection operator.

Deposit bins should at all times be placed so they are not easily accessed by children.

## 5. Accountabilities

The General Manager and/or the relevant Director are responsible for overseeing the implementation of Policies and Procedures.

Staff and Councillors (where applicable) are required to comply with all Policies and Procedures.

## **6. Associated Documents**

Protection of Environment and Operations Act 1997  
NSW Department of Health Policy Directive PD 2005\_262  
NSW Waste Minimisation and Management Act 1995  
Department of Local Government Circular 96/47

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## **TENDER T07/2009 FOR PLUMBING SERVICES & T08/2009 FOR ELECTRICAL SERVICES**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To seek approval to appoint a panel list of contractors for plumbing and electrical services to undertake reactive trade maintenance works on Council's building and open space assets.

**BACKGROUND:**

In the past, selection of service providers to undertake trades based maintenance for reactive building works was based on an informal list of contractors developed from experience and reliability. These contractors were only used when Council's trade staff were not available.

To overcome the need to continually obtain quotations from suitably qualified contractors, a formal process for selection is required to ensure procurement of these services is contestable and Council obtains the best value for money.

**COMMENTS:**

Submissions from suitably qualified service providers were invited for plumbing and electrical services through a public tender advertisement on council's website.

A total of seven plumbing and five electrical services submissions were received at the closing date on 15 May 2009.

The use of these trades services are primarily proposed for after normal working hours for reactive maintenance, commencing in July 2009.

**RECOMMENDATION:**

That Council approves the panel list for the plumbing and electrical services in accordance with the tendered rates received.

## PURPOSE OF REPORT

To seek approval to appoint a panel list of contractors for plumbing and electrical services to undertake reactive trade maintenance works on Council's building and open space assets.

## BACKGROUND

The selection of service providers to undertake trades based maintenance for reactive building works is currently based on an informal list of contractors developed from experience and reliability. These contractors were only used when Council's trade staff were not available such as after hours or when staff are on leave.

A formal process for selection was identified to ensure procurement of these services is fairer for the marketplace and value obtained for Council.

Council's Operations Department invited submissions from suitably qualified plumbing and electrical service providers through a public tender advertisement. The advertised closing date for the tender was Friday 15 May 2009 with Council receiving a total of seven submissions for plumbing services and five submissions for electrical services.

One submission was received after the closing date and was deemed non-conforming.

The planned date of commencement of both services is July 2009 subject to Council's endorsement, with the period operating for three (3) years. The Contractor's pricing will be reviewed annually based on standard CPI increases and subject to performance.

Based on past experience, involving predominately after-hours works, on weekends, the total estimated value of works for each service type is approximately \$20,000 per annum.

## COMMENTS

Although the identified estimated value of works was well under the threshold for public tenders, the decision to use this process was applied to formalise the method of invitation and to enable an open and transparent process for accountability.

Tenders underwent a 3 phase tender evaluation by a Tender Evaluation Panel for each trade service:

- Phase 1 consisted of mandatory compliance with Council's Occupational Health and Safety, safe operating procedures and insurances. These criteria were non-weighted.
- Phase 2 consisted of an evaluation using a rating scale to score the level of confidence that the tenderer could achieve the requirements of the tender.
- Phase 3 consisted of evaluation of value for money of the services. Tenderers were asked to submit a range of prices based on hourly rates across four time periods and minimum charge for attending reactive works. Tenderers prices for the minimum charge were used for assessment purposes.



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S07274 / S07275  
10 June 2009

Scoring in phase 2 and 3 was weighted and these amounts added to rank Tenderers for each separate time period. Higher importance was placed on rankings corresponding to weekend periods that are more commonly used, to determine an overall rank for each Tenderer.

A summary spreadsheet for evaluation of Plumbing Services is attached as **Attachment 1**.  
A summary spreadsheet for evaluation of Electrical Services is attached as **Attachment 2**.

As a result the Evaluation Panel recommends that the following Tenderers as listed in order below for Plumbing Services and Electrical Services be placed on a contract list for reactive building works, noting that under this tender, Council provides no guarantee as to the volume of work required due to the non-quantifiable nature of services.

Plumbing Services

MT Plumbing Services  
Fitzpatrick Plumbing Services Pty Ltd  
Sudiro Constructions Pty Ltd  
Network Plumbing Services Pty Ltd

Electrical Services

Switchworx Electrical  
M E Ward Pty Ltd  
Bell Contracting Co. Pty Ltd  
All Switched Electrical Pty Ltd

## CONSULTATION

No consultation required. Tenders were invited by open tender.

## FINANCIAL CONSIDERATIONS

Operations has budgeted \$119,000 in total for all contractor reactive building maintenance for the 2009/2010 financial year. The maximum expected total cost for works after hours is approximately \$40,000 and is included in the recurrent budget for building maintenance and open space assets.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's internal auditor was consulted with regard to the tender process.

## SUMMARY

To overcome the need to continually obtain quotations from suitably qualified contractors for plumbing and electrical work, a tender was called for these services.

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**10 June 2009**

To formalise the process for procuring plumbing and electrical service providers, tenders were invited through a public tender advertisement. Following the closing date of 15 May 2009, Council received a total of seven and five submissions for plumbing and electrical services respectively.

Tenders underwent a 3 phase tender evaluation process by the Tender Evaluation Panel for each trade service, resulting in a preferred panel of four contractors for plumbing and electrical services.

The planned date of commencement of both Services is July 2009, with the period operating for three (3) years. The Contractor's pricing will be reviewed annually for CPI variations and satisfactory performance.

## **RECOMMENDATION**

That Council approves the panel list for the plumbing and electrical services in accordance with the tendered rates received:

Plumbing Services

MT Plumbing Services  
Fitzpatrick Plumbing Services Pty Ltd  
Sudiro Constructions Pty Ltd  
Network Plumbing Services Pty Ltd

Electrical Services

Switchworx Electrical  
M E Ward Pty Ltd  
Bell Contracting Co. Pty Ltd  
All Switched Electrical Pty Ltd

Ian Taylor  
**Manager Engineering Services**

Greg Piconi  
**Director Operations**

**Attachments:**

- 1. Evaluation spreadsheet for Plumbing Services-Confidential**
- 2. Evaluation spreadsheet for Electrical Services-Confidential**

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## 12 WOONONA AVENUE, WAHROONGA - POTENTIAL PROPERTY PURCHASE

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To respond to a Notice of Motion of the 12 May 2009 and a further resolution of Council's General Committee of 30 June 2009, in relation to 12 Woonona Avenue, Wahroonga.
<b>BACKGROUND:</b>	<p>At the General Committee Meeting held on 30 June 2009, Council resolved that:</p> <p><i>"That the General Manager formally write to the owner of 12 Woonona Avenue, Wahroonga seeking a purchase price on the site and details of response received be brought to the first Ordinary Meeting of Council."</i></p>
<b>COMMENTS:</b>	Council staff have written to the property owner and subsequently received a letter of offer from the owner detailing the confidential purchase price.
<b>RECOMMENDATION:</b>	That no further action be undertaken towards purchasing for open space purposes the land at 12 Woonona Avenue, Wahroonga, being the curtilage of 'The Briars'.

## PURPOSE OF REPORT

To respond to a Notice of Motion of the 12 May 2009 and a further resolution of Council's General Committee of 30 June 2009, in relation to 12 Woonona Avenue, Wahroonga.

## BACKGROUND

At the Ordinary Meeting of Council held on 16 December 2008, Council resolved in relation to the possible acquisition of 12 Woonona Avenue, Wahroonga (being the former curtilage of 'The Briars', a State listed heritage property) for the purposes of open space:

- "a. The General Manager undertakes discussions with the owner of 12 Woonona Avenue to seek his position on a sale and report back to Council as soon as possible.*
- b. The General Manager investigate land use options for this site under the guidelines of Section 94, not limited only to a park but also options for a community garden and/or similar concepts.*
- c. The General Manager report back to Council on all possible funding options for the purchase of the site.*
- d. The General Manager report back to Council with concepts on various mechanisms for a community funding process.*
- e. The General Manager to arrange a site inspection for all interested Councillors."*

On 28 April 2009, a report was submitted to Council's General Committee (**Attachment A**) in response to the above resolution. At which time Council unanimously resolved:

- A. That no further action be undertaken towards purchasing for open space purposes the land at 12 Woonona Avenue, Wahroonga being the curtilage of 'The Briars'.*
- B. That a report be brought back to Council detailing the outcome of analysis of community garden sites.*

At the Ordinary Meeting of Council held on 12 May 2009, a further Notice of Motion was put by the Deputy Mayor, Councillor Jennifer Anderson moving that:

- "a. That the General Manager obtains an independent valuation from a registered valuer for 12 Woonona Avenue, Wahroonga.*
- b. That the General Manager prepares a further report on funding sources that may be utilised to assist Council in acquisition of the property, including sources not yet explored, such as, but not limited to, Heritage Council grants.*

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**6 July 2009**

- c. *That the General Manager shall consider and assess potential leasing opportunities during any period of time necessary to fully fund works to create a park/community garden on the site and throughout design, demolition and construction phases.*
- d. *That the General Manager seek comments from Council's Heritage Advisor to be included in the further report to Council."*

Since that time Council staff have obtained an independent market valuation (**Confidential Attachment B**) which was provided to Councillors under Confidential Memorandum on 18 June 2009, along with sourcing information on the availability of grant opportunities as a potential funding source, and examined funding sources within Council's existing financial capacity.

At the General Committee Meeting held on 30 June 2009, Council resolved that:

*"That the General Manager formally write to the owner of 12 Woonona Avenue, Wahroonga seeking a purchase price on the site and details of response received be brought to the first Ordinary Meeting of Council."*

On 1 July 2009, a written request to the owner of the subject property was submitted. Council staff have subsequently received a letter of offer from the owner detailing the confidential purchase price.

## COMMENTS

In regards to Council's resolution of 12 May 2009, Council staff have undertaken and/or significantly commenced to address the items A – D of the resolution follows:

- A. That the General Manager obtains an independent valuation from a registered valuer for 12 Woonona Avenue, Wahroonga.**

A copy of the independent valuation report was provided to Councillors on 18 June 2009 (**Confidential Attachment B**).

- B. That the General Manager prepares a further report on funding sources that may be utilised to assist Council in acquisition of the property, including sources not yet explored, such as, but not limited to, Heritage Council grants.**

Council's Heritage Advisor has contacted the NSW Department of Planning Heritage Branch about possible sources of funding. The Heritage Branch advised that Council could apply for funding under the Works Projects 2011 – 2013 (**Attachment C**) which allocates funds for the conservation, maintenance and adaptive reuse of heritage items listed on the State Heritage Register and state significant heritage items. Under this grant projects are to be a minimum value of \$25,000 with maximum funding of \$75,000 per project. Applications will be open in September/October 2010, and funding is based on a dollar for dollar basis and is a competitive grant scheme. Funding from this source could not be guaranteed and would depend upon the number and merit of applications made under the program.

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The NSW Department of Planning Heritage Branch does not have a separate program to purchase lands, and especially land that is not heritage listed as funding is predominantly awarded for the protection and conservation of specifically listed heritage items. It should be noted, that of the \$3.4 million of NSW Department of Planning Heritage Branch funding provided for the period 2009- 2011, none was made available for purchase of property, or moveable items.

Council's Finance staff examined funding sources within Council's existing financial capacity, and as previously advised in the report of 28 April 2009, (**Attachment A**). Council's long term financial plan does not include purchases for open space from general revenue. The purchase of this property would require a reallocation of funds from expenditure currently planned for new and existing infrastructure. A four year capital works and projects plan is included in the 2009 – 2012 Management Plan and specific Council projects would need to be identified for deferral or abandoned to fund this project.

Further, if the property is purchased this financial year a loan from internal reserves would be required as there are no funds available in this year's budget. However, it should be noted that one of the principles of Council's financial plan ensures Council's financial sustainability is maintained with a minimum level of internal discretionary cash reserves (excluding liability cash reserves) of 10%. The purchase of this property from general reserve would compromise this principle.

**C. That the General Manager shall consider and assess potential leasing opportunities during any period of time necessary to fully fund works to create a park/community garden on the site and throughout design, demolition and construction phases.**

The residence at the subject property has recently been demolished, so there are no funding opportunities in regards to a lease for a residential tenancy.

The Community Department staff have assessed a number of potential sites, which included the subject property for the establishment of a community garden, and according to the established criteria this site did not rank as highly as other Council owned sites which do not incur an acquisition cost.

It was previously thought that funding for the costs associated with the construction and ongoing maintenance of a community garden may be obtained through private sponsorship and participant contributions and this was to be reported to Council by the Community Department. However, to date no sources of funding have been identified.

Ku-ring-gai Council has not previously levied for community gardens though it does levy for the embellishment of new open space. Following further research into the matter it is proposed, subject to Council endorsement, to permit funds collected towards the embellishment costs of new open space to be directed towards the establishment of a community garden if it can be established that this is what the community (especially the residents of nearby unit development) so desires. If demonstrated, the demand arising from the unit residents would crystallise the nexus as these are the developments which have made, or will make, that contribution. This would be at the expense of other projects currently in Council's contributions plans.

It should be noted, however, that this site does not meet a number of key criteria for the successful establishment of a community garden. For example, the requirement to construct a shed on site would detract from the heritage vista which Council is attempting to reinstate.

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**D. That the General Manager seek comments from Council's Heritage Advisor to be included in the further report to Council.**

The site at 12 Woonona Avenue, Wahrenonga is not itself a listed item and thus funding from State and Federal Government sources is limited. Heritage funding from all Government agencies is highly competitive and limited to listed heritage items. Heritage funding is usually reserved for themed programs most commonly based on assisting heritage items of State significance and buildings that are dilapidated and threatened by neglect. Funding in recent years has been focused on items in regional and rural areas.

In the past funding has been sourced from the State Government for the purchase of land adjoining State heritage items where curtilage has been affected by subdivision and subsequent development. An example of this type of assistance was for the purchase of land around Experimental Farm Cottage at Parramatta to restore part of its curtilage and re-establish a visual connection between the house and the Parramatta River. However, it is difficult to form a comparison with the property that adjoins the Briars as Experimental Farm Cottage is considered to be of National heritage significance and is an established house museum.

In regards to Council's resolution of 30 June 2009, Council staff have written to the property owner and subsequently received a letter of offer from the owner detailing the confidential purchase price (**Confidential Attachment D**).

## **CONSULTATION**

Council staff have obtained an independent market valuation from BEM Property Consultants Pty Ltd to determine the market value of the subject property. The determination took into consideration that the property benefits from an approved development application.

Council's Heritage Advisor consulted with Cameron White, principal heritage officer listings team and Miriam Stacey, principal grants officer at the NSW Department of Planning Heritage Branch regarding potential heritage grants. The matter was raised internally by the Heritage Branch staff with the Executive Director, Petula Samios. Verbal advice was received that a possible source of funding for purchase of the site may be available in the 2011 – 2013 Works Projects. However, it is highly unlikely that funds would be allocated for the acquisition of land which adjoins a heritage item.

Council staff have had both verbal and written contact with the property owner on several occasions regarding the potential purchase.

## **FINANCIAL CONSIDERATIONS**

An independent valuation has been provided from BEM Property Consultants Pty Ltd (**Confidential Attachment B**).

The property owner has provided a written letter of offer detailing the purchase price for Council to consider the acquisition of the subject property (**Confidential Attachment D**).

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Although there is a singular community pledge of \$200,000, there are limited alternative forms of funding currently available.

Within Council's 2009/2010 budget there are no general funds allocated towards the acquisition of open space. Only the removal of approved capital project/s from the current program would release funding for this acquisition.

The earlier report of 28 April 2009, advised that the use of S94 Reserves was not considered to be the best use of development contributions levied for the provision of open space in Wahroonga given the lack of a clear nexus.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Strategy and Environment, Development and Regulation, Community and Corporate Departments have all contributed to the development of this report. In addition, the Corporate Lawyer and Internal Ombudsman have been consulted.

## SUMMARY

In response to a Council resolution of 12 May 2009 and 30 June 2009, Council staff have investigated and reported on the potential acquisition of 12 Woonona Avenue Wahroonga. The report of 28 April 2009, advised that although the property could be funded through S94 Reserves it was not considered to be the best use of development contributions levied for the provision of open space in Wahroonga given the lack of a clear nexus. The subject property only achieved 14/22 of the *Open Space Acquisition Strategy 2007* assessment criteria which indicates that although the location may be suitable a full assessment of the area evaluated against the *Open Space Acquisition Strategy 2007* would be required prior to making any final decision.

Council's Long Term Financial Plan is fully accounted for and if funds were to be diverted for a purpose that is not currently identified, then another item currently adopted within the plan would need to be removed. In addition, Council's Heritage Advisor has consulted with NSW Department of Planning Heritage Branch regarding potential heritage grants. Verbal advice was received that a possible source of funding for the site may be available in the 2011 – 2013 Works Projects. However, it is highly unlikely that funds would be allocated for the acquisition of land as the NSW Department of Planning Heritage Branch does not have a separate program to purchase lands, and in particular land that is not heritage listed as funding is predominantly awarded for the protection and conservation works of specifically listed heritage items.

Like many organisations and individuals Council is also affected by the current fiscal uncertainty both globally, which flows through to reduce income from investments, and although there is a singular community pledge of \$200,000, there are limited alternative forms of funding currently available. Further, Council should be mindful that the philanthropic pledge from the adjoining property owner may be perceived by the broader community as unduly influencing Council's decision, given the benefit to amenity that may be enjoyed by the adjoining property owner should the approved development not proceed.



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Council could consider submitting an offer to purchase the property within the determined valuation range, however, this will not meet the subject property owner's expectations. Should Council consider pursuing the acquisition of the subject property then it is strongly recommended that a further independent market valuation is obtained to ascertain any potential variance in market value and to ensure that expending public monies accords with the independent valuations.

## **RECOMMENDATION**

That no further action be undertaken towards purchasing for open space purposes the land at 12 Woonona Avenue, Wahrenonga being the curtilage of 'The Briars'.

Deborah Silva  
**Manager Strategic Assets & Services**

Andrew Watson  
**Director Strategy & Environment**

**Attachments:**

- A. Report to Council 28 April 2009 - 2009/062415**
- B. Market Valuation - Confidential**
- C. NSW Heritage Branch – website funding excerpt - 2009/098795**
- D. Correspondence from property owner - Confidential**

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## PROPOSED OPEN SPACE ACQUISITION - WAHROONGA

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To respond to a Notice of Motion from Councillor Anderson Minute 473 at the Ordinary Meeting of Council on 16 December 2008.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 16 December 2008, Council resolved in part that: *The General Manager undertakes discussions with the owner of 12 Woonona Avenue to seek his position on a sale and report back to Council as soon as possible.*

**COMMENTS:**

The property directly adjoins the State Listed Heritage residence 'The Briars'. The resolution of Council is seeking to acquire the subject property and converting the site into a park and to in part return the heritage streetscape which was lost to the public since 1968.

**RECOMMENDATION:**

That no further action be undertaken towards purchasing the land at 12 Woonona Avenue Wahroonga being the curtilage of 'The Briars'.

## Item 5

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20 April 2009

## PURPOSE OF REPORT

To respond to a Notice of Motion from Councillor Anderson Minute 473 at the Ordinary Meeting of Council on 16 December 2008.

## BACKGROUND

A Notice of Motion was put by the Deputy Mayor, Councillor Jennifer Anderson concerning the possible acquisition of 12 Woonona Avenue Wahroonga (being the curtilage of 'The Briars', an historic house) for the purposes of open space as follows:

At the Ordinary Meeting of Council held on 16 December 2008, Council resolved that;

- a. *The General Manager undertakes discussions with the owner of 12 Woonona Avenue to seek his position on a sale and report back to Council as soon as possible.*
- b. *The General Manager investigate land use options for this site under the guidelines of Section 94, not limited only to a park but also options for a community garden and/or similar concepts.*
- c. *The General Manager report back to Council on all possible funding options for the purchase of the site.*
- d. *The General Manager report back to Council with concepts on various mechanisms for a community funding process.*
- e. *The General Manager to arrange a site inspection for all interested Councillors."*

## COMMENTS

The subject property is approximately 929.5m<sup>2</sup> with residential improvements onsite. The property is zoned residential 2(d3) and has development approval for the demolition of the existing residence and construction of a three (3) unit townhouse development, basement parking, landscaping and strata subdivision. The Certificate of Title confirms that the property is encumbered by a restrictive covenant that was placed on the use of the land in 1968, when the land was subdivided from the front curtilage of the adjoining historic house known as 'The Briars'. This type of restrictive covenant was not uncommon during that period, as they were used as a form of planning control prior to the enactment of the *Environmental Planning & Assessment Act 1979*.

The property directly adjoins the State Listed Heritage residence 'The Briars' (**Attachment 1 – Location Map**). The resolution of Council is seeking to acquire the subject property in order to return the heritage streetscape that was lost to the public since 1968, by converting the 929.5m<sup>2</sup> site into a park.

Following Council's resolution, Council staff commenced discussions with the owner of 12 Woonona Avenue Wahroonga, to ascertain the level of interest to sell the property prior to

## Item 5

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development. The owner has verbally advised that offers will be considered. However, the owner has no intentions of delaying development activities onsite. The owner has provided a confidential purchase price range which will be provided to Councillors at the Council meeting.

**Land Use Options**

A requirement of the Notice of Motion was to consider land use options not limited only to a park but also options for a community garden and/or similar concepts. These options are discussed in further detail below:

Acquisition for Local Open Space

The property is located within the Open Space catchment for Wahroonga West which is priority 3-4 area for acquisition of open space. This catchment is currently serviced by Archdale Park which is approximately 1,625m<sup>2</sup>.

If acquired, demolition of the house constructed on the site is required to provide a small pocket park. The background information (**Attachment 2**) proposes that the acquisition of the subject property would return public vistas of the adjoining State listed 'The Briars' and its return to open space would reconnect the land with the setting and context of the heritage item. However, a site inspection of the subject property revealed little if any of the heritage streetscape is likely to be re-instated. This is due to the fact that the rear boundary of the subject property which adjoins 'The Briars' is delineated with high fencing and significant trees detract and limit any expansive view of the heritage listed property.

**Assessment of Site Suitability for Local Open Space**Open Space Assessment - Open Space Acquisition Strategy (OSAS)

All proposed acquisitions of the land for open space purposes are reviewed against the criteria in the *Open Space Acquisition Strategy (OSAS)* which was adopted by Council on 30 November 2007. This document is the overarching strategy which proactively identifies the future open space and justifies the acquisitions by utilising development contributions. The OSAS supports the findings of Council's *Open Space Strategy 2005*, which identified that the Ku-ring-gai Local Government Area (LGA) has a relatively low distribution of local and district open space and particularly notes the shortfalls given the potential increased demand in provision of open space for new populations.

The Strategy's objectives assist Council to:

- develop strategies that Council can use now and the future in which to guide decision making in relation to acquisition of open space;
- acquire open space as efficiently as possible in term of investment versus open space area, location and quality of space acquired;
- assess the existing open space system and identify implications of increased population;
- assess priorities based on new population and development trends identified in Council planning;
- develop a decision making rationale that will ensure that acquisition of open space will meet the needs of the new population without further exacerbating deficiencies in the open space system;

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- identify priorities including 'hot spots' for acquisition;
- ensure provision of quality open space which would be not solely based on quantity;
- examine the potential of other open space improvements such as enhancement of any existing open space as a mechanism to improve open space provision and quality;
- make recommendations regarding embellishment of open space in terms of facilities and recreation opportunities; and
- be able to respond appropriately to opportunities to acquire specific properties for open space.

The open space acquisition process entails two tiers of assessment. The first concerns the location of the property and whether or not they are an identified priority location. The second assessment would be to their particular attributes of the property such as their suitability for acquisition in terms of size, terrain shape, neighbouring land uses and other qualities.

The subject property has been considered against the OSAS's acquisition principles and priorities and the results are detailed below.

Assessment of suitability of location as local open space – 12 Woonona Avenue Wahroonga

A preliminary analysis of the property has been undertaken in relation to the *Open Space Acquisition Strategy (OSAS)* the work is presented in **Attachment 3**. In summary the following points are noted:

- the property is located in an area of Wahroonga isolated by the Pacific Highway, F3 Freeway and the rail line in the open space catchment identified as Wahroonga (West) (**Attachment 4**);
- this area is currently serviced by Archdale Park which is approximately 1,625 m<sup>2</sup>. Archdale Park and Archdale Walk are located between Neringah Ave and Coonanbarra Rd providing a pedestrian access way between streets and are approximately 550 metres walking distance (via Pacific Highway) for new residents in Bundarra Avenue.;
- part of the area to the east of Woonona Avenue is serviced by Wahroonga Park which is the closest large park. Wahroonga Park is accessed via the rail bridge on Coonanbarra Road and is approximately 600 metres walking distance;
- the property is located within a priority 3-4 area as defined in the OSAS; placing it in a medium priority area;
- the closest 2(d3) zones are on Bundarra Avenue South, Woonona Avenue and Neringah Avenue South, with new residential development currently under construction on Bundarra Avenue;
- the proposed dwelling numbers for the area are 219 which equates to demand for around  $(219 \times 1.8 \times 4.37) = 1,700\text{m}^2$  for the catchment under the 2004-2009 Contributions Plan;
- the property is approximately 929.5m<sup>2</sup> in size which is significantly less than the required area for future demand and there is no opportunity to expand on this site in the future;
- total 5 year open space requirement under the 2004-2009 Plan for Wahroonga as a whole is about 2,740m<sup>2</sup>. The subject property only represents 34% of this total; and
- the catchment of this park would support around 50% of the future new residents in Wahroonga.

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Staff assessment found that the property met 14 criteria out of a total of 22 essential criteria which indicates that it is a possible location, though not ideal, largely due to the small size of the property. The size of the subject property is a significant constraint as it does not adjoin existing open space, and there is no opportunity for linear expansion to augment the park given that the adjoining properties consist of established townhouse/villa development and land which will provide the access handle for the 2(d3) development in Bundarra Avenue South currently being constructed.

Furthermore, a site inspection of the subject property revealed little if any of the heritage streetscape is likely to be re-instated if the property were to become a park. This is due to the fact that the rear boundary of the subject property adjoins the 'Briars' and the park development would be required to provide screening in the form of fencing and hedging to give privacy to the 'Briars' residents as well as a facility such as a playground. This would limit any view of the heritage listed property that would be gained by demolition of the existing house. The subject property's location adjoining heritage item is a limitation from this point of view as there may be pressure to minimise the works in the new park to protect heritage character while rendering the park non-usable for passive recreation.

For the reasons given above the subject property is not considered an ideal strategic purchase as local open space. Overall it is recommended that an assessment of other sites in the immediate area should be undertaken before a final decision is made. Examples identified on a site visit include:

- Purchasing of land adjoining Archdale Park would be an option for consideration as this could potentially provide a park of about 3,000sqm.
- Another option may be to look at acquiring land in Bundarra Avenue within very close proximity to new residents.

The subject property when compared to other higher priority areas is not considered an ideal strategic purchase as local open space.

Prior to the adoption of Council's *Open Space Acquisition Strategy (OSAS)* in October 2007, Council had no framework available to guide and support the decision making process when considering acquisition of land, either through the development approval process or private treaty sales. This has seen Council acquire several parcels of poorly utilised land for the purposes of open space in the past. Examples of these are:

- Land adjoining Mahratta;
- Secret Park; and
- 78 Coonanbarra Road Wahroonga.

A Strategic analysis and assessment of options is particularly important given the current period of uncertainty over the future capacity to continue to levy contributions from development for the provision of additional open space, it is particularly imperative that proposed acquisitions meet all essential criteria for the provision of high-quality, good-sized open space with a clear geographic nexus to the key contributing sites in each catchment. These principles outlined in the adopted Open Space Acquisition Strategy to guide the acquisition of open space should not be departed from.

#### Acquisition for a Community Garden

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A community garden is an area of shared land in which members of a community participate in the cultivation of food and other plants. They are seen to have many advantages including:

- the promotion of a healthy lifestyle;
- social benefits from the interaction of participants;
- environmental benefits due to the decrease in food transport miles and the reduction of waste material; and
- the motivation and development of skills which residents can apply in their own lives.

The establishment of a community garden within the local government area would also help realise a number of the visions, principles and objectives of Council's *Sustainability Vision Report 2008-2033: Ku-ring-gai to Global* (July 2008) and draft *Community Strategic Plan 2030*.

Community gardens require good conditions for growing fruit and vegetables and suitable sites should be near public transport, easily accessible, under-utilised and close to potential users.

#### Assessment of Site Suitability for a Community Garden

Approximately a third of the site would need to be allocated for a garden, leaving the remaining area for local open space. The garden and remaining area would need to be designed to compliment the heritage values of the adjacent 'The Briars'. However, this proposal should be assessed in the context of other potential community garden sites and further investigation is required to determine the level of interest amongst surrounding residents in participating in a garden at this location.

Staff from the Community Department have advised that on initial investigation the subject property ranks 25/45 of the location criteria assessment for a community garden which equates to a 55% weighting, indicating that there are a number of limitations associated with site as a community garden. These include;

- property not owned by Council and no budget allocation to purchase the site;
- currently there is a house on the site where the garden would be placed;
- limited parking available;
- not within the proposed high growth population areas; and
- more than 600 metres from the train station.

Therefore, when compared to other locations under consideration the subject property is not recommended as an optimal community garden site. The results are detailed below;

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Assessment of Community Garden Site	Available space 300m <sup>2</sup> - 500m <sup>2</sup>	Central location to potential users	Full sun, well drained	Close to public transport	Potential impact on surrounding land users and uses	Parking availability and vehicular access	Council owned land	Low level of utilisation of land	Public amenities	Total
12 Woonona Avenue, Wahroonga	4	3	4	3	3	3	1	2	2	25/45

5 – excellent

4 – good

3 – average

2 – poor

1 – non-compliant

Council's Community Department is currently investigating the possibility of establishing a community garden within Ku-ring-gai and is reviewing potential and suitable Council owned sites throughout the area. The above assessment criteria is currently being utilised to assess other potential sites across the local government area and a report will be submitted to Council sometime in the near future detailing their recommendations.

## CONSULTATION

Council staff commenced discussions with the owner of 12 Woonona Avenue Wahroonga, to ascertain the level of interest to sell the property prior to development. The owner has verbally advised that offers will be considered. However, the owner has no intentions to delay development activities onsite nor has he indicated a purchase price for the subject property.

No other external consultation has taken place.

## FINANCIAL CONSIDERATIONS

The Notice of Motion specifically requested investigation into possible funding sources and specifically sought advice on concepts/mechanisms to obtain community funding to assist with the acquisition costs. These options are considered sequentially below.

### Requirements for Development Contributions Expenditure

Both *Ku-ring-gai Section 94 Contributions Plan 2000-2003 – Residential Development* and *Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development* provides for the acquisition of land for new park. However, only the *Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development 2004-2009* plan provides for acquisition and embellishment of new open space.

Previous open space acquisitions have been predominantly funded through development contributions. Acquisition of the subject property utilising development contributions can only be undertaken if the area meets the requirements of causal, geographic and temporal nexus with new



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development which is further discussed below. In this respect, the site meets limited demand compared to other higher priority, areas of recent development activity. It should be noted that development contributions have not been and are not currently collected for the purpose of a community garden.

The subject property is located in Woonona Avenue (South) between the Pacific Highway to the south, the railway to the north, the F3 to the west and Wahroonga town centre to the east. Key criteria for the levying and expenditure of development contributions are:

Causal Nexus

Contributions can only be levied and expended where there is increased demand from new development.

While there is new development in the immediate vicinity of the site, the majority of the completed Wahroonga developments, are concentrated south of the Pacific Highway (Munderah Street, Pacific Highway and Ada Avenue) and to the north of the railway line in more scattered locations.

Geographic Nexus

Any open space purchased from these contributions must meet the need generated by new development. Local open space should be within a 300-400 metre walking distance and not cross major perceptual barriers such as major roads and railway lines. Given the perceived barrier of the Pacific Highway, the subject site poorly services the concentration of the recent development south of the Pacific Highway.

Temporal Nexus

New open space must be provided within a reasonable time of the development. In this context, the immediate priority for Council must be providing additional open space south of the Pacific Highway.

Council's current *Ku-ring-gai Section 94 Plan 2004-2009* and Open Space Acquisition Strategy further detail the requirement above.

On-going Strategic Financial Management of Development Contributions

Both *Ku-ring-gai Section 94 Contributions Plan 2000-2003 – Residential Development* and *Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development* estimate open space acquisition and embellishment costs allocated to Wahroonga is based on a per capita ratio of providing 4.37m<sup>2</sup> per additional person. The total additional local open space required for Wahroonga, under the current Contributions Plan is 2,740m<sup>2</sup> for 627 additional persons.

Due to recent acquisitions of land utilising contributions reserves, a review of the current levels of available funds was undertaken. As of the March 2009 quarter, and taking into account the recent open space acquisitions, there is still in the vicinity of \$37million for the purchase and embellishment of open space over the whole Local Government Area.

However, due to the proposed and anticipated RE1 re-zoning of land within the Town Centres, Council will be required to purchase affected properties. This issue is yet to be finalised by the

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Planning Panel, and may be well in excess of the amount available given the additional compensation requirements afforded to affected property owners. While acquisition should take place in a rolling program over many years, the proposed re-zoning represents a potential cash flow risk to Council from *owner initiated* requests for acquisition and compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Furthermore, there is currently a climate of great uncertainty with respect to Council's capacity to levy future contributions for open space due to proposed limitations by the NSW State Government on the total quantum of contributions. Accordingly, purchasing open space which does not meet all the criteria in the open space acquisition strategy would be fiscally unwise in the immediate term, as further acquisitions which better address nexus requirements may not be possible.

Total available funding specifically for Wahroonga is as follows:

2000 - 2003 Plan	\$1,440,171
2004 - 2009 Plan	\$5,448,140
<b>TOTAL:</b>	<b>\$6,888,311</b>

If the subject property could meet most, if not all, of the essential criteria of the OSAS, then a stronger argument could be submitted in regards to nexus claims (though not as a community garden). However, as already established, the area of Wahroonga, south of the Pacific Highway, has a higher geographic nexus claim than the area of the subject property.

#### Cost of Conversion to a Local Park

If the site could be acquired to create a new park by utilising development contributions, the onsite built improvements and site topography would require demolition, site clearance and substantial embellishment in terms of landscaping, plantings, and park furniture and recreation equipment. Also, there would be need to provide reasonable access to the property. With regard to demolition, site clearance and embellishment costs, it should be noted that the *Ku-ring-gai Section 94 Contributions Plan 2000-2003* does not provide for the embellishment of new open space, as distinct from acquisition. The *Ku-ring-gai Section 94 Contributions Plan 2004-2009* initially nominated park embellishment costs at approximately \$88/m<sup>2</sup> only increasing to \$140/m<sup>2</sup> as recently as October 2007. On a sliding scale, approximately \$80,000 would be available for embellishment of the property if acquired for local open space. This is exceedingly low by any consideration but especially assuming the cost of demolition and site clearance must be included as part of the process of establishing a park. While the recent amendment to the *Ku-ring-gai Section 94 Contributions Plan 2004-2009* provides for \$140/m<sup>2</sup>, which would equate to \$130,130, it is important to note that few consents featuring that rate have been issued, much less implemented, and that virtually all the existing account balance was levied at the lower rate or with no provision for embellishment.

Drawing down higher establishment costs could compromise Council's ability to provide the quantum of open space anticipated by the *Ku-ring-gai Section 94 Contributions Plan 2004-2009* and significantly increase the financial risk inherent in the zoning of property for open space acquisition and for road infrastructure acquisition if internal borrowing is permitted. Therefore, it would be necessary to seek other funding options, such as renting the property, at least during the

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community consultation, planning and approval phases but possibly longer, to contribute towards the total embellishment cost.

Cost of creating a Community Garden

There is no provision for a Community Garden in any of Council's s.94 Contributions Plan and as such no funding available for this specific purpose from s.94 reserves. Utilising the subject property for a community garden would require Council to purchase and develop the site from general revenue.

Furthermore, no specific budget allocation has been created for the development and/or running of a community garden. Community Development staff have estimated the cost of establishing a community garden with a site size of 300m<sup>2</sup> varies between \$47,500 - \$72,000. It is possible to stage the work on the community garden over a number of years and only undertake critical tasks in the establishment phase. The type of costs associated with establishing a community garden include site preparation, soil testing, tools, plants/seeds, fencing, storage areas, mulch, loam/compost, raised garden beds etc.

Community Development are currently investigating existing Council owned land opportunities to provide a community garden without incurring additional land acquisition costs. Many of the sites being investigated are significantly better located as potential community gardens than the subject land.

**Alternative Funding Sources**

The resolution sought advice on concepts/mechanisms to obtain community funding to assist with the acquisition costs. In view of the serious financial implications of expending contributions on less than ideal sites, alternate funding options were explored. These are discussed below.

General Revenue

Council's long term financial plan does not include purchases for Open Space from general revenue. The purchase of this property would require a reallocation of funds from expenditure currently planned for new and existing infrastructure. A four year capital works and projects plan is included in the 2009 – 2012 Draft Management Plan and projects would need to be identified for deferral to fund this project.

Further, if the property is purchased this financial year a loan from internal reserves would be required as there are no funds available in this year's budget. However, it should be noted that one of the principles of Council's financial plan that ensure Council's financial sustainability is that we maintain a minimum level of internal discretionary cash reserves (excluding liability cash reserves) of 10%. The purchase of this property from general reserve would potentially compromise this principle.

Community Pledges

On the 6 April 2009, the owners of the adjoining property 'The Briars' submitted a conditional pledge of \$200,000 towards the acquisition of the subject property (**Attachment 5**). However, it is unclear at this stage whether this pledge is a gift or a donation.

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In the event that the pledge is a donation and in order for donors to gain a tax deduction for their donation, Council would need to register as a deductible gift recipient (DGR). Initial investigations indicate that this type of project would not qualify for DGR status as this does not fall within their standard classification rules.

Community Funding

Potential future funding sources need to be explored in greater detail to assess the level of community interest in participating in a garden project. Consultation with other Councils operating community gardens have indicated that the majority of projects have been funded through general revenue. The Environmental Trust of NSW and Council's Environmental Levy Small Grants Program are potential sources of funding to install items such as shelter, storage, garden furniture, rainwater tanks etc.

There may be potential to obtain assistance through private sponsorship and participant contributions. However, these opportunities will be further explored and identified in the report being prepared by Community Development unit.

**CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Staff from the Departments of Strategy, Community and Corporate have all contributed to the development of this report.

**SUMMARY**

In response to a Council Notice of Motion of 16 December 2008, investigations into the potential acquisition of 12 Woonona Avenue Wahroonga, subject to the identification of financial options beyond development contributions have been undertaken.

The key purpose of the acquisition of the subject property is to predominantly restore the heritage streetscape that was lost since 1968 subdivision by converting the 929.5m<sup>2</sup> site into a park and/or incorporate a community garden concept. A review of land use options has been undertaken and the subject property has been assessed against Council's *Open Space Acquisition Strategy* to determine the suitability in terms of size, terrain, shape, neighbouring land uses and other qualities which supports the utilisation of development contributions for acquisition as local open space. The subject property is located within a priority 3-4 area as defined in the OSAS, placing it in a medium priority area, which means there are other areas which are of a higher priority. While there has been development in the vicinity, the majority of recent development in Wahroonga has occurred south of the Pacific Highway making that area a higher priority area for acquisition of parkland and as such a higher geographic nexus claim for the use of development contributions than the area of the subject property.

The subject property only met 14/22 of the OSAS assessment criteria which indicates that although the location is suitable an assessment of the area is required prior to making a final decision. Given the current period of uncertainty over the future capacity to continue to levy contributions from development for the provision of additional open space it is particularly imperative that proposed acquisitions meet all essential criteria for the provision of high-quality, good-sized open space with a clear geographic nexus to the key contributing sites in each catchment.

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In summary, and as discussed above, this acquisition is not considered to be the best use of development contributions levied for the provision of open space in Wahroonga given the need for clear geographic nexus, the competing demands on the limited funds available in the short-term and the existent risk of limited future contributions. An assessment of other sites in the area is required to ensure that the utilisation of s.93 Reserves are reinforced by the principles outlined in the adopted Open Space Acquisition Strategy prior to making a final decision.

Council is affected by the current fiscal uncertainty both globally, which flows through to reduce income from investments, and locally due to the likelihood of imminent restrictions on capacity to levy future development contributions and even though there is a singular community pledge of \$200,000, there are limited alternative forms of funding currently available. Additionally, the Long Term Financial Plan is fully accounted for and if funds were to be diverted for a purpose that is not currently identified, then another item currently adopted within the Long Term Financial Plan would need to be deleted.

As such, despite the opportunity available it is not considered fiscally logical to purchase this property at this time without undertaking a full assessment of the catchment area.

**RECOMMENDATION**

- A. That no further action be undertaken towards purchasing for open space purposes the land at 12 Woonona Avenue Wahroonga being the curtilage of 'The Briars'.
- B. That a report be brought back to Council detailing the outcome of analysis of community garden sites.

Deborah Silva  
**Manager Strategic Assets & Services**

Andrew Watson  
**Director Strategy**

Danny Houseas  
**Manager Community Development**

Janice Bevan  
**Director Community**

- Attachments:**
- 1. Location Map - 2009/057499.
  - 2. Background Information - 2008/046322.
  - 3. Acquisition Report - 2009/057434.
  - 4. Map - 2009/057432.
  - 5. Letter - 2009/042886.



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**Works projects** for the conservation, maintenance and adaptive reuse of heritage items listed on the State Heritage Register and state significant heritage items. Minimum project value of \$25,000 with maximum funding of \$75,000 per project. Applications closed on 28 November 2008. Applications will open for the 2011-2013 program in late 2010.

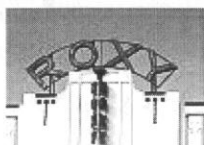


**On ground interpretation works** eg signage etc, for major tourism focussed state significant heritage items with funding up to \$20,000 per project. Applications closed on 28 November 2008. Applications will open for the 2011-2013 program in late 2010.



**Community strategic products and services** for the delivery of state significant or state-wide heritage products and services with funding up to \$60,000 per project. Applications closed on 28 November 2008. Applications will open for the 2011-2013 program in late 2010.

**Special program for major cultural and community heritage buildings** for the conservation, maintenance, ongoing and adaptive reuse of public halls, town halls, theatres and cinemas etc that are



heritage items listed on the State heritage Register, or state or local heritage items listed in a Local Environmental Plan. Minimum project value \$25,000 with maximum funding of \$75,000 per project. Applications closed on 28 November 2008.

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## NOTICE OF RESCISSION

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### COUNCIL NOMINATIONS FOR JOINT REGIONAL PLANNING PANEL

**Notice of Rescission from Councillors Tony Hall, Carolyn Hardwick & Jennifer Anderson dated 9 June 2009.**

We, the undersigned, move that the Council's resolution of 9 June 2009 (Minute No 109) nominating the Mayor & Councillor Cross to the Joint Regional Planning Panel be and is hereby rescinded.

### RECOMMENDATION

That the above Notice of Rescission as printed be adopted.

Cr Tony Hall  
**Councillor for St Ives Ward**

Cr Carolyn Hardwick  
**Councillor for St Ives Ward**

Cr Jennifer Anderson  
**Councillor for Roseville Ward**



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## NOTICE OF MOTION

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### ST IVES SHOWGROUND PRECINCT DRAFT OPTIONS PAPER

#### Notice of Motion from Councillor Tony Hall dated 29 June 2009.

I move:

- "1. That the St Ives Showground Precinct Preliminary Draft Options paper considered at the Planning Committee on 1st July 2009 be discontinued in view of financial considerations and possible hardship on the existing community users of the Showground creating uncertainty of their tenancies and also in view of Council's decision of 8 December 2008 (Minute No. 442/08) to adopt Cr Hall's motion to delete any consideration of the draft AFL/NSW/Act proposal of 1 November 2007.
2. That the General Manager refer all proposals involving the St Ives' Showground Reserve to the newly appointed St Ives Showground Consultative Committee for its consideration and recommendations.
3. That all options involving the remaining Crown Reserves identified in the draft Options Paper be discontinued.
4. A separate Plan of Management for the St Ives Wildflower Garden be prepared for Council's consideration within three months.
5. Council's records in respect of the description of the St Ives Showground Management Plan be amended to record that the Plan was adopted by the Minister for Lands on the 9 September 1999 and then concurred in by the Ku-ring-gai Council.

Note: In respect of Clause 5, the Council's adopted Plan of Management of 29 June 1999 was abandoned due to the adoption of the Ministers Plan of 9 September 1999."

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall  
Councillor for St Ives Ward

**Attachments:** Background Information circulated under separate cover - Minute No 442/08 - St Ives Showground - 2008/044632

**RESOLUTION OF ORDINARY MEETING OF COUNCIL**  
**02 DECEMBER 2008**

442     **St Ives Showground Masterplan & Proposed Plan of Management**

File: S02195

**Notice of Motion from Councillor Tony Hall dated 14 November 2008**

I move:

- "1. That the St Ives Showground Masterplan and proposed Plan of Management proceed deleting any consideration of the draft AFL NSW/Gordon District Cricket Club proposal of 1 November, 2007; and
2. That the Minister for Lands, the Member for Davidson and all affected stakeholders be informed of Council's decision."

**Resolved:**

(Moved: Councillors Hall/Hardwick)

That the above Notice of Motion, as amended, be adopted.

**CARRIED UNANIMOUSLY**

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## NOTICE OF RESCISSION

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### PLANNING COMMITTEE QUORUMS

**Notice of Rescission from the Mayor, Councillor E Malicki, Councillors R Duncombe, D McDonald & E Keays dated 7 July 2009**

This Rescission Motion and follow up Motion are to seek Council's support to reduce the quorum for Planning Committee meetings from six Councillors to four.

The planning issues we face are absolutely critical, with the continuation of the Government-appointed Planning Panel and a Town Centres Local Environment Plan that is set to change the face of Ku-ring-gai forever.

Therefore it is essential that we have a fully operational Planning Committee to deal with these extremely important issues.

We simply cannot afford for committee meetings to be cancelled due to not having enough Councillors to form a quorum.

Reducing the quorum number from six to four will help to avoid having to abandon or suspend meetings due to one or more Councillors leaving before the agenda is completed.

Last week's Planning Committee meeting provided an example of these problems. One Councillor arrived late, which meant we could not start the meeting on time because there weren't enough Councillors for a quorum.

During the meeting, the same Councillor left temporarily to talk to residents, forcing us to suspend business until he returned.

The Councillor later left the meeting before the final item, which meant we had end the meeting before the agenda was completed.

The work of the Planning Committee is too important for meetings to be affected in this way. Therefore it makes sense to reduce the quorum from six to four, making suspended or cancelled meetings less likely

We, the undersigned Councillors hereby seek to rescind the following resolution of Council at its meeting of 12 May 2009 being -

- D. That Council, in accordance with Clause 260 of Local Government (General) Regulation 2005, establish a Planning Committee and that this be established with the functions set out in the draft Charter" (Minute No. 88).*

## RECOMMENDATION

That Council, in accordance with Clause 260 of Local Government (General) Regulation 2005, establish a Planning Committee and that this be established with the functions set out in the draft Charter as amended to include a quorum of four (4).

Councillor Elaine Malicki  
**Mayor**

Councillor Rakesh Duncombe  
**Roseville Ward Councillor**

Councillor Duncan McDonald  
**Wahroonga Ward Councillor**

Councillor Elise Keays  
**Gordon Ward Councillor**